

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

**JUNE, 2013**

**VOLUME: II**

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

## **I N D E X**

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**CHAPTER: III****CONTRAVENTION OF ENVIRONMENTAL LAWS****[ I ]****Importance of Environmental Clearance–ignored**

1. Under the law, as it stands today, if Environmental Clearance is not obtained or if there is violation of its conditions, then matter is to be dealt with seriousness because EC conditions are required to be strictly complied with for the ultimate benefit of the society. Its non implementation results to health hazardous which may, on occasions, violate right to life guaranteed under Article 21 of the Constitution of India. Further, it affects the natural ecosystem as well as pollutes water and air and causes damages to life.

Since ancient time, in this country, we believe in maintaining environmental balance. For this purpose, on the Earth Day, in Times of India, Ahmedabad Edition, from “Atharva Veda”, following was the quotation:–

*“Prayer has been made to Mother Earth that she blesses us with the knowledge required to enjoy the treasures of the nature without disturbing the environmental balance.”*

Similar was the culture as stated in **Chuang Tzu 17**. The quotation was as under:-

*“A horse or a cow has four feet. That is Nature. Put a halter around the horse’s head and put a string through the cow’s nose that is man. Therefore, it is said, “Do not let man destroy Nature. Do not let cleverness destroy destiny the natural order.”*

Secondly, Article 48A of the Constitution of India – a directive principle of the State Policy also requires to be taken care before deforesting the dense natural forest. The said Article reads as under:-

*“State shall endeavor to promote and improve the environment and **to safeguard forests and wild-life of the country.**”*

Thirdly, it is one of the duties of the citizen as well as the State to protect and improve the natural environment including forests, lakes, rivers and wild-life, and to have compassion for living creatures, as provided under Article 51A(g) of the Constitution.

Every creature has reasons to exist on earth.



2. Effect of degradation of environment has been aptly dealt with and highlighted by the Hon'ble Supreme Court in the case of **K. M. Chinnappa versus Union of India, [AIR 2003 SC 724]**, as under:-

***“By destroying nature, environment, man is committing matricide, having in a way killed Mother Earth. Technological excellence, growth of industries, economical gains have led to depletion of natural resources irreversibly. Indifference to the grave consequences, lack of concern and foresight have contributed in large measures to the alarming position. In the case at hand, the alleged victim is the flora and fauna in and around Kudremukh National Park, a part of the Western Ghats. The forests in the area are among 18 internationally recognized “Hotspots” for bio-diversity conservation in the world. The I.A. 670 of 2001 was filed by Sri K.M. Chinnappa describing himself as trustee, Wildlife First.***

... ..

***The seminal issue involved is whether the approach should be ‘dollar friendly’ or ‘eco friendly’.***

*‘Environment’ is a difficult word to define. Its normal meaning relates to the surroundings, but obviously that is a concept which is relatable to whatever object it is which is surrounded. Einstein had once observed, “The environment is everything that isn't me.” About one and half century ago, in*

*1854, as the famous story goes the wise Indian Chief of Seattle replied to the offer of the great White Chief in Washington to buy their land. The reply is profound. It is beautiful. It is timeless. It contains the wisdom of the ages. It is the first ever and the most understanding statement on environment. The whole of it is worth quoting as any extract from it is to destroy its beauty.*

*“How can you buy or sell the sky, the warmth of the land? The idea is strange to us.*

*If we do not own the freshness of the air and the sparkle of the water, how can you buy them?*

*Every part of the earth is sacred to my people.*

*Every shining pine needle, every sandy shore, every mist in the dark woods, every clearing and humming insect is holy in the memory and experience of my people. The sap which courses through the trees carries the memories of the red man, ‘the white man's dead forget the country of their birth when they go to walk among the stars. Our dead never forget this beautiful earth, for it is the mother of the red man. We are part of the earth and it is part of us. The perfumed flowers are our sisters; the horse, the great eagle, these are our brothers. The rocky crests, the juices in the meadows, the body heat of the pony, and man all belong to the same family.’*

*So, when the Great Chief in Washington sends word and he wishes to buy our land, he asks much of us. The Great Chief sends word he will reserve us a place so that we can live comfortably to ourselves. He will be our father and we will be his children. So we will consider your offer to buy our land. But it will not be easy. For this land is sacred to us.*

*This shining water moves in the streams and rivers is not just water but the blood of our ancestors. If we sell you land, you must remember that it is sacred, and you must teach your children that it is sacred and that each ghostly reflection in the clear water of the lakes tells of events and memories in the life of my people. The water's murmur is the voice of my father's father.*

*The rivers are our brothers, they quench our thirst. The rivers carry our canoes, and feed our children. If we sell you our land you must remember, and teach your children, that the rivers are our brothers, and yours and you must henceforth give the kindness you would give any brother.*

*We know that the white man does not understand our ways. One portion of land is the same to him as the next, for he is a stranger who comes in the night and takes from the land whatever he needs. The earth is not his brother but his enemy and when he has conquered it, he moves on. He leaves his father's graves behind, and he does not care. He kidnaps the earth from his children. His father's grave and his children's birthright are*

*forgotten. **He treats his mother, the earth, and his brother, the sky, as things to be bought, plundered, sold like sheep or bright beads. His appetite will devour the earth and leave behind only a desert.*** I do not know. Our ways are different from your ways. The sight of your cities pains the eyes of the red man. But perhaps it is because the red man is a savage and does not understand.

*There is no quiet place in the white man's cities. No place to hear the unfurling of leaves in spring or the rustle of insect's wings. But perhaps it is because I am a savage and do not understand. The clatter only seems to insult the ears. **And what is there in life if a man cannot hear the lonely cry of the whippoorwill or the arguments of the frogs around a pond at night?*** I am a red man and do not understand. The Indian prefers the soft sound of the wind darting over the face of a pond, and the smell of the wind itself, cleansed by a mid-day rain, or scented with the pinon pine.

*The air is precious to the red man, for all things share the same breath the beast, the tree, the man, they all share the same breath. The white man does not seem to notice the air he breathes. Like a man lying for many days, he is numb to the stench. But if we sell you our land, you must remember that the air is precious to us, that the air shares its spirit with all the life it supports. The wind that gave our grandfather his first breath also receives the last sign. And if we sell you our land, you must keep it apart and sacred as a place where even the white*

*man can go to taste the wind that is sweetened by the meadow's flowers.*

*So we will consider your offer to buy our land. If we decide to accept, I will make one condition. The white man must treat the beasts of this land as his brothers. I am a savage and I do not understand any other way. I have seen thousand rotting buffaloes on the prairie, left by the white man who shot them from a passing train. I am a savage and I do not understand how the smoking iron horse can be more important than the buffalo that we kill only to stay alive. What is man without the beasts? If all the beasts were gone, man would die from a great loneliness of spirit. For whatever happens to the beasts soon happens to man. All things are connected. You must teach your children that the ground beneath their feet is the ashes of our grandfathers, so that they will respect the land. Tell your children that the earth is rich with the lives of our kin. Teach your children what we have taught our children, that the earth is our mother. Whatever befalls the earth befalls the sons of the earth. If man spit upon the ground, they spit upon themselves.*

*This we know: The earth does not belong to man, man belongs to the earth. This we know: All things are connected like the blood which unites one family. All things are connected.*

*Whatever befalls the earth befalls the sons of the earth. Man did not wave the web of life; he is merely a strand in it. Whatever he does to the web he*

*does to himself. Even the white man, whose God walks and talks with him as friend to friend cannot be exempt from the common destiny. We may be brothers after all. We shall see. One thing we know, which the white man may one day discover our God is the same God. You may think now that you own him as you wish to own our land; but you cannot. He is the God of man, and his compassion is equal for the red man and the white. This earth is precious to him, and to harm the earth is to heap contempt on the creator. The white too shall pass perhaps sooner than all other tribes. Contaminate your bed and you will one night suffocate in your own waste.*

*But in your perishing you will shine brightly, fired by the strength of the God who brought you this land and for some special purpose gave you dominion over this land and over the red man. That destiny is a mystery to us, for we do not understand when the wild buffaloes are slaughtered, the wild horses are tamed, the secret corners of the forest heavy with scent of many men and the view of the ripe hills blotted by talking wires. Where is the thicket? Gone, where is the eagle? Gone. The end of living and the beginning of survival.”*

*It would be hard to find out such dawn to earth description of nature. “Nature hates monopolies and knows no exception. It has always some levelling agency that puts the overbearing, the strong, the rich, the fortunate substantially on the same ground with all others” said Zarathustra. **Environment is polycentric and multi-facet problem affecting***

**the human existence. The Stockholm Declaration of United Nations on Human Environment, 1972, reads its Principle No.3, inter-alia, thus: “Man has the fundamental right to freedom, equality, and adequate conditions of life. In an environment of equality that permits a life of dignity and well being and bears a solemn responsibility to protect and improve the environment for present and future generations.”**

The Declaration, 'therefore, says that' in the developing countries, most of the environmental problems are caused by underdevelopments. The Declaration suggests to safe actions with prudent care for ecological balance. **It is necessary to avoid massive and irreversible harm to the earthly environment and strife for achieving present generation and the posterity a better life in an environment more in keeping with the needs and hopes.** In this context immediately comes to mind the words of Pythagoras who said: 'For so long as man continues to be the ruthless destroyer of lower living beings, he will never know health or peace. For so long as men massacre animals, they will kill each other. Indeed, they who sow the seeds of murder and pain cannot reap joy and love.'

Article 48-A in Part IV (Directive Principles) of the Constitution of India, 1950 brought by the Constitution (42nd Amendment) Act, 1976, enjoins that “State shall endeavour to protect and improve the environment and to safeguard the forests and

wild life of the country.” Article 47 further imposes the duty on the State to improve public health as its primary duty. Article 51-A(g) imposes “a fundamental duty” on every citizen of India to protect and improve the natural “environment” including forests, lakes, rivers and wild life and to have compassion for living creatures. **The word “environment” is of broad spectrum which brings within its ambit “hygienic atmosphere and ecological balance.” It is, therefore, not only the duty of the State but also the duty of every citizen to maintain hygienic environment. The State, in particular has duty in that behalf and to shed its extravagant unbridled sovereign power and to forge in its policy to maintain ecological balance and hygienic environment. Article 21 protects right to life as a fundamental right. Enjoyment of life and its attainment including their right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed.** Any contra acts or actions would cause environmental pollution. Therefore, hygienic environment is an integral facet of right to healthy life and it would be impossible to live with human dignity without a humane and healthy environment. Environmental protection, therefore, has now become a matter of grave concern for human existence. Promoting environmental protection implies maintenance of the environment as a whole comprising the man-made and the natural



*environment. Therefore, there is constitutional imperative on the Central Government, State Governments and bodies like Municipalities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measure to promote, protect and improve the environment man-made and natural environment.*

*Industrialisation, urbanisation, explosion of population, over-exploitation of resources, depletion of traditional sources of energy and raw materials, and the search for new sources of energy and raw materials, the disruption of natural ecological balances, the destruction of multitude of animal and plant species for economic reasons and sometimes for no good reason at all are factors which have contributed to environmental deterioration. While the scientific and technological progress of man has invested him with immense power over nature, it has also resulted in the unthinking use of the power, encroaching endlessly on nature. If man is able to transform deserts into oasis, he is also leaving behind deserts in the place of oasis. **In the last century, a great German materialist philosopher warned mankind:***

***“Let us not, however, flatter ourselves over much on account of our human victories over nature. For each such victory nature takes its revenge on us. Each victory, it is true, in the first place brings about the results we expected, but in the second and third places it has quite different, unforeseen effects which only too often cancel the***

first. Ecologists are of the opinion that the most important ecological and social problem is the wide spread disappearance all over the world of certain species of living organisms. Ecologists forecast the extinction of animal and plant species on a scale that is incompatibly greater than their extinction over the course of millions of years. **It is said that over half the species which became extinct over the last 2000 years did so after 1900.** The International Association for the Protection of Nature and Natural Resources calculates that now, on average, one species or sub-species is lost every year. **It is said that approximately 1000 birds and animal species are facing extinction at present.** It is for this that the environmental questions have become urgent and they have to be properly understood and squarely met by man. Nature and history are two components of the environment in which we live, move and prove ourselves. This Court in *Sachindanand Pandey and Anr. v. State of West Bengal and Ors.* (AIR 1987 SC 1109) and *Virender Gaur v. State of Haryana*, (1995 AIR SCW 306) has highlighted these aspects.

**Environmental law is an instrument to protect and improve the environment and to control or prevent any act or omission polluting or likely to pollute the environment. In view of the enormous challenges thrown by the industrial revolution, the legislatures throughout the world are busy in this exercise.** Many have enacted laws long back and they are busy in remodeling the environmental law. The

*others have moved their law making machineries in this direction except the under-developed States who have yet to come in this wave length. India was one of those few countries which paid attention right from the ancient time down to the present age and till date, the tailoring of the existing law to suit the changing conditions is going on. The problem of law-making and amending is a difficult task in this area. There are a variety of colours of this problem. For example, the industrial revolution and the evolution of certain cultural and moral values of the humanity and the rural and urban area developments in agricultural technology, waste, barren or industrial belts; developed, developing and under-developed parts of the lands; the rich and poor Indians; the population explosion and the industrial implosion; the people's increasing awareness and the decreasing State Exchequer; the promises in the political manifestos and the State's development action. In this whole gamut of the problems the Tiwari Committee came out with the data that we have in India "nearly five hundred environmental laws" and the Committee pointed out that no systematic study had been undertaken to evaluate those legislative developments. Some legal controls and techniques have been adopted by the legislatures in the field of Indian Environmental Laws. Different legislative controls right from the ancient time, down to the modern period make interesting reading. Attention has to be paid to identify the areas of great concern to the legislature; the techniques adopted to solve those problems; the pollutants which required continuous exercises; the role of legislature and*

people's participation outside. These are some of many areas which attract the attention in the study of history of the Indian Environmental Law. **Since time immemorial, natural objects like rivers enjoyed a high position in the life of the society. They were considered as Goddesses having not only the purifying capacity but also self-purifying ability. Fouling of the water of a river was considered a sin and it attracted punishments of different grades** which included, penance, outcasting, fine, etc. The earth or soil also equally had the same importance, and the ancient literature provided the means to purify the polluted soil. The above are some of the many illustrations to support the view that environmental pollution was controlled rigidly in the ancient time. It was not an affair limited to an individual or individuals but the society as a whole accepted its duty to protect the environment. The 'dharma' of environment was to sustain and ensure progress and welfare of all. The inner urge of the individuals to follow the set norms of the society, motivated them to allow the natural objects to remain in the natural state. Apart from this motivation, there was the fear of punishment. There were efforts not just to punish the culprit but to balance the eco-systems. The noteworthy development in this period was that each individual knew his duty to protect the environment and he tried to act accordingly. Those aspects have been highlighted by a learned author C.M. Jariwala in his article "Changing Dimensions of the Indian Environmental Law" in the book "Law and Environment" by P. Leelakrishnan.

*The Economic and Social Council of the United Nations passed a resolution on 30th July, 1968 on the question of convening an International Conference on problems of human environment. In the United Nations Conference on Human Environment at Stockholm from 6th to 16th June, 1972, proclamation was made on United Nations on Human Environment. It was stated in the proclamation in these profound words: "Man is both creature and moulder of his environment which gives his physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of men's environment, the natural and the man made, are essential to his well being and to the enjoyment of basic human rights even the right to life itself.*

*The protection and improvement of the human environment is a major issue which affects the well being of people and economic development throughout the world, it is the urgent desire of the peoples of the whole world and the duty of all Governments."*

*When the necessity to promote the environment turned grave, doubt was expressed by some commentators whether the issue of the environment would last. They have been proved wrong, since it is clearly one of the big issues, perhaps the biggest*

issue of the 1990s. It is a big issue in political terms, since protection of the environment is high on most people's priorities for the 1990s. As a result political parties and Governments are falling over each other in their eagerness to appear green, even if as yet their actions rarely match their rhetoric. **It is big in terms of the size of the problem faced and the solutions required; global warming, the destruction of the ozone layer, acid rain, deforestation, overpopulation and toxic waste are all global issue which require an appropriately global response.** It is big in terms of the range of problems and issues air pollution, water pollution, noise pollution, waste disposal radioactivity, pesticides, countryside protection, conservation of wildlife the list is virtually endless. **As observed by Simon Bell and Stuart Bell in 'Environmental Law':**

*“.....In the words of the White Paper on the Environment. This Common Inheritance (cm. 1200, 1990) the issues range 'from the street corner to the stratosphere.' Finally, it is big in terms of the knowledge and skills required to understand a particular issue. Law is only one element in what is a major cross-disciplinary topic. **Lawyers need some understanding of the scientific, political and economic processes involved in environmental degradation.** Equally all those whose activities and interests relate to the environment need to acquire an understanding of the structure and content of environmental law, since it has a large and increasing role to play in environmental protection.”*

*Apart from the direct cost to business of complying with stricter regulatory controls, the potential liabilities for non-compliance are also increasing. These liabilities fall into five general categories:-*

*(a) Criminal liabilities:*

***The number of criminal offences for non-compliance with environmental legislation is immense, and in recent years the regulation agencies have shown an increased willingness to resort to prosecution.*** Private prosecution is also a possibility. Fines will be the normal penalty, though in a number of cases sentences of imprisonment have been imposed (there is normally a potential personal liability for directors and senior managers). Maximum fine levels have risen in recent years, as have actual levels of fines imposed.

*(b) Administrative sanctions:*

*In most regulatory systems there is a range of options available to the regulator, including variation, suspension or revocation of a licence. Since these steps may lead to the closure of a plant, they are obviously of great importance.*

*(c) Clean up costs:*

***In most environmental legislation there is a power to clean up after a***

***pollution incident and receive the cost from the polluter or (in some cases) the occupier.***

(d) *Civil liability:*

*There is growing interest in the toxic torts, although many of the actions have in fact been around for a long time. Many environmental actions rest upon strict liability. Although liability may often be difficult to establish, the size of claims may be very high indeed.*

(e) *Adverse publicity:*

*In practice the publicity attracted as a result of infringements of the law may be as costly as any direct costs. The tide of judicial considerations in environmental litigation in India symbolizes the anxiety of Courts in finding out appropriate remedies for environmental maladies. At global level, the right to live is now recognized as a fundamental right to an environment adequate for health and well being of human beings. (See World Commission on Environment and Development – Our Common Future (1987). To commemorate the tenth anniversary of the Stockholm Conference, the World Community of States assembled in Nairobi (May 10–18, 1982) to review the action taken on to implement Stockholm Declaration. It expressed serious concern about the state of environment world wide and recognized the urgent need of*



*intensifying the effort at the global, regional and national levels to protect and improve it.*

*Progress and pollution go together. As this Court observed in **M.C. Mehta and Anr. v. Union of India and Ors. (AIR 1987 SC 965)**, when science and technology are increasingly employed in producing goods and services calculated to improve the quality of life, there is certain element of hazard or risk inherent in the very use of science and technology and it is not possible to totally eliminate such hazard or risk altogether. We can only hope to reduce the element of hazard or risk to the community by taking all necessary steps for locating such industries in a manner which would pose least risk of danger to the community and maximizing safety requirements. As observed in the United Nations Conference held at Stockholm in June, 1972, economic and social development was essential for ensuring a favourable living and working environment for man and for creating condition on earth that were necessary for the improvement of the quality of life.*

***The tragedy of the predicament of the civilized man is that 'Every source from which man has increased his power on earth has been used to diminish the prospects of his successors. All his progress is being made at the expense of damage to the environment which he cannot repair and cannot foresee'. There is***

*increase in awareness of the compelling need to restore the serious ecological imbalances introduced by the depredations inflicted on nature by man. The state to which the ecological imbalance and the consequent environmental damage have reached is so alarming that unless immediate, determined and effective steps were taken, the damage might become irreversible. In his foreward to International Wild Life Law, M.R.M. Prince Philip the Duke of Edinburgh said: "Many people seem to think that the conservation of nature is simply a matter of being kind to animals and enjoying walks in the country-side. Sadly, perhaps, it is a great deal more complicated than that..... As usual with all legal systems, the crucial requirement is for the terms of the conversions to be widely accepted and rapidly implemented.....Regretfully progress in this direction is proving disastorously slow." (See International Wildlife Law by Simon Lyster, Cambridge, Grotius Publications Ltd. 1985 Edn.)*

*The United National General Assembly adopted on October 29, 1982, 'the World Charter for Nature'. The Chapter declares the Awareness that:*

*"(a) Mankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients.*

- (b) *Civilization is rooted in nature, which has shaped human culture and influenced all artistic and scientific achievement, and living in harmony with nature gives man the best opportunities for the development of his creativity, and for rest and recreation."*

*Towards the end of his reign, King Asoka in the third century B.C. issued a decree that it has a particularly contemporary ring in the matter of preservation of wild life and environment. He had written: "Twenty-six years after my coronation, I declare that the following animals were not to be killed, parrots, mynas, the aruna, ruddy geese, wild geese, the nandimukha, cranes, bats, queen, ants, terrapins, boneless fish, rhinoceroses..... and all quadrupeds which are not useful or edible.....Forest must not be burned."*

***To protect and improve the environment is a constitutional mandate. It is a commitment for a country wedded to the ideas of a welfare State.*** *The world is under an impenetrable cloud. In view of enormous challenges thrown by the Industrial revolution, the legislatures throughout the world are busy in their exercise to find out means to protect the world. Every individual in the society has a duty to protect the nature. People worship the objects of nature. The trees, water, land and animals had gained important positions in the ancient times. As Manu VIII, page 282 says different punishments were prescribed for causing injuries to plants. Kautilya went a step further and fixed the*

*punishment on the basis of importance of the part of the tree. (See Kautilya III, XIX, 197)*

*As observed by this Court in Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh (AIR 1987 SC 359), natural resources have got to be tapped for the purpose of social development but one cannot forget at the same time that tapping of resources has to be done with requisite attention and care so that ecology and environment may not be affected in any serious way; **there may not be any depletion of water resources and long-term planning must be undertaken to keep up the national wealth. It has always to be remembered that these are permanent assets of mankind and are not intended to be exhausted in one generation.***

*The Academy Law Review at pages 137-138 says that a recent survey reveals that every day millions of gallons of trade wastes and effluents are discharged into the rivers, streams, lake and sea etc. Indiscriminate water pollution is a problem all over the world but is now acute in densely populated industrial cities. Our country is no exception to this. Air pollution has further added to the intensity and extent of the problem. Every year millions of tons of gaseous and particulate pollutants are injected into the atmosphere, both through natural processes and as a direct result of human activity. Scientists have pointed out that earth's atmosphere cannot absorb such unlimited amount of pollutant materials without undergoing*

*changes which may be of an adverse nature with respect to human welfare. Man in order to survive in his planetary home will have to strike the harmonious balance with nature. There may be boundless progress scientifically which may ultimately lead to destruction of man's valued position in life. The Constitution has laid the foundation of Articles 48-A and 51-A for a jurisprudence of environmental protection. Today, the State and the citizen are under a fundamental obligation to protect and improve the environment, including forests, lakes, rivers, wildlife and to have compassion for living creatures.*

***A learned Jurist has said, the Rig Veda praises the beauty of the dawn (usha) and worships Nature in all its glory. And yet today a bath in the Yamuna and Ganga is a sin against bodily health, not a salvation for the soul so polluted and noxious are these 'Holy' waters now. "One hospital bed out of four in the world is occupied by a patient who is ill because of polluted water.....Provision of a safe and convenient water supply is the most important activity that could be undertaken to improve the health of people living in rural areas of the developing world." (W.H.O.) "Nature never did betray. That heart that loved her." (Wordsworth). The anxiety to save the environment manifested in the Constitution (Forty-Second Amendment) Act, 1976 by the introduction of a specific provision for the first time to "protect and improve" the environment. Man is Nature's best promise and worst enemy. If industry is necessary, pollution inevitable. Since***

*progress and pollution go together, there can be no end of progress, and consequently, no escape from pollution. If industry is necessary evil, pollution surest sufferance. Several enactments have been made to combat pollution. "Pollution" is noun derived from the transitive verb "pollute" which means to make foul or unclean, dirty, to make impure or morally unclean. In Halsbury's Laws of England (Forth Edition, Volume 38, para 66) "pollution" means the direct or indirect discharge by man of substances or energy into the aquatic environment resulting in hazard to human health, harm to living resources and aquatic ecosystems, damage to amenities or interference with other legitimate use of water.*

*In **Divisional Forest Officer and Ors. v. S. Nageswaramma** (1996 (6) SCC 442), it was observed that the renewal of lease is not a vested right of the lessee. **There is a total prohibition against the grant of mining lease in a forest area without concurrence of the Central Government.** As was observed by this Court in *M.C. Mehta v. Kamal Nath and Ors.* (1997 (1) SCC 388), our legal system based on English Common Law includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the sea-shore, running waters, airs, forests and ecologically fragile lands. **The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.***

*The aesthetic use and the pristine glory cannot be permitted to be eroded for private, commercial or any other use unless the courts find it necessary, in good faith, for public good and in public interest to encroach upon the said resources.*

*It cannot be disputed that no development is possible without some adverse effect on the ecology and environment, and the projects of public utility cannot be abandoned and it is necessary to adjust the interest of the people as well as the necessity to maintain the environment. The balance has to be struck between the two interests. Where the commercial venture or enterprise would bring in results which are far more useful for the people, difficulty of a small number of people has to be bypassed. The comparative hardships have to be balanced and the convenience and benefit to a larger section of the people has to get primacy over comparatively lesser hardship.*

*In this background, the Environment Impact Assessment reports are of great importance. The Council on European Economic Committee in their directive to the member States highlighted objectives of such assessments as follows:*

***“The effect of a project on the environment must be assessed in order to take action of the concerns to protect human health, to contribute by means of a better environment to the quality of life, to ensure maintenance of the diversity of species and to maintain the reproductive capacity of the eco-system as a basic resource of life.”***

*A few decisions taken at the Convention on Biological Diversity dated 5th June, 1992 would be relevant.*

*The Preamble, inter-alia, contains the following: “Concerned that biological diversity is being significantly reduced by certain human activities. Aware of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures. Noting that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source. Noting further that the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings.”*



*Articles 1, 6, 7 and 14(a) are also important.*

### *Article 1*

#### *Objectives–*

*The objectives of this Convention to be pursued in accordance with its relevant provisions are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.*

### *Article 6*

#### *General measures for conservation and sustainable use–*

*Each contracting party shall, in accordance with its particular conditions and capabilities:*

- (a) develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adopt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the contracting party concerned; and*
- (b) integrate, as far as possible and as appropriate, the conservation and sustainable use of*

*biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.*

#### *Article 7*

##### *Identification and Monitoring*

*Each contracting party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10:*

- (a) identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annexure 1;*
- (b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to sub-paragraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;*
- (c) identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and*
- (d) maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to sub-paragraphs (a), (b) and (c) above.*

*Article 14(a)**Impact Assessment and Minimizing Adverse Impacts–*

*Each contracting party, as far as possible and as appropriate, shall:*

- (a) introduce appropriate procedures requiring environment impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures.”*

*Sustainable development is essentially a policy and strategy for continued economic and social development without detriment to the environment and natural resources on the quality of which continued activity and further development depend. Therefore, while thinking of the developmental measures the needs of the present and the ability of the future to meet its own needs and requirements have to be kept in view. While thinking of the present, the future should not be forgotten. We owe a duty to future generations and for a bright today, bleak tomorrow cannot be countenanced. We must learn from our experiences of past to make both the present and the future brighter. We learn from our experiences, mistakes from the past, so that they can be rectified for a better present and the future. It cannot be lost sight of that while today is yesterday's tomorrow, it is tomorrow's yesterday.*

*The greenery of India should not be allowed to be perished, to be replaced by deserts. Euthopia which at a point of time was considered to be one of the greenest countries, is virtually a vast desert today.*

***The Union Government framed National Forest Policy in 1988. Though the basic objectives are very laudable, it is sad to note that it has virtually been confined in papers containing it, and not much has been done to translate them into reality. Nevertheless, it reflects anxiety of the Union Government to protect and preserve natural forests with vast variety of flora and fauna, representing biological diversity and genetic resources of the country.***

***Duty is cast upon the Government under Article 21 of the Constitution of India to protect the environment and the two salutary principles which govern the law of environment are:***

- (i) the principles of sustainable development and*
- (ii) the precautionary principle. It needs to be highlighted that the Convention on Biological Diversity has been acceded to by our country and, therefore, it has to implement the same. As*

*was observed by this Court in **Vishaka and Ors. v. State of Rajasthan and Ors. (1997 (6) SCC 241)**, in the absence of any inconsistency between the domestic law and the international conventions, the rule of judicial construction is that regard must be had to international convention and norms even in construing the domestic law. It is, therefore, necessary for the Government to keep in view the international obligations while exercising discretionary powers under the Conservation Act unless there are compelling reasons to depart therefrom.*

*The United Nations Conference on Human Environment held in Stockholm during June 1972 brought into focus several alarming situations and highlighted the immediate need to take steps to control menace of pollution to the Mother Earth, air and of space failing which, the Conference cautioned the mankind, it should be ready to face the disastrous consequences. The suggestions noted in this Conference were reaffirmed in successive Conference followed by Earth Summit held at Rio-de Janeiro (Brazil) in 1992.”*

### **Conclusions from the aforesaid judgment**

- (i) The aforesaid elaborate discussions on environment in the judgment rendered by the Apex Court leave no doubt that protection of environment is must for livelihood of the human being. For this, the Court has referred to:–

*“The United National General Assembly adopted on October 29, 1982, 'the World Charter for Nature'. The Chapter declares the Awareness that:*

*‘(a) Mankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients.*

*(b) Civilization is rooted in nature, which has shaped human culture and influenced all artistic and scientific achievement, and living in harmony with nature gives man the best opportunities for the development of his creativity, and for rest and recreation.”*

- (ii) The Court has rightly posed the question –

*“The seminal issue involved is whether the approach should be ‘dollar friendly’ or ‘eco friendly’.”*

**Answer:-**

Today, it appears that instead of being eco-friendly, the trend of lessees is dollar friendly, for their super normal profit by exporting iron ore – non renewal natural assets. For this, it has been pointed out that:-

*“He treats his mother, the earth, and his brother, the sky, as things to be bought, **plundered, sold like sheep or bright beads. His appetite will devour the earth and leave behind only a desert.** ... ..*

*And what is there in life if a man cannot hear the lonely cry of the whippoorwill or the arguments of the frogs around a pond at night?”*

**Therefore, it is rightly pointed out that:-**

*“Environment is polycentric and multi-facet problem affecting the human existence. The Stockholm Declaration of United Nations on Human Environment, 1972, reads its Principle No.3, inter-alia, thus: “Man has the fundamental right to freedom, equality, and adequate conditions of life. In an environment of equality that permits a life of dignity and well being and bears a solemn responsibility to protect and improve the environment for present and future generations.”*

- (iii)** The word “environment” is of broad spectrum which brings within its ambit “hygienic atmosphere and ecological balance.” It is, therefore, not only the

duty of the State but also the duty of every citizen to maintain hygienic environment. The State, in particular has duty in that behalf and to shed its extravagant unbridled sovereign power and to forge in its policy to maintain ecological balance and hygienic environment. Article 21 protects right to life as a fundamental right. Enjoyment of life and its attainment including their right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed.

Therefore, it is necessary to avoid massive and irreversible harm to the earthly environment and strife for achieving present generation and the posterity a better life in an environment more in keeping with the needs and hopes.

