

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

JUNE, 2013

VOLUME: III

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

I N D E X

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CHAPTER: IV**[I]****Mining of iron and manganese ores in forest area and eco-fragile zone in State of Odisha****1. Constitution of India:-**

- (i) Article 21 — Right to life**
- (ii) Article 48A of the Constitution** casts a special duty by providing that the “*State shall endeavor to promote and improve the environment and to safeguard forests and wild-life of the country.*”
- (iii) Article 51A (g) of the Constitution** casts the 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.

2. Statutory Provisions:-

- (i) Wild Life (Protection) Act, 1972.**
- (ii) Guidelines for taking non-forest activities in wildlife habitats issued by MoEF, Wildlife Division, GoI dated 19.12.2012.**
- (iii) Water (Prevention & Control of Pollution) Act, 1974.**

- (iv) Air (Prevention & Control of Pollution) Act, 1981.**
- (v) Forest (Conservation) Act, 1980 and amendments as 69 of 1988 (w.e.f 15.03.1989).**
- (vi) The Forest (Conservation) Rules, 1981 (amendments 28.12.1987, 21.05.1992).**
- (vii) The Forest (Conservation) Rules, 2003 (10.01.2003).**
- (viii) The Orissa Forest Act, 1972 and Rules.**
- (ix) Indian Forest Act, 1927**
 - (a) National Forest Policy, 1988**
- (x) Environment (Protection) Act, 1986 and Rules, 1986**
 - (a) Section 3 empowers the Central Government to take measures to protect and improve environment**
 - (b) Sub-Section (2)(v) of Section 3 provides for restrictions of area for establishment of industries**
 - (c) Rule 5 provides for “Prohibition and restriction on the location of industries and the carrying on processes and operations in different areas”. The eco sensitive zone of 10 kms. radius around the NP and Sanctuaries were formed under this Rule.**

(xi) Biological Diversity Act, 2002.

Results observed in not discharging special duty imposed by Articles 48A and 51A (g) of the Constitution of India and non implementation of provisions of various Statutes listed above.

3. Despite very close organic link amongst the subjects of forest, wild-life, environment and mines, the regulatory authorities have been treating them largely without coordination and common concern. Non-forest use of forest land mandatorily requires prior approval of Ministry of Environment and Forest (MoEF) under the provisions of the Forest (Conservation) Act, 1980, notwithstanding anything contained in any other law.
4. All authorities which are required to give individual permissions/clearances have no regard for the provisions contained in 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. They are required to monitor matters arising within their own jurisdictions and to take action in case of failure to comply with the legal requirements. This has become a foregone chapter as observed. The authorities in various departments and State machinery as a whole have completely failed to

control the large scale illegal mining in first decade of this millennium. The authorities empowered under law can not shift their responsibilities and wait to take action by others.

Failure on the part of Authorities to monitor and/or to discharge their duties and functions has led the violators of the Acts or Rules to presume that non-compliance of the provisions of the Acts or Rules or Conditions of lease, is their right and/or that they can “manage” the lapses. The result is that the violators fearlessly violate the provisions of law/Rules, as if they do not exist. The Rules were breached with impunity.

[II]

The Forest (Conservation) Act, 1980

1. **The Forest (Conservation) Act, 1980 (FCA) is very important** and brief legislation of only six sections, was introduced to control dereservation, deforestation and to play a significant role for conservation of forest. But results are not seen. The Commission has not come across even a single case where approval under the Act is refused in mining leases in Odisha State.
2. **Section 2** of the FCA provides that notwithstanding anything contained in any other law, for the time-being in force in a State, **no State Government or other authority, except with the prior approval of the Central Government, may de-reserve any reserved forest or allow any forest land to be used for non-forest purposes.**

Section 2 of the FCA reads as under:-

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

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority

shall make, except with the prior approval of the Central Government, any order directing–

(i) that any reserved forest (within the meaning of the expression “reserved forest” in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purposes;

1. Received the assent of the President on 27.12.1980 published in the Gazette of India, (Extra), Part II, Section 1, dated 27.12.1980.

¹*[(iii) that any forest land or any portion thereof may be assigned by way of lease of otherwise to any private person or to any authority, corporation, agency or any other Organization not owned, managed or controlled by Government.*

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for afforestation.