**(iv)** In the last century, a great German materialist philosopher warned mankind:

*“Let us not, however, flatter ourselves over much on account of our human victories over nature. For each such victory nature takes its revenge on us. ... It is said that over half the species which became extinct over the last 2000 years did so after 1900. ... It is said that approximately 1000 birds and animal species are facing extinction at present. ...”*



(v) Environmental law is an instrument to protect and improve the environment and to control or prevent any act or omission polluting or likely to pollute the environment. In view of the enormous challenges thrown by the industrial revolution, the legislatures throughout the world are busy in this exercise.

(vi) The Environment Impact Assessment reports are of great importance. The Council on European Economic Committee in their directive to the member States highlighted objectives of such assessments as follows:

*“The effect of a project on the environment must be assessed in order to take action of the concerns to protect human health, to contribute by means of a better environment to the quality of life, to ensure maintenance of the diversity of species and to maintain the reproductive capacity of the eco-system as a basic resource of life.”*

**(vii) Pollution of river**

*“Since time immemorial, natural objects like rivers enjoyed a high position in the life of the society. They were considered as Goddesses having not only the purifying capacity but also self-purifying ability. Fouling of the water of a river was considered a sin and it attracted punishments of different grades which included, penance, outcasting, fine, etc.*

*There may not be any depletion of water resources and long-term planning must be undertaken to keep up the national wealth. It has always to be remembered that these are permanent assets of mankind and are not intended to be exhausted in one generation.*

*The Academy Law Review at pages 137–138 says that a recent survey reveals that every day millions of gallons of trade wastes and effluents are discharged into the rivers, streams, lake and sea etc. Indiscriminate water pollution is a problem all over the world but is now acute in densely populated industrial cities. Our country is no exception to this.”*

- (viii)** A learned Jurist has said, the Rig Veda praises the beauty of the dawn (usha) and worships Nature in all its glory. And yet today a bath in the Yamuna and Ganga is a sin against bodily health, not a salvation for the soul so polluted and noxious are these 'Holy' waters now. “One hospital bed out of four in the world is occupied by a patient who is ill because of polluted water.....Provision of a safe and convenient water supply is the most important activity that could be undertaken to improve the health of people living in rural areas of the developing world.” (W.H.O.)

**(ix) Air pollution**

*“Air pollution has further added to the intensity and extent of the problem. Every year millions of tons of gaseous and particulate pollutants are injected into the atmosphere, both through natural processes and as a direct result of human activity.”*

**(x) Finally, it has been held that:-**

*“There is a total prohibition against the grant of mining lease in a forest area without concurrence of the Central Government.*

*The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.”*

## [ II ]

**Submissions made by Ld. Counsel on behalf of various lessees during the hearings**

1. Ld. Counsel, Dr. Abhishek Manu Singhvi and other Counsel appearing for the lessees referred to various judgments of the Apex Court for contending that:-
  - (i) provisions under the E.P. Act, 1986 and EIA Notification dated 27.01.1994 should be interpreted as regulatory and not prohibitory otherwise it would be in violation of right to practice, trade or business.
  - (ii) obtaining EC is only regulatory measure and not-obtaining EC or increasing the production without fresh EC can not be said to be illegal.
  - (iii) he further emphasized that from time to time, MoEF has issued Circulars permitting the mine owners to apply for EC, if not applied and this amounts to condonation of such lapses.

The aforesaid submissions are without considering the mandate of the EIA Notification dated 27.01.1994. The relevant part thereof reads as under:-

*“Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986, (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, **shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification,**”*

Reading the aforesaid notification as it is, leaves no doubt that the directions are mandatory and for undertaking any mining activity, environment clearance from the Central Government is must. As discussed subsequently, not obtaining EC is also contrary to the judgment rendered by the Apex Court.

However, in support of his contention, Ld. Counsel submits that the E.P. provisions and notifications are directory and not mandatory. It only regulates the activities mentioned in the said notification.

For the aforesaid purpose, reliance is placed on the judgment of the Apex Court in the case of **Bennett Coleman & Co. & Ors. v. Union of India & Ors. [1972 (2) SCC 788]**. The relevant **Para: 100** thereof is as under:–

*“Permissible restrictions on any fundamental right, even where they are imposed by duly enacted law must not be excessive, or, in other words, they must not go beyond what is necessary to achieve the objects of the law under which they are sought to be imposed. The power to impose restrictions on fundamental rights is essentially a power to “regulate” the exercise of these rights. In fact, “regulation” and not extinction of that which is to be regulated is generally speaking the extent to which permissible restrictions may go in order to satisfy the test of reasonableness. The term “regulate” has come up for interpretation on several occasions before American Courts which have held that the word “regulate” means “to adjust by rule, method, or established mode; to direct by rule or restriction; to subject to governing principles or laws”. (See : Words and Phrases, Vol 36, p. 687 by West Publishing Co.). I do not see any reason to give a different meaning to the term “regulation” when we use it.”*

2. Secondly, Ld. Counsel for the lessees also referred to the judgment of the Apex Court in the case of **Ashok Kumar Das and others v. University of Burdwan & Ors. [2010 (3) SCC 616]**

*“15. The words used in Section 21 (xiii) are not “with the permission of the State Government” nor “with the approval of the State Government” but “with the approval of the State Government”. If the words used were “with the permission of the State Government”, then without the permission of the State Government the Executive Council of the University could not determine the terms and conditions of service of non-teaching staff. Similarly, if the words used were “with the prior approval of the State Government”, the Executive Council of the University could not determine the terms and conditions of service of the non-teaching staff without first obtaining the approval of the State Government. But since the words used are “with the approval of the State Government”, the Executive Council of the University could determine the terms and conditions of service of the non-teaching staff and obtain the approval of the State Government subsequently and in case the State Government did not grant approval subsequently, any action taken on the basis of the decision of the Executive Council of the University would be invalid and not otherwise.”*

- 3.** The aforesaid judgments would have no bearing to the statutory provisions of MM(DR) Act, 1957 and that of Environment (Protection) Act, 1986 and other environmental laws, the rules/regulations framed thereunder. On the said subject, the law is

settled by various decisions of the Apex Court. However, it is established law that right to carry on trade or business is always subject to reasonable restrictions and this is specifically provided under Article 19(6) of the Constitution of India. This would not require any further elaborations, as the law on the subject is settled.

In any case, mining lease is granted on the basis of statutory provisions which prescribe various regulatory measures and required to be complied before carrying out mining operations. Further, in the environmental matters, post facto or much delayed approvals do not have any meaning in real sense because what had happened or damaged in past can not be brought back. In the absence of statutory approvals, conditions can not be imposed upon and no remedial measures can be taken to mitigate the destructive situations arose. If the conditions as prescribed by the regulation are not complied with, under the statutory provisions,

- (a) lessee can be prosecuted;
- (b) loss can be recovered; and
- (c) lease can be terminated.

4. Further, with regard to reasonable restriction on fundamental right to trade, in case of **Narender Kumar and Ors. v. Union of India and Ors.** [AIR



**1960 SC 430]**, the Apex Court while interpreting Article 19(1)(g) of the Constitution, held that restrictions can include cases of prohibition also. The relevant paragraph is as follows:–

*“It is reasonable to think that the makers of the Constitution considered the word “restriction” to be sufficiently wide to save laws “inconsistent” with Article 19(1), or “taking away the rights” conferred by the Article, provided this inconsistency or taking away was reasonable in the interests of the different matters mentioned in the clause. There can be no doubt therefore that they intended the word **“restriction” to include cases of “prohibition” also.** The contention that a law prohibiting the exercise of a fundamental right is in no case saved, cannot therefore be accepted.”*

In view of the aforesaid judgment and other pronouncements by the Apex Court on the topic, the contentions of Ld. Counsel are not required to be considered in view of Article 19(1)(g) of the Constitution of India.

Obtaining EC is a condition precedent and it can not be said to be in any way violative of any fundamental right. On the contrary, strict compliance of EC conditions is necessary so that Article 21 “Right to life of others” is not adversely affected. It is also established that minerals, forest, natural ecosystem, wildlife and environment are national assets and shall not be destroyed for human greed.

## [ III ]

**Decisions of the Hon'ble Apex Court on the subject with regard to obtaining of EC and violation of its conditions:-**

For the FC clearance and EC Clearances, only few exhaustive judgments are sufficient which were referred to by the Ld. Counsel, at the time of hearing which are as under:-

- A.** Ld. Counsel for the lessees referred to the judgment rendered in the case of **Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority & Ors. [1997 (11) SCC 605]**. The relevant portion thereof is as under:-

*“1. .... So far as State of U.P. and MDDA are concerned, they were at that relevant point of time of the opinion that the permission of the Central Government was not required, if the building activity did not, in any manner, require felling of trees or causing any harm to the existing trees. .... It is, therefore, clear from this provision which has overriding effect on all laws for the time being in force in a State that no State Government or other authority which would include MDDA can make any order without the approval of the Central Government for the user of any forest land or any portion*

thereof for any non-forest purpose as explained by the explanation thereto. .... So, understood any area which the State Act considers to be a forest and is governed under that law will also be subject to Section 2(ii) of the 1980 Act. Viewed in this light, any land which the State of U.P. by notification declares to be a forest would be governed under Section 2(ii) of the 1980 Act.

2. **Mr. Ahmad, the learned ASG appearing for MDDA, very fairly stated that on a true construction of Section 2(ii) of the 1980 Act before permitting any non-forest activity, it was required to obtain the prior approval of the Central Government. Mr. Sehgal, the learned counsel for the State of U.P., did not contest this proposition. That being so, it is obvious that if MDDA or the State Government granted permission to the user of any area notified and declared to be a forest area under the U.P. Private Forest Act, 1948 without obtaining the prior approval of the Central Government, that was prima-facie in violation of Section 2(ii) of the 1980 Act.** The question then is to ascertain what non-forest activity has been permitted by MDDA or the State of U.P. without the prior approval of the Central Government. Any building activity permitted within the forest area would certainly be a non-forest activity which requires the prior approval of the Central Government. We are

also told that residents of Mussoorie have applied for permission to use some portions of the forest area for building purposes but MDDA has not taken any decision thereon. That is what the association of estate owners in Writ Petition No.469 of 1996 complain of. In the circumstances we think it appropriate to give the following directions:

- (1) The State of U.P. as well as the MDDA will enlist cases in which they gave permission to make use of any forest land for non-forest purposes without seeking the prior approval of the Central Government. All those cases will be forwarded to the Central Government for seeking ex-post facto approval in the matter which will be considered in accordance with the Rules framed under the 1980 Act. **While examining the question regarding grant of ex post facto approval, the Central Government will also enquire into the matter whether these permissions were granted on extraneous considerations or were only by way of a bona fide mistake. If the Central Government comes to the conclusion that they were granted on extraneous considerations, they will try to identify the officer/person responsible for the same and also ascertain if the action of that person amounts to an offence under any**

***provision of law and if yes, to take consequential action.”***

The afore-quoted highlighted portions make it abundantly clear that for any non-forest activity in forest area, prior approval of the Central Government is must. Further, observations with regard to ex-post facto approval were made in peculiar facts of that case. At the same time, the Court held that if the officers who have granted permission on extraneous considerations are liable to be penalized.

In the aforesaid case, 27 parties have raised construction without obtained Forest Clearance under the FCA, 1980. Before raising construction, State of U.P. and MDDA (Mussoorie Dehradun Development Authority) had granted permission because they were of the view that permission from the Central Government was not required because building activity did not, in any manner, require felling of trees or causing any harm to existing trees.

Finally, it is to be stated that in **Para 1** of the aforesaid Judgment itself, the Court had made it clear that *“no State Government or other authority which would include MDDA can make any order*

*without the approval of the Central Government for the user of any forest land or any portion thereof for any non-forest purpose as explained by the explanation thereto.”*

Therefore, aforesaid judgment nowhere supports the contention of the lessee that ex-post facto approval can be granted in favour of lessee who have violated the provisions of the Forest (Conservation) Act, 1980.

- B.** Ld. Counsel, thereafter, referred to the Judgment rendered in the case of **N. D. Jayal and anr. versus Union of India and ors., [AIR 2004 SC 867]**. This judgment, on the contrary, makes it clear that the environment is a guaranteed fundamental right and the development is not related only to the growth of GNP. Therefore, the directions or conditions put forward under the EP Act shall be strictly complied with. The relevant portion thereof is as under:-

*“22. In a catena of cases we have reiterated that right to clean environment is a guaranteed fundamental right, May be in different context, the right to development is also declared as a component of Article 21 in cases like Samata v. State of Andhra Pradesh, [1997] 8 SCC 191, and in Madhu Kishore v. State of Bihar, [1996] 5 SCC 125.*

23. *The right to development cannot be treated as a mere right to economic betterment or cannot be limited to as a misnomer to simple construction activities. The right to development encompasses much more than economic well being, and includes within its definition the guarantee of fundamental human rights. **The 'development' is not related only to the growth of GNP.***

*In the classic work – 'Development As Freedom' the Nobel prize winner Amartya Sen pointed out that 'the issue of development cannot be separated from the conceptual framework of human right'. This idea is also part of the UN Declaration on the Right to Development. The right to development includes the whole spectrum of civil, cultural, economic, political and social process, for the improvement of peoples' well being and realization of their full potential. It is an integral part of human right. Of course, construction of a dam or a mega project is definitely an attempt to achieve the goal of wholesome development. Such works could very well be treated as integral component for development.*

24. *Therefore, the adherence of sustainable development principle is a sine qua non for the maintenance of the symbiotic balance between the rights to environment and development. **Right to environment is a fundamental right.** On the other hand right to development is also one. Here the right to 'sustainable*

*development' cannot be singled out. Therefore, the concept of 'sustainable development' is to be treated an integral part of 'life' under Article 21. The weighty concepts like inter-generational equity State of Himachal Pradesh v. Ganesh Wood Products, [1995] 6 SCC 363, public trust doctrine M C Mehta v. Kamal Nath, [1997] 1 SCC 388 and precautionary principle (Vellore Citizens), which we declared as inseparable ingredients of our environmental jurisprudence, could only be nurtured by ensuring sustainable development.*

25. *To ensure sustainable development is one of the goals of Environmental Protection Act, 1986 (for short 'the Act') and this is quiet necessary to guarantee 'right to life' under Article 21. If the Act is not armed with the powers to ensure sustainable development, it will become a barren shell. **In other words, sustainable development is one of the means to achieve the object and purpose of the Act as well as the protection of 'life' under Article 21. Acknowledgment of this principle will breath new life into our environmental jurisprudence and constitutional resolve. Sustainable development could be achieved only by strict compliance of the directions under the Act. The object and purpose of the Act – “to provide for the protection and improvement of environment” could only be achieved by ensuring the strict compliance of its directions.** The concerned authorities by*



*exercising its powers under the Act will have to ensure the acquiescence of sustainable development. **Therefore, the directions or conditions put forward by the Act need to be strictly complied with. Thus the power under the Act cannot be treated as a power simpliciter, but it is a power coupled with duty. It is the duty of the State to make sure the fulfillment of conditions or direction under the Act, Without strict compliance, right to environment under Article 21 could not be guaranteed and the purpose of the Act will also be defeated. The commitment to the conditions thereof is an obligation both under Article 21 and under the Act.***

26. ... ..

**(B) Comprehensive Environmental Management Plans must be formulated to the satisfaction of and got approved from, the Ministry of Environment & Forests in a time bound manner.**

53. *Right to health is a fundamental right under Article 21, Protection of this is inextricably linked with the clean environment. **Clean and healthy environment itself is a fundamental right.** This position was reiterated by this Court in *M.C. Metha v. Union of India*. Therefore the impact of the Project on*

*Human Health cannot be given a go by, it has to be seriously scrutinized.*

54. *All the above-discussed aspects aimed at maintaining the ecological balance and protecting human rights are integral elements of sustainable development. Rupture to the Himalayan environment, if any, due to the dam construction could only be compensated by strictly complying with these conditions attached to the clearance. These aspects are vital for life and sustainable development of the area. If these aspects are not complied with, the human life and whole Himalayan environment will be the casualty. Only its strict compliance could maintain the ecological balance.”*

The aforesaid judgment leaves no doubt that before starting any extraction of mineral, comprehensive environmental plan must be formulated and approved.

Further, the provisions, directions or conditions put forward in the EP Act and notifications under it are required to be **strictly complied with**. Thus, the power under the Act cannot be treated as a power simpliciter, but it is a power coupled with duty. It is the duty of the State to make sure that provisions, directions or conditions under the Act are fulfilled and complied with its letter and spirit.

**Without strict compliance, right to environment under Article 21 could not be guaranteed and the purpose of the Act will also be defeated. The commitment to the conditions thereof is an obligation both under Article 21 and under the Act.**

- C.** Subsequently, reference was made in the case of **M. C. Mehta v. Union of India & Ors. [(2004) 12 SCC 118]**. From the said judgment, it is apparent that the Court has exhaustively dealt with the requirement of EC as well as effect of non-implementation of the Act and the guidelines. The Court had specifically warned, after referring to the Mineral Conservation (Development and Regulation) Rules, 1988, that the measures are not required to remain only on paper but strictly complied with for the protection of environment and control of pollution, as a result and consequence of mining operation. This is made clear in the highlighted portion of the following paragraphs of the said judgment.

*“37. We may also refer to the circular dated May 14, 2002 issued by the Ministry of Environment and Forest noticing that in the past several units had come up in violation of the notification dated 27th January, 1994 and a view had been taken earlier that such units are permitted to*

*apply for environment clearance by 31st March, 1999. For period of five years, there was no circular or notification granting any time to apply for EIA under notification dated 27th January, 1994. The period to apply for environment clearance was extended upto 30th June, 2001 which deadline was extended upto 31st March, 2003, stating that it was to give opportunity to defaulting units to avail of the last and final opportunity to obtain ex post facto environment clearance. The notification dated 27th January, 1994 is applicable also to construction activity. It seems that this circular was issued to give opportunity to those who had undertaken constructions after issue of notification without compliance of stipulations therein. We are, however, not concerned in these matters with the construction which may have come up in breach of the notification. **It does not appear that MOEF intended to legalise the commencement or continuance of mining activity without compliance of stipulations of the notification. In any case, a statutory notification cannot be notified by issue of circular.** Further, if MOEF intended to apply this circular also to mining activity commenced and continued in violation of this notification, it would also show total non-sensitivity of MOEF to the principles of sustainable development and the object behind the issue of notification. The circular has no applicability to the mining activity.*

... ..

45. *The natural sources of air, water and soil cannot be utilized if the utilization results in irreversible damage to environments. **There has been accelerated degradation of environment primarily on account of lack of effective enforcement of environmental laws and non-compliance of the statutory norms.** This Court has repeatedly said that the right to live is a fundamental right under Article 21 of the Constitution and it includes the right to of enjoyment of pollution-free water and air for full enjoyment of life. (See Subhash Kumar v. State of Bihar [AIR 1991 SC 420].*
46. *Further, by 42<sup>nd</sup> Constitutional Amendment, Article 48-A was inserted in the Constitution in Part IV stipulating that the State shall endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country. Article 51A, inter alia, provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forest, lakes, rivers and wildlife and to have compassion for living creatures. Article 47 which provides that it shall be the duty of the State to raise the level of nutrition and the standard of living and to improve public health is also relevant in this connection. The most vital necessities, namely, air, water and soil, having regard to right of life under Article 21 cannot be permitted to be misused and polluted so as to reduce the*

quality of life of others. Having regard to the right of the community at large it is permissible to encourage the participation of Amicus Curiae, the appointment of experts and the appointments of monitory committees. The approach of the Court has to be liberal towards ensuring social justice and protection of human rights. In *M.C. Mehta v. Union of India* [(1987) 4 SCC 463], this Court held that life, public health and ecology has priority over unemployment and loss of revenue. **The definition of 'sustainable development' which Brundt land gave more than 3 decades back still holds good. The phrase covers the development that meets the needs of the present without compromising the ability of the future generation to meet their own needs.** In *Narmada Bachao Andolan v. Union of India & Ors.* [(2000) 10 SCC 664], this Court observed that sustainable development means the type or extent of development that can take place and which can be sustained by nature/ecology with or without mitigation. In these matters, the required standard now is that the risk of harm to the environment or to human health is to be decided in public interest, according to a "reasonable person's " test. [See *Chairman Barton : The Status of the Precautionary Principle in Australia : (Vol. 22) (1998) (Harv. Envtt. Law Review, p. 509 at p.549–A)* as in *AP Pollution Control Board vs. Prof. M.V. Nayuder (Retd) & Ors.* [(1999) 2 SCC 718].

47. *The mining operation is hazardous in nature. It impairs ecology and people's right of natural resources. The entire process of setting up and functioning of mining operation require utmost good faith and honesty on the part of the intending entrepreneur. For carrying on any mining activity close to township which has tendency to degrade environment and are likely to effect air, water and soil and impair the quality of life of inhabitants of the area, there would be greater responsibility on the part of the entrepreneur. **The fullest disclosures including the potential for increased burdens on the environment consequent upon possible increase in the quantum and degree of pollution, has to be made at the outset so that public and all those concerned including authorities may decide whether the permission can at all be granted for carrying on mining activity. The regulatory authorities have to act with utmost care in ensuring compliance of safeguards, norms and standards to be observed by such entrepreneurs. When questioned, the regulatory authorities have to show that the said authorities acted in the manner enjoined upon them. Where the regulatory authorities, either connive or act negligently by not taking prompt action to prevent, avoid or control the damage to environment, natural resources and peoples' life, health and property, the***

***principles of accountability for restoration and compensation have to be applied.***

48. The development and the protection of environments are not enemies. If without degrading the environment or minimizing adverse effects thereupon by applying stringent safeguards, it is possible to carry on development activity applying the principles of sustainable development, in that eventuality, the development has to go on because one cannot lose sight of the need for development of industries, irrigation resources and power projects etc. including the need to improve employment opportunities and the generation of revenue. A balance has to be struck. We may note that to stall fast the depletion of forest, series of orders have been passed by this Court in T.N. Godavarman's case regulating the felling of trees in all the forests in the country. Principle 15 of Rio Conference of 1992 relating to the applicability of precautionary principle which stipulates that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for proposing effective measures to prevent environmental degradation is also required to be kept in view. In such matters, many a times, the option to be adopted is not very easy or in a straight jacket. ***If an activity is allowed to go ahead, there may be irreparable damage to the environment and if it is stopped, there may be***



***irreparable damage to economic interest. In case of doubt, however, protection of environment would have precedence over the economic interest. Precautionary principle requires anticipatory action to be taken to prevent harm. The harm can be prevented even on a reasonable suspicion. It is not always necessary that there should be direct evidence of harm to the environment.***

... ..

51. *The Mineral Concession Rules, 1960 have been framed by the Central Government in exercise of the powers conferred by Section 13 of the MMRD Act. Chapter IV of these Rules relate to grant of mining leases in respect of land in which the minerals vest in the Government. Rule 22(4), inter alia, provides that on receipt of the communication from the State Government of the precise areas to be granted for mining purpose, the applicant shall submit a mining plan, within the period stipulated in the Rules, to the Central Government for its approval. The applicant, on approval of the mining plan by the Central Government, shall submit the same to the State Government to grant mining lease over that area. Rule 4A, inter alia, provides that notwithstanding anything contained in Sub-rule(4), the State Government shall be competent to approve mining plan of open cost mines (mines other than underground mines) in respect of non metallic or industrial minerals,*

*named therein, one of it being Silica sand. The mining plan, as provided in sub-rule (5) of Rule 22, shall, inter alia, incorporate the mineral reserves of the area and the plan of area showing, inter alia, water courses, limit of reserves and other forest areas and density of trees, if any, assessment of impact of mining activity on forest, land surface and environment including air and water pollution; details of the scheme of restoration of the area by afforestation, land reclamation, use of pollution control devices and such other measures as may be directed by the Central Government or the State Government from time to time. A tentative scheme of mining and annual programme and plan for excavation from year to year for five years is also required to be incorporated in the mining plan. Rule 22(5) was inserted in the Rules by notification dated 27th September, 1994 to which certain amendments were made in terms of notification dated 17th January, 2000 also inserting by same notification Rule 22(4A). Sub-rule(4) to Rule 22 ad been earlier inserted by notification dated 27th September, 1994.*

52. ***The grant of permission for mining and approving mining plan and the scheme by the Ministry of Mines, Government of India by itself does not mean that mining operation can commence.*** It cannot be accepted that by approving Mining Plan and Scheme by Ministry of Mines, Central

*Government is deemed to have approved mining and it can commence forthwith on such approval. Section 13 of the MMRD Act and the Rules made in exercise of powers under the said section, deal, inter alia, with the aspect of grant of mining of lease and not commencement of mining operations. Rules made under Section 18, however, deal with commencement of mining operations and steps required to be taken for protection of environment by preventing or controlling any pollution which may be caused by mining operation. **A mining lease holder is also required to comply with other statutory provisions such as Environment (protection) Act, 1986, Air (Prevention and control of Pollution) Act, 1981, The Water (Prevention and Control of Pollution) Act, 1974, Forest (Conservation) Act, 1980. Mere approval of the mining plan by Government of India, Ministry of Mines would not absolve the lease holder from complying with the other provisions.***

53. *Rules 31 to 41 contained in Chapter V of the Mineral Conservation and Development Rules, 1988 framed under Section 18 of the MMRD Act deal with the measures required to be taken by the lessee for the protection of environment from any adverse effect of mining or irreversible consequences thereof. These Rules, inter alia, provide that every holder of a mining lease shall take all possible precautions for the protection of environment and control of pollution while*

*conducting mining operations in the area; shall, wherever top soil exists and is to be excavated for mining operations, remove it separately and utilize for restoration or rehabilitation of the land which is no longer required for mining operations. The holder is also required to take steps so that the overburden, waste rock, rejects and fines generated during prospecting and mining operations or tailings, slims and fines produced during sizing salting and beneficiation or metallurgical operations shall be stored in separate dumps which shall be properly secured to prevent escape of material therefrom in harmful quantities which may cause degradation of environment. Wherever possible, the waste rock, overburden etc. shall be back-filled into the mines excavation with a view to restoring the land for its original use as far as possible and wherever it is not feasible during mining operation, the waste dumps shall be suitably terraced and stabilized through vegetation or otherwise. It is also required that the phased restoration, reclamation and rehabilitation of lands affected by mining operation shall be undertaken which work shall be completed before the conclusion of mining operations and the abandonment of mine. Air pollution due to fines, dust and smoke or gaseous emissions during mining operations and related activities shall be controlled and kept within 'permissible limits' specified under various environmental laws of the country including the Air (Prevention and Control of*

*Pollution) Act, 1981 and the Environment (Protection) Act, 1986 by the holder of mining lease. Further, noise arising out of such operations shall be abated or controlled by the lessee at the source so as to keep it within the permissible limit. The mining operations shall be carried out in such a manner so as to cause least damage to the flora of the area and nearby areas. Every holder of mining lease shall take immediate measures for planting in the same area or any other area as selected by the authorized officer and not less than twice the number of trees destroyed by reason of any mining operation and look after them during the subsistence of the licence/lease and restore, to the extent possible, other flora destroyed by mining operations. [Rule 41(2)(a)]*

54. ***The aforesaid measures are not required to remain only on paper but strictly complied for the protection of environment and control of pollution as a result and consequence of mining operations.***

... ..

75. *Be that as it may and reverting to legal position, in Ambica Quarry Works v. State of Gujarat & Ors. [(1987) 1 SCC 213], though a case under Forest (Conservation) Act, 1980 rejecting the contention that approval at the stage of renewal was not necessary and also the plea that since the leaseholders had invested sum of money in mining operation, it was the duty of the*

authorities to renew the lease, it was held that having regard to the awareness that deforestation and ecological imbalances as a result of deforestation have become social menaces and the same should be prevented and that the concept that power coupled with the duty enjoined upon the respondents to renew the lease stood eroded by the mandate of the FC Act. **It was held that the primary duty was to the community and that duty took precedence. In such cases, the obligation to the society must predominate over the obligation to the individuals.** It would be apposite to reproduce what was said by Justice Mukherjee (as he then was) in paras 14 and 15 which read thus:

‘14. Here the case of the appellants is that they have invested large sums of money in mining operations. Therefore, it was the duty of the authorities that the power of granting permission should have been so exercised that the appellants had the full benefits of their investments. It was emphasized that none of the appellants had committed any breach of the terms of grant nor were there any other factors disentitling them to such renewal. While there was power to grant renewal and in these cases there were clauses permitting renewals, it might have cast a duty to grant such renewal in the facts and circumstances of the cases specially in

*view of the investments made by the appellants in the areas covered by the quarrying leases, **but renewals cannot be claimed as a matter of right for the following reasons.***

15. *The rules dealt with a situation prior to the coming into operation of 1980 Act. '1980 Act' was an Act in recognition of the awareness that deforestation and ecological imbalances as a result of deforestation have become social menaces and further deforestation and ecological imbalances should be prevented. That was the primary purpose writ large in the Act of 1980. Therefore the concept that power coupled with the duty enjoined upon the respondents to renew the lease stands eroded by the mandate of the legislation as manifest in 1980 Act in the facts and circumstances of these cases. The primary duty was to the community and that duty took precedence, in our opinion, in these cases. **The obligation to the society must predominate over the obligation to the individuals.'***
76. *In Rural Litigation and Entitlement Kendra v. State of U.P. [1989 Supp.(1) SCC 504], agreeing with views expressed in Ambica Quarry Workers, it was held that the FC Act applies to renewals as well and even if there was a provision for renewal in the lease agreement on exercise of lessee's option, the requirement of*

*the Act had to be satisfied before such renewal could be granted. In State of M.P. & Ors. v. Krishnadas Tikaram [1995 Supp.(1) SCC 587], these two decisions were relied upon and it was held that even the renewal of lease cannot be granted without the prior concurrence of the Central Government. It is settled law that the grant of renewal is a fresh grant and must be consistent with law.*

77. *We are unable to accept the contention that the notification dated 27th January, 1994 would not apply to leases which come up for consideration for renewal after issue of the notification. The notification mandates that the mining operation shall not be undertaken in any part of India unless environmental clearance by the Central Government has been accorded. The clearance under the notification is valid for a period of five years. In none of the leases the requirement of notification was complied with either at the stage of initial grant of the mining lease or at the stage of renewal. Some of the leases were fresh leases granted after issue of the notification. Some were cases of renewal. No mining operation can commence without obtaining environmental impact assessment in terms of the notification.”*

... ..

### Conclusions

96. 1. *The order dated 6th May, 2002 as clarified hereinbefore cannot be vacated or*



*varied before consideration of the report of the Monitoring Committee constituted by this judgment.*

2. *The notification of environment assessment clearance dated 27th January, 1994 is applicable also when renewal of mining lease is considered after issue of the notification.*
3. ... ..
4. ... ..
5. *The mining activity can be permitted only on the basis of sustainable development and on compliance of stringent conditions.*
6. ... ..
7. ... ..
8. ***Violation of any of the conditions would entail the risk of cancellation of mining lease. The mining activity shall continue only on strict compliance of the stipulated conditions. The matters are directed to be listed after reopening of courts after summer vacation on receipt of the report from the Monitoring Committee."***

The afore-quoted highlighted parts of the judgment are not required to be reiterated. They are

absolutely clear and strict compliance of EC conditions is must for the protection of environment and control of pollution which may arise as a result and consequence of mining operations. The conditions should not remain on paper but must be strictly complied with. Violation of any condition would be at the risk of cancellation of mining lease.

**D. Lafarge Umiam Mining Pvt. Ltd. v/s. T. N. Godavarman Thirumukpad, [(2011) 7 SCC 338]**

Lastly, Ld. Counsel for the lessees heavily relied upon the decision in the case of **Lafarge Umiam Mining Pvt. Ltd. (Supra)** and contended that even the Apex Court has directed for ex-post facto FC clearance.

In view of the Commission, reading the aforesaid judgment as a whole, it is apparent that it was an exceptional case and depending on the facts, the Hon'ble Court has abundantly made it clear, by stating ***"Thus, our order herein is confined to the facts of this case."***

The aforesaid decision of the Hon'ble Supreme Court pertains to a single isolated mine. But in the State of Odisha, the situations are altogether different wherein about 192 lease are involved

covering an area of about 44,894 ha. and 33,987 ha. forest land in a small “impact zone” of 1,00,000 ha. in two Districts. The cumulative effect of mining activities in such a large numbers at a place are many folds comparing to any isolated small mine. Further, the nature of mineral shall also be kept in mind. The iron ore is one of the most polluting minerals. Its effect on the environment is more than many others.

In addition, the Court declared that National Forest Policy, 1988 must necessarily govern the grant of permission under Section 2 of the FCA, 1980. The relevant paragraphs thereof are as under:-

*“32. On 6.9.2007 CEC submitted its report to this Court saying that the project proponent should have taken permission under the 1980 Act before starting operations in the area. **According to CEC this was a typical case where ex-post facto approval under the 1980 Act is sought after the mine has been allowed to operate illegally. Since fait accompli situation arose according to CEC there was no option but to recommend the case for grant of permission for the use of forest land for mining lease, conveyor belt system and associated activities subject to certain conditions mentioned therein. By***

***interim order dated 5.2.2010 M/s. Lafarge was directed to stop all mining activities.***

33. *On 5.4.2010 a report was submitted by Shri B.N. Jha, Regional Chief Conservator of Forests (C) [also known as High Powered Committee (HPC)]. The report was submitted pursuant to the site inspection carried out by a High Level Committee which also had interaction with local population and institutions in the first week of April, 2010. Briefly, it may be stated that the report indicates assessment of the impact of the mining done by the project proponent up to April 2010 on forest, wildlife and surroundings. The report indicates details of the area already broken up. On the impact aspect the report states that the total clearing involves felling of 9345 trees out of which 1200 trees have already been felled. That, although the area supports rich flora, the same can be re-forested as a part of reclamation plan. According to the report, the said impact can be minimized after a thorough study of Bio-Diversity Management Plan as well as Catchment Area Treatment Plan is prepared and executed in a time bound manner.*
34. *At the same time the report states that the project is positive and beneficial to the residents of Nongtraï village due to huge amount of cash going to village Durbar and reaching the individual household improving the financial health of the population of two villages, i.e., Nongtraï and Shella. According to the report,*

*interaction took place between the High Powered Committee constituted by MoEF and the locals. That villagers of Shella are not having any problems from M/s. Lafarge and that the people are very satisfied with the mining company which has provided health care facilities, drinking water facilities, employment, schools etc. According to the report, M/s. Lafarge has been contributing for the benefits of the village as well as for all the villagers by way of payment of rent for the use of the community land as well as towards the price of limestone exported to Bangladesh. The figures of such payments are also indicated in the report. Further, the report states that mining is not having any adverse effect on the human life.*

35. *When the matter came before the Supreme Court on 12.4.2010, the learned Attorney General stated that MoEF will take a final decision under the 1980 Act for the revised environmental clearance for diversion of 116 Ha of forest land subject to certain conditions. **Accordingly, on 19.4.2010 the MoEF granted environmental clearance with certain additional conditions.** The environmental clearance dated 19.4.2010 was followed by forest clearance dated 22.4.2010 (ex-post facto clearance) granted by MoEF. This letter refers to letter of the State Government dated 19.7.2007 forwarding its proposal for diversion of 116.589 Ha of forest land for Lime*

*Stone Mining in favour of M/s. Lafarge wherein prior approval of Central Government was sought.*

... ..

45. *Learned Amicus further pointed out that the prospecting licence held by the project proponent was allowed to be converted into a mining licence in 1997 which was after the order of the Supreme Court dated 12.12.1996. That apart, there is a special law in the State of Meghalaya, i.e. The United Khasi-Jaintia Hills Autonomous District (Management and Control of Forests) Act, 1985 under which forest has been defined to mean an area in which there are twenty five trees per acre. Thus, according to the learned Amicus by all these definitions the area in question is a forest. **Thus, according to the learned Amicus even if the project proponent ultimately succeeded in getting forest clearance under Section 2 of the 1980 Act on 22.4.2010 since the said project stood established originally in the forest area in a brazen violation of the 1980 Act such a project cannot be allowed to be regularized by grant of permission ex-post facto dated 22.4.2010.***

... ..

86. *According to the learned counsel, since impact assessment and EIA clearances are processes based on self declarations by the project proponent (s), the decision making by MoEF*

*depends upon honest and cogent material supplied by the project proponent and since the said process is premised on a full and fair disclosure of relevant facts by the project proponent, in cases where material facts are not disclosed, the MoEF should withdraw both the site as well as the environmental clearances. According to the learned counsel, the most important input in this regard must be received by MoEF in the course of its decision making from the public which is an essential check for a failure to disclose correct facts or to have regard to environmental issues that may have escaped the attention of the project proponent. According to the learned counsel, the requirement of public hearing is, thus, mandatory both under the 1994 Notification and the 2006 Notification. That, the requirement for payment of NPV does not automatically mean that environmental clearance is to be granted.*

87. *We are in full agreement with the legal framework suggested by the learned counsel for SAC. There is no dispute on that point. The question is confined to the application of the legal framework to the facts of the present case. Can it be said on the above facts that a mis-declaration was wilfully made by M/s. Lafarge or its predecessor (project proponent) while seeking site and environmental clearances? Was there non-application of mind by MoEF in granting such clearances? Was the decision of*

*MoEF based solely on the declarations made by the project proponent(s)?*

... ..

100. *The manner and method of allocation, use and occupation of the community lands are decided by the Village Durbar. The Village Durbar has granted lease of 100 hectares of community land out of 900 hectares which as stated above is limestone bearing land. It is important to note that apart from the minutes of the meeting held on 3.6.1998 which was attended by the Headman of the Nongtraï Village, a detail written submission has been filed on 13.5.2011 by the Nongtraï Village Durbar fully supporting the impugned project. Thus, this is a unique case from North East. **We are fully satisfied that the natives and the indigenous people of Nongtraï Village are fully conscious of their rights and obligations towards clean environment and economic development. There is ample material on record which bears testimony to the fact of their awareness of ecological concerns which has been taken into account by MoEF. In the circumstances, it cannot be said that the impugned project should be discarded and that the decision of MoEF granting ex post facto clearances stands vitiated for non-application of mind as alleged by SAC.***

... ..



105. *On the above facts, it is not possible for us to hold that the decision to grant ex post facto clearances stood vitiated on account of non-application of mind or on account of suppression of material facts by M/s. Lafarge as alleged by SAC.*
106. *Similarly, it is not possible for us to hold on the above facts that ex post facto clearances have been granted by MoEF in ignorance of the existence of forests due to mis-declaration.*
107. *Two points are required to be highlighted at the outset. Firstly, the ex post facto clearance is based on the revised EIA. In the circumstances, EIA Notification of 2006 would not apply. Secondly, IA preferred by SAC being I.A. No. 2225-2227/08 was preferred only in March, 2008. Thus, during the relevant period of almost a decade, SAC did not object to the said project. In fact an IA is now pending in this Court being IA No. 3063 of 2011 preferred by CEC which indicates that there are 28 active mines out of which 8 are located along the Shella-Cherrapunjee Road which are operating without obtaining approval and in violation of the 1980 Act. Further, the said I.A. alleges that 6 registered quarry owners are under the Shella Wahadarship, East Khasi Hills and that there are 12 individuals involved in mining limestone in the Shella Area during 2008-09. All these aspects require in-depth examination. **The locus of SAC is not being doubted. However, the I.A. No. 3063 of 2011 preferred by CEC***

***which has acted only after receiving inputs from the respondent No. 5 prima facie throws doubt on the credibility of objections raised by SAC. However, we do not wish to express any conclusive finding on this aspect at this stage.”***

On the basis of the aforesaid facts of the case, the Court directed in **Paras: 119 to 123** as follows:–

*“119. The time has come for us to apply the constitutional “doctrine of proportionality” to the matters concerning environment as a part of the process of judicial review in contradistinction to merit review. It cannot be gainsaid that utilization of the environment and its natural resources has to be in a way that is consistent with principles of sustainable development and intergenerational equity, but balancing of these equities may entail policy choices. In the circumstances, barring exceptions, decisions relating to utilization of natural resources have to be tested on the anvil of the well-recognized principles of judicial review. Have all the relevant factors been taken into account? Have any extraneous factors influenced the decision? Is the decision strictly in accordance with the legislative policy underlying the law (if any) that governs the field? Is the decision consistent with the principles of sustainable development in the sense that has the decision-maker taken into account the said principle and, on the basis of relevant considerations, arrived at a*

*balanced decision? Thus, the court should review the decision-making process to ensure that the decision of MoEF is fair and fully informed, based on the correct principles, and free from any bias or restraint.* Once this is ensured, then the doctrine of “margin of appreciation” in favour of the decision-maker would come into play. Our above view is further strengthened by the decision of the Court of Appeal in the case of *R. v. Chester City Council* reported in (2011) 1 All ER 476 (paras 14 to 16).

120. Accordingly, this matter stands disposed of keeping in mind various facets of the word “environment”, the inputs provided by the Village Durbar of Nongtraï (including their understanding of the word “forest” and the balance between environment and economic sustainability), their participation in the decision-making process, the topography and connectivity of the site to Shillong, the letter dated 11.5.2007 of the Principal Chief Conservator of Forests and the report of Shri B.N. Jha dated 5.4.2010 (HPC) (each one of which refers to economic welfare of the tribals of Village Nongtraï), the polluter pays principle and the intergenerational equity (including the history of limestone mining in the area from 1858 and the prevalent social and customary rights of the natives and tribals). The word “development” is a relative term. One cannot assume that the tribals are not aware of

*principles of conservation of forest. In the present case, we are satisfied that limestone mining has been going on for centuries in the area and that it is an activity which is intertwined with the culture and the unique land holding and tenure system of the Nongtrai Village. On the facts of this case, we are satisfied with due diligence exercise undertaken by MoEF in the matter of forest diversion. Thus, our order herein is confined to the facts of this case.*

#### *Conclusion*

121. *Accordingly, we see no reason to interfere with the decision of MoEF granting site clearance dated 18.6.1999, EIA clearance dated 9.8.2001 read with revised environmental clearance dated 19.4.2010 and Stage-I forest clearance dated 22.4.2010. Accordingly, I.A. No. 1868 of 2007 preferred by M/s. Lafarge stands allowed with no order as to costs. Consequently, I.A. No. 2937 of 2010 preferred by SAC is dismissed. The interim order passed by this Court on 5.2.2010 shall also stand vacated. All other I.As. shall stand disposed of.*

#### *Part II*

##### *Guidelines to be followed in future cases*

122. (i) *As stated in our order hereinabove, the words “environment” and “sustainable development” have various facets. At times in respect of a few of these facets*

*data is not available. Care for environment is an ongoing process.*

- (i.1) *The time has come for this Court to declare and we hereby declare that **the National Forest Policy, 1988 which lays down far-reaching principles must necessarily govern the grant of permissions under Section 2 of the Forest (Conservation) Act, 1980 as the same provides the road map to ecological protection and improvement under the Environment (Protection) Act, 1986. The principles/guidelines mentioned in the National Forest Policy, 1988 should be read as part of the provisions of the Environment (Protection) Act, 1986 read together with the Forest (Conservation) Act, 1980.** This direction is required to be given because there is no machinery even today established for implementation of the said National Forest Policy, 1988 read with the Forest (Conservation) Act, 1980. Section 3 of the Environment (Protection) Act, 1986 confers a power coupled with duty and, thus, it is incumbent on the Central Government, as hereinafter indicated, to appoint an Appropriate Authority, preferably in the form of Regulator, at the State and at the Centre level for ensuring implementation of the National Forest Policy, 1988.*

- (i.2) *The difference between a regulator and a court must be kept in mind. The court / tribunal is basically an authority which reacts to a given situation brought to its notice whereas a regulator is a pro-active body with the power conferred upon it to frame statutory Rules and Regulations. The Regulatory mechanism warrants open discussion, public participation, circulation of the Draft Paper inviting suggestions.*
- (i.3) *The basic objectives of the National Forest Policy, 1988 include positive and pro-active steps to be taken. These include maintenance of environmental stability through preservation, restoration of ecological balance that has been adversely disturbed by serious depletion of forest, conservation of natural heritage of the country by preserving the remaining natural forests with the vast variety of flora and fauna, checking soil erosion and denudation in the catchment areas, checking the extension of sand-dunes, increasing the forest/tree cover in the country and encouraging efficient utilization of forest produce and maximizing substitution of wood.*
- (i.4) *Thus, we are of the view that under Section 3(3) of the Environment (Protection) Act, 1986, **the Central Government should appoint a National Regulator for appraising projects, enforcing***

**environmental conditions for approvals and to impose penalties on polluters.**

- (i.5) *There is one more reason for having a regulatory mechanism in place. Identification of an area as forest area is solely based on the Declaration to be filed by the User Agency (project proponent). The project proponent under the existing dispensation is required to undertake EIA by an expert body/institution. In many cases, the court is not made aware of the terms of reference. In several cases, the court is not made aware of the study area undertaken by the expert body. Consequently, the MoEF / State Government acts on the report (Rapid EIA) undertaken by the Institutions who though accredited submit answers according to the Terms of Reference propounded by the project proponent. We do not wish to cast any doubt on the credibility of these Institutions. However, at times the court is faced with conflicting reports. Similarly, the government is also faced with a fait accompli kind situation which in the ultimate analysis leads to grant of ex facto clearance. To obviate these difficulties, we are of the view that a regulatory mechanism should be put*

***in place and till the time such mechanism is put in place, the MoEF should prepare a Panel of Accredited Institutions from which alone the project proponent should obtain the Rapid EIA and that too on the Terms of Reference to be formulated by the MoEF.***

- (ii) *In all future cases, the User Agency (project proponents) shall comply with the Office Memorandum dated 26.4.2011 issued by the MoEF which requires that all mining projects involving forests and for such non-mining projects which involve more than 40 hectares of forests, the project proponent shall submit the documents which have been enumerated in the said Memorandum.*
- (iii) *If the project proponent makes a claim regarding status of the land being non-forest and if there is any doubt the site shall be inspected by the State Forest Department along with the Regional Office of MoEF to ascertain the status of forests, based on which the certificate in this regard be issued. In all such cases, it would be desirable for the representative of State Forest Department to assess the Expert Appraisal Committee.*
- (iv) *At present, there are six regional offices in the country. This may be expanded to at*



*least ten. At each regional office there may be a Standing Site Inspection Committee which will take up the work of ascertaining the position of the land (namely whether it is forest land or not). In each Committee there may be one non-official member who is an expert in forestry. If it is found that forest land is involved, then forest clearance will have to be applied for first.*

- (v) Increase in the number of Regional Offices of the Ministry from six presently located at Shillong, Bhubaneswar, Lucknow, Chandigarh, Bhopal and Bangalore to at least ten by opening at least four new Regional Offices at the locations to be decided in consultation with the State/UT Governments to facilitate more frequent inspections and in-depth scrutiny and appraisal of the proposals.*
- (vi) Constitution of Regional Empowered Committee, under the Chairmanship of the concerned Chief Conservator of Forests (Central) and having Conservator of Forests (Central) and three non-official members to be selected from the eminent experts in forestry and allied disciplines as its members, at each of the Regional Offices of the MoEF, to facilitate detailed/ in-depth scrutiny of the proposals involving diversion of forest area more than 5 hectares and up to 40 hectares and*

*all proposals relating to mining and encroachments up to 40 hectares.*

- (vii) Creation and regular updating of a GIS based decision support database, tentatively containing inter-alia the district-wise details of the location and boundary of (i) each plot of land that may be defined as forest for the purpose of the Forest (Conservation) Act, 1980; (ii) the core, buffer and eco-sensitive zone of the protected areas constituted as per the provisions of the Wildlife (Protection) Act, 1972; (iii) the important migratory corridors for wildlife; and (iv) the forest land diverted for non-forest purpose in the past in the district. The Survey of India toposheets in digital format, the forest cover maps prepared by the Forest Survey of India in preparation of the successive State of Forest Reports and the conditions stipulated in the approvals accorded under the Forest (Conservations) Act, 1980 for each case of diversion of forest land in the district will also be part of the proposed decision support database.*
- (viii) Orders to implement these may, after getting necessary approvals, be issued expeditiously.*
- (ix) The Office Memorandum dated 26.4.2011 is in continuation of an earlier Office Memorandum dated 31.03.2011. This*

*earlier O.M. clearly delineates the order of priority required to be followed while seeking Environmental Clearance under the Environment Impact Assessment Notification 2006. **It provides that in cases where environmental clearance is required for a project on forest land, the forest clearance shall be obtained before the grant of the environment clearance.***

- (x) *In addition to the above, an Office Memorandum dated 26.04.2011 on Corporate Environmental Responsibility has also been issued by the MoEF. This O.M. lays down the need for PSUs and other Corporate entities to evolve a Corporate Environment Policy of their own to ensure greater compliance with the environmental and forestry clearance granted to them.*
- (xi) *All minutes of proceedings before the Forest Advisory Committee in respect of the Forest (Conservation) Act, 1980 as well as the minutes of proceedings of the Expert Appraisal Committee in respect of the Environment (Protection) Act, 1986 are regularly uploaded on the Ministry's website even before the final approval/ decision of the Ministry for Environment and Forests is obtained. This has been done to ensure public accountability. This also includes environmental clearances*

*given under the EIA Notification of 2006 issued under the Environment (Protection) Act, 1986. Henceforth, in addition to the above, all forest clearances given under the Forest (Conservation) Act, 1980 may now be uploaded on the Ministry's website.*

- (xii) Completion of the exercise undertaken by each State/UT Govt. in compliance of this Court's order dated 12.12.1996 wherein inter-alia each State/UT Government was directed to constitute an Expert Committee to identify the areas which are "forests" irrespective of whether they are so notified, recognized or classified under any law, and irrespective of the land of such "forest" and the areas which were earlier "forests" but stand degraded, denuded and cleared, culminating in preparation of Geo-referenced district forest-maps containing the details of the location and boundary of each plot of land that may be defined as "forest" for the purpose of the Forest (Conservation) Act, 1980.*
- (xiii) Incorporating appropriate safeguards in the Environment Clearance process to eliminate chance of the grant of Environment Clearance to projects involving diversion of forest land by considering such forest land as non-forest, a flow chart depicting, the tentative nature*

*and manner of incorporating the proposed safe-guards, to be finalized after consultation with the State/UT Governments.*

*(xiv) The public consultation or public hearing as it is commonly known, is a mandatory requirement of the environment clearance process and provides an effective forum for any person aggrieved by any aspect of any project to register and seek redressal of his/her grievances.*

*(xv) The MoEF will prepare a comprehensive policy for inspection, verification and monitoring and the overall procedure relating to the grant of forest clearances and identification of forests in consultation with the States (given that forests fall under entry 17A of the Concurrent List).*

*123. Part II of our order gives guidelines to be followed by the Central Government, State Government and the various authorities under the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986. These guidelines are to be implemented in all future cases. **These guidelines are required to be given so that fait accompli situations do not recur. We have issued these guidelines in the light of our experience in the last couple of years.** These guidelines will operate in all future cases of environmental and forest clearances till a regulatory mechanism is put in*

*place. On the implementation of these Guidelines, MoEF will file its compliance report within six months.”*

The aforesaid judgment also does not take any contrary view to the law laid down in previous judgments of the Apex Court. In addition, the Court has clarified that it should review the decision-making process to ensure that the decision of MoEF is fair and fully informed, based on the correct principles, and free from any bias or restraint.

Not only that, the Court declared that the National Forest Policy, 1988 which lays down far-reaching principles must necessarily govern the grant of permissions under Section 2 of the Forest (Conservation) Act, 1980, as the same provides the road map to ecological protection and improvement under the Environment (Protection) Act, 1986. The principles/guidelines mentioned in the National Forest Policy, 1988 should be read as part of the provisions of the Environment (Protection) Act, 1986 read together with the Forest (Conservation) Act, 1980.

The Court has laid down the guidelines which are required to be complied with so that **fait accompli situations do not recur**. As stated

earlier, the matter was decided only on the peculiar facts of the case.

**E. M. C. Mehta v/s. Union of India**

Further, while dealing with the illegal mining in Aravallis, the Hon'ble Supreme Court, in the case of **M. C. Mehta versus Union of India** in **I.A. No.1967 in I.A. No.1785 in Writ Petition (C) No.4677 of 1985, dated 08.05.2009** observed as under:-

*“It appears that environment clearance has not been obtained and the learned counsel submit that the applicants/leaseholders cannot be faulted for this.*

*It is quite obvious that on the principle of sustainable development, **no mining activity can be carried out without remedial measures taking place.** For this purpose, it is necessary that **environment impact assessment is done and the applications dealt with before any mining activity can be permitted.**”*

In the aforesaid matter, in **Para: 4**, the Court referred to the notification dated **07.05.1992** issued by the MoEF. The said para, *inter-alia*, reads as under:-

*“It is important to note that by Notification dated 7.5.1992 issued by MoEF under Section 3(2)(v) of the Environment (Protection) Act, 1986 (“EP Act” for short), as amended, all new mining operations including renewal leases stood banned. The Notification further laid down the procedure for taking prior permission before undertaking mining activity. At this stage, it may be noted that by Notification dated 27.1.1994 as amended on 4.5.1994 issued by MoEF under Section 3(2) of the EP Act, 1986 read with Rule 6, **Environment Impact Assessment (“EIA”) before commencement of any mining operation became mandatory. Therefore, by Order dated 29/30.10.2002, when this Court found large scale mining without Approved Plans, it decided to ban all mining activities in the Aravalli Range.”***

The aforesaid notification makes it clear that before commencement of any mining operation, Environmental Impact Assessment is must.

The Court further held that:–

*“5. After Order dated 29/30.10.2002, I.As. were moved saying that applications have been filed for EIA and for approval of plans and it is at this stage that this Court ordered that no mining activity could be carried out without remedial measures being taken and for that purpose, it was necessary that EIA had to be done before any mining activity could be permitted. (see 2004 (12) SCC 118 at p.185).”*



For the mining plan, the Court, *inter-alia*, held that:–

- “9. Mining plan is prepared with the object of providing a systematic working of mine after considering every aspect of the background information, plant, machinery, method of working, object of mining, mining operations and reclamation of mined out areas. It is a mandatory document comprising information about leasehold area showing nature and extent of mineral body, prospecting data, details of geology including mineral reserves, method of mining, manual mining, mechanised mining, nature and extent of water bodies, forest areas, density of the trees, protective areas, **environment impact assessment of mining activity on forest, land surface, details of ecological restoration of area, land reclamation, use of pollution control devices and plans for excavation from year to year for 5 years** and such matters and measures as may be directed by the Central Government or the State Government (see Handbook of Environment & Forest Legislations, Guidelines and Procedures in India by Ravindra N. Saxena and Sangita Saxena at p. 1529). The concept of mining plan applies to cases of mining of major minerals.”

### Summary

From the aforesaid decisions and directions issued by the Apex Court, in short, it can be stated that:–

1. It has been repeatedly held that the right to live is a fundamental right under Article 21 of the Constitution of India and it includes the right to enjoyment of pollution-free water and air for full enjoyment of life. **The protection of this right is directly linked with clean environment.**

Secondly, it is the duty of the State and citizens to improve the natural environment, including forests, lakes, rivers and wildlife, and to have compassion for living creatures. This would require that habitats of wildlife should not be disturbed; river/lake-water and air should not be polluted. (Articles 48A and 51A(g) of the Constitution)

2. Before carrying out any mining operation, Comprehensive Environmental Management Plans must be formulated to the satisfaction of, and got approved from, the Ministry of Environment & Forests in a time bound manner.

3. Development strategy should be such that it caters the needs of the present **without negotiating the ability of upcoming generations to satisfy their needs.** The strict observance of sustainable development will put us on a path that ensures development while protecting the environment, a path that works for all peoples and for all generations.

Development strategy should not be only for the growth of GNP, that too by finishing the natural resources like minerals, forest and others.

4. The natural resources like air, water and soil minerals, forest and others should be utilized judiciously with utmost care, if the utilization results in irreversible damage to environment. **There has been accelerated degradation of environment primarily on account of lack of effective enforcement of environmental laws and non-compliance of the statutory norms.**

Mankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients (The World Charter for Nature).

5. The regulatory authorities have to act with utmost care in ensuring compliance of safeguards, norms and standards to be observed by such entrepreneurs. When questioned, the regulatory authorities have to show that the said authorities acted in a manner enjoined upon by them. Wherever the regulatory authorities, either connive or act negligently by not taking prompt action to prevent, avoid or control the damage to environment, natural resources and peoples' life, health and property, the principles of accountability for restoration and compensation have to be applied.
6. If illegal activity is allowed to go ahead, there may be irreparable damage to the environment and if it is stopped, there may be irreparable damage to economic interest. In case of doubt, however, protection of environment would have precedence over the economic interest. Precautionary principle requires anticipatory action to be taken to prevent harm. The harm can be prevented even on a reasonable suspicion. It is not always necessary that there should be direct evidence of harm to the environment.
7. A mining lease holder is also required to comply with other statutory provisions such as

Environment (Protection) Act, 1986, Air (Prevention and control of Pollution) Act, 1981, The Water (Prevention and Control of Pollution) Act, 1974, Forest (Conservation) Act, 1980. Mere approval of the mining plan by Government of India, Ministry of Mines (IBM) would not absolve the lease holder from complying with the other provisions.

8. The aforesaid measures are not required to remain only on paper but should be strictly complied with in practice at field for the protection of environment and control of pollution as a result and consequence of mining operations.
9. The mining activity can be permitted only on the basis of sustainable development and on compliance of stringent conditions.
10. **Violation of any of the conditions and provisions of law would entail the risk of cancellation of mining lease. The mining activity shall continue only on strict compliance of the stipulated conditions.**
11. Sustainable development could be achieved only by strict compliance of the directions under the Act. The object and purpose of the E.P. Act – “to provide for the protection and improvement of environment”

could only be achieved by ensuring the strict compliance of its directions and provisions therein.

12. The decision-making process of MoEF shall be fair, fully informed and based on the correct principles, and free from any bias or restraint.

**Notification dated 27.01.1994 specifically provides that if EC is granted on the basis of false data, false information, false recommendation or decision, EC is required to be cancelled.**

The Supreme Court, in **M. C. Mehta v. Union of India & Ors. [(2004) 12 SCC 118]**, has held that in such cases, EC is to be cancelled. Action should be taken for all such leases pointed out by the Commission.

13. The fullest disclosures including the potential for increased burdens on the environment consequent upon possible increase in the quantum and degree of pollution, has to be made at the outset so that public and all those concerned including authorities may decide whether the permission can at all be granted for carrying on mining activity or otherwise.

14. In cases where environmental clearance is required for a project on forest land, the forest clearance shall be obtained before the grant of the environment clearance.
15. The Apex Court has issued the guidelines **so that fait accompli situations do not recur.**
16. Without strict compliance, right to life under Article 21 could not be guaranteed and the purpose of the Act will also be defeated. The commitment to the conditions thereof is an obligation both under Article 21 and under the Act.
17. The Apex Court has made it clear that by issuance of such circulars, MoEF had not intended to legalise the commencement or continuance of mining activity without compliance of stipulations of the notification. In any case, a statutory notification cannot be set at naught by issue of circular. It will also not absolve the lessee from the violations committed in past under the then existing law.
18. The definition of 'sustainable development' which Brundtland gave more than 3 decades back still holds good. The phrase covers the development that meets the needs of the present without

compromising the ability of the future generation to meet their own needs.

- 19.** The grant of permission for mining and approving mining plan and the scheme by the Ministry of Mines, Government of India (IBM) by itself does not mean that mining operation can commence.
- 20.** The primary duty was to the community and that duty took precedence. In such cases, the obligation to the society must predominate over the obligation to the individuals.
- 21.** It is also clarified that:–
  - a.** The Court could review the decision-making process to ensure that the decision of MoEF is fair and fully informed, based on the correct principles, and free from any bias or restraint.
  - b.** The Court has declared that the National Forest Policy, 1988 which lays down far-reaching principles must necessarily govern the grant of permissions under Section 2 of the Forest (Conservation) Act, 1980 as the same provides the road map to ecological protection and improvement under the Environment (Protection) Act, 1986. The principles/



guidelines mentioned in the National Forest Policy, 1988 should be read as part of the provisions of the Environment (Protection) Act, 1986 read together with the Forest (Conservation) Act, 1980.

- c.** Development strategy should be such that environment is protected. Environment should be protected not only for present generation but is bequeathed to the future generation. **Therefore, policy should be in such a way that development is not related only to the growth of GNP but health and life of citizens as well as non-disturbance of ecosystem.**

## [ IV ]

**Non-compliance-Statutory Conditions/provisions**

1. To comply with the EC conditions under various Acts and Rules, it is the prime duty of the concerned officers/authorities empowered under the provisions of the Water (Prevention & Control of Pollution) Act, 1974; the Air (Prevention & Control of Pollution) Act, 1981; the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and Rules **to enforce the provisions of environmental laws and stipulated conditions of Environmental Clearance.**
2. **The Water (Prevention and Control of Pollution) Act, 1974**

The Pollution Control Board is empowered to grant 'Consent to operate' and establish the Industrial Units under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974. The relevant provision of the said Section is reproduced as under:—

*“(1) Subject to the provisions of this section, no person shall, without the **previous consent** of the State Board,—*

- (a) *establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or*
- (b) *bring into use any new or altered outlets for the discharge of sewage; or*
- (c) *begin to make any new discharge of sewage;*

*Provided that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 1988, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.”*

The State Board has powers to issue directions to any lessee which are bound to comply by him. The relevant Section 33A of the Act is reproduced as under:–

*“Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to*

*any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.*

*Explanation:*

*For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct–*

- (a) the closure, prohibition or regulation of any industry, operation or process; or*
- (b) the stoppage or regulation of supply of electricity, water or any other service.”*

Further, in case of failure to comply with the provisions of Water Act, punishment and penalty are provided **u/s. 45A**.

### **3. The Air (Prevention and Control of Pollution) Act, 1981**

The Pollution Control Board is empowered to grant ‘Consent to operate’ and establish the Industrial Units under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981. The relevant provision of the said Section is reproduced as under:–

*“Subject to the provisions of this section, no person shall, without the **previous consent** of the State Board, establish or operate any industrial plant in an air pollution control area:*

*Provided that a person operating any industrial plant in any air pollution control area, immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, for which no consent was necessary prior to such commencement, may continue to do so for a period of **three months** from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.”*

The Board has powers to issue directions to any lessee which are bound to comply by him. The relevant Section 31A of the Act is reproduced as under:–

*“Notwithstanding anything contained in any other law, subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.*

*Explanation:*

*For the avoidance of doubts, it is hereby declared that the power to issue directions under this section, includes the power to direct –*

- (a) the closure, prohibition or regulation of any industry, operation or*
- (b) the stoppage or regulation of supply of electricity, water or any other service.”*

Sections 37 and 39 provide penalty and punishment in case of non-compliance with the provisions of Section 21 or Section 22 or with the directions issued under Section 31A.