²*[Explanation:–*

For the purpose of this section “non-forest purpose” means the breaking or clearing of any forest land or portion thereof for–

- (a) *the cultivation of tea, coffee, species, rubber, palms, oil-bearing plants, horticultural crops of medicinal plants;*
- (b) *any purpose other than reafforestation, but does not include any work relating or ancillary to conservation, Development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and Construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.]”*

1. Ins. by Act No.69 of 1988 (w.e.f. 15.03.1989)

2. Subs. by Act No.69 of 1988 (w.e.f. 15.03.1989)

- 3.** Ld. Counsel, Mr. Ashok K. Parija appeared for some of the lessees to contend that in case of mining lease which consists of forest land (part or full), the State Government is not required to obtain prior approval of the Central Government before assigning the lease or executing the lease deed till Sub-Clause (iii) of Section 2 of FCA was inserted w.e.f. 15.03.1989.

It appears that the aforesaid sub-clause has been inserted with a limited purpose that the forest

land may be assigned by way of lease to a Government organization or managed and controlled by the Government. But this would not mean that the lease may be assigned to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by the Government without obtaining prior approval of the Central Government, as it is clear from the said sub-section even before 15.03.1989. This definitely does not mean that the said benefit is granted in favour of any private persons, etc. at any point of time. However, the provision under Section 2(ii) is mandatory to all cases irrespective of Government and non Government agencies since 25.10.1980. The relief may be read upto assignment of lease and not beyond it. For use of forest land for non-forest purpose, it requires prior approval under the Act.

Secondly, it is contended by Mr. Parija that there was no prohibition of granting the lease before 15.03.1989 (till this sub-section was introduced). The prohibition was only to use the forest land for non-forest purpose. However, once the lease is granted under law, person is entitled to use the same only if all other approvals under various applicable Statutes are obtained. The meaning which the Ld. Counsel intends to give would

immediately frustrate the provisions of Section 2(ii) of the FCA. However, this question is not required to be considered in detail because in this inquiry, the Commission is considering the violations as a whole of Section 2 of the Act, in mining leases granted/renewed after 25.10.1980 in forest land.

4. In case of mines in forest area (part or full), to grant a new mining lease or renewal of mining lease, if the mining lease period expire after the commencement of FCA (25.10.1980), prior approval under Forest (Conservation) Act, 1980 (FCA) is must before starting mining operations. In this regard, the mines which are in forest area, the position is clarified by the Apex Court in the decision rendered in the case of **Ambica Quarry Works V. State of Gujarat [(1987) 1 SCC 213]** and, thereafter, in the case of **Rural Litigation and Entitlement Kendra V. State of Uttar Pradesh [(1989) Supp. (1) SCC 504]**.

The Court, in **Rural Litigation and Entitlement Kendra (Supra)**, pertinently held that:—

“whether it is a case of first grant or renewal following exercise of option by the lessee, the compliance of Section 2 of the Forest (Conservation) Act, 1980 is necessary as a condition precedent.”

A renewal of lease is really the grant of a fresh lease. [See **Delhi Development Authority Vs. Durga Chand Kausish, AIR 1973 SC 2609**]. The prior approval of the Central Government in terms of Section 2 of the Forest (Conservation) Act, 1980 would be required, when a mining lease granted before the commencement of the said Act is renewed after its coming into force.

The then Ministry of Agriculture in the Central Government in its Circular No.2-1/82-FRY(CONS), dated 26.03.1982 to all the State Governments/UTs had clarified that prior approval of the Central Government is essential not only for grant of fresh mining lease, but also for renewal of an existing mining lease in a forest area.

The MoEF, vide its letter dated 01.04.1987, to the Chief Secretary (All States / UTs), has made further clear regarding the applicability of FCA for the broken up areas prior to 25.10.1980 in view of the order of the Hon'ble Supreme Court in case of **State of Bihar V/s. Banshi Ram Modi and ors., [(1985) 3 SCC 643]**, by referring the order of Supreme Court in the case of **M/s. Nand & Samanth Company Pvt. Ltd., (NSCPL) V/s. State of Bihar, in Special Leave to Appeal (Civil) No.5410 of 1986 with Civil Miscellaneous**

Petition No.12203. Hence, it was made amply clear that prior approval of FCA is mandatory for renewal of mining leases even for the areas broken up before 25.10.1980 in such leases.