4. It requires to be highlighted that when any lessee desires to operate / establish any mine, he has to mandatorily obtain prior Consents under the Water and Air Acts. If any mining lease is operated or established without having consents under the provisions of the Water Act, 1974 and Air Act, 1981 since their notification, it amounts in violation of the said provisions of the Acts, attracting penal liability and liability for closure.
5. The project unit proprietor is required to submit an application for **“Consent to Operate”** under the Water Act and the Air Act in the form as prescribed under the Orissa Water (Prevention and Control of

Pollution) Rules, 1988, and the Orissa Air (Prevention and Control of Pollution) Rules, 1988.

6. The Odisha State Pollution Control Board is an Authority constituted in terms of the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981. The Board is an Authority set up in terms of the provisions of both these Acts. Essentially, the two Acts have been enacted by the Legislature in order to provide for protection, control and prevention of Air and Water pollution. The Board has been provided enough power and authority to deal and punish the offences committed under both the Acts.

**This has not been exercised by Odisha State Pollution Control Board and has allowed the situations to deteriorate at its lowest ebb by permitting the mining units to violate the conditions prescribed under the EC and the condition to operate under the Water Act, 1974 and Air Act, 1981. Accountability in this regard shall be fixed and action should be initiated against the concerned.**

7. With regard to mining units, the Board had initiated proceedings to grant consent to operate / renewal to consent to operate, under the Water and the Air

Acts, to those mining units that had valid Environmental Clearance issued by the Ministry of Environment and Forests (MoEF), Government of India. However, the Board should have acted independently and ought not to have solely relied upon EC before granting “consent to operate”.

The Environmental Clearance issued to the mining units by the MoEF, have stipulated a number of conditions that are to be complied with by the mining units and are to be monitored and regulated by the OSPCB, Environment Wing of MoEF, Regional Office of Bhubaneswar and finally, Mines Department, Odisha.

Further, in the Order of consent to operate issued to mining units, the Board ought to have stipulated that the respective mining unit must comply with all the conditions, as stipulated in the Environmental Clearance issued by the MoEF to the Mining Units.

- 8.** Further, when a party desires to establish or set up certain undertakings, establishments or processes, such party is required to have certain prior permissions including ‘Consent to Establish’ and ‘Consent to Operate’ under the aforesaid two Acts and other permissions relating to Environmental Clearance under the Environment Protection Act,



Forest Clearance under Forest (Conservation) Act, 1980, permissions from local authorities, such as, the Municipality, the Corporation, the Planning and Development Authority under the Town and Country Planning Act, Panchayat Body under the Panchayat Raj Act, so on and so forth, **as the case may be, wherever applicable.**

9. Further, whenever the party has failed to obtain the requisite Consents from the Pollution Control Board under the Air and Water Acts or has violated any condition imposed thereunder or has failed to comply with the conditions imposed by the Board in the Order of consent to operate, then **the Pollution Control Board can prohibit / issue closure directions in terms of Law or even withdraw/ revoke the Order of Consent and also initiate prosecution against such lessees.** Allowing to continue and non initiation of prosecution against the violators (lessees) has caused fear free atmosphere and opened the doors for illegalities.
10. The permissions issued under each of these Acts are issued in terms of the functions accruing and/ or assigned to the Authority under various Acts. The lessee is liable to obtain all statutory approvals under the various Acts and Rules, Regulations and Notifications issued from time to time.

**The Mines Department which is competent authority to allow mining is required to be satisfied that all the clearances/approvals are obtained by the lessee before operation of mining commences.** The burden to ensure that the party has obtained all the necessary permissions for the purpose of carrying on or undertaking an activity is essentially the duty of the State Government through the Department of Mines which has permitted or granted lease for winning of iron ore. Mines Department is required to ensure that no mining is carried out until all other permissions required under all other laws are obtained. Further, the role of the respective District Collectors should also be examined by the Chief Secretary and action should be taken accordingly.

- 11.** In addition, all other Authorities which are required to give individual permissions/clearances having regard to the provisions of their respective Acts and Rules under which they are set up and the kind and nature of the permissions/clearances required under those Acts and Rules shall monitor matters arising within their own jurisdictions and are required to take action in case of failure to comply with the conditions.

**Facts found from the record reveal that this has not been done by the concerned authorities.**

**Statutory Directions**

**Central Government has issued directions on the same line.**

1. Ld. Counsel appearing on behalf of the lessees repeatedly submitted that there would not be any illegality in case where EC is not obtained for expansion of existing projects for mining operation or new projects. For this purpose, it is contended that the Central Government has issued circulars from time to time and accorded EC even if it is delayed and permitted the lessees to operate mines who have obtained delayed EC.

In view of the Commission, the aforesaid submission cannot be supported by the various notifications issued by the Central Government for obtaining EC. First EIA Notification dated 27.01.1994 makes it abundantly clear that:–

***“expansion or modernization of any activity if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central***

***Government in accordance with the procedure hereinafter specified in this notification.”***

The same is reiterated in subsequent notifications. In the said notification, nowhere is it stated that those who have not obtained EC, their commission or omissions would be condoned. On the contrary, the Apex Court had made it clear time and again that such mining operation would be illegal and is required to be immediately stopped. The various statutory notifications are *inter-alia* reproduced hereinafter.

2. For this purpose, it is necessary to reproduce the **Environment Impact Assessment Notification S.O. 60(E), dated 27.01.1994** passed by the Ministry of Environment and Forests, New Delhi which is as under:—

**“S.O. 60(E). —**

*Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government **to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects** being undertaken in any part of India unless environmental clearance has been accorded by the*

Central Government or the State Government in accordance with the procedure specified in that notification was published as S.O. No.80(E) dated 28<sup>th</sup> January, 1993;

And whereas all objections received have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986, (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, **the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;**

2. Requirements and procedure for seeking environment clearance of projects:

I. (a) Any person who desires to undertake any project in any part of India or the expansion or modernization of any existing industry or project listed in the Schedule shall submit an application to

*the Secretary, Ministry of Environment and Forests, New Delhi.*

*The application shall be made in the proforma specified in Schedule II to this notification and shall be accompanied by a detailed project report which shall, inter alia, include an Environmental Impact Assessment Report and an Environment Management Plan prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time.*

- (b) Case rejected due to submission of insufficient or inadequate data and Action Plans may be reviewed as and when submitted with complete data and Action Plans. Submission of incomplete data for the second time would itself be a sufficient reason for the Impact Assessment Agency to reject the case summarily.*

*II. In case of the following site specified projects:*

- (a) mining;*
- (b) pit-head thermal power stations;*
- (c) hydro-power, major irrigation projects and/or their combination including flood control;*
- (d) ports and harbours (excluding minor ports).*

*The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment & Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance will be granted for:*

- a sanctioned capacity or for any mining lease;*
- 500 ha. or above area, if so required, for prospecting and exploration of minerals.*

*and it **will be valid for a period of five years for commencing the construction, operation or mining.***

- III. (a) *The summary feasibility report submitted with the application shall be evaluated and assessed by the Impact Assessment Agency at the Central Government in consultation with a Committee of experts, having a composition as specified in Schedule–III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the Impact Assessment Agency concerned or such other body under Central*

*Government authorised by Impact Assessment Agency in this regard.*

- (b) The said Committee of experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to during or after the commencement of the operations relating to the project.*
- (c) The Impact Assessment Agency will prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities supplemented by data collected during visits to sites or factories and interaction with affected population and environmental groups. Summary feasibility reports, along with the detailed Environmental Management Plans, the recommendation and the conditions subject to which environmental clearance is given shall be made available to the concerned parties or environmental groups on request. Comments of the public may be solicited, if so recommended by IAA within 30 days of receipt of proposal, in public hearings arranged for the purpose after giving one month notice of such hearings in at least two newspapers.*

*Public shall be provided access to the summary of the project reports and Environmental Management Plans at the*



*Headquarters of the Impact Assessment Agency.*

*The assessment shall be completed within a period of three months on receipt of the requisite documents and data from the project authorities and completion of a public hearing were required and decision conveyed within a maximum of 30 days thereafter. No work, preliminary or otherwise, relating to the setting up of the project may be undertaken till the environmental site clearance is obtained.*

*IV. In order to enable the Impact Assessment Agency concerned to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half-yearly report to the concerned agency. Impact Assessment Agency will make compliance reports publicly available.*

*V. If no comments from the Impact Assessment Agency received within the time limit, the project would be deemed to have been approved as proposed by project authorities.*

*3. Nothing contained in this Notification shall apply to:*

*(a) any time falling under entry Nos.3, 18 and 20 of the Schedule-I to be located or*

*proposed to be located in the areas covered by the Notification's SO No.102(E) dated 1<sup>st</sup> February, 1989; S.O. 114(E) dated 20<sup>th</sup> February, 1991 and S.O. No.319(E) dated 7<sup>th</sup> May, 1992.*

- (b) any item falling under entry Nos.1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 14, 16, 17, 19, 25 and 27 of Scheduled if the investment is less than Rs.50 crores.*
- (c) any item reserved for Small Scale Industrial sector with investments less than Rs.1 crore.*

**4. *Concealing factual data or submission of false, misleading data / reports, decisions or recommendations would lead to the project being rejected–approved, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:-***

- False information.***
- False data.***
- Engineering reports.***
- Concealing of factual data.***
- False recommendations or decisions.”***

The aforesaid notification makes it abundantly clear that it is mandatory to have environmental clearance from the Central Government, before

starting any new project or expansion or modernization of any activity, if pollution load is to exceed the existing projects. It is proven fact that increase in production exceeds the pollution load. Hence, in any mining lease where production had been increased from the year 1993–94 (as base year) or before (but it should be after enforcement of E.P. Act, 1986) and the lessee has not obtained EC under EIA Notification dated 27.01.1994, the production is considered as illegal and done without lawful authority. Such clearance shall be valid for a period of 5 years and if it is based on false information/data, then it would be liable to be cancelled.

3. The aforesaid notification has been amended from time to time. Till it was not amended, EC should have been obtained under this notification. It would not absolve the lessee from the offence committed under above notification dated 27.01.1994. The relevant parts thereof are reproduced as under:–

*“(Incorporating amendments vide S.O. 356(E) dated 4/5/1994, S.O. 318(E) dated 10/4/1997, S.O. 319 dated 10/4/1997, S.O. 73(E) dated 27/1/2000, S.O. 1119(E) dated 13/12/2000, S.O. 737(E) dated 1/8/2001, S.O. 1148(E) dated 21/11/2001, S.O. 632(E) dated 13/06/2002)*

(1) S.O. 60 (E)

Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the **expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as SO No.80(E) dated 28<sup>th</sup> January, 1993;**

And whereas all objections received have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, **expansion** or modernization of any activity (if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, **shall not be**

**undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;**

(2) Requirements and procedure for seeking environmental clearance of projects:

- I. (a) Any person who desires to undertake **any new project in any part of India or the expansion or modernization of any existing industry** or project listed in the Schedule-I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule-II of this notification and shall be accompanied by a project report which shall, inter alia, include an Environmental Impact Assessment Report, Environment Management Plan and **details of public hearing as specified in Schedule-IV prepared in accordance with the guidelines issued by the Central Government** in the Ministry of Environment and Forests from time to time. However, Public Hearing is not required in respect of (i) small scale industrial undertakings located in (a) notified/designated industrial areas/ industrial estates or (b) areas earmarked

*for industries under the jurisdiction of industrial development authorities; (ii) widening and strengthening of highways; (iii) mining projects (major minerals) with lease area upto twenty five hectares; (iv) units located in Export Processing Zones, Special Economic Zones and (v) modernization of existing irrigation projects.*

*Provided that for pipeline projects, Environmental Impact Assessment report will not be required :*

*Provided further, that for pipeline and highway projects, public hearing shall be conducted in each district through which the pipeline or highway passes through.*

- (b) Cases rejected due to submission of insufficient or inadequate data and Plan may be reviewed as and when submitted with complete data and Plan. Submission of incomplete data or plans for the second time would itself be a sufficient reason for the Impact assessment Agency to reject the case summarily.*

## *II. In case of the following site specific projects:*

- (a) mining;*
- (b) pit-head thermal power stations;*

- (c) *hydro-power, major irrigation projects and/or their combination including flood control;*
- (d) *ports and harbours (excluding minor ports);*
- (e) *prospecting and exploration of major minerals in areas above 500 hectares;*

*The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining.”*

4. Further, it is also necessary to reproduce **relevant part** of the **Circular No.J-20012/11/98-IA. II(M)**, dated **12.02.2002**; passed by the MoEF, New Delhi which is as under:–

*“Attention is invited to the EIA Notification of 27<sup>th</sup> January, 1994 and subsequent amendments thereof wherein thirty categories of projects, which include*

*mining of major minerals with lease area more than 5 ha., are required to obtain environmental clearance from this Ministry and also to Press Note No.J-11016/12/94-IA. II(M) of 31.08.1994 and Circular No.J-11011/20/97-IA. II(I), dated 17.05.1999 clarifying applicability of the Notification to renewal cases for mining and **expansion** of existing projects.*

*(2) In respect of mining proposals, the following issues have been brought to the attention of this Ministry:*

- a. Whether applications for site/ environmental clearance are required to be forwarded by the State Governments to MoEF?*
- b. Whether public hearing is required for obtaining site clearance and whether an Environmental Impact Assessment report is required to be submitted to the concerned SPCB/PCC for arranging such public hearing?*
- c. Whether four seasons baseline data is a pre-requisite for preparation of EIA report?*
- d. Whether environmental clearance is required at the time of renewal of mining lease or for operating mines when (i) there is no increase in the lease area and production; (ii) there is increase in production without change in the lease area; (iii) there is increase in lease area*



*without change in production; and (iv) there is upgradation in mining technology?*

*(3) In this context, the requisite clarifications are as follows:*

- a. All mining proposals seeking site/ environmental clearance should be routed through the Department of the State Government dealing with the mining sector. However, in case of Central public sector projects, the proposals are to be routed through the concerned Administrative Ministry of Government of India. Further, it is clarified that if a proposal has been forwarded by the State Government/Administrative Ministry at the Centre to the Ministry of Environment and Forests at the stage of site clearance, there is no need to route proposals for environmental clearance through the concerned State Government/Administrative Ministry.*
- b. Public hearing is not required for obtaining site clearance either for mining or for prospecting / exploration of major minerals. Site clearance granted by MoEF allows the proponent to carry out survey and investigations at the mine site but does not permit any construction work, preliminary or otherwise, relating to the project nor does it permit setting up of*

*infrastructure facilities at the mining site. However, public hearing is required to obtain environmental clearance. This should be conducted as per procedure laid down in Notification No.S.O. 318(E) dated 10<sup>th</sup> April, 1997 and within the time limit set out in Notification No.S.O. 1148(E) dated 21<sup>st</sup> November, 2001.*

- c. For environmental appraisal, it is sufficient to prepare a rapid Environmental Impact Assessment (EIA) report based on pre-project baseline data of one complete season (other than monsoon) only. Comprehensive EIA report, which is prepared based on four seasons data is not needed unless specifically called for by the Ministry.*
- d. Environmental clearance is not required at the time of renewal of mining lease **if there is no increase in the originally sanctioned lease area and/or production.** The proponent should, however, seek prior environmental clearance from the Central Government for expanding production and/or mining lease area irrespective of the quantum of increase in size of ML area/production or investment involved. The above provisions will apply to existing operating mines even when no renewal of mining lease is involved.”*

5. In addition, it is pertinent to reproduce the **relevant part** of the **Notification** dated **14.09.2006** passed by the MoEF, New Delhi which is as under :—

“S.O. 1533

*Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the **expansion** or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India (includes the territorial waters), unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18th May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September, 2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from*

*the date on which copies of Gazette containing the said notification were made available to the public;*

*And whereas, copies of the said notification were made available to the public on 15<sup>th</sup> September, 2005;*

*And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;*

*Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of **new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification** entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in*

*accordance with the procedure specified hereinafter in this notification.*

**(2) Requirements of prior Environmental Clearance (EC):–**

*The following projects or activities shall **require prior environmental clearance from the concerned regulatory authority**, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category ‘A’ in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category ‘B’ in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:*

- (i) All new projects or activities listed in the **Schedule to this notification**;*
- (ii) **Expansion** and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after **expansion** or modernization;*
- (iii) Any change in product – mix in an existing manufacturing unit included in Schedule beyond the specified range.”*

6. The **relevant part** of the **Schedule** attached with the aforesaid **Notification** dated **14.09.2006** is as under:–

**“LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE**

Project or Activity		Category with threshold limit		Conditions, if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
1(a)	Mining of minerals	<p>≥ 50 ha. of mining lease area</p> <p>Asbestos mining irrespective of mining area</p>	<p>&lt; 50 ha.</p> <p>≥ 5 ha. of mining lease area</p>	<p>General Condition shall apply</p> <p><u>Note</u></p> <p>Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey”</p>

**7. Conclusion**

- (i) From the provisions of the Water (Prevention and Control of Pollution) Act and Air (Prevention and Control of Pollution) Act, consent to operate the mine can be withdrawn. Further, direction can be given for closer of mine and also, penalty can be imposed.

- (ii) In addition, above–quoted notifications make it absolutely clear that for mining of iron ore and manganese ores, in any new project **or the expansion or modernization of any existing iron ore and manganese mining operations can not be undertaken without getting prior Environmental Clearance from MoEF**. That means, prior approval is a condition precedent and for its violation, action is required to be taken, as stated above, in this chapter.
- (iii) Even for modernization of existing projects or activities, approval of the Central Government is must. For this purpose, there should be –
- (a) Environmental Impact Assessment Report;
  - (b) Environmental Management Plan;
  - (c) for Environment Impact Assessment, there should be public hearing; and
  - (d) Approval from MoEF for environmental clearance.

If the conditions are violated and approval not obtained, the lease would liable to be cancelled with other consequential penalties/recoveries, etc.

**Precautionary/Polluter Pays Principles**

1. From the judgments referred hereinafter, it is to be stated that that:-
  - (i) the authority shall firstly implement the 'Precautionary Principle' so that there is no environmental damage;
  - (ii) secondly, the 'Polluter Pays Principle' should be the guideline for restoring the damage. In case of damage, polluter shall be directed to pay compensation for restoration of ecology and environment; and
  - (iii) thirdly, he should be directed to pay exemplary damages in cases of serious violations.
2. Nobody bothers to implement the laws namely "PRECAUTIONARY PRINCIPLE" and "POLLUTER PAYS FOR THE POLLUTION".

Polluter Pays Principle:-

Principle 16 of the Rio declaration states that:-

- (i) *"National authorities should endeavor to promote the internalization of environmental*



*costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.”*

**(ii)** Further, “Polluter Pays Principle” means that once the activity carried out is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity or otherwise.

**(iii)** It is quite obvious that:–

**(a)** The object of the above principle was to make the polluter liable not only for the compensation to the victims but also for the cost of restoring of environmental degradation;

**(b)** The polluter is also liable to compensate for his act/s and to pay damages (compensation) for restoration of the environment and ecology.

In both the cases, compensation should be of such amount which would have deterrent effect.

- (c) In addition to damages, the person guilty of causing pollution can also be held liable to pay exemplary damages so that it may be deterrent for others not to cause pollution in any manner [**M. C. Mehta V. Kamla Nath, AIR 2000 SC 1997**]

For this purpose, it would be worthwhile to refer to the observations made in the Judgment of the Constitution Bench in the case of **M.C. Mehta and Another v. Union of India and Others, [(1987) 1 SCC 395]** popularly known as Oleum Gas Leak Case, wherein it was held thus:-

***“... We would also like to point out that the measure of compensation in the kind of cases referred to in the preceding paragraph must be correlated to the magnitude and capacity of the enterprise because such compensation must have a deterrent effect. The larger and more***

***prosperous the enterprise, the greater must be the amount of compensation payable by it for the harm caused on account of an accident in the carrying on of the hazardous or inherently dangerous activity by the enterprise.”***

The aforesaid principle is required to be adopted in the cases where without obtaining Forest Clearance and/or Environmental Clearance, persons who were in possession of the mines have extracted iron ore and manganese for the purpose of export and domestic consumption with greed of super profits by evading applicable taxes. This has resulted in degradation of forest, pollution of water & air, Baitrani River and connecting rivulets. In such cases, the lessees / middlemen have earned billions of rupees at the cost of national non-renewal assets. The Commission, after having in depth analysis of mining, observed that illegal and non sustainable mining is one of the most heinous unpardonable crimes of humen race to even commit on mother earth.

3. In addition to above, the Hon'ble Supreme Court of India, in case of **A. P. Pollution Control Board V/s. Prof. M. V. Nayudu (Retd.) & Others, AIR 1999 SC 812**, has laid down precautionary principle in order to protect environment. The said principle is to be observed in cases where leases are likely to pollute environment, water and/or air. For this purpose, the Court inter-alia relied upon its earlier decision which is as under:–

*“In Vellore Citizens' Welfare Forum vs. Union of India and Others [1996 (5) SCC 647], a three Judge Bench of this Court referred to these changes, to the ‘precautionary principle’ and the new concept of ‘burden of proof’ in environmental matters. Kuldeep Singh, J. after referring to the principles evolved in various international Conferences and to the concept of ‘Sustainable Development’, stated that the **Precautionary Principle, the Polluter-Pays Principle and the special concept of Onus of Proof have now emerged** and govern the law in our country too, as is clear from Articles 47, 48–A and 51–A(g) of our Constitution and that, in fact, in the various environmental statutes, such as the Water Act, 1974 and other statutes, including the Environment (Protection) Act, 1986, these concepts are already implied. The learned Judge declared that these principles have now become part of our law. The relevant observations in the Vellore Case in this behalf read as follows:*

*‘in view of the above-mentioned constitutional and statutory provisions we have no hesitation in holding that the **Precautionary Principle and the Polluter Pays Principle are part of the environmental law of the country.**’*

*The Court observed that even otherwise the above-said principles are accepted as part of the Customary International Law and hence there should be no difficulty in accepting them as part of our domestic law. In fact, on the facts of the case before this Court, it was directed that the authority to be appointed, under section 3(3) of the Environment (Protection) Act, 1986, shall implement the ‘Precautionary Principle’ and the ‘Polluter Pays Principle’.”*

The Hon’ble Court further held:–

*“A basic shift in the approach to environmental protection occurred initially between 1972 and 1982. Earlier the Concept was based on the ‘assimilative capacity’ rule as revealed from Principle 6 of the Stockholm Declaration of the U.N. Conference on Human Environment, 1972. The said principle assumed that science could provide policy-makers with the information and means necessary to avoid encroaching upon the capacity of the environment to assimilate impacts and it presumed that relevant technical expertise would be available when environmental harm was predicted and there would be sufficient time to act in order to avoid such harm. But in the 11th Principle of the U.N. General*

*Assembly Resolution on World Charter for Nature, 1982, the emphasis shifted to the 'Precautionary Principle', and this was reiterated in the Rio Conference of 1992 in its Principle 15 which reads as follows:*

*'Principle 15:*

***In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage; lack of full scientific certainty shall not be used as a reason for proposing cost-effective measures to prevent environmental degradation."***

**Facts in general****1. Polluted air**

Members of the Commission have seen the roads passing from and to the villages and observed that on both sides of roads about 200 mtrs., there are widespread setting of dust on natural vegetation in general and trees in specific camouflaged with the colour of minerals. From this situation, imagine the fate of the villagers in habitat in these areas who do not have any option but to breath polluted air and chunked their lungs with dust. This results to many airborne diseases.

**2. Polluted water**

(i) Large scale mining operations have resulted to deplete and pollute the ground and surface water in the neighborhood. It is villager's unfortunate fate of life. Prior to mining operations, the tribes were breathing a fresh and nonpolluted air, drinking clean and nonpolluted water from the streams/rivers. But conditions are otherwise today.

- (ii) In the State of Odisha, about 100 Sq. Kms. (1,00,000 ha.) is the “mining impact zone” area in Sundargarh, Koenjhar and Mayurbhanj Districts wherein about 192 mining leases of Iron Ore and Manganese are located in forest and non-forest areas. The total mining lease area is about **45,187 ha.**, out of which, mining operations are carried out in **33,987 ha.** of forest area. Approximately, it covers 45% of the total mining impact zone which is considered as a very high density “leased” area. Hence, the cumulative adverse effect is very high and made this area incomparable to other similar areas or leases. Actually, this area looks like a single mine and that makes the difference.
- (iii) The Baitrani River (River Vaitarni) is flowing through major areas of these two Districts. Baitrani which is a lifeline of this area is one of the six big rivers in Odisha State. It originates from these two Districts and very small portion thereof in Jharkhand State. In all, 65 tributaries joins to the Baitrani River. 35 tributaries join towards left side of the river and remaining 30 tributaries join from the right side of the river. Many of the tributaries, nalas and rivulets are forming a widespread net working in these two Districts.



The result of unscientific, non sustainable and explosive mining of iron and manganese ores is lasting very high impact on the very existence and life of the Baitrani River. During the inspection by the Commission and also on the basis of various complaints received, it is noticed that the river in rainy season get highly polluted, muddy and turbid with unchecked flowing of salt generated from waste dump out of these 176 leases. There are about 55 mining leases of iron and manganese ore which are having the direct impact on the rivulets, nallas and tributaries which are joining to Baitrani River. There are some mines which are located just by the side of the Baitrani River bed. M/s. Orissa Mining Company Ltd. is one of the leases amongst others. The list of the aforesaid 56 mining leases is enclosed as **Annexure: I**. The high contents of iron, manganese and other heavy metals generated from dumps of mines flowing through rivers are highly detrimental to aquatic fauna back in Estuaries and Bay of Bengal.

- (iv) The networking of natural water channels and rivulets which were originating from the hill tops and heavily forested slopes are now

completely shattered/damaged/destroyed due to large mining pits, dumps, roads and other mining activities. The widespread ecosystem is restricted and changed into pieces. This has resulted into direct effect on agriculture down and minor forest produce in local forest which are the basic livelihoods of the tribes living over there since centuries. No effective measures have been taken to mitigate all such problems arising out of heavy mining in the area since four decades in general and last decade in particular.

- (v) On perusal of approved environmental clearances given by MoEF, it is observed that the information inputs of rivulets, watercourses and rivers in and around mines are either incomplete or suppressed or false. All the environmental clearance specially listed in the aforesaid **Annexure: I** (55 mines) should be revisited and **modified by an expert panel**. Till then, mines may be kept closed.

The names of tributaries and nallas which are having direct impact from the mining lease are also given in the aforesaid **Annexure: I** for further action.

(vi) It would be prudent that an in depth study is undertaken by a reputed organization regarding the impact of mining on the Baitrani River. A definite decision whether to allow large scale mining leases to operate in the catchment area which are having serious impact on the existence and life of the said river should also be taken.

3. For the purpose of reference, this Commission would like to quote the article, namely, **“Depleting water prompts ‘save Baitarani’ cry”** published in Times of India, Bhubaneswar Edition, dated 07.02.2013 (it may not be exact but reveals few facts which require consideration).

**“KEONJHAR:**

*Shrinking water bodies and depleting groundwater level in the district has once again brought to the fore the demand to protect river Baitarani, considered the 'lifeline of Keonjhar'.*

*The Keonjhar Citizen's Forum blamed the present situation on the 'faulty policy' of the government. **“The water of the district is allocated to different industries and mining houses, without any consultation with the***

**people here, who have the first right on the water,”** the forum alleged.

*The Central Ground Water Board has permitted 81 companies to use water from the basin of river Baitarani, said Kiran Sahu, president of the citizen's forum. Besides, 115 industries have been allocated water in the district. Few other companies have been permitted to draw 8,600 kilo litre/hour from river Baitarani, Sahu said.*

*“We have also apprised the Water Resources Parliament Committee in Bhubaneswar of the problem,” he added.*

*Residents of the area said because of mining operations and dumping of mineral wastes by the industry owners near the river basin, **Baitarani has become polluted.** Soil erosion has taken place because of massive deforestation on both sides of the river, from Gonasika of Banspak block till the Joda mining area.*

*The riverbed is filled with pollutants, which has affected the water carrying capacity of the river.*

*“Due to massive commercial use of underground and ground water by industries, the water table has declined by over 50 feet in the past couple of decades. A number of streams and rivers have also*

*dried up. As a result, the town is faced by drinking water problem throughout the year.*

*“Under the present circumstances, the government should not allow the companies to use the river water. Instead, it should encourage the use of water for agriculture and environment,” said Duskar Barik, an environment activist of Keonjhar.*

*“It is unfortunate that the government is taking so many years to complete the construction of a dam over river Baitarani, at Kanpur, which will help farming and help in preservation of water. Instead of taking steps to complete the project and clean the river to preserve the water, the government is allocating water to the companies to turn the district into a desert,” another environmentalist said.”*

#### **4. Conclusion:–**

In such a situation and circumstances, the lessees, who have polluted the air and the river–water as well as drawn the water from the rivers/ rivulets without authority, should be penalized as per the law. In addition, they should be directed to pay adequate compensation to restore the ecosystem and environment. It is noted that MoEF (FC) has imposed certain conditions to implement Site Specific Conservation Plan, Regional Wildlife

Management Plan, etc. which are neither implemented in field nor found quite adequate. All such plans are mismatched with the excesses being committed in the area. The conditions imposed in the approvals of EC are not monitored and no action is initiated for non implementation and violations by the Regional Office and State Government. The conditions imposed in EC are found most neglected.

The fear of the people seems to be genuine because the overall impact area is about **1,00,000 ha.** wherein maximum of the leases are located. The total area grant for **192 mining leases** is of an area of **45,187 ha.** including **33,987 ha.** forest land. This would have adverse effect because of high density of these mines. Therefore, it requires immediate relook into the permissions already granted under EIA Notification by MoEF. Depletion of water table and drying of natural streams would result to change of type of forest and ecosystem. There should be balancing act and necessary action should be taken to restore them.

MoEF has given EC by looking into individual cases. It has never got studied the overall impact of such large number of leases in a limited area. It would not be out of context to state here that MoEF

has given EC in 96 leases for a quantity of extraction of 153.24 million MT per year which is about as high as 15 times to the extraction carried out in the year 1999–2000. Still the approvals for about 66 mines have to be given. These approvals are simply unrealistic and mechanical without proper application of mind. It requires revisit to reduce upper limit of production in each mine, proper water management, dumps handlings and others. Based on the requirements of the State and other dependants, the upper limits in each lease should be fixed in such a manner that it should not exceed the production to 55.00 million tons per year. The criteria adopted in Karnataka under the direction of Hon'ble Supreme Court should be taken into consideration, while fixing the upper cap for each lease.

**Brief Summary**

From the following facts, it is apparent that neither the '**Precautionary Principle**' nor the '**Polluter Pays Principle**' is observed or thought over, while permitting extraction of iron ore/additional extraction in various mines in the State of Odisha. Nobody has bothered about it, while permitting the persons extracting the iron ore from the mines stated below.

- (a) In the State of Odisha, out of **192** mining leases, **94** mining leases of Iron Ore and/or Manganese are not having Environmental Clearance. The list of the said **94 mining leases** is enclosed as **Annexure: II**.

Out of the aforesaid **94** leases, in **53** leases, iron ore was extracted, since the year 1994–95 to 2011–12 is reproduced. Figures of production provided by DMG and lessee differ. Further, no EC has been obtained till date. The list of the said **53 mining leases** is enclosed as **Annexure: III**.

Out of the aforesaid **94** leases, in **25** leases, manganese ore was extracted, since the year 1994–95 to 2011–12 is reproduced. Figures of production provided by DMG and lessee differ. Further, no EC



has been obtained till date. The list of the said **25 mining leases** is enclosed as **Annexure: IV**.

- (b) It is to be stated that out of 94 leases, from **55** leases, extraction of ore (iron / manganese) have been taken place after 27.01.1994, without having obtained EC under EIA Notification. The **5,22,55,998 MT** of iron ore and **6,42,081 MT** of manganese have been extracted illegally without having lawful authority (since no EC was obtained). The list of such **55 mining leases** is enclosed herewith as **Annexure: V**.

All such production is to be considered as illegal and without lawful authority. The market value for iron and manganese ores is required to be recovered under the provisions of Section 21(5) of the MM(DR) Act, 1957.

- (c) There are **96** leases which have obtained much delayed environmental clearance under EIA Notification. The list of the said **96 mining leases** is enclosed as **Annexure: VI**.

Out of the aforesaid **96** leases, in **71** leases, iron ore is extracted. The list of the said **71 mining leases** is enclosed as **Annexure: VII**.

Out of the aforesaid **96** mines, from **29** mines, manganese ore is extracted. The list of the said **29 mining leases** is enclosed as **Annexure: VIII**.

- (d) It is to state that out of 96 leases, in **75** leases, extraction of ore (iron / manganese) have been taken place after 27.01.1994. The lessees have obtained delayed EC under EIA Notification which is taken into consideration. The **22,56,74,380 MT** of iron ore and **30,71,973 MT** of manganese have been extracted illegally without having lawful authority (either there was no EC obtained for the period or when obtained, the excess quantity of ore was extracted above the limit fixed by MoEF during EC approvals). The list of such **75 mining leases** is enclosed as **Annexure: IX**.

All such production is to be considered as illegal and without lawful authority. The market value for iron and manganese ores is required to be recovered under the provisions of Section 21(5) of the MM(DR) Act, 1957.

- (e) **49** mining leases of Iron Ore and/or Manganese have been running under deemed extension and carrying out production in violation of EIA Notifications, 1994 and 2006, without having EC under EIA Notifications.

Further, **60** mining leases of Iron Ore and/or Manganese have been running under deemed extension and carrying out production in violation of EIA Notifications, 1994 and 2006, with having obtained delayed E.C.

**So, overall 109 leases are/were working under deemed extension and doing production in violation of EIA Notifications, 1994 and 2006.** The list of the said **109 mining leases** is enclosed as **Annexure: X**.

As per submission dated 18.05.2011 [Para: 7 (m)] made by the Ministry of Mines, Government of India to this Commission, the leases operated under deemed extension without statutory clearance under EIA notification dated 27.01.1994 and amendments therein for environmental clearance is considered as illegal. Action should be initiated to recover the value equivalent to market value as per Section 21(5) of MM(DR) Act, 1957. The said para, inter-alia, reads as under:-

**“Illegal mining”** means:-

**“7(m)** *Mining operations taken under a mining lease which validly is deemed to be extended under provisions of Rule 24A of Mineral Concession Rules, 1960, due to*

*delay of State Government to take a decision on renewal of the mining lease in the stipulated time even after the renewal application has been filed timely, **but without the necessary fresh environmental and forest clearances (on account of specific provisions of Forest (Conservation) Act, Environmental Impact Assessment Notification etc.,** whose provisions do not explicitly recognize deemed extension of mining lease and where separate specific approvals may be necessary)."*

Hence, totally, 130 lessees are/were noted doing production without lawful authority of iron and manganese ores, as reported in **Annexures: V and IX** (which includes 109 leases running under deemed extension also) in violation of EIA Notifications, 1994 and 2006. An approximate quantity of **27,79,30,378 MT** iron ore for an approximate value of **Rs.45453,54,89,629/- (i.e. approx. Forty Five Thousand Four Hundred Fifty Three Crores)** and an approximate quantity of **37,14,054 MT** of manganese ore for an approximate value of **Rs.3089,75,90,867/- (i.e. approx. Three Thousand Eighty Nine Crores)** is extracted illegally and without lawful authority. It is

stated here that the illegal production estimated herein is exclusively based on violations of Environmental Clearance under EIA Notifications. Further, other factors such as consent to operate, production without mining plan/scheme, etc. are not taken into consideration. Value of illegal production would increase, if the said factors are taken into consideration.

- (f) **24** mining leases of Iron Ore and/or Manganese are such where diversion permission u/s. 2 of Forest Conservation Act, 1980 was granted subject to E.C. but without EC, even though lessee of the respective mine has been allowed to operate the mining in violation of the conditions stated therein.

The list of the said **24 mining leases** is enclosed as **Annexure: XI**.

- (g) There are **13** mining leases of iron and/or manganese ores wherein E.C. was granted without having obtained Forest Clearance which is in violation of Circular No.J-11015/12/94-IA. II(M), dated 17.06.1996 issued by MoEF, GoI.

The list of the said **13 mining leases** is enclosed as **Annexure: XII**.

- (h) During approval for EC by MoEF, certain conditions for protection of wildlife and conservation of habitat, etc. were stipulated in **74** mining leases of iron and/or manganese ores.

To what extent, such conditions have been complied with require verification by a team of experts and follow up actions should be taken.

The list of **74 mining leases**, wherein such conditions are imposed, is enclosed as **Annexure: XIII.**

- (i) **56** mining leases of Iron Ore and/or Manganese are such where Environmental Clearance has been accorded without stipulating any condition for wildlife protection.

The list of the said **56 mining leases** is enclosed as **Annexure: XIV.**

- (j) **130** mining leases of Iron Ore and/or Manganese were/are running in violation of EP Act, 1986 and Rules framed thereunder because such leases have either not obtained EC or made excess production (production beyond the limit fixed by MoEF) in violation of Notifications dated 27.01.1994, 14.02.2006 and Circular dated 12.02.2002 issued

by MoEF. Therefore, action is required to be taken under Section 21(5) of MM(DR) Act, 1957 and also under Section 19 of E.P. Act, 1986 in all such cases which is given in this Chapter, as **Annexures: V and IX.**

The list of the said **130 mining leases** is enclosed as **Annexure: XV.**

**Prosecution under Environment (Protection) Act,  
1986**

1. Section 19 of the E.P. Act, 1986 reads as under:-

**“19. COGNIZANCE OF OFFENCES :**

*No court shall take cognizance of any offence under this Act except on a complaint made by;*

*(a) The Central Government or any authority or officer authorized in this behalf by that government , or*

*(b) Any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the central Government or the authority or officer authorized as aforesaid.”*

**2. Officers authorized under EP Act (Annexure: XVI)**

In exercise of the powers conferred by Section 23 of the E.P. Act, 1986, the Central Government has delegated the powers vested in it under Sections 5 and 19 of the Act to the State Government and



other Authorities. The list of the officers who are authorized for taking the cognizance of the offences under Section 19 of the E.P. Act, 1986 is enclosed as **Annexure: XVI**.

3. Ministry of Environment and Forests (MoEF), Government of India has issued directions to the Secretary, Forest and Environment Department, Government of Odisha to initiate action against the defaulting units as per Section 19 of the Environment (Protection) Act, 1986, in all, **30** cases.

In addition to this, in **07** cases, the State Government had initiated actions under Section 19 of the E.P. Act, 1986.

4. The Commission, vide its letter No.JMBS/SEC-E&F-BBSR/2012/513, dated 06.08.2012 requested the Principal Secretary, Environment and Forest Department, Government of Odisha to submit a report regarding action taken against the defaulter-lessees with regard to the instructions of MoEF, New Delhi for violation of E.P. Act under Section 19.
  - (i) Out of above-mentioned 30 cases, in 16 cases, delayed actions have been taken by the concerned authorities, as per the instructions given by the MoEF, GoI against the defaulting

units. The list of said 16 cases is enclosed as **Annexure: XVII.**

In the aforesaid Annexure: XVII, in case of lease at:–

- (a) Sr. No.1, order was passed by MoEF in the year 2005;
- (b) Sr. No.2, order was passed by MoEF in the year 2006;
- (c) Sr. Nos.3 to 6, order was passed by MoEF in the year 2007;
- (d) Sr. Nos.7 to 11 and 14, order was passed by MoEF in the year 2008; and
- (e) Sr. Nos.12 and 13, order was passed by MoEF in the year 2009.

It is surprising to note that in 14 cases **(Sr. 1 to 14 of Annexure: XVII)**, though order was issued by MoEF, as mentioned in above clauses: (a) to (e), actions have not been taken by the Environment and Forest Department, State of Odisha after years together. In the said cases, only after receipt of letter of this Commission, directions were issued to the concerned District Collector to initiate the proceedings under Section 19 of the E.P. Act.

Secondly, in case of leases at **Sr. Nos.15 and 16 of Annexure: XVII**, action is taken by the concerned Department after lapse of many months from the date of the order passed by MoEF, New Delhi.

**(ii)** However, even after directions were issued by the Department of Environment and Forest, State of Odisha, no action is taken by the Collector till date, in remaining 14 cases. The list of the said 14 cases is enclosed as **Annexure: XVIII.**

**(iii)** Further, in 07 cases, for violation of E.C., action is taken after three to seven years. The list of the said 07 cases is enclosed as **Annexure: XIX.**

**(iv)** In case of 02 leases, as area thereof is less than 5 ha., no EC was required to obtain under EIA Notifications, 1994 and 2006. The list of the said **02** cases is enclosed as **Annexure: XX.**

**5.** Apart from the aforesaid facts, the District Collectors or Deputy Commissioners or equivalent who were the signatories of mining lease deed agreements and also a competent authority under

Section 19 of the E.P. Act, 1986 in Odisha State, are directly responsible for allowing the mining leases operations after expiry of lease period wherein lessees were not having statutory approvals under all the connected Acts, Rules, guidelines, orders and others mainly under EIA notification dated 27.01.1994 and FCA. The Deputy Directors or equivalent of mines department who were issuing authority of mineral dispatch permits and guardians on behalf of State for management, administration, regulation, control and others for mines under the relevant Acts, Rules, guidelines, orders and others are also equally responsible for allowing mining operations by issuing dispatch mineral permits even if the lessees are not having approvals and entitlement under the EIA Notification dated 27.01.1994 and amendments, EP Act, 1986 and Rules, FC Act, 1980 and others.

- 6.** The environmental officers at district who initiate public hearing for District Forest Officers of the concern forest area are also responsible to allow mining in non approved leases. During the examination of files of all departments at Bhubaneshwar, it is observed that some letters were written by the Divisional Forest Officers (DFOs) or equivalent have not been taken seriously by the other implementing officers / jurisdictional officers.

This is also one of the reasons of illegal mining in forest land.

In some leases, cases were filed by District Forest Officers/Regional Forest Officers against the supervisory staff (like Asst. Manager/Manager, etc.) instead of lessee or owner of the company. All such cases are required to be seriously examined and re-look to take action against the lessees/proprietors/directors/partners of firms and companies, etc.

7. There is flagrant misuse of Rule 24A(6) of MCR, 1960 (as amended on 27.09.1994) during the deemed extension of lease period without obtaining the Environmental Clearance under EIA Notification dated 27.01.1994 and Amendments therein and prior approvals under FC Act, 1980 for diversion of forest land for non forestry purpose which have resulted into serious illegal mining by extracting millions of tonnes of iron and manganese ores. The lessee can't do mining, if obligatory approvals under relevant Acts, Rules and Notifications are not obtained by him, though whatever reasons it could have been there. From the files examined by the Commission, it is noted that both the lessees and State machinery were well aware about the law/circular issued/guidelines framed, etc. There is hardly any scope of ignorance.

The Commission has observed that during the period (mainly after 2000 to 2009) the rate of royalty per MT iron ore was very meager, hence, the lessees had gained windfall profits. During the deemed extension when unlawful mining was carried out, the loss to the State is required to be compensated by recovery of value equivalent to market rate or export rate whichever is applicable in individual cases with exemplary penalty after following due course of law.

\* \*

**Annexure: I**

**The list of lessees of iron and manganese ore which are adjacent to or passing through by perennial/seasonal rivers/stream/revulutes. The operation of leases cause pollution and adversely affect the aquatic ecosystem and others.**

<b>Sl. No.</b>	<b>Name of Lessee / Lease / Area (ha)</b>	<b>EC Order No. and Date</b>	<b>Distance from river/ stream (As per Google Image)</b>	<b>Distance from river/ stream (As per EC)</b>
1	A.M.T.C. (P) Ltd., Narayanposi Iron/Mn. Mines (349.263)	J-11015/288/ 2008-IA-II (M) dated 21.02.2011	Karo river passes through western boundary of lease area.	The study area falls in the catchment of the Karo River.
2	M/s. Adhunik Mitaliks Ltd., Mahadebnas Iron Ore Mine (33.803)	J-11015/240/ 2007- IA-II (M) dated. 19.02.2009	A nallah (may be Murgah) is flowing by the side of lease boundary in the western side of ML	Murgah nallah is flowing north to south in the western side at a distance of 300 m.
3	B. C. Dagara, Suleipat Iron Ore Mines (618.00)	J-11015/278/ 2009-IA-II (M) dated. 16.09.2011	Eastern corner of lease is within the Suleipat reservoir	Khatkai river is reported to flow along the eastern boundary of the mining lease

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
4	M. S. Deb, Inganijharan Iron & Manganese Ore Mines (114.930)	No EC	Baitarni is flowing adjacent to the lease in east	0
5	M/s. B. I. Co. Ltd., Nadidiha Iron/Mn. Mines (73.855)	J-11015/138/ 2007-IA-II (M) dated. 02.04.2008	Karo river flowing 160 m north of the lease area	Karo river passes 300 mt. north of the lease area
6	M/s. Bhanja Minerals (P) Ltd., Inganijharan Iron & Manganese Ore Mines (216.885)	J-11015/143/ 2007-IA-II (M) dated. 03.09.2008	Baitarni is flowing 150m to the lease in east	250 mt. from the lease area
7	C. P. Sharma, RBT Iron/Mn. Mines(69.606)	J-11015/481/ 2007-IA-II (M) dated. 16.06.2008	A seasonal nallah is located in the middle portion of mining lease	A seasonal nallah is located in the middle portion of mining lease



Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
8	M/s. Essel Mining & Industries Ltd., Jilling-Longalota Iron Ore Mines (456.100)	J-11015/194/2005-IA-II (M) dated. 17.03.2006	The Dalko nala passing through the mine lease and the Baitarni river flowing 550 m east of the boundary of mining lease	The Dalko nala passing through the mining lease
9	M/s. Essel Mining & Industries Ltd., Kasia Iron Ore, Dolomite & Limestone Mines (134.733)	J-11015/195/2005-IA-II (M) dated. 16.06.2006	Seasonal nallahs passes through the lease area drained into Karo river.	A seasonal nallah passes through the lease area drained into Karo river.
10	M/s. FACOR Ltd., Katasahi Manganese Ore Mines. (13.674)	No EC	Sunariver is flowing adjacent to lease in in south	0

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
11	M/s. Feegrade & Co. Ltd., Nadidiha Iron/ Mn. Mines (121.405)	J-11015/605/ 2007-IA-II (M) dated. 20.02.2009	Karo river passes throughout the western side of lease area	The karo river is flowing in the buffer zone of the mine at a distance of 0.04km
12	H. G. Pandya & Others, Jajang Iron Ore Mines (100.173)	No EC	Baitarni river is flowing within the ML in east	0
13	M/s. Jindal Steel & Power Ltd., TRB Iron Ore Mines (297.848)	J-11015/62/ 2005 IA-II (M) dated. 29.09.2005	Samij nallah is flowing adjoining the mining lease. Besides this, four other nallahs are originating from the mining lease area.	Samij nallah is flowing adjoining the mining lease
14	KJS Ahluwalia, Panduliposi Iron & Manganese Ore Mines (40.470)	No EC	Karo river passes throughout the lease area from south to north	0

<b>Sl. No.</b>	<b>Name of Lessee / Lease / Area (ha)</b>	<b>EC Order No. and Date</b>	<b>Distance from river/ stream (As per Google Image)</b>	<b>Distance from river/ stream (As per EC)</b>
15	KJS Ahluwalia, Nuagaon Iron Ore Mines (767.284)	J-11015/6/ 2007 IA-II (M) dated. 29.11.2007	The karo nala flows along thr NW boundary of the lease hold area. Besides this other nallahs are also originating from the mining lease area.	The karo nala flows along the NW boundary of the laease hold area.
16	Kalinga Mining Corporation, Jurudi Manganese Ore Mines (54.754)	J-11015/293/ 2006-IA-II (M) dated. 21.08.2007	Dalko nallah flowing adjacentt to lease boundary from west to east. Two other small nallahs are also noticed	Dalko nallah flowing adjacent to lease boundary from west to east

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
17	M/s. Kanakdhara Mining & Minerals (P) Ltd., Bandhal Mn. Mines (28.021)	J-11015/104/ 2006.IA-II (M) dated. 16.05.2008	Karo river passes adjacent to the lease boundary from eastern side	The karo and Teherai nalla are located at a distance of 9 km and 8 km respectively from the mine lease boundary
18	M/s. Kaypee Enterprises, Thakurani Iron Ore Mines (228.040)	J-11015/41/ 2005-IA-II (M) dated. 07.10.2005	A major nallah passes thorough the lease area in the dense forest	There is first order nallah present in the mine which will be disturbed due to mining
19	Korp Resources (P) Ltd., Tantra Iron Ore Mines (72.560)	J-11015/1008/ 2007- IA-II (M) dated. 04.06.2009	Samij nallah is flowing adjacent to mine lease at a distance of 20m. Within the lease area also two other nallhas are flowing.	Samij nallah is flowing adjacent to mine lease at distance of 200m

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
20	M. L. Rungta, Silijora-Kalimati Iron & Manganese Ore Mines (715.639)	J-11015/691/2007. IA-II (M) dated. 03.02.2009	Jalpa river is located in the close proximity to the lease area. Besides this, two other nallhas are originating from the lease area flowing NE and SW.	Jalpa river is located in the close proximity to the lease area
21	MGM Minerals Ltd., Patabeda Iron Ore Mines (28.397)	J-11015/92/2004- IA-II (M) dated. 21.07.2005	Sunanadi river is flowing in the northern boundary of ML	Sunanadi river flows in the northern boundary of ML
22	M/s. Mineral Trading Syndicate, Bhulbeda Iron Ore Mines (62.322)	No EC	Baitarni river is flowing adjacent to the ML in west	0

<b>Sl. No.</b>	<b>Name of Lessee / Lease / Area (ha)</b>	<b>EC Order No. and Date</b>	<b>Distance from river/ stream (As per Google Image)</b>	<b>Distance from river/ stream (As per EC)</b>
23	M/s. Narayani Sons Pvt. Ltd., Suruguturia Iron Ore Mines (99.784)	No EC	Baitarni river is flowing adjacent to the ML in east	0
24	National Enterprises, Sanindupur Iron/Mn. Mines (70.917)	No EC	adjacent to Sunariver in east	0
25	O.M.M. (P) Ltd., Sanputli Mn. Mines (23.290)	EC obtained by Odisha SEIAA - 361, dated. 06.09.2010	Sunariver passes through the lease in eastern side	0
26	O.M.M. (P) Ltd., Patmunda Mn. Mines (807.31)	J-11015/819/ 2007.IA-II (M) dated. 10.11.2008	Suna river passes through the lease in eastern side	Padhdi and Suna nallahs are adjacent to mine lease in south and east side respectively

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
27	M/s. O.M.C. Ltd., Tiring Pahar Iron Ore Mines (79.300)	J-11015/1082/ 2007-IA-II (M) dated. 12.06.2008	Kungra Nallah a perennial stream passes in west adjacent to the lease boundary	yes
28	M/s. O.M.C. Ltd., Kurmitar Iron Mines (1212.47)	J-11015/1080/ 2007- IA-II (M) dated. 02.09.2008	A third order stream originated from the lease area and flowing towards east	Paichkundi and Marda nallah are located in the buffer zone of the mines at a distance of 300m and 500 m respectively
29	M/s. O.M.C. Ltd., Kasira Iron Mines (418.335)	J-11015/1087/ 2007-IA-II (M) dated. 11.06.2008	Karo river passes through the lease area from western side	The karo nalla is within the mine lease and modification /diversion in the existing natural drainage pattern has not been proposed

<b>Sl. No.</b>	<b>Name of Lessee / Lease / Area (ha)</b>	<b>EC Order No. and Date</b>	<b>Distance from river/ stream (As per Google Image)</b>	<b>Distance from river/ stream (As per EC)</b>
30	M/s. Orissa Mineral Development Co. Ltd., Roida-Bhadrasahi Iron Ore Mines (998.700)	J-11015/1090/ 2007-IA-II (M) dated. 15/12/2008	Suna river is flowing adjacent to eastern boundary of lease	Karo nallah and the Kundra nallah are flowing in the buffer zone of the mine at a distance of 1.5 km and 2 km respectively from the lease boundary
31	M/s BPMEL Roida-Bhadrasahi Iron & Manganese Ore Mines (254.952)	No EC	Suna river is flowing adjacent to southern boundary on ML	0
32	Prabodh • Mohanty, Nuagaon Iron/Mn. Mines (29.257)	J-11015/392/ 2005-IA-II (M) dated. 29.05.2006	Karo river passes through western boundary of lease area	There is no mention in the EC



Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
33	R. P. Sao, Guali Iron Ore Mines (338.026)	J-11015/8/ 2007- IA-II (M) dated. 30.11.2007	Karo nallah flows at a distance of 100m from the western boundary of the mine lease. Besides this, other nallahs are also originating from the mining lease area.	Karo nallah is flowing at a distance of 100m from the western boundary of the mine lease
34	M/s. Rungta Mines Ltd., Jajang Iron & Manganese Ore Mines (666.15)	J-11015/136/ 2005. IA-II (M) dated. 14.06.2005	Baitarni river is flowing adjacent to eastern boundary of ML	Jalpa, the Kakrapani Nallah, the Baitarni river and the Sunanadi are located in the close proximity to the mine lease area.

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
35	M/s. Rungta Mines Ltd., Kolmang Mn. Mines (218.530)	J-11015/593/ 2007-IA-II (M) dated. 11.02.2009	Suna river is flowing adjacent to eastern and southern boundary ML	The Kundra nallah (Suna river) is flowing in the buffer zone of the mine at a distance of 0.02 Km along the south east boundary of the lease area.
36	M/s. Rungta Sons (P) Ltd., Oraghat Iron Ore Mines (82.961)	J-11015/23/ 2007-IA-II (M) dated. 27.09.2007	Suna river is flowing south eastern boundary (40m) of ML	Suna river is located at distance of 710 m

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
37	M/s. Rungta Sons (P) Ltd., Katasahi Manganese Ore Mines (196.86)	J-11015/588/ 2007- IA-II (M) dated. 16.01.2009	Suna river is adjacent to lease in south	The Suna river is flowing adjacent to the mine lease towards south at a distance of 0.15 km. The Kakrapani nallah is flowing in the mine lease boundary.
38	S.A. Halim, Oraghat, Iron & Manganese Ore (25.847)	EC obtained by Odisha SEIAA - 167/10, dated. 16.4.2011	Suna river is flowing adjacent to eastern boundary of ML	0
39	S. C. Padhee, Gurubeda Iron Ore Mines (49.776)	No EC	Baitarni river is flowing adjacent to the ML in east	0

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
40	M/s. SAIL, Bolani Iron & Manganese Ore Mines (1586.36)	No EC	Karo river passes throughout the lease area from south to north	0
41	M/s. Sarada Mines Pvt. Ltd., Thakurani-Block-B Iron Ore Mines (947.046)	J-11015/05/2003- IA-II (M) dated. 22.09.2004	A major nallah passes through the lease area in the dense forest in the NW side of mining leasae	Mahdeo nallah and Balita nallah are located in the buffer zone of the mine at a distance of 100m and 150m respectively.
42	M/s. Serajudin & Co., Balda Block Iron Ore Mines (335.594)	J-11015/319/2006. IA-II (M) dated. 21.08.2007	Jalpa nallah is flowing towards south from the mine and bethari nallah flow towards eastern boundary of mine lease	Jalpa nallah flowing is towards south of the mine and bethari nallah flows towards eastern boundary of mine lease

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
43	M/s. Tareni Minerals, Tehrai Iron/Mn. Mines (29.077)	No EC	Suna river passes through (SW-NE) the lease area	0
44	T. P. Mohanty, Naibega Iron Ore Mines (Total lease area 48.117 ha. but surface right is only for 29.92 ha.) (47.219)	J-11015/932/2007-IA-II(M) dated. 17.10.2008	Purunadihi nallah is passing through the mining lease	Purunadihi nallah is passing through the mining lease
45	M/s. TISCO Ltd., Khandbandh Iron & Manganese Ore Mines (978.00)	J-11015/50/2003- IA-II (M) dated. 28.03.2005	Suna river is flowing north and northwestern side of ML. Main pit falls by the side of river.	Suna river flows by the side of ML
46	M/s. TISCO Ltd., Joda-West Iron & Manganese Ore Mines (1437.719)	J-11015/86/2004-IA-II (M) dated. 13.09.2005	Suna river is flowing by the side of lease boundary of north and west side of ML	There is no mention of Sunariver in the EC

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
47	M/s. TISCO Ltd., Joda-East Iron Ore Mines (671.093)	J-11015/51/2003-IA-II (M) dated. 05.03.2005	Suna river is flowing 75m west of the ML: Kundru nala originate from leased area.	No information and condition for treatment of nala and river in EC
48	M/s. TISCO Ltd., Manmora Manganese Ore Mines (16.350) ( It includes lease area of Joda East Iron Mines)	EC obtained by Odisha SEIAA-38/11 dated. 29/06/2011	Suna river is flowing 75 m west from the ML	Stipulated condition No2 has not complied with.
49	M/s. TISCO Ltd., Malda Mn. Ore Mines (822.00)	J-11015/103/2006-IA-II (M) dated. 13.04.2007	Suna river is flowing by the side of lease boundary at north and west sides of ML	0
50	M/s. Pattnaik Minerals (P) Ltd., Joribahal Iron Ore Mines (106.534)	J-11015/516/2007-IA-II (M) dated. 25.07.2008	Baitrani river is located at a distance of 3.5 Km from the mine lease boundary	Baitrani river is located at a distance of 3.5 Km from the mine lease boundary

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river / stream (As per Google Image)	Distance from river / stream (As per EC)
51	KJS Ahluwalia, Tantigram Iron/ Mn. Mines (29.575)	No EC	Two nallas originating from the lease area are flowing in the east and west.	0
52	M/s. A.M.T.C. (P) Ltd., Mahulsukha Mn. Mines (399.839)	J-11015/412/ 2005-IA-II (M) dated. 05.04.2007	Karo Nadi is flowing 400m north to the ML. One of the tributary originates from ML	Ther is no mention of in the EC
53	M/s. Kusheleswara Minerals, Kalaparbat Iron Ore Mines (9.814)	No EC	A nalla is originating from lease area flowing south - west.	0
54	Sun Alloys & Mineral (P) Ltd., Patmunda Mn. Mines (81.197)	No EC	A nallah originating from the mining lease OMN patmunda flowing southeast to northwest is 105 meter from the mining lease.	0

Sl. No.	Name of Lessee / Lease / Area (ha)	EC Order No. and Date	Distance from river/ stream (As per Google Image)	Distance from river/ stream (As per EC)
55	O.M.M. (P) Ltd., Orahuri Mn. Mines (51.476)	J-11015/75/ 2010-IA-II (M) dated. 24.10.2011	The Karo nallah and Tehrai nallah are flowing in the buffer zone of the mine at a distance of 0.27 Km (W) and 0.12 Km (E) respictevely from the mine lease boundary	It has been reported that the Karo nallah and Tehrai nallah are flowing in the buffer zone of the mine at a distance of 0.6 Km (W) and 5 Km (E) respictevely from the mine lease boundary



**Annexure - II****List of 94 leases which have not obtained EC under EIA notification.**

<b>Sr No</b>	<b>Name of the lessee and lease</b>	<b>Date of Expiry of Lease period</b>
1	M/s. Arujun Lodha Balagunda Iron & Manganese Ore Mines (326.5)	04.11.1996
2	B. C. Dagara Bhitarmda Iron ore mines (243.819)	08.03.2008
3	B.C.Dagara Ganua-Mandajoda Iron/Mn. Mines (12.08)	02.05.2025
4	B.C.Dagara Dalita Iron/Mn. Mines (22.165)	27.06.2023
5	M.S.Deb Inganijharan Iron & Manganese Ore Mines (114.930)	19.11.1973
6	Basudev Agarwal Urumunda Iron Mines (82.03)	28.12.2011
7	B.D Ptanaik Kalaparbat Iron Ore Mines (25.632)	30.07.1989
8	B.K.Mohanty Uliburu Iron & Manganese Ore Mines (62.726)	30.01.1996
9	B.K.Mohanty Uliburu Iron & Manganese Ore & Limestone Mines (56.9393)	12.12.2003
10	B.S.Mishra Kanther Koira Iron/Mn. Mines (33.985)	19.09.2002
11	M/s Bhanja Minerals (P) Ltd., Deojhar Iron Ore Mines (399.02)	20.11.2003
12	M/s BPMEL Kolha-Roida Iron & Manganese Ore Mines (254.95) Operated by OMDC	14.09.1996
13	M/s BPMEL Thakurani Iron & Manganese Ore Mines (778.762 )	30.09.1984
14	D. C. Das Maharajpur Iron ore mines	05.04.2009
15	D.C.Jain Dalpahar Block-B1 Iron Ore Mines (Block-A, B1,B2, B3, & C) Attorney: Avin Jani (101.171)	08.06.2006
16	D.C.Jain Dalpahar Block-B3 Iron Ore Mines (101.171)	08.06.2006
17	D.C.Jain Dalpahar Block-C Iron Ore Mines (101.171)	08.06.2006

<b>Sr No</b>	<b>Name of the lessee and lease</b>	<b>Date of Expiry of Lease period</b>
18	D.C.Jain Dalpahar Block-A Iron & Manganese Ore Mines (101.171)	08.06.2006
19	D.C.Jain Dalpahar Block-B2 Iron& Manganese Ore Mines (101.171)	08.06.2006
20	D. R. Patnaik Thakurani Iron Ore Mines (121.385)	06.08.2008
21	Dr. S Pradhan Baitarani Iron Ore Mines (65.397)	27.07.2008
22	Dr. Sarojani Pradhan Iron Ore Mines Sidhmata (94.259)	Not Executed
23	M/s O.M.C Ltd Sakradihi Iron Ore Mines	28.12.1989
24	M/s O.M.C Ltd Balda-Palsa-Jajang Iron Ore Mines (866.6)	27.02.2000
25	M/s O.M.C Ltd Parulipada Manganese Ore Mines (104.86)	25.04.2001
26	M/s O.M.C Ltd Roida-Sidhamatha Manganese Ore Mines (78.711)	25.04.2001
27	M/s O.M.C Ltd Dubuna Manganese Ore Mines (1323.00)	08.09.1991
28	M/s OMC Ltd. Nishikhal Manganese Ore Mines (501.67)	28.06.2004
29	M/s OMC Ltd. Roida D_Block Manganese Ore Mines (129.5)	Not Executed
30	M/s O.M.C Ltd Dalki Iron & Manganese Ore Mines (265.29)	07.08.1996
31	G. S. Chaubey Nangalsila Iron ore mines (45.931)	17.07.2005
32	J.K.Chaubey Purunapani Bhuyabasa Iron ore mines (85.49)	21.07.2005
33	J.K.Chaubey Budharajapahar Iron & Mn. Mines	28.07.2001
34	B. K. Das Kasiabeda Iron ore mines (9.874)	14.04.2011
35	M/s.Narayani Sons (P) Ltd.Laupada Iron Mines (141.336)	30.11.2000
36	M/s Essel Mining & Industries Ltd. Unchabali Iron & Manganese Ore Mines (107.307)	31.07.2003