Vide D.O. letter No.19-19/87-FP(R), dated 05.05.1988, Shri T. N. Seshan, the then Secretary, MoEF GoI, New Delhi (received in the office of Chief Secretary on 10.05.1988) requested Shri N. K. Panda, Chief Secretary, Government of Odisha to get the cases of violation of the FCA (mentioned in the said letter) investigated, so as to fix the responsibility on the persons responsible and that such violations are not continuing any further. The said letter is, *inter-alia*, reproduced as under:-

“We have come to know that Mining and Geology Department, Government of Orissa have renewed various mining leases in Athagarh, Dhenkanal & Keonjhar forest divisions without obtaining prior approval of the Central Government as required under the provisions of the Forest (Conservation) Act, 1980. Few specific cases are quoted below:-

- (i) *M/s. S. Lal & Co. Ltd. were granted working permission for Iron, Dolomite and Lime-stone mining over 194.196 ha. of forest area in Keonjhar District vide Mining and Geology Department, Government of Orissa letter No.3841/MG dated 14.3.1986. This permission was further*

extended by six months vide letter No.III(A)/MG8/87/MG, dated 11.9.1987.

- (ii) Two stone quarries in Kankahadad reserve forest and Goherakhal RF were settled for three years during 1985–86 to 1987–88 in favour of Shri Sudhakar Beura, the proprietor of Mahalaxmi Stone Works, Cuttack vide Government's letter No.19662 dated 19.11.1985 issued by the Forest, Fisheries and Animal Husbandry Department, Government of Orissa.*
 - (iii) M/s. J. S. Construction Pvt. Ltd., were granted lease for four years for stone quarrying in Kandanpur Khesra forest during 1982. On expiry of the lease period, the period was further extended by five years from 1986 to 1991 vide State Government's letter No.5F-2-28/85-10421 dated 19.6.87 issued by the Forest Fisheries & Animal Husbandry Department, Government of Orissa.*
- 2. The objections of the Forest Department against issue of work permit for operating the mines have not brought any result and the mining works were allowed to be continued in utter disregard to the law.*
 - 3. It has also been brought to our notice that the Forest Department is auctioning the quarry sites in forest areas every year on realization of royalty.*

4. *I, therefore, request you kindly to get the above cases of violation of the Forest (Conservation) Act investigated, so as to fix the responsibility on the persons responsible and that violations of the Act are not continuing any further. I will appreciate an early reply.”*

There is no follow up action of the said letter as observed during the enquiry wherein the State Government continued to commit violations one after the other. Some actions were taken after the order dated 12.12.1996 of the Hon'ble Supreme Court in **W.P. (C) No.202/1995**. But within a gap of 4–5 years, the same situation reappeared what was prevailing before 12.12.1996. The memories are very short in the administration. Had the State Government acted firmly on the letter of Shri T. N. Seshan, present situation could have been avoided.

The Forest (Conservation) Act, 1980 was amended by introducing Sections 3A & 3B for penal provisions w.e.f. 15.03.1989.

The MoEF had also issued guidelines to all the States for submission of proposal under FCA, vide its letters dated 23.06.1989 and 25.10.1992 in continuation of its earlier directions. The proposals should have been submitted as per the law prevailing at that point of time. Issue of such

guideline or clarification do not condone the inaction of past.

The MoEF, New Delhi, vide its letter dated 25.11.1994 (just after EIA Notification dated 27.01.1994), had further issued certain guidelines to the Chief Secretary of All States/UTs, for diversion of forest land for non forest purpose under the FCA. Para II (iii) of the said letter reads as under:-

“For projects requiring clearance from forest as well as environment angles, separate communications of sanction will be issued, and the project would be deemed to be cleared only after clearance from both angles.”

In the above letter to the States (including Odisha State), it is made pretty clear that the mining projects are deemed to be cleared only after having clearance under FCA and E.P. Act, 1986 in forest areas. If any one of them is not obtained, the mining leases should not be permitted to operate. However, in the State of Odisha, no such directions were followed for years together in almost all the leases and hence, large scale illegalities have been committed by non compliance of the provisions of existing statutes.

The word “**forest**” has been considered and meaning is defined and explained in case of **T. N. Godavarman Thirumalpad V. Union of India [AIR 1997 SC 1228]**.

Use of part or full of forest land within 10 kms. from outer boundary of National Parks, Sanctuaries in eco-sensitive zones for any non-forest project, prior approval of the National Board for Wild Life under the provisions of the Wild Life (Protection) Act, 1972, is also required in addition to approval under FCA. In many cases, the projects are prohibited by the Hon’ble Supreme Court where no eco-sensitive zones are notified.