<b>Sr No</b>	<b>Name of the lessee and lease</b>	<b>Date of Expiry of Lease period</b>
37	M/s Feegrade & Co. Ltd - Sarkunda Iron/ Mn. Mines (395.565)	19.12.2000
38	M/s.H.G.Pandya & Others Jajang Iron Ore Mines (100.137)	01.06.2013
39	K.C Pradhan Lakraghat Iron Ore Mines (10.720)	28.11.2006
40	K.C.Pradhan Nayagarh Iron Ore Mines (27.794)	Not Executed
41	K.C Pradhan Paredipada Iron & Manganese Ore Mines (12.600)	11.06.2010
42	K.C Pradhan Hormotto Iron Ore Mines (59.186)	20.01.2004
43	J. N. Pattnaik Bhajpali iron ore Mines (18.00)	31.03.2027
44	M/s.Kalinga Mining Corporation Jurudi Iron Ore Mines (27.17)	21.06.1993
45	M/s.Kalinga Mining Corporation Jurudi Iron Ore Mines (12.69)	21.06.1993
46	M/s.Kalinga Mining Corporation Jurudi Manganese Ore (39.173)	21.06.1993
47	K.J.S. Ahluwalia Panduliposi Iron & Manganese Ore Mines (40.470)	19.12.2006
48	K.J.S. AhluwaliaGanua Iron/Mn. Mines (23.300)	15.07.2008
49	K.J.S. Ahluwalia Tantigram Iron/Mn. Mines (29.575)	23.07.2011
50	M/s BPMEL Dalki Manganese Ore Mines (266.77)	30.09.1974
51	M/s Essel Mining & Industries Ltd. Sarkunda (160.900)	03.12.2002
52	M/s FACOR Ltd Katasahi Manganese Ore Mines (13.674)	31.07.2018
53	M/s.Indicom Minerals (P) Ltd. - Podkana Manganese Ore Mines (11.159)	02.05.2015
54	K.C.Pradhan Nuagaon Mn Mines (39.890)	18.10.2004
55	M/s Kusheleswara Minerals Kalaparbat Iron Ore Mines (9.814)	08.04.2011
56	M.R.Das Deojhar Iron Ore Mines (11.533)	05.07.2018

<b>Sr No</b>	<b>Name of the lessee and lease</b>	<b>Date of Expiry of Lease period</b>
57	M.R.Das Kashipur Manganese Ore Mines (21.670)	16.06.2009
58	M.R.Das Khurigaon Mangaese Ore Mines (26.636)	06.07.2025
59	M.R.Das Bhulbeda Iron & Manganese Ore Mines (5.129)	03.12.1999
60	M/s. M.G.Mohanty Ganua Iron/Mn. Mines (82.083)	29.11.1991
61	M/s Mineral Trading Syndicate Bhulbeda Iron Ore Mines (62.322)	09.06.2003
62	M/s Narayani Sons (P) Ltd. Suruguturia Iron Ore Mines (99.780)	05.07.2010
63	M/s.National Enterprises Sanindupur Iron/Mn. Mines (70.917)	09.09.2020
64	M/s. O.M.D.Co. Bagiaburu Iron Ore Mines (21.520)	30.09.2010
65	M/s. O.M.D.Co. Belkundi Iron & Manganese Ore Mines (1276.79)	15.08.2006
66	M/s. O.M.D.Co. Roida-Bhadrasahi Iron Ore Mines (998.700)	30.09.2010
67	M/s. O.M.D.Co. Roida-Bhadrasahi Iron & Manganese Ore Mines (Kolha-Roida)	30.09.2010
68	M/s Pattnaik Minerals Pvt.Ltd Joribahal Manganese Ore Mines (14.739)	19.06.2014
69	M/s Rungta Sons (P) Ltd Bhulbeda Iron & Manganese Ore Mines (22.226)	19.10.2012
70	M/s SAIL Toda RF Iron Mines (25.981)	16.01.1995
71	M/s SAIL Toda RF Iron Mines (77.940)	28.04.2000
72	M/s SAIL Toda-RF Iron Mines (3.340)	17.01.2004
73	M/s Serrajuddin & Co Guruda Iron & Manganese Ore Mines (39.704)	21.04.2020
74	M/s Sun Alloys & Mineral (P) Ltd Patmunda Mn Mines (81.233)	11.02.2006
75	M/s T.B.Lal & Co. Kasia-Barpada Iron Ore Mines (77.500)	01.12.1987
76	M/s T.B.Lal & Co.Jajang Iron Ore Mines (22.690)	10.10.1991
77	M/s Tarini Minerals Nuagaon Mn Mines (7.850)	25.02.2000

<b>Sr No</b>	<b>Name of the lessee and lease</b>	<b>Date of Expiry of Lease period</b>
78	M/s Tarini Minerals Tehrai Iron/Mn. Mines (29.077)	25.02.2000
79	M/s Tarini Minerals Jurudi-Jajang Iron & Manganese Ore Mines (66.37)	05.02.2010
80	M/s Zenith Mining Pvt. Ltd Ganua Iron/Mn. Mines (129.179)	22.10.2001
81	Matadin Sarda Khajuridiha Iron/Mn. Mines (119.545)	30.08.1987
82	R.B Das Kundrupani Iron & Manganese Ore Mines (10.255)	06.09.2004
83	R.P.Sao Chormalda Manganese Ore Mines (141.122)	30.11.1987
84	Sri Raj Kumar Agrawal Champasar-Bharatbahal Manganese Ore Mines (7.272)	03.10.2017
85	S.N.Paul Katasahi Manganese Ore Mines (9.700)	08.10.2005
86	S.A.Halim Oraghat Mn Mines, (11.485)	23.09.2027
87	S.C Padhi Gurubeda Iron Ore Mines (49.776)	04.07.2002
88	S.C Padhi Bansapani Iron & Manganese Ore Mines (37.868)	28.11.1993
89	S.D.Sharma Raikela iron ore Mines (14.933)	20.01.2012
90	S.D.Sharma Raika Iron & Manganese Ore Mines (26.243)	30.10.1999
91	S.D.Sharma Nuagaon Iron/Mn. Mines (12.942)	06.05.2005
92	S.N.Dasmohapatra Kolha-Rudukela Iron & Manganese Ore Mines (36.474)	02.05.2002
93	Smt.Kabita Agrawal - Kusumdihi Mn. Mines (47.486)	27.03.2004
94	U.C.Mishra Kamand Mn Mines (60.700)	07.08.2008

### Annexure - III

**List of lessees showing year wise production (as given by Director of Mines & Geology and Lessees) of Iron ore which have not obtained Environment Clearance (EC) under EIA Notification.**

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
1	M/s. Arujun Lodha Balagunda Iron & Manganese Ore Mines (326.5)	04.11.1996	1994-95 00 1995-96 00 1996-97 9814 1997-98 1319 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 1460 2006-07 1036 2007-08 164265 2008-09 321591 2009-10 133269 2010-11 00 2011-12 00 <b>Total = 632754</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
2	B. C. Dagara Bhitarmda Iron ore mines (243.819)	08.03.2008	1994-95 9765 1995-96 5874 1996-97 4092 1997-98 3583 1998-99 9278 1999-00 15974 2000-01 8290 2001-02 1574 2002-03 3898 2003-04 3933 2004-05 2262 2005-06 5770 2006-07 12769 2007-08 29386 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 116539</b>	1994-95 9765 1995-96 5874 1996-97 4435 1997-98 3583 1998-99 9278 1999-00 16306 2000-01 7490 2001-02 1594 2002-03 <b>3706</b> 2003-04 3919 2004-05 2278 2005-06 5767 2006-07 12769 2007-08 33884 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 120648</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
3	M.S.Deb Inganijharan Iron & Manganese Ore Mines (114.930)	19.11.1973	1994-95 1057 1995-96 200 1996-97 120 1997-98 00 1998-99 2978 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 39755 2006-07 445995 2007-08 314155 2008-09 321500 2009-10 36500 2010-11 00 2011-12 00 <b>Total = 1162260</b>	1994-95 1057 1995-96 200 1996-97 120 1997-98 00 1998-99 2978 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 45469.928 2006-07 448663 2007-08 320933.868 2008-09 334525 2009-10 35755 2010-11 00 2011-12 00 <b>Total= 1189701.796</b>



Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
4	Basudev Agarwal Urumunda Iron Mines (82.03)	28.12.2011	1994-95 13871 1995-96 15800 1996-97 10549 1997-98 7795 1998-99 8021 1999-00 22885 2000-01 12496 2001-02 00 2002-03 762 2003-04 4721 2004-05 21144 2005-06 38205 2006-07 25155 2007-08 38435 2008-09 22875 2009-10 7235 2010-11 00 2011-12 00 <b>Total = 249949</b>	1994-95 10493 1995-96 20000 1996-97 8845 1997-98 8750 1998-99 8092 1999-00 13918 2000-01 11057 2001-02 00 2002-03 762.375 2003-04 4721 2004-05 21444 2005-06 38205 2006-07 25155 2007-08 38485 2008-09 22875 2009-10 7235 2010-11 00 2011-12 00 <b>Total = 240037.375</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
5	B.D Ptanaik Kalaparbat Iron Ore Mines (25.632)	30.07.1989	1994-95 6938 1995-96 8184 1996-97 8190 1997-98 5700 1998-99 5850 1999-00 6350 2000-01 9150 2001-02 8515 2002-03 17088 2003-04 19060 2004-05 20780 2005-06 51100 2006-07 32510 2007-08 30821 2008-09 8450 2009-10 27940 2010-11 00 2011-12 00 <b>Total = 266626</b>	1994-95 6937.500 1995-96 8184.328 1996-97 8190 1997-98 5700 1998-99 5850 1999-00 7850 2000-01 9200 2001-02 8465.120 2002-03 17088.429 2003-04 19060 2004-05 20780 2005-06 43000.00 2006-07 32510 2007-08 30821 2008-09 8450 2009-10 27940 2010-11 00 2011-12 00 <b>Total = 260026.377</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
6	B.K.Mohanty Uliburu Iron & Manganese Ore & Limestone Mines (56.9393)	12.12.2003	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 48000 2004-05 213000 2005-06 885120 2006-07 1442760 2007-08 1447800 2008-09 195250 2009-10 516896 2010-11 00 2011-12 00 <b>Total = 4748826</b> <b>(All from encroached forest areas)</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
7	M/s Bhanja Minerals (P) Ltd., Deojhar Iron Ore Mines (399.02)	20.11.2003	1994-95 10602 1995-96 12555 1996-97 5650 1997-98 30601 1998-99 25030 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 84456</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
8	M/s BPMEL Kolha-Roida Iron & Manganese Ore Mines (254.95) <b>(Operated by OMDC)</b>	14.09.1996	1994-95 202357 1995-96 230973 1996-97 191933 1997-98 203500 1998-99 208159 1999-00 395220 2000-01 532800 2001-02 829590 2002-03 504920 2003-04 377500 2004-05 842000 2005-06 555400 2006-07 533461 2007-08 616310 2008-09 11300 2009-10 3700 2010-11 00 2011-12 00 <b>Total = 6239123</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 532500 2001-02 734400 2002-03 963906 2003-04 965555 2004-05 726500 2005-06 549100 2006-07 548000 2007-08 610310 2008-09 11300 2009-10 3746.33 2010-11 00 2011-12 00 <b>Total = 5645317.33</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
9	M/s BPMEL Thakurani Iron & Manganese Ore Mines (778.762 Ha.)	30.09.1984	1994-95 3070 1995-96 119303 1996-97 117994 1997-98 40685 1998-99 39000 1999-00 121000 2000-01 140000 2001-02 205500 2002-03 237000 2003-04 1368206 2004-05 703550 2005-06 1509410 2006-07 1172100 2007-08 1251000 2008-09 1252376 2009-10 411717 2010-11 00 2011-12 00 <b>Total = 9748911</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 140000 2001-02 173000 2002-03 325714 2003-04 1237206 2004-05 750400 2005-06 1471860 2006-07 1176600 2007-08 1270500 2008-09 1190876 2009-10 393298.92 2010-11 00 2011-12 00 <b>Total = 8129454.92</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
10	D. C. Das Maharajpur Iron ore mines	05.04.2009	1994-95 365 1995-96 3088 1996-97 2833 1997-98 4323 1998-99 1953 1999-00 78 2000-01 130 2001-02 2254 2002-03 2534 2003-04 3978 2004-05 18474 2005-06 45349 2006-07 13260 2007-08 257374 2008-09 129773 2009-10 00 2010-11 00 2011-12 00 <b>Total = 485766</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 2750 1998-99 3700 1999-00 2600 2000-01 3100 2001-02 2151 2002-03 3250 2003-04 3988 2004-05 19774 2005-06 45349 2006-07 13260 2007-08 52868.8 2008-09 91470.526 2009-10 00 2010-11 00 2011-12 00 <b>Total = 244261.326</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
11	D.C.Jain Dalpahar Block-A Iron & Manganese Ore Mines (101.171)	08.06.2006	1994-95 453 1995-96 327 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 780</b>	1994-95 268.00 1995-96 512.75 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 780.75</b>



Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
12	Dr. S Pradhan Baitarani Iron Ore Mines (65.397)	27.07.2008	1994-95 64063 1995-96 64370 1996-97 46174 1997-98 21778 1998-99 30678 1999-00 27176 2000-01 24386 2001-02 4690 2002-03 00 2003-04 197564 2004-05 235652 2005-06 210308 2006-07 266743 2007-08 245307 2008-09 245629 2009-10 51176 2010-11 00 2011-12 00 <b>Total = 1735690</b>	1994-95 64063 1995-96 64370 1996-97 46174 1997-98 21778 1998-99 30678 1999-00 27176 2000-01 24386 2001-02 4690 2002-03 00 2003-04 197564 2004-05 235652 2005-06 210308 2006-07 266743 2007-08 245307 2008-09 245629 2009-10 39808 2010-11 00 2011-12 00 <b>Total = 1724322</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
13	M/s O.M.C Ltd Sakradihi Iron Ore Mines	28.12.1989	1994-95 4985 1995-96 73773 1996-97 113562 1997-98 150413 1998-99 131443 1999-00 147900 2000-01 158083 2001-02 66558 2002-03 128570 2003-04 226025 2004-05 186078 2005-06 278826 2006-07 1602 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 1667818</b>	1994-95 3000 1995-96 77852 1996-97 115041 1997-98 150413 1998-99 131443 1999-00 157937 2000-01 151551 2001-02 65558 2002-03 128570 2003-04 226025 2004-05 241963 2005-06 339009 2006-07 1602 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 1789964</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
14	M/s O.M.C Ltd Balda-Palsa-Jajang Iron Ore Mines (866.6)	27.02.2000	1994-95 51050 1995-96 58155 1996-97 53730 1997-98 73950 1998-99 80000 1999-00 100173 2000-01 90435 2001-02 81570 2002-03 172831 2003-04 311822 2004-05 244239 2005-06 219531 2006-07 281084 2007-08 215650 2008-09 153068 2009-10 1250 2010-11 00 2011-12 00 <b>Total = 2188538</b>	1994-95 51050 1995-96 58155 1996-97 53770 1997-98 73950 1998-99 80000 1999-00 90675 2000-01 90434 2001-02 81570 2002-03 172831 2003-04 311822 2004-05 267534 2005-06 135125 2006-07 252678 2007-08 215950 2008-09 177656 2009-10 1300 2010-11 00 2011-12 00 <b>Total = 2114500</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
15	G. S. Chaubey Nangalsila Iron ore mines (45.931)	17.07.2005	1994-95 2920 1995-96 1095 1996-97 554 1997-98 66 1998-99 127 1999-00 00 2000-01 00 2001-02 107 2002-03 00 2003-04 2275 2004-05 12527 2005-06 5589 2006-07 300 2007-08 19356 2008-09 1549 2009-10 00 2010-11 00 2011-12 00 <b>Total = 46465</b>	1994-95 2920 1995-96 1095 1996-97 554 1997-98 66 1998-99 127 1999-00 00 2000-01 00 2001-02 107 2002-03 00 2003-04 2275 2004-05 12527 2005-06 5589 2006-07 300 2007-08 19356 2008-09 1549 2009-10 00 2010-11 00 2011-12 00 <b>Total = 46465</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
16	J.K.Chaubey Purunapani Bhuyabasa Iron ore mines (85.49)	21.07.2005	1994-95 158 1995-96 2969 1996-97 4277 1997-98 1072 1998-99 5243 1999-00 2237 2000-01 2955 2001-02 5935 2002-03 1739 2003-04 5177 2004-05 6293 2005-06 2430 2006-07 3328 2007-08 8512 2008-09 2834 2009-10 1925 2010-11 00 2011-12 00 <b>Total = 57084</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
17	J.K.Chaubey Budharajapahar Iron & Mn. Mines	28.07.2001	1994-95 76 1995-96 36 1996-97 89 1997-98 178 1998-99 00 1999-00 618 2000-01 150 2001-02 1901 2002-03 00 2003-04 00 2004-05 248 2005-06 00 2006-07 00 2007-08 00 2008-09 47093 2009-10 13400 2010-11 00 2011-12 00 <b>Total = 63789</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
18	B. K. Das Kasiabeda Iron ore mines (9.874)	14.04.2011	1994-95 00 1995-96 00 1996-97 00 1997-98 142 1998-99 34 1999-00 21 2000-01 00 2001-02 47 2002-03 149 2003-04 125 2004-05 277 2005-06 4492 2006-07 2727 2007-08 126274 2008-09 160891 2009-10 00 2010-11 00 2011-12 00 <b>Total = 295179</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
19	M/s.Narayani Sons (P) Ltd.Laupada Iron Mines (141.336)	30.11.2000	1994-95 12580 1995-96 11800 1996-97 2821 1997-98 4910 1998-99 688 1999-00 200 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 30228 2009-10 15702 2010-11 00 2011-12 00 <b>Total = 78929</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 30228 2009-10 404.00 2010-11 00 2011-12 00 <b>Total = 30632</b>



Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
20	M/s Essel Mining & Industries Ltd. Unchabali Iron & Manganese Ore Mines (107.307)	31.07.2003	1994-95 389 1995-96 218 1996-97 2675 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 3282</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
21	M/s.H.G.Pandya & Others Jajang Iron Ore Mines (100.137)	01.06.2013	1994-95 79663 1995-96 89276 1996-97 126828 1997-98 153424 1998-99 157873 1999-00 145154 2000-01 141690 2001-02 247100 2002-03 216528 2003-04 200401 2004-05 209998 2005-06 169924 2006-07 217547 2007-08 283196 2008-09 205616 2009-10 103325 2010-11 00 2011-12 00 <b>Total = 2747543</b>	1994-95 79663.930 1995-96 89277.900 1996-97 126274.130 1997-98 153422.460 1998-99 157860.410 1999-00 145155.180 2000-01 155710.870 2001-02 209504.120 2002-03 216527.810 2003-04 200400.640 2004-05 178749.070 2005-06 190151.360 2006-07 213875.650 2007-08 248211.750 2008-09 208266.300 2009-10 99833.570 2010-11 00 2011-12 00 2012-13 00 <b>Total = 2672855.787</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
22	K.C Pradhan Lakraghat Iron Ore Mines (10.720)	28.11.2006	1994-95 5367 1995-96 6257 1996-97 4577 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 1490 2004-05 9552 2005-06 13715 2006-07 10605 2007-08 2675 2008-09 7007 2009-10 00 2010-11 00 2011-12 00 <b>Total = 61245</b>	1994-95 4836 1995-96 6257 1996-97 4577 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 1490 2004-05 9552 2005-06 13735 2006-07 10605 2007-08 2885 2008-09 7007 2009-10 00 2010-11 00 2011-12 00 <b>Total = 60944</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
23	K.C Pradhan Paredipada Iron & Manganese Ore Mines (12.600)	11.06.2010	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 3566 1995-96 2755 1996-97 3360 1997-98 5917 1998-99 4151 1999-00 3193 2000-01 3416 2001-02 2582 2002-03 1659 2003-04 1570 2004-05 524 2005-06 102 2006-07 595 2007-08 2220 2008-09 5442 2009-10 362 2010-11 00 2011-12 00 <b>Total = 41414</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
24	K.C Pradhan Hormotto Iron Ore Mines (59.186)	20.01.2004	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 405 2002-03 215 2003-04 2625 2004-05 14350 2005-06 62236 2006-07 31294 2007-08 25152 2008-09 25072 2009-10 14939 2010-11 00 2011-12 00 <b>Total = 176288</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 2629 2004-05 16755 2005-06 59728 2006-07 31294 2007-08 25102 2008-09 25107 2009-10 14939 2010-11 00 2011-12 00 <b>Total = 175554</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
25	J. N. Pattnaik Bhajpali iron ore Mines (18.00)	31.03.2027	1994-95 00 1995-96 00 1996-97 00 1997-98 12855 1998-99 38800 1999-00 49835 2000-01 50125 2001-02 53700 2002-03 29068 2003-04 103841 2004-05 85890 2005-06 119960 2006-07 263200 2007-08 90850 2008-09 172477 2009-10 229703 2010-11 115487 2011-12 00 <b>Total = 1415791</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 12855 1998-99 36625 1999-00 49835 2000-01 50125 2001-02 53700 2002-03 29612 2003-04 103841 2004-05 86740 2005-06 119960 2006-07 263200 2007-08 90850 2008-09 172477 2009-10 230000 2010-11 115487 2011-12 00 <b>Total = 1415307</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
26	M/s.Kalinga Mining Corporation Jurudi Iron Ore Mines (27.17)	21.06.1993	1994-95 2859 1995-96 1101 1996-97 2128 1997-98 4154 1998-99 2570 1999-00 650 2000-01 600 2001-02 600 2002-03 500 2003-04 1525 2004-05 6200 2005-06 52334 2006-07 1900 2007-08 1000 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 78121</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 500 2003-04 1525 2004-05 6200 2005-06 13533.72 2006-07 1200 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 22958.72</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
27	M/s.Kalinga Mining Corporation Jurudi Iron Ore Mines (12.69)	21.06.1993	1994-95 419 1995-96 610 1996-97 1332 1997-98 2153 1998-99 1485 1999-00 3100 2000-01 00 2001-02 800 2002-03 00 2003-04 00 2004-05 00 2005-06 42000 2006-07 489000 2007-08 284400 2008-09 35996 2009-10 00 2010-11 00 2011-12 00 <b>Total = 861295</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 213700 2006-07 378500 2007-08 284200 2008-09 84775.91 2009-10 00 2010-11 00 2011-12 00 <b>Total = 961175.91</b>



Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
28	K.J.S. Ahluwalia Panduliposi Iron & Manganese Ore Mines (40.470)	19.12.2006	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 6292 1995-96 8319 1996-97 7648 1997-98 00 1998-99 00 1999-00 7329 2000-01 5103 2001-02 5195 2002-03 1124 2003-04 780 2004-05 00 2005-06 122 2006-07 497 2007-08 1918 2008-09 1488 2009-10 213 2010-11 56 2011-12 00 <b>Total = 46084</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
29	M/s Kusheleswara Minerals Kalaparbat Iron Ore Mines (9.814)	08.04.2011	1994-95 241 1995-96 9873 1996-97 463 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 10577</b>	1994-95 241 1995-96 9873 1996-97 463 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 10577</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
30	M.R.Das Deojhar Iron Ore Mines (11.533)	05.07.2018	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 2880 2002-03 11755 2003-04 11449 2004-05 12038 2005-06 00 2006-07 00 2007-08 5150 2008-09 00 2009-10 80 2010-11 00 2011-12 00 <b>Total = 38122</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 951.571 2002-03 10921.500 2003-04 11399.880 2004-05 1020.00 2005-06 1100.00 2006-07 4350.00 2007-08 3843.00 2008-09 00 2009-10 178.00 2010-11 00 2011-12 00 <b>Total = 33763.951</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
31	M.R.Das Bhulbeda Iron & Manganese Ore Mines (5.129)	03.12.1999	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 700 2005-06 1100 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 1800</b>	1994-95 00 1995-96 00 1996-97 155.00 1997-98 182.00 1998-99 212.00 1999-00 00 2000-01 30.00 2001-02 459.080 2002-03 35.00 2003-04 920.00 2004-05 700 2005-06 1100 2006-07 65.00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 3858.08</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
32	M/s. M.G.Mohanty Ganua Iron/Mn. Mines (82.083)	29.11.1991	1994-95 1989.707 1995-96 7666.224 1996-97 2406.197 1997-98 70.800 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 12132.925</b>	1994-95 1989.707 1995-96 7666.224 1996-97 2406.194 1997-98 70.800 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 12132.925</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
33	M/s Mineral Trading Syndicate Bhulbeda Iron Ore Mines (62.322)	09.06.2003	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 1160 1999-00 107 2000-01 00 2001-02 435 2002-03 3642 2003-04 16931 2004-05 5259 2005-06 2062 2006-07 11025 2007-08 11791 2008-09 17587 2009-10 750 2010-11 00 2011-12 00 <b>Total = 70749</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 1160 1999-00 107 2000-01 00 2001-02 435 2002-03 3642 2003-04 16931 2004-05 5259 2005-06 2062 2006-07 11025 2007-08 11797 2008-09 17587 2009-10 00 2010-11 00 2011-12 00 <b>Total = 70005</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
34	M/s Narayani Sons (P) Ltd. Suruguturia Iron Ore Mines (99.780)	05.07.2010	1994-95 16238 1995-96 14025 1996-97 33522 1997-98 19510 1998-99 25837 1999-00 21684 2000-01 1554 2001-02 57 2002-03 3063 2003-04 29002 2004-05 16886 2005-06 28131 2006-07 19429 2007-08 73871 2008-09 71882 2009-10 56327 2010-11 00 2011-12 00 <b>Total = 431018</b>	1994-95 16238 1995-96 14025 1996-97 33522 1997-98 24572 1998-99 25937 1999-00 21784 2000-01 1025 2001-02 57 2002-03 4039.18 2003-04 29002.780 2004-05 31895.705 2005-06 21206.200 2006-07 19385 2007-08 55002 2008-09 69110 2009-10 36518.700 2010-11 00 2011-12 00 <b>Total = 403319.565</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
35	M/s.National Enterprises Sanindupur Iron/Mn. Mines (70.917)	09.09.2020	1994-95 11077 1995-96 6521 1996-97 8700 1997-98 21663 1998-99 33076 1999-00 20875 2000-01 25138 2001-02 15103 2002-03 9828 2003-04 41712 2004-05 84478 2005-06 153179 2006-07 362348 2007-08 413000 2008-09 313300 2009-10 434850 2010-11 200600 2011-12 00 <b>Total = 2155448</b>	1994-95 11101 1995-96 8021 1996-97 6934 1997-98 18743 1998-99 34748 1999-00 21903 2000-01 23426 2001-02 15104 2002-03 14258 2003-04 15350 2004-05 23625 2005-06 127184 2006-07 336098 2007-08 368576 2008-09 341265 2009-10 434850 2010-11 78000 2011-12 00 <b>Total = 1879186</b>



Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
36	M/s. O.M.D.Co. Bagiaburu Iron Ore Mines (21.520)	30.09.2010	1994-95 30 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 14950 2001-02 4395 2002-03 31900 2003-04 5500 2004-05 65500 2005-06 5000 2006-07 6260 2007-08 29670 2008-09 5000 2009-10 67100 2010-11 00 2011-12 00 <b>Total = 235275</b>	1994-95 30 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 14950 2001-02 2000 2002-03 31900 2003-04 4700 2004-05 65500 2005-06 5000 2006-07 17835 2007-08 28450 2008-09 5000 2009-10 67100 2010-11 6350 2011-12 00 <b>Total = 248785</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
37	M/s. O.M.D.Co. Belkundi Iron & Manganese Ore Mines (1276.79)	15.08.2006	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 8828 2001-02 33135 2002-03 167500 2003-04 720650 2004-05 456512 2005-06 259440 2006-07 223500 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 1869565</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 8828 2001-02 33135 2002-03 182500 2003-04 701550 2004-05 438512.834 2005-06 289140 2006-07 223500 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 1877165.834</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
38	M/s. O.M.D.Co. Roida-Bhadrasahi Iron Ore Mines (998.700)	30.09.2010	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 532800 2001-02 24482 2002-03 407574 2003-04 657100 2004-05 652567 2005-06 228200 2006-07 733450 2007-08 1387500 2008-09 686189 2009-10 299950 2010-11 00 2011-12 00 <b>Total = 5609812</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 45035.00 2001-02 95190.00 2002-03 533692.79 2003-04 639200.00 2004-05 627967.00 2005-06 480730 2006-07 744450 2007-08 1433000 2008-09 575400 2009-10 299950 2010-11 23538.89 2011-12 00 <b>Total = 5500153.68</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
39	M/s. O.M.D.Co. Roida-Bhadrasahi Iron & Manganese Ore Mines (Kolha-Roida)	30.09.2010	1994-95 66003 1995-96 90018 1996-97 117176 1997-98 77648 1998-99 94793 1999-00 52110 2000-01 44935 2001-02 95190 2002-03 644401 2003-04 537200 2004-05 507700 2005-06 315700 2006-07 158500 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 2801374</b>	1994-95 66003 1995-96 90018 1996-97 117176 1997-98 77648 1998-99 94793 1999-00 52110 2000-01 44935 2001-02 95190 2002-03 644401 2003-04 537200 2004-05 507700 2005-06 315700 2006-07 158500 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 2801374</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
40	M/s Serrajuddin & Co Guruda Iron & Manganese Ore Mines (39.704)	21.04.2020	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 1930.710 2002-03 1029.360 2003-04 331.940 2004-05 991.300 2005-06 364.410 2006-07 1000 2007-08 2420 2008-09 7608 2009-10 6902 2010-11 00 2011-12 00 <b>Total = 22577.72</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
41	M/s T.B.Lal & Co. Kasia-Barpada Iron Ore Mines (77.500)	01.12.1987	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 487 2008-09 128 2009-10 00 2010-11 00 2011-12 00 <b>Total = 615</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 427.250 2008-09 128.600 2009-10 00 2010-11 00 2011-12 00 <b>Total = 555.85</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
42	M/s T.B.Lal & Co. Jajang Iron Ore Mines (22.690)	10.10.1991	1994-95 10140 1995-96 10220 1996-97 18185 1997-98 28722 1998-99 15656 1999-00 24441 2000-01 17788 2001-02 28269 2002-03 74468 2003-04 90823 2004-05 103230 2005-06 104242 2006-07 318560 2007-08 134140 2008-09 141470 2009-10 10050 2010-11 132460 2011-12 00 <b>Total = 1262864</b>	1994-95 10140 1995-96 10220 1996-97 18185 1997-98 18722 1998-99 15656 1999-00 24441 2000-01 17788 2001-02 28269 2002-03 74468 2003-04 90823 2004-05 103230 2005-06 104242 2006-07 318560 2007-08 134140 2008-09 141470 2009-10 10050 2010-11 132460 2011-12 00 <b>Total = 1253864</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
43	M/s Tarini Minerals Tehrai Iron/Mn. Mines (29.077)	25.02.2000	1994-95 100 1995-96 475 1996-97 1020 1997-98 00 1998-99 2286 1999-00 00 2000-01 40 2001-02 00 2002-03 00 2003-04 00 2004-05 8260 2005-06 7600 2006-07 2950 2007-08 5250 2008-09 1300 2009-10 800 2010-11 00 2011-12 00 <b>Total = 30081</b>	1994-95 00 1995-96 475 1996-97 00 1997-98 00 1998-99 2286 1999-00 00 2000-01 40 2001-02 00 2002-03 00 2003-04 650 2004-05 8260 2005-06 8200 2006-07 2950 2007-08 5250 2008-09 1300 2009-10 800 2010-11 00 2011-12 00 <b>Total = 29696</b>



Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
44	M/s Tarini Minerals Jurudi-Jajang Iron & Manganese Ore Mines (66.37)	05.02.2010	1994-95 00 1995-96 12714 1996-97 9650 1997-98 12200 1998-99 15500 1999-00 835 2000-01 00 2001-02 4200 2002-03 11310 2003-04 31800 2004-05 38680 2005-06 97650 2006-07 146184 2007-08 213339 2008-09 197483 2009-10 73983 2010-11 00 2011-12 00 <b>Total = 865528</b>	1994-95 15602 1995-96 15292 1996-97 9650 1997-98 12200 1998-99 15500 1999-00 835 2000-01 00 2001-02 4200 2002-03 11310 2003-04 34950 2004-05 70115 2005-06 97650 2006-07 143997.6 2007-08 208150 2008-09 156080 2009-10 72175 2010-11 00 2011-12 00 <b>Total = 867706.6</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
45	M/s Zenith Mining Pvt. Ltd Ganua Iron/Mn. Mines (129.179)	22.10.2001	1994-95 00 1995-96 00 1996-97 00 1997-98 15654 1998-99 6087 1999-00 9643 2000-01 3786 2001-02 1087 2002-03 424 2003-04 6649 2004-05 42598 2005-06 97500 2006-07 50219 2007-08 44460 2008-09 69400 2009-10 37500 2010-11 00 2011-12 00 <b>Total = 385007</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 15654 1998-99 6087 1999-00 9643 2000-01 3786 2001-02 1087 2002-03 424 2003-04 6649 2004-05 42598 2005-06 97500 2006-07 50219 2007-08 44460 2008-09 69400 2009-10 37500 2010-11 00 2011-12 00 2012-13 00 <b>Total = 345007</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
46	Matadin Sarda Khajuridiha Iron/Mn. Mines (119.545)	30.08.1987	1994-95 632 1995-96 985 1996-97 624 1997-98 2293 1998-99 3643 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 27264 2004-05 33480 2005-06 59870 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 128791</b>	1994-95 632.311 1995-96 1330.638 1996-97 276.900 1997-98 2293.080 1998-99 3642.706 1999-00 00 2000-01 00 2001-02 00 2002-03 1034.357 2003-04 27263.906 2004-05 33480.266 2005-06 59870.446 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 129824.61</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
47	R.B Das Kundrupani Iron & Manganese Ore Mines (10.255)	06.09.2004	1994-95 00 1995-96 5790 1996-97 00 1997-98 00 1998-99 1786 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 5423 2004-05 28050 2005-06 19300 2006-07 47900 2007-08 42200 2008-09 22264 2009-10 8800 2010-11 00 2011-12 50452 <b>Total = 186065</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 28050 2005-06 19300 2006-07 48150 2007-08 42200 2008-09 13484.5 2009-10 7990 2010-11 00 2011-12 00 <b>Total = 159174.5</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
48	S.C Padhi Gurubeda Iron Ore Mines (49.776)	04.07.2002	1994-95 14000 1995-96 13400 1996-97 23000 1997-98 15200 1998-99 10400 1999-00 14000 2000-01 14630 2001-02 17910 2002-03 5440 2003-04 19200 2004-05 39670 2005-06 50400 2006-07 80550 2007-08 107267 2008-09 83858 2009-10 24700 2010-11 00 2011-12 00 <b>Total = 633625</b>	1994-95 14000 1995-96 13400 1996-97 23000 1997-98 15200 1998-99 10400 1999-00 14000 2000-01 14630 2001-02 17910 2002-03 5440 2003-04 19200 2004-05 39670 2005-06 50400 2006-07 80550 2007-08 106867.3 2008-09 79906.4 2009-10 24700 2010-11 00 2011-12 00 <b>Total = 529282.7</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
49	S.C Padhi Bansapani Iron & Manganese Ore Mines (37.868)	28.11.1993	1994-95 800 1995-96 850 1996-97 900 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 2104 2002-03 12400 2003-04 43140 2004-05 5070 2005-06 2900 2006-07 19660 2007-08 13100 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 100924</b>	1994-95 800 1995-96 850 1996-97 900 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 2104 2002-03 12400 2003-04 43140 2004-05 5070 2005-06 2900 2006-07 19660 2007-08 13100 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 100924</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
50	S.D.Sharma Raikela iron ore Mines (14.933)	20.01.2012	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 280 1999-00 00 2000-01 00 2001-02 00 2002-03 1430 2003-04 2744 2004-05 19642 2005-06 9731 2006-07 00 2007-08 00 2008-09 4384 2009-10 7189 2010-11 00 2011-12 22437 <b>Total = 67837</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 280 1999-00 110 2000-01 00 2001-02 00 2002-03 1213 2003-04 2744 2004-05 19642 2005-06 9731 2006-07 00 2007-08 00 2008-09 4384 2009-10 7189 2010-11 3270.972 2011-12 22436.800 <b>Total = 71000.772</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
51	S.D.Sharma Raika Iron & Manganese Ore Mines (26.243)	30.10.1999	1994-95 00 1995-96 570 1996-97 00 1997-98 882 1998-99 4487 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 2010 2004-05 4950 2005-06 12149 2006-07 2991 2007-08 370 2008-09 86164 2009-10 00 2010-11 00 2011-12 00 <b>Total = 114573</b>	1994-95 00 1995-96 570 1996-97 00 1997-98 882 1998-99 4487 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 2010 2004-05 4950 2005-06 10114 2006-07 2991 2007-08 450 2008-09 10559 2009-10 6837 2010-11 00 2011-12 00 <b>Total = 43850</b>



Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
52	S.D.Sharma Nuagaon Iron /Mn. Mines (12.942)	06.05.2005	1994-95 3643 1995-96 660 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 500 2002-03 00 2003-04 11210 2004-05 58399 2005-06 107270 2006-07 86365 2007-08 53673 2008-09 3586 2009-10 00 2010-11 00 2011-12 00 <b>Total = 311761</b>	1994-95 3643 1995-96 660 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 500 2002-03 00 2003-04 11210 2004-05 58399 2005-06 107270 2006-07 86365 2007-08 53673 2008-09 3586 2009-10 00 2010-11 00 2011-12 00 <b>Total = 3253.06</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
53	S.N.Dasmohapatra Kolha-Rudukela Iron & Manganese Ore Mines (36.474)	02.05.2022	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 920.565 2003-04 1680.640 2004-05 2305.909 2005-06 4525 2006-07 9548.717 2007-08 8655.146 2008-09 2351.107 2009-10 1924 2010-11 1018.519 2011-12 00 <b>Total = 32929.603</b>

**Grand Total production : (a) As submitted by DMG 52536590.93 MT**  
**(b) As submitted by Lessee 43362371.74 MT**

**Annexure - IV**

**List of lessees showing year wise production (as given by Director of Mines & Geology and Lessees) of Manganese ore which have not obtained Environment Clearance (EC).**

<b>Sr No</b>	<b>Name of the lessee and lease</b>	<b>Date of Expiry of Lease period</b>	<b>Production as per Submission of DMG (MT)</b>		<b>Production as per Submission of Lessee (MT)</b>	
1	M/s BPMEL Kolha-Roida Iron & Manganese Ore Mines (254.95) (Operated by OMDC)	14.09.1996	1994-95	28294	1994-95	00
			1995-96	22116	1995-96	00
			1996-97	00	1996-97	00
			1997-98	00	1997-98	00
			1998-99	00	1998-99	00
			1999-00	00	1999-00	00
			2000-01	00	2000-01	7461
			2001-02	00	2001-02	6973
			2002-03	00	2002-03	11250
			2003-04	00	2003-04	250
			2004-05	00	2004-05	4860
			2005-06	00	2005-06	7635
			2006-07	00	2006-07	00
			2007-08	00	2007-08	00
			2008-09	00	2008-09	00
			2009-10	00	2009-10	00
			2010-11	00	2010-11	00
			2011-12	00	2011-12	00
			<b>Total = 50410</b>		<b>Total = 38429</b>	

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
2	D. R. Patnaik Thakurani Iron Ore Mines (121.385)	06.08.2008	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 1874.015 1995-96 1784.5 1996-97 110.5 1997-98 00 1998-99 1160 1999-00 20 2000-01 00 2001-02 282.60 2002-03 126 2003-04 00 2004-05 273 2005-06 00 2006-07 42 2007-08 8 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total= 9838.615</b>
3	M/s O.M.C Ltd Dubuna Manganese Ore Mines (1323.00)		1994-95 00 1995-96 15415 1996-97 1751 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 17166</b>	1994-95 28527 1995-96 24747 1996-97 29411 1997-98 32704 1998-99 32061 1999-00 23324 2000-01 31325 2001-02 27718 2002-03 30599 2003-04 26048 2004-05 30645 2005-06 34665 2006-07 952 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 352766</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
4	M/s Feegrade & Co. Ltd Sarkunda Iron/ Mn. Mines (395.565)	19.12.2000	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 127.660 1995-96 00 1996-97 636 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 256.600 2008-09 229.639 2009-10 66 2010-11 00 2011-12 00 <b>Total = 1315.899</b>
5	M/s BPMEL Dalki Manganese Ore Mines (266.77)	30.09.1974	1994-95 72045 1995-96 38341 1996-97 15443 1997-98 2465 1998-99 1825 1999-00 41005 2000-01 41005 2001-02 26205 2002-03 15995 2003-04 3800 2004-05 1845 2005-06 4205 2006-07 200 2007-08 200 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 264579</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
6	M/s Essel Mining & Industries Ltd. Sarkunda (160.900)	03.12.2002	1994-95 4433 1995-96 5087 1996-97 4410 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 13930</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>
7	M/s FACOR Ltd Katasahi Manganese Ore Mines (13.674)	31.07.2018	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 50.00 2003-04 1337.910 2004-05 3823.00 2005-06 2010.00 2006-07 4121.223 2007-08 13909.276 2008-09 9397.294 2009-10 961.965 2010-11 00 2011-12 00 <b>Total= 35610.668</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
8	M/s.Indicom Minerals (P) Ltd. Podkana Manganese Ore Mines (11.159)	02.05.2015	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 00 1995-96 4770 1996-97 3060 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 7830</b>
9	M/s Kusheleswara Minerals Kalaparnbat Iron Ore Mines (9.814)	08.04.2011	1994-95 00 1995-96 494 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 170 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 664</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
10	M.R.Das Kashipur Manganese Ore Mines (21.670)	16.06.2009	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 2880 2002-03 11755 2003-04 11449 2004-05 12038 2005-06 00 2006-07 00 2007-08 5150 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 43272</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>
11	M/s. M.G.Mohanty Ganua Iron/Mn. Mines (82.083)	29.11.1991	1994-95 1540.575 1995-96 858.760 1996-97 1996.800 1997-98 1399.750 1998-99 606.525 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 6402.41</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>



Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
12	M/s.National Enterprises Sanindupur Iron/Mn. Mines (70.917)	09.09.2020	1994-95 851.425 1995-96 2724.500 1996-97 5780 1997-98 4558.470 1998-99 465.120 1999-00 353 2000-01 55 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total=14787.515</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>
13	M/s Pattnaik Minerals Pvt.Ltd Joribahal Manganese Ore Mines (14.739)	19.06.2014	1994-95 821 1995-96 2851.400 1996-97 1863.580 1997-98 5220 1998-99 1831.430 1999-00 5644.500 2000-01 8875 2001-02 5178.640 2002-03 2720 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 35005.55</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
14	M/s Serrajuddin & Co Guruda Iron & Manganese Ore Mines (39.704)	21.04.2020	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 364 2006-07 900 2007-08 2420 2008-09 7608 2009-10 6746 2010-11 00 2011-12 00 <b>Total = 18038</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>
15	M/s Sun Alloys & Mineral (P) Ltd Patmunda Mn Mines (81.233)	11.02.2006	1994-95 00 1995-96 00 1996-97 1878.873 1997-98 4839.626 1998-99 876.317 1999-00 1031.070 2000-01 2938.360 2001-02 3592.768 2002-03 2116.510 2003-04 1664.198 2004-05 1717.993 2005-06 853.713 2006-07 612.824 2007-08 529.652 2008-09 382.007 2009-10 209.538 2010-11 00 2011-12 00 <b>Total = 23243.449</b>	1994-95 00 1995-96 00 1996-97 1878.873 1997-98 4839.626 1998-99 876.317 1999-00 1031.070 2000-01 2938.360 2001-02 3592.768 2002-03 2116.510 2003-04 1664.198 2004-05 1717.993 2005-06 853.713 2006-07 612.824 2007-08 529.652 2008-09 382.007 2009-10 209.538 2010-11 00 2011-12 00 <b>Total= 23243.449</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
16	M/s Tarini Minerals Nuagaon Mn Mines (7.850)	25.02.2000	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 300 2001-02 3582 2002-03 10470 2003-04 6548 2004-05 9050 2005-06 4725 2006-07 6000 2007-08 6545 2008-09 3420 2009-10 1941.500 2010-11 00 2011-12 00 <b>Total = 52581.5</b>	1994-95 00 1995-96 00 1996-97 445.900 1997-98 00 1998-99 770 1999-00 1240 2000-01 00 2001-02 3866 2002-03 10470 2003-04 6548.500 2004-05 9050 2005-06 4725 2006-07 6000 2007-08 6545 2008-09 3420 2009-10 1941.500 2010-11 00 2011-12 00 <b>Total = 55021.9</b>
17	M/s Tarini Minerals Tehrai Iron/Mn. Mines (29.077)	25.02.2000	1994-95 998 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 350 2001-02 2815 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 4163</b>	1994-95 898 1995-96 1130 1996-97 3262 1997-98 2677 1998-99 00 1999-00 6505 2000-01 2815 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 17287.5</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
18	M/s Tarini Minerals Jurudi-Jajang Iron & Manganese Ore Mines (66.37)	05.02.2010	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 135 2000-01 28 2001-02 659 2002-03 1607 2003-04 00 2004-05 315 2005-06 333 2006-07 1745 2007-08 2272 2008-09 1378 2009-10 616 2010-11 00 2011-12 00 <b>Total = 9088</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 135 2000-01 28 2001-02 659 2002-03 1607 2003-04 00 2004-05 315 2005-06 333 2006-07 1745 2007-08 2272 2008-09 1378 2009-10 616 2010-11 00 2011-12 00 <b>Total = 9088</b>
19	Matadin Sarda Khajuridiha Iron/Mn. Mines (119.545)	30.08.1987	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 2663.725 1995-96 2788.344 1996-97 6658.664 1997-98 2642.080 1998-99 2074.035 1999-00 5859.638 2000-01 7785.718 2001-02 7367.410 2002-03 5028.471 2003-04 20.109 2004-05 00 2005-06 00 2006-07 00 2007-08 119.673 2008-09 62.728 2009-10 32.151 2010-11 00 2011-12 00 <b>Total= 43102.746</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
20	R.P.Sao Chormalda Manganese Ore Mines (141.122)	30.11.1987	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 636 1995-96 558 1996-97 498.85 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 447 2009-10 828 2010-11 00 2011-12 00 <b>Total = 2967.85</b>
21	Sri Raj Kumar Agrawal Champasar- Bharatbahal Manganese Ore Mines (7.272)	03.10.2017	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 90 2002-03 1441 2003-04 3072 2004-05 7113 2005-06 11563 2006-07 8928 2007-08 17480 2008-09 14777 2009-10 9135 2010-11 00 2011-12 00 <b>Total = 73599</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
22	S.N.Paul Katasahi Manganese Ore Mines (9.700)	08.10.2005	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 51.200 2006-07 203.171 2007-08 524.605 2008-09 149.574 2009-10 206.157 2010-11 00 2011-12 00 <b>Total= 1134.707</b>
23	S.C Padhi Bansapani Iron & Manganese Ore Mines (37.868)	28.11.1993	1994-95 00 1995-96 752.150 1996-97 832.760 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 400.080 2002-03 7847.76 2003-04 15720.36 2004-05 1495.55 2005-06 25536.79 2006-07 12046.42 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total= 64631.87</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

Sr No	Name of the lessee and lease	Date of Expiry of Lease period	Production as per Submission of DMG (MT)	Production as per Submission of Lessee (MT)
24	S.D.Sharma Raika Iron & Manganese Ore Mines (26.243)	30.10.1999	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 43 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 43</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>
25	S.D.Sharma Nuagaon Iron/Mn. Mines (12.942)	06.05.2005	1994-95 3715 1995-96 1045 1996-97 1098 1997-98 7730 1998-99 7259 1999-00 3195 2000-01 10044 2001-02 4120 2002-03 4437 2003-04 00 2004-05 2355 2005-06 473 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 45471</b>	1994-95 00 1995-96 00 1996-97 00 1997-98 00 1998-99 00 1999-00 00 2000-01 00 2001-02 00 2002-03 00 2003-04 00 2004-05 00 2005-06 00 2006-07 00 2007-08 00 2008-09 00 2009-10 00 2010-11 00 2011-12 00 <b>Total = 00</b>

<b>Sr No</b>	<b>Name of the lessee and lease</b>	<b>Date of Expiry of Lease period</b>	<b>Production as per Submission of DMG (MT)</b>	<b>Production as per Submission of Lessee (MT)</b>
26	B.K.Mohanty Uliburu Iron & Manganese Ore & Limestone Mines (56.9393)	12.12.2003	1994 to 2004 00 2004-05 610 2005 to 2012 00 <b>Total = 610</b> <b>(All from encroached forest areas)</b>	

**Grand Total production :**

**(a) As submitted by DMG = 664086.29 MT**

**(b) As submitted by Lessee = 671235.33 MT**



**Annexure - V**

**List of lessees showing year wise illegal / without any lawful authority production of Iron and Manganese ore done by them without obtaining EC under EIA notification.**

<b>Sr No</b>	<b>Name of the lessees and leases</b>	<b>Date of Expiry of Lease period</b>	<b>Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)</b>	<b>Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)</b>
1	M/s. Arujun Lodha Balagunda Iron & Manganese Ore Mines (326.5)	04.11.1996	1994-96 00 1996-97 9814 1997-98 1319 1998-05 00 2005-06 1460 2006-07 1036 2007-08 164265 2008-09 321591 2009-10 133269 2010-12 00 <b>Total = 632754</b>	
2	B. C. Dagara Bhitarmda Iron ore mines (243.819)	08.03.2008	1994-95 9765 1995-96 5874 1996-97 4092 1997-98 3583 1998-99 9278 1999-00 15974 2000-01 8290 2001-02 1574 2002-03 3898 2003-04 3933 2004-05 2262 2005-06 5770 2006-07 12769 2007-08 29386 2008-12 00 <b>Total = 116539</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
3	M.S.Deb Inganijharan Iron & Manganese Ore Mines (114.930)	19.11.1973	1994-95 1057 1995-96 200 1996-97 120 1997-98 00 1998-99 2978 1999-05 00 2005-06 39755 2006-07 445995 2007-08 314155 2008-09 321500 2009-10 36500 2010-12 00 <b>Total = 1162260</b>	
4	Basudev Agarwal Urumunda Iron Mines (82.03)	28.12.2011	1994-95 13871 1995-96 15800 1996-97 10549 1997-98 7795 1998-99 8021 1999-00 22885 2000-01 12496 2001-02 00 2002-03 762 2003-04 4721 2004-05 21144 2005-06 38205 2006-07 25155 2007-08 38435 2008-09 22875 2009-10 7235 2010-12 00 <b>Total = 249949</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
5	B.D Pattanaik Kalaparnat Iron Ore Mines (25.632)	30.07.1989	1994-95 6938 1995-96 8184 1996-97 8190 1997-98 5700 1998-99 5850 1999-00 6350 2000-01 9150 2001-02 8515 2002-03 17088 2003-04 19060 2004-05 20780 2005-06 51100 2006-07 32510 2007-08 30821 2008-09 8450 2009-10 27940 2010-12 00 <b>Total = 266626</b>	
6	B.K.Mohanty Uliburu Iron & Manganese Ore & Limestone Mines (56.9393)	12.12.2003	1994 to 2003 00 2003-04 48000 2004-05 213000 2005-06 885120 2006-07 1442760 2007-08 1447800 2008-09 195250 2009-10 516896 2010-12 00 <b>Total = 4748826 (All from encroached forest areas)</b>	1994 to 2004 00 2004-05 610 2005 to 2012 00 <b>Total = 610 (All from encroached forest areas)</b>
7	M/s Bhanja Minerals (P) Ltd., Deojhar Iron Ore Mines (399.02)	20.11.2003	1994-95 10602 1995-96 12555 1996-97 5650 1997-98 30601 1998-99 25030 1999-12 00 <b>Total = 84456</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
8	M/s BPMEL Kolha-Roida Iron & Manganese Ore Mines (254.95)	14.09.1996	1994-95 202357 1995-96 230973 1996-97 191933 1997-98 203500 1998-99 208159 1999-00 395220 2000-01 532800 2001-02 829590 2002-03 504920 2003-04 377500 2004-05 842000 2005-06 555400 2006-07 533461 2007-08 616310 2008-09 11300 2009-10 3700 2010-12 00 <b>Total = 6239123</b>	1994-95 28294 1995-96 22116 1996-12 00 <b>Total = 50410</b>
9	M/s BPMEL Thakurani Iron & Manganese Ore Mines (778.762)	30.09.1984	1994-95 3070 1995-96 119303 1996-97 117994 1997-98 40685 1998-99 39000 1999-00 121000 2000-01 140000 2001-02 205500 2002-03 237000 2003-04 1368206 2004-05 703550 2005-06 1509410 2006-07 1172100 2007-08 1251000 2008-09 1252376 2009-10 411717 2010-12 00 <b>Total = 9748911</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
10	D. C. Das Maharajpur Iron ore mines (193.229)	05.04.2009	1994-95 365 1995-96 3088 1996-97 2833 1997-98 4323 1998-99 1953 1999-00 78 2000-01 130 2001-02 2254 2002-03 2534 2003-04 3978 2004-05 18474 2005-06 45349 2006-07 13260 2007-08 257374 2008-09 129773 2009-12 00 <b>Total = 485766</b>	
11	D.C.Jain Dalpahar Block-A Iron & Manganese Ore Mines (101.171)	08.06.2006	1994-95 453 1995-96 327 1996-12 00 <b>Total = 780</b>	
12	Dr. S Pradhan Baitarani Iron Ore Mines (65.397)	27.07.2008	1994-95 64063 1995-96 64370 1996-97 46174 1997-98 21778 1998-99 30678 1999-00 27176 2000-01 24386 2001-02 4690 2002-03 00 2003-04 197564 2004-05 235652 2005-06 210308 2006-07 266743 2007-08 245307 2008-09 245629 2009-10 51176 2010-12 00 <b>Total = 1735690</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
13	M/s O.M.C Ltd Sakradihi Iron Ore Mines (564.537)	28.12.89	1994-95 4985 1995-96 73773 1996-97 113562 1997-98 150413 1998-99 131443 1999-00 147900 2000-01 158083 2001-02 66558 2002-03 128570 2003-04 226025 2004-05 186078 2005-06 278826 2006-07 1602 2007-12 00 <b>Total = 1667818</b>	
14	M/s O.M.C Ltd Balda-Palsa- Jajang Iron Ore Mines (866.6)	27.02.2000	1994-95 51050 1995-96 58155 1996-97 53730 1997-98 73950 1998-99 80000 1999-00 100173 2000-01 90435 2001-02 81570 2002-03 172831 2003-04 311822 2004-05 244239 2005-06 219531 2006-07 281084 2007-08 215650 2008-09 153068 2009-10 1250 2010-12 00 <b>Total = 2188538</b>	
15	M/s O.M.C Ltd Dubuna Manganese Ore Mines (1323.00)	08.09.1991		1994-95 00 1995-96 15415 1996-97 1751 1997-12 00 <b>Total = 17166</b>

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
16	G. S. Chaubey Nangalsila Iron ore mines (45.931)	17.07.2005	1994-95 2920 1995-96 1095 1996-97 554 1997-98 66 1998-99 127 1999-01 00 2001-02 107 2002-03 00 2003-04 2275 2004-05 12527 2005-06 5589 2006-07 300 2007-08 19356 2008-09 1549 2009-12 00 <b>Total = 46465</b>	
17	J.K. Chaubey Purunapani Bhuyabasa Iron ore mines (85.49)	21.07.2005	1994-95 158 1995-96 2969 1996-97 4277 1997-98 1072 1998-99 5243 1999-00 2237 2000-01 2955 2001-02 5935 2002-03 1739 2003-04 5177 2004-05 6293 2005-06 2430 2006-07 3328 2007-08 8512 2008-09 2834 2009-10 1925 2010-12 00 <b>Total = 57084</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
18	J.K.Chaubey Budharajapahar Iron & Mn. Mines	28.07.2001	1994-95 76 1995-96 36 1996-97 89 1997-98 178 1998-99 00 1999-00 618 2000-01 150 2001-02 1901 2002-03 00 2003-04 00 2004-05 248 2005-06 00 2006-07 00 2007-08 00 2008-09 47093 2009-10 13400 2010-12 00 <b>Total = 63789</b>	
19	B. K. Das Kasiabeda Iron ore mines (9.874)	14.04.2011	1994-95 00 1995-96 00 1996-97 00 1997-98 142 1998-99 34 1999-00 21 2000-01 00 2001-02 47 2002-03 149 2003-04 125 2004-05 277 2005-06 4492 2006-07 2727 2007-08 126274 2008-09 160891 2009-12 00 <b>Total = 295179</b>	



Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
20	M/s.Narayani Sons (P) Ltd.Laupada Iron Mines (141.336)	30.11.2000	1994-95 12580 1995-96 11800 1996-97 2821 1997-98 4910 1998-99 688 1999-00 200 2000-08 00 2008-09 30228 2009-10 15702 2010-12 00 <b>Total = 78929</b>	
21	M/s Essel Mining & Industries Ltd. Unchabali Iron & Manganese Ore Mines (107.307)	31.07.2003	1994-95 389 1995-96 218 1996-97 2675 1997-12 00 <b>Total = 3282</b>	
22	M/s.H.G.Pandya & Others Jajang Iron Ore Mines (100.137)	01.06.2013	1994-95 79663 1995-96 89276 1996-97 126828 1997-98 153424 1998-99 157873 1999-00 145154 2000-01 141690 2001-02 247100 2002-03 216528 2003-04 200401 2004-05 209998 2005-06 169924 2006-07 217547 2007-08 283196 2008-09 205616 2009-10 103325 2010-12 00 <b>Total = 2747543</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
23	K.C Pradhan Lakraghat Iron Ore Mines (10.720)	28.11.2006	1994-95 5367 1995-96 6257 1996-97 4577 1997-03 00 2003-04 1490 2004-05 9552 2005-06 13715 2006-07 10605 2007-08 2675 2008-09 7007 2009-12 00 <b>Total = 61245</b>	
24	K.C Pradhan Hormotto Iron Ore Mines (59.186)	20.01.2004	1994-01 00 2001-02 405 2002-03 215 2003-04 2625 2004-05 14350 2005-06 62236 2006-07 31294 2007-08 25152 2008-09 25072 2009-10 14939 2010-12 00 <b>Total = 176288</b>	
25	J. N. Pattnaik Bhajpali iron ore Mines (18.00)	31.03.2027	1994-97 00 1997-98 12855 1998-99 38800 1999-00 49835 2000-01 50125 2001-02 53700 2002-03 29068 2003-04 103841 2004-05 85890 2005-06 119960 2006-07 263200 2007-08 90850 2008-09 172477 2009-10 229703 2010-11 115487 2011-12 00 <b>Total = 1415791</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
26	M/s.Kalinga Mining Corporation Jurudi Iron Ore Mines (27.17)	21.06.1993	1994-95 2859 1995-96 1101 1996-97 2128 1997-98 4154 1998-99 2570 1999-00 650 2000-01 600 2001-02 600 2002-03 500 2003-04 1525 2004-05 6200 2005-06 52334 2006-07 1900 2007-08 1000 2008-12 00 <b>Total = 78121</b>	
27	M/s.Kalinga Mining Corporation Jurudi Iron Ore Mines (12.69)	21.06.1993	1994-95 419 1995-96 610 1996-97 1332 1997-98 2153 1998-99 1485 1999-00 3100 2000-01 00 2001-02 800 2002-05 00 2005-06 42000 2006-07 489000 2007-08 284400 2008-09 35996 2009-10 00 2010-11 00 2011-12 00 <b>Total = 861295</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
28	M/s BPMEL Dalki Manganese Ore Mines (266.77)	30.09.1974		1994-95 72045 1995-96 38341 1996-97 15443 1997-98 2465 1998-99 1825 1999-00 41005 2000-01 41005 2001-02 26205 2002-03 15995 2003-04 3800 2004-05 1845 2005-06 4205 2006-07 200 2007-08 200 2008-12 00 <b>Total = 264579</b>
29	M/s Kusheleswara Minerals Kalaparbat Iron Ore Mines (9.814)	08.04.2011	1994-95 241 1995-96 9873 1996-97 463 1997-12 00 <b>Total = 10577</b>	1994-95 00 1995-96 494 1996-04 00 2004-05 170 2005-12 00 <b>Total = 664</b>
30	M.R.Das Deojhar Iron Ore Mines (11.533)	05.07.2018	1994-2001 00 2001-02 2880 2002-03 11755 2003-04 11449 2004-05 12038 2005-07 00 2007-08 5150 2008-12 00 <b>Total = 38122</b>	
31	M.R.Das Kashipur Manganese Ore Mines (21.670)	06.06.2009		1994-2001 00 2001-02 2880 2002-03 11755 2003-04 11449 2004-05 12038 2005-07 00 2007-08 5150 2008-12 00 <b>Total = 43272</b>