Mining leases (projects) are also covered under the Environment Impact Assessment (EIA) Notification dated 27.01.1994, under the E.P. Act, 1986 in general and forest in particular. Therefore, approval of MoEF under this Act is required to operate the mines in forest after 27.01.1994. It is observed that the MoEF, during grant of approval under FCA, has adopted dual approach, during imposition of conditions under FCA with regard to environmental clearance under EIA notification. In some cases, the approval under FCA is accorded subject to take approval under EIA notification of E.P. Act, 1986 but at the same time and in similar

circumstances, no such condition has been imposed. The reasons are not known. The appraisal is done by the Expert Appraisal Committee.

5. **Under Section 3, Forest Advisory Committee (FAC)** is constituted to advise the Central Government with regard to **grant of approval and any other matter connected with the conservation of forests**. Mining is non-forest activity and requires the prior approval of the Central Government. After the commencement of this Act, any grant or even renewal of any mining lease in forest area requires prior approval of the Central Government (MoEF).

[III]

Submission by the Ld. Counsel

At the time of hearing of the matter, many of the Ld. Counsel appearing on behalf of the lessees contended that in view of the decision rendered by the Apex Court in case of **Banshi Ram Modi (Supra)**, if the forest area is broken-up before 25.10.1980, FC is not required to be obtained from the MoEF for such areas in the leases where lease period expired after 25.10.1980.

In view of the Commission, the aforesaid contention is without any substance because similar contentions were raised before the Apex Court in the following cases and the same were rejected. The Court held that the judgment rendered in case of **Banshi Ram Modi (Supra)** was on the peculiar facts of that case.

The Commission, therefore, would only reproduce the relevant paragraphs of the said judgments which are self-explanatory which do not require any further discussion:—

- (i) In case of **Ambica Quarry Works v. State of Gujarat**, [AIR 1987 SC 1073], the Hon'ble Supreme Court *inter-alia* held that:—

*“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.***

*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.

For the same reasons we are unable to accept the view that the ratio of the decision of this Court in the case of State of Rajasthan v. Hari Shankar Rajendra Pal (supra) could be invoked in the facts and circumstances of these cases to demand renewal. Furthermore it appears to us from the affidavits in opposition filed on behalf of the respondents that there were good grounds for not granting the renewal of the lease. The orders of the appropriate authorities in both these cases deal with the situation.

*Both Shri Gobind Dass as well as Shri Sheth, however, relied very heavily on the decision of this Court in **State of Bihar v. Banshi Ram Modi and Others, [1985] 3 SCC 643**. As the said decision dealt with section 2 of the 1980 Act, it is necessary to refer to the facts of that case. There a mining lease for winning mica was granted by the State Government in respect of an area of 80 acres of land which formed part of reserved forest before coming into force of 1980 Act. However, the forest land had been dug up and mining operations were being carried on only in an area of 5 acres out of the total lease area of 80 acres. While carrying on mining operations, the respondent came across two associate minerals felspar and quartz in the area. The respondent in that case, therefore, made an application to the State Government for execution of a Deed of Incorporation to include the said minerals*

also in the lease. Though the 1980 Act had come into force, the State Government executed the Deed of Incorporation incorporating these items without obtaining prior sanction of the Central Government under section 2 of 1980 Act. Since the respondent in that case made a statement before the Court that he would carry on the mining operations only on 5 acres of land which had already been utilised for non-forest purposes even before the Act came into force, the question for determination was whether prior approval of the Central Government under section 2 of 1980 Act in the facts of that case was necessary for the State Government for granting permission to win associate minerals also within the same area of 5 acres of land? This Court answered the question in negative and affirmed the judgment of the High Court. This Court observed at pages 647 and 648 of the report as follows:

‘The relevant parts of Section 2 of the Act which have to be construed for purposes of this case are clause (ii) of and the Explanation to that section. Clause (ii) of Section 2 of the Act provides that notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing that any forest land or any portion thereof may be used for any non-forest purpose. Explanation to Section 2 of the Act defines "non-forest purpose" as breaking up or clearing of any forest land or portion thereof for any purpose other than reforestation. Reading them together, these two parts

of the section mean that after the commencement of the Act no fresh breaking up of the forest land or no fresh clearing of the 'forest on any such land can be permitted by any State Government or any authority without the prior approval of the Central Government. But if such permission has been accorded before the coming into force of the Act and the forest land is broken up or cleared then obviously the section cannot apply. In the instant case it is not disputed that in an area of five acres out of eighty acres covered by the mining lease the forest land had been dug up and mining operations were being carried on even prior