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
32	M.R.Das Bhulbeda Iron & Manganese Ore Mines (5.129)	03.12.1999	1994-04 00 2004-05 700 2005-06 1100 2006-12 00 <b>Total = 1800</b>	
33	M/s. M.G.Mohanty Ganua Iron/Mn. Mines (82.083)	29.11.1991	1994-95 00 1995-96 7666.224 1996-97 2406.197 1997-98 70.800 1998-12 00 <b>Total = 10143.218</b>	
34	M/s Mineral Trading Syndicate Bhulbeda Iron Ore Mines (62.322)	09.06.2003	1994-98 00 1998-99 1160 1999-00 107 2000-01 00 2001-02 435 2002-03 3642 2003-04 16931 2004-05 5259 2005-06 2062 2006-07 11025 2007-08 11791 2008-09 17587 2009-10 750 2010-12 00 <b>Total = 70749</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
35	M/s Narayani Sons (P) Ltd. Suruguturia Iron Ore Mines (99.780)	05.07.2010	1994-95 16238 1995-96 14025 1996-97 33522 1997-98 19510 1998-99 25837 1999-00 21684 2000-01 1554 2001-02 57 2002-03 3063 2003-04 29002 2004-05 16886 2005-06 28131 2006-07 19429 2007-08 73871 2008-09 71882 2009-10 56327 2010-12 00 <b>Total = 431018</b>	
36	M/s.National Enterprises Sanindupur Iron/Mn. Mines (70.917)	09.09.2020	1994-04 00 2004-05 84478 2005-06 153179 2006-07 362348 2007-08 413000 2008-09 313300 2009-10 434850 2010-11 200600 2011-12 00 <b>Total = 1961755</b>	1994-95 00 1995-96 2724.500 1996-97 5780 1997-98 4558.470 1998-99 465.120 1999-00 353 2000-01 55 2001-12 00 <b>Total = 13936.09</b>
37	M/s. O.M.D.Co. Bagiaburu Iron Ore Mines (21.520)	30.09.2010	1994-95 30 1995-2000 00 2000-01 14950 2001-02 4395 2002-03 31900 2003-04 5500 2004-05 65500 2005-06 5000 2006-07 6260 2007-08 29670 2008-09 5000 2009-10 67100 2010-12 00 <b>Total = 235275</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
38	M/s. O.M.D.Co. Belkundi Iron & Manganese Ore Mines (1276.79)	15.08.2006	1994-2000 00 2000-01 8828 2001-02 33135 2002-03 167500 2003-04 720650 2004-05 456512 2005-06 259440 2006-07 223500 2007-12 00 <b>Total = 1869565</b>	
39	M/s. O.M.D.Co. Roida-Bhadrasahi Iron Ore Mines (998.700)	30.09.2010	1994-2000 00 2000-01 532800 2001-02 24482 2002-03 407574 2003-04 657100 2004-05 652567 2005-06 228200 2006-07 733450 2007-08 1387500 2008-09 686189 2009-10 299950 2010-12 00 <b>Total = 5609812</b>	
40	M/s. O.M.D.Co. Roida-Bhadrasahi Iron & Manganese Ore Mines (Kolha-Roida)	30.09.2010	1994-95 66003 1995-96 90018 1996-97 117176 1997-98 77648 1998-99 94793 1999-00 52110 2000-01 44935 2001-02 95190 2002-03 644401 2003-04 537200 2004-05 507700 2005-06 315700 2006-07 158500 2007-12 00 <b>Total = 2801374</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
41	M/s Pattnaik Minerals Pvt.Ltd Joribahal Manganese Ore Mines (14.739)	19.06.2014		1994-95 0 1995-96 2851.400 1996-97 1863.580 1997-98 5220 1998-99 1831.430 1999-00 5644.500 2000-01 8875 2001-02 5178.640 2002-03 2720 2003-12 00 <b>Total = 34184.55</b>
42	M/s Serrajuddin & Co Guruda Iron & Manganese Ore Mines (39.704)	21.04.2020		1994-05 00 2005-06 364 2006-07 900 2007-08 2420 2008-09 7608 2009-10 6746 2010-12 00 <b>Total = 18038</b>
43	M/s Sun Alloys & Mineral (P) Ltd Patmunda Mn Mines (81.233)	11.02.2006		1994-96 00 1996-97 1878.873 1997-98 4839.626 1998-99 876.317 1999-00 1031.070 2000-01 2938.360 2001-02 3592.768 2002-03 2116.510 2003-04 1664.198 2004-05 1717.993 2005-06 853.713 2006-07 612.824 2007-08 529.652 2008-09 382.007 2009-10 209.538 2010-12 00 <b>Total = 23243.449</b>
44	M/s T.B.Lal & Co. Kasia-Barpada Iron Ore Mines (77.500)	01.12.1987	1994-07 00 2007-08 487 2008-09 128 2009-12 00 <b>Total = 615</b>	



Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
45	M/s T.B.Lal & Co. Jajang Iron Ore Mines (22.690)	10.10.1991	1994-95 10140 1995-96 10220 1996-97 18185 1997-98 28722 1998-99 15656 1999-00 24441 2000-01 17788 2001-02 28269 2002-03 74468 2003-04 90823 2004-05 103230 2005-06 104242 2006-07 318560 2007-08 134140 2008-09 141470 2009-10 10050 2010-11 132460 2011-12 00 <b>Total = 1262864</b>	
46	M/s Tarini Minerals Nuagaon Mn Mines (7.850)	25.02.2000		1994-2000 00 2000-01 300 2001-02 3582 2002-03 10470 2003-04 6548 2004-05 9050 2005-06 4725 2006-07 6000 2007-08 6545 2008-09 3420 2009-10 1941.500 2010-12 00 <b>Total = 52581.5</b>

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
47	M/s Tarini Minerals Tehrai Iron/Mn. Mines (29.077)	25.02.2000	1994-95 00 1995-96 475 1996-97 1020 1997-98 00 1998-99 2286 1999-00 00 2000-01 40 2001-04 00 2004-05 8260 2005-06 7600 2006-07 2950 2007-08 5250 2008-09 1300 2009-10 800 2010-12 00 <b>Total = 29981</b>	1994-95 998 1995-2000 00 2000-01 350 2001-02 2815 2002-12 00 <b>Total = 4163</b>
48	M/s Tarini Minerals Jurudi-Jajang Iron & Manganese Ore Mines (66.37)	05.02.2010	1994-95 00 1995-96 12714 1996-97 9650 1997-98 12200 1998-99 15500 1999-00 835 2000-01 00 2001-02 4200 2002-03 11310 2003-04 31800 2004-05 38680 2005-06 97650 2006-07 146184 2007-08 213339 2008-09 197483 2009-10 73983 2010-12 00 <b>Total = 865528</b>	1994-99 00 1999-00 135 2000-01 28 2001-02 659 2002-03 1607 2003-04 00 2004-05 315 2005-06 333 2006-07 1745 2007-08 2272 2008-09 1378 2009-10 616 2010-12 00 <b>Total = 9088</b>

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
49	M/s Zenith Mining Pvt. Ltd Ganua Iron/Mn. Mines (129.179)	22.10.2001	1994-97 00 1997-98 15654 1998-99 6087 1999-00 9643 2000-01 3786 2001-02 1087 2002-03 424 2003-04 6649 2004-05 42598 2005-06 97500 2006-07 50219 2007-08 44460 2008-09 69400 2009-10 37500 2010-12 00 <b>Total = 385007</b>	
50	Matadin Sarda Khajuridiha Iron/Mn. Mines (119.545)	30.08.87	1994-95 632 1995-96 985 1996-97 624 1997-98 2293 1998-99 3643 1999-03 00 2003-04 27264 2004-05 33480 2005-06 59870 2006-12 00 <b>Total = 128791</b>	
51	R.B Das Kundrupani Iron & Manganese Ore Mines (10.255)	06.09.2004	1994-95 00 1995-96 5790 1996-98 00 1998-99 1786 1999-03 00 2003-04 5423 2004-05 28050 2005-06 19300 2006-07 47900 2007-08 42200 2008-09 22264 2009-10 8800 2010-11 00 2011-12 50452 <b>Total = 186065</b>	

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
52	S.C Padhi Gurubeda Iron Ore Mines (49.776)	04.07.2002	1994-95 14000 1995-96 13400 1996-97 23000 1997-98 15200 1998-99 10400 1999-00 14000 2000-01 14630 2001-02 17910 2002-03 5440 2003-04 19200 2004-05 39670 2005-06 50400 2006-07 80550 2007-08 107267 2008-09 83858 2009-10 24700 2010-12 00 <b>Total = 633625</b>	
53	S.C Padhi Bansapani Iron & Manganese Ore Mines (37.868)	28.11.1993	1994-95 800 1995-96 850 1996-97 900 1997-01 00 2001-02 2104 2002-03 12400 2003-04 43140 2004-05 5070 2005-06 2900 2006-07 19660 2007-08 13100 2008-12 00 <b>Total = 100924</b>	1994-95 00 1995-96 752.150 1996-97 832.760 1997-01 00 2001-02 400.080 2002-03 7847.76 2003-04 15720.360 2004-05 1495.55 2005-06 25536.79 2006-07 12046.420 2007-12 00 <b>Total = 64631.87</b>

Sr No	Name of the lessees and leases	Date of Expiry of Lease period	Illegal / without any lawful authority production estimated based on DMG Data for Iron (MT)	Illegal / without any lawful authority production estimated based on DMG Data for Manganese (MT)
54	S.D.Sharma Raika Iron & Manganese Ore Mines (26.243)	30.10.1999	1994-95 00 1995-96 570 1996-97 00 1997-98 882 1998-99 4487 1999-03 00 2003-04 2010 2004-05 4950 2005-06 12149 2006-07 2991 2007-08 370 2008-09 86164 2009-12 00 <b>Total = 114573</b>	1994-03 00 2003-04 43 2004-12 00 <b>Total = 43</b>
55	S.D.Sharma Nuagaon Iron/Mn. Mines (12.942)	06.05.2005	1994-04 00 2004-05 57599 2005-06 93770 2006-07 85005 2007-08 54828 2008-09 3586 2009-12 00 <b>Total = 294788</b>	1994-95 3715 1995-96 1045 1996-97 1098 1997-98 7730 1998-99 7259 1999-00 3195 2000-01 10044 2001-02 4120 2002-03 4437 2003-04 00 2004-05 2355 2005-06 473 2006-12 00 <b>Total = 45471</b>
<b>Grand Total of Unlawful and Illegal production :</b>				
<b>(a) For Iron</b>			<b>: 51487761.22 MT</b>	
<b>(b) For Manganese</b>			<b>: 641471.46 MT</b>	

**Annexure - VI**

**List of 96 lessees which have obtained delayed Environmental Clearance under EIA notification.**

<b>Sr No</b>	<b>Name of Lessees and Leases</b>	<b>Quantity approved (MT)</b>	
		<b>MoEF Approval No. and Date</b>	<b>Production limits From - To (MT)</b>
1	M/s Adhunik Mitaliks Ltd. Iron Mining -Mahadebnas (33.879) (not delayed)	J-11015/240/2007. IA-II (M) dt. 19/02/2009 Total MLA - 109.791 Ha.	0 120000
2	M/s.A M T C. (P) Ltd., Narayanposi Iron/Mn. Mines (349.263)	J-11015/288/2008-IA-II (M) dt. 21/02/2011 Total MLA-349.254 Ha	600000 3000000
3	B. C. Dagara Suleipat Iron ore mines (618.00)	J-11015/278/2009.IA-II (M) dt. 16/09/2011 Total MLA- 618 Ha	0 600000
4	M/s B I Co. Ltd., Kusumdihi Mn Mines (52.176)	J-11015/644/2007.IA-II (M) dt.13/08/2008 Total MLA-52.176 Ha	1400 12000
5	M/s B I Co. Ltd. Nadidiha Iron/Mn. Mines (73.855)	J-11015/138/2007-IA-II (M) dt.02/04/2008 Total MLA-73.855 Ha	18000 1200000
		J-11015/138/2007-IA-II (M) dt.18/02/2009 Total MLA-73.855 Ha	1200000 2000000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
6	M/s B I Co. Ltd. Teherai Iron/Mn. Mines (137.46)	J-11015/196/2006-IA-II (M) dt.16/04/2008 Total MLA-137.46 Ha	120000 1500000
7	M/s Bhanja Minerals (P) Ltd. Inganijharan Iron & Manganese Ore Mines (216.883)	J-11015/143/2007-IA-II (M) dt. 03/09/2008 Total MLA - 246.313 Ha.	10154 240000
8	C. P. Sharma Raikela -RBT Iron/Mn. Mines (69.606)	J-11015/481/2007-IA-II (M) dt.16/06/2008 Total MLA-69.606	36000 50000
9	D. R. Patnaik Murgabeda Iron Ore Mines (15.38)	EC OBTAINED BY ODISHA SEIAA-340, DT.29/09/2010 MLA: 15.378 ha.	120000 2000000
10	D.C. Dagara Ghusuria Iron ore mines (92.895)	J-11015/1020/2007-IA-II (M) dt.01/04/2010 Total MLA- 54.585 Ha	15000 80000
11	Dr. S Pradhan Balita Iron Ore Mines (34.75)	J-11015/103/2007-IA-II (M) dt. 17/01/2008 Total MLA - 34.75 Ha.	12000 800000
12	Dr. S Pradhan Kalaparbat Iron Ore Mines (152.93)	J-11015/102/2007-IA-II (M) dt. 02/01/2009 Total MLA - 152.927 Ha.	0 2000000
13	Dr. S Pradhan Inganijharan Iron & Manganese Ore Mines (18.7)	J-11015/413/2006-IA-II (M) dt. 24/08/2007 Total MLA - 18.7 Ha.	0 240000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
14	M/s. OMC Ltd. Daitari Iron Ore Mines (1812.99)	J- 11015/1003/2007.IA-II (M) dt.22/09/2010 Total MLA- 1812.99 Ha	0 3000000
15	M/s.OMC. Ltd. Gandamardan Iron Mines (Block 'B' ) (1590.9)	J- 11015/1084/2007.IA-II (M) dt.03/02/2009 Total MLA- 1590.8673 Ha	2500000 9120000
16	M/s OMC Ltd. Kahandbandh Iron Ore Mines (366.311)	J-11015/1081/2007-IA-II (M) dt.15/12/2008 Total MLA- 366.311 Ha	200000 1000000
17	M/s O.M.C Ltd. Banspani Iron Ore Mines (380.4)	J-11015/1089/2007-IA-II (M) dt.08/05/2008 Total MLA- 380.4 Ha	78000 1000000
18	M/s.OMC. Ltd. Gandamardan Iron Mines (Block 'A' ) (618.58)	J- 11015/1088/2007.IA-II (M) dt.16/01/2009 Total MLA- 618.576 Ha	250000 350000
19	M/s OMC Ltd. Unchabali Iron Ore Mines (68.00)	J-11015/779/2007. IA-II (M) dt. 16/01/2009 Total MLA - 68.0 Ha.	0 70000



Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
20	M/s. OMC Ltd. Rantha Iron Mines (408.87)	J- 11015/1085/2007.IA-II (M) dt.11/06/2008 Total MLA- 408.873 Ha	1000 1000000
21	M/s. OMC Ltd. Kurmitar Iron mines (1212.47)	J- 11015/1080/2007.IA-II (M) dt.02/09/2008 Total MLA- 1212.47 Ha	500000 2400000
22	M/s. OMC Ltd. Kasira Iron mines (418.36)	J- 11015/1087/2007.IA-II (M) dt.11/06/2008 Total MLA- 418.355 Ha	123000 300000
23	M/s.OMC Ltd. Bhanjapalli Iron Mines (141.24)	J- 11015/1083/2007.IA-II (M) dt.19/02/2009 Total MLA- 141.235 Ha	53000 150000
24	M/s O.M.C Ltd. Tiring Pahar Iron Ore Mines (79.3)	J-11015/1082/2007-IA-II (M) dt.12/06/2008 Total MLA- 79.3 Ha	0 328000
25	M/s OMC Ltd. (IDCOL Ltd.) Roida C-Block Iron & Manganese Ore Mines (96.783)	J-11015/106/2006. IA-II (M) dt. 20/11/2006 Total MLA - 192.81 Ha.	193000 460000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
26	M/s O.M.C Ltd. Seremda-Bhadrasahi Iron Ore & Manganese Ore Mines (1734.6)	J-11015/1090/2007-IA-II (M) dt.15/12/2008 Total MLA- 1734.57 Ha	107000 500000
27	M/s OMC Ltd. Siljora-Guruda Balda-Kalimati Iron & Manganese Ore Mines (1011.5)	J-11015/1086/2007. IA-II (M) dt. 01/01/2009 Total MLA - 1011.5 Ha.	173000 500000
28	M/s G. S. Mishra & Sons Gorumahisani Iron ore mines (1435.3)	J-11015/426/2006.IA-II (M) dt.29/01/2008 Total MLA- 349.5 Ha	140000 750000
29	M/s Lal Trades & Agencies (P) Ltd. Badampahar Iron ore mines (129.61)	J-11015/1180/2007.IA-II (M) dt.09/04/2010 Total MLA- 119.63 Ha	0 720000
30	M/s. Gandhamardan Sponge Iron (P) Ltd. Putulpani Iron Mines (100.163)	J-11015/294/2006.IA-II (M) dt.24/08/2007 Total MLA- 100.1632 Ha	120000 360000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
31	M/s Essel Mining & Industries Ltd. Kasia Iron Ore, Dolomite & Limestone Mines (134.733)	J-11015/195/2005-IA-II (M) dt. 16/06/2006 Total MLA - 194.196	103548 3600000
		J-11015/960/2007-IA-II (M) dt. 29/11/2010 Total MLA - 194.196	3600000 7500000
32	M/s Essel Mining & Industries Ltd. Koira iron ore Mines (90.143)	J-11015/599/2007-IA-II (M) dt. 24/09/2008 Total MLA- 90.143 Ha	60000 1500000
33	M/s Essel Mining & Industries Ltd. Jilling-Longalota Iron Ore Mines (456.1)	J-11015 / 194 / 2005-IA-II (M) dt. 17/03/2006 Total MLA - 456.10	750000 4200000
34	M/s Feegrade & Co. Ltd Nadidiha Iron/Mn. Mines (121.405)	J-11015/605/2007-IA-II (M) dt. 20/02/2009 Total MLA-121.408 Ha	48000 2600000
35	M/s. Geetarani Mohanty, Raikela iron ore Mines (67.586)	J-11015/380/2006-IA-II (M) dt. 02/07/2008 Total MLA- 67.586 Ha	142000 864000
36	K.C Pradhan Chamakpur Iron Ore Mines (31.693)	EC OBTAINED BY ODISHA SEIAA- 257/10 DT. 25/03/2011 MLA: 31.693 HA.	0 80000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
37	K.C.Pradhan Ganua Iron/Mn. Mines (12.560)	EC OBTAINED BY ODISHA SEIAA-352 DT.04/09/2010 MLA: 12.56 HA.	15000 50000
38	Smt.Indrani Pattnaik Unchabali Iron Ore Mines (106.1)	J-11015 / 356 / 2005. IA-II (M) dt. 05/06/2006 Total MLA - 106.1127 Ha.	00 210000
		J-11015 / 214 / 2008. IA-II (M) dt. 23/07/2009 Total MLA - 106.1127 Ha.	210000 4000000
39	M/s Jindal Strips Ltd. (JSPL) TRB iron ore Mines (207.787)	J-11015/62/2005.IA-II (M) dt.29/09/2005 Total MLA- 207.787 Ha	900000 2200000
		J-11015/1154/2007.IA-II (M) dt.17/03/2009 Total MLA- 297.848 Ha	2200000 3110000
40	M/s K.N Ram & Co. Roida II Iron Ore Mines (74.867)	J-11015/633/2007-IA-II (M) dt. 05/03/2008 Total MLA - 74.867 Ha.	310000 2200000
41	M/s.Kalinga Mining Corporation Jurudi Iron Ore Mines (73.228)	J-11015/293/2006-IA-II (M) dt. 21/08/2007 Total MLA - 73.228 Ha.	84000 570614

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
42	M/s.Kalinga Mining Corporation Jurudi Manganese Ore Mines (54.754)	J-11015/9/2007-IA-II (M) dt. 10/12/2008 Total MLA - 54.754 Ha.	65000 101346
43	K.J.S. Ahluwalia Nuagaon Iron Ore Mines (767.3)	J-11015/6/2007-IA-II (M) dt. 29/11/2007 Total MLA - 767.284 Ha.	83000 1000000
		J-11015/1156/2007-IA-II (M) dt. 02/02/2010 Total MLA - 767.284 Ha.	1000000 5620000
44	AXL Exploration Pvt. Ltd. Bhutuda Mn. Mines (40.226)	EC OBTAINED BY ODISHA SEIAA-96/10 DT.29/03/2011 MLA: 40.469 HA.	0 100000
45	A.M.T.C. (P) Ltd Mahulsukha Mn Mines (399.838)	J-11015/412/2005.IA-II (M) dt.05/04/2007 Total MLA-399.838Ha	0 40000
46	M/s Kanakdhara Mining & Minerals (P) Ltd. Bandhal Mn Mines (28.021)	J-11015/104/2006.IA-II (M) dt.16/05/2008 Total MLA-28.020 Ha	0 8000
47	M/s Kaypee Enterprises Thakurani Iron Ore Mines (228.00)	J-11015/41/2005-IA-II (M) dt. 07/10/2005 Total MLA - 228.04 Ha	12208 2000000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
48	M/s. Korp Resources Pvt. Ltd. Tantra iron Ore Mines (72.560)	J- 11015/1008/2007.IA-II (M) dt.04/06/2009 Total MLA- 72.56 Ha	60000 120000
49	Kunal Das Anajori Manganese Ore Mines (18.494)	EC OBTAINED BY ODISHA SEIAA- 235/10 DT.08/11/2011 MLA: 18.49 HA.	0 2462
50	M/s M.G.Mohanty Patbeda Iron/Mn. Mines (19.425)	J-11015/41/2006-IA-II (M) dt.09/01/2007 Total MLA-19.425 Ha	144000 180000
51	M/s. M.G.Mohanty Patabeda iron ore Mines (14.00)	J-11015/93/2004.IA-II (M) dt.21/07/2005 Total MLA-14.0Ha	0 120000
52	M/s.M.L Rungta Silijora- Kalimati Iron & Manganese Ore Mines (715.639)	J-11015/691/2007. IA-II (M) dt. 03/02/2009 Total MLA - 715.639 Ha.	49000 136000 <b>(Iron)</b>
			60000 189000 <b>(Mn)</b>
53	M/s. Mala Roy & Others Jalahuri Iron Ore Mines (182.109)	J-11015/335/2006. IA-II (M) dt. 08/05/2008 Total MLA - 182.109 Ha.	60000 600000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
54	M/s. MGM Minerals Ltd. Patabeda iron ore Mines (28.397)	J-11015/92/2004.IA-II (M) dt.21/07/2005 Total MLA- 24.892 Ha	0
		EC OBTAINED BY ODISHA SEIAA-33 DT.10/12/2009 MLA: 28.397 HA.	160000 800000
55	M/s.Mid East Int.Steel Ltd. Roida I Iron Ore Mines (104.680)	J-11015/105/2006-IA-II (M) dt. 20/12/2007 Total MLA - 104.68 Ha. And	0 500000
		J-11015/456/2007-IA-II (M) dt. 06/09/2010 Total MLA - 104.68 Ha.	500000 3000000
56	M/s.National Enterprises Raikela iron Ore Mines (45.932)	J-11015 / 782 /2007.IA-II (M) dt.18/02/2009 Total MLA- 45.932 Ha	25000 42000
		EC OBTAINED BY ODISHA SEIAA-95 DT.17/11/2011 MLA: 45.932 HA.	0 502200
57	M/s O.M.& M (P) Ltd. Kusumdihi Mn Mines (31.549)	EC OBTAINED BY ODISHA SEIAA- 349 DT.04/09/2010 MLA: 31.549 HA.	2000 17376

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
58	M/s O.M.& M (P) Ltd. Sanputli Mn Mines (23.290)	EC OBTAINED BY ODISHA SEIAA-361 DT.06/09/2010 MLA: 23.290 HA.	0 1388
59	M/s O.M.& M (P) Ltd. Tentulidihi Mn Mines (35.613)	J-11015/791/2007.IA-II (M) dt.24/02/2009 Total MLA-35.613Ha	2500 25000
60	M/s O.M.& M (P) Ltd. Orahuri Mn Mines (51.475)	J-11015/75/2010.IA-II (M) dt.24/10/2011 Total MLA-51.476Ha	15600 83100
61	M/s O.M.& M (P) Ltd. Patmunda Mn Mines (807.316)	J-11015/819/2007.IA-II (M) dt.10/11/2008 Total MLA-807.316 Ha	26000 183375
62	M/s O.M.& M (P) Ltd. Bhanjikusum Mn ore Mines (8.134)	EC OBTAINED BY ODISHA SEIAA-350 DT.04/09/2010 MLA: 8.134 HA.	1800 15000
63	M/s ORIND LTD Kusumadihi Mn/Bauxite Mines (102.792)	J-11015/371/2006-IA-II (M) dt.18/02/2009 Total MLA- 59.52 Ha. <b>(Bauxite Mines)</b>	0 30000



Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
64	M/s Pattnaik Minerals Pvt.Ltd. Joribahal Iron Ore Mines (106.530)	J-11015/516/2007-IA-II (M) dt.25/07/2008 Total MLA-106.533 Ha	0 998000
65	M/s Penguin trading & agencies Raikela iron ore Mines (49.372)	J-11015/169/2007.IA-II (M) dt.17/01/2008 Total MLA- 49.372 Ha	80000 378000
66	M/s Rungta Mines Ltd. Kolmang Mn Mines, (218.53)	J-11015/593/2007.IA-II (M) dt.11/02/2009 Total MLA-113.375 Ha	12000 40100
67	M/s Rungta Mines Ltd. Kanther Koira Mn Mines (73.653)	J-11015/699/2007.IA-II (M) dt.02/01/2009 Total MLA-73.653 Ha	3000 20025
68	M/s Rungta Mines Ltd. Jajang Iron & Manganese Ore Mines (666.150)	J-11015/136/2005. IA-II (M) dt. 14/06/2005 Total MLA - 666.15 Ha.	680000 5500000
69	M/s Rungta Sons (P) Ltd. Oraghat Iron Ore Mines (82.961)	J-11015/23/2007.IA-II (M) dt.27/09/2007 Total MLA- 207.787 Ha	120000 1940000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
70	M/s Rungta Sons (P) Ltd. Sanindipur Iron/Bauxite Mines (147.100)	J-11015/197/2006-IA-II (M) dt.17/05/2007 Total MLA- 147.10 Ha	53000 1650000
71	M/s Rungta Sons (P) Ltd. Katasahi Manganese Ore Mines (196.860)	J-11015/588/2007. IA-II (M) dt. 16/01/2009 Total MLA - 196.86 Ha.	8000 18756
72	M/s Rungta Sons (P) Ltd. Kamanda Mn./Bauxite Mines (43.067)	J-11015/594/2007-IA-II (M) dt.13/05/2008 Total MLA- 43.067 Ha. <b>(Bauxite Mines)</b>	0 41680
73	M/s SAIL Bolani Iron Ore Mines (1321.45)	J-11015/276/94-IA-II (M) 23/04/1998 Total MLA - 3108.20 Ha.	2500000 3440000
		J-11015/470/2006-IA-II (M) 04/12/2007 Total MLA - 3108.20 Ha.	3440000 5650000
74	M/s SAIL Kalta/Barsuan Iron Ore mines (2486.383)	J-11015/351/2006.IA-II (M) dt.15/01/2007 and dt.29/10/2010 Total MLA- 2486.391 Ha.	3800000 8050000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
75	M/s SAIL Bolani Iron & Manganese Ore Mines (1586.36)	J-11015/276/94-IA-II (M) 23/04/1998 Total MLA - 3108.20 Ha.	2500000 3440000
		J-11015/470/2006-IA-II (M) 04/12/2007 Total MLA - 3108.20 Ha.	3440000 5650000
76	M/s Sarada Mines (P) Ltd Thakurani-Block-B Iron Ore Mines (947.046)	J-11015/05/2003-IA-II (M) 22/09/2004 Total MLA - 947.046 Ha.	150000 4000000
		J-11015/1176/2007-IA-II (M) 29/10/2008 Total MLA - 947.046 Ha.	4000000 15000000
77	M/s Serrajuddin & Co Balda Block Iron Ore Mines (335.6)	J-11015/319/2006. IA-II (M) dt. 21/08/2007 Total MLA - 335.594 Ha.	250000 1482300
		J-11015 / 193 /2008. IA-II (M) dt. 27/04/2012 Total MLA - 335.594 Ha.	1482300 4500000
78	M/s Tarini Minerals Deojhar Iron Ore Mines (34.37)	EC OBTAINED BY ODISHA SEIAA-26/09 DT.27/11/2009 MLA: 34.365 HA.	36000 1500000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
79	M/s Tata Steel Ltd. Joda-East Iron Ore Mines (671.1)	J-11015/51/2003-IA-II (M) dt.05/03/2005 Total MLA-671.093 Ha.	2000000 4500000
		J-11015/441/2007-IA-II (M) dt.12/06/2008 Total MLA-671.093 Ha	4500000 6000000
80	M/s Tata Steel Ltd. Manmora Manganese Ore Mines (671.09)	EC OBTAINED BY ODISHA SEIAA-38/11 DT.29/06/2011 MLA: 16.35 HA.	0 12000
81	M/s Tata Steel Ltd. Guruda-Tiring Pahar Manganese ore Mines (169.00)	J-11015/87/2004-IA-II (M) dt.17/09/2005 Total MLA-169.00 Ha.	43000 85000
82	M/s Tata Steel Ltd. Malda Mn ore Mines (822.00)	J-11015/103/2006.IA-II (M) dt.13/04/2007 Total MLA-822.00Ha	36000 550000
83	M/s Tata Steel Ltd. Khandbandh Iron & Manganese Ore Mines (978.00)	J-11015/50/2003-IA-II (M) dt.28/03/2005 Total MLA-978 Ha.	350000 2000000
		J-11015/888/2007-IA-II (M) dt.21/12/2011 Total MLA-978 Ha	5400000 8000000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
84	M/s Tata Steel Ltd. Joda-West Iron & Manganese Ore Mines (1437.719)	J-11015/86/2004-IA-II (M) dt.13/09/2005 Total MLA-1437.719 Ha.	45000 180000
85	M/s Tata Steel Ltd. Bamebari Iron & Manganese Ore Mines (464.00)	J-11015/85/2003-IA-II (M) dt.17/11/2005 Total MLA-464. Ha.	0 83200
86	M/s Tata Steel Ltd. Katamati Iron Ore Mines (403.324)	J-11015/120/2003-IA-II (M) dt.06/05/2005 Total MLA-403.3238 Ha.	2477 2000000
		J-11015/63/2008-IA-II (M) dt.26/11/2010 Total MLA-403.3238 Ha	2000000 8000000
87	Sri Pawan Kumar Ahluwalia Ganua Iron/Mn. Mines (86.866)	J-11015/201/2005-IA-II (M) dt.07/10/2005 Total MLA-86.88 Ha	140000 360000
88	Prabodh Mohanty Nuagaon Iron/ Mn. Mines (29.257)	J-11015/392/2005-IA-II (M) dt.29/05/2006 Total MLA-29.257	0 20000
		EC OBTAINED BY ODISHA SEIAA-68/10 DT.16/12/2010 MLA: 29.257 HA	0 400000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
89	S.N.. Mohanty Ganua Iron/Mn. Mines (13.796)	J-11015/158/2006-IA-II (M) dt.15/01/2007 Total MLA-13.796 Ha	0 10000
90	R.P.Sao Guali Iron Ore Mines (365.03)	J-11015/8/2007-IA-II (M) dt. 30/11/2007 Total MLA - 365.026 Ha.	24000 1800000
		J-11015/1155/2007-IA-II (M) dt. 22/06/2009 Total MLA - 365.026 Ha.	1800000 5700000
91	S.A.Halim Oraghat Iron/Mn. Mines (25.847)	<b>EC OBTAINED BY ODISHA SEIAA-167/10 DT.16/04/2011 MLA: 31.549 HA.</b>	0 72864 (Iron) 0 7563 (Mn)
92	S.N.Mohanty Khuntupani Iron Ore Mines (15.378)	J-11015/251/2007. IA-II (M) dt. 10/12/2008 Total MLA - 15.378 Ha.	0 60000
93	S.N.Mohanty Raikela iron Ore Mines (18.315)	J-11015/75/2006.IA-II (M) dt.15/01/2007 Total MLA- 18.315 Ha	76873 300000

Sr No	Name of Lessees and Leases	Quantity approved (MT)	
		MoEF Approval No. and Date	Production limits From - To (MT)
94	S.N.Mohanty Unchabali Iron & Manganese Ore Mines (8.133)	EC OBTAINED BY ODISHA SEIAA-34, DT.11/12/2009 MLA: 9.63 HA.	10057 44590 (Iron)
			1050 16224 (Mn)
95	S.N. Mohanty KJST(Jaldih) Iron/Mn./Bauxite Mines (333.063)	J-11015/417/2006-IA-II (M) dt.28/01/2008 Total MLA- 188.523 Ha	80000 700000
96	Tarini Prasad Mohanty Naibega Iron Ore Mines (47.219)	J-11015/932/2007. IA-II (M) dt. 17/10/2008 Total MLA - 48.117 Ha.	0 60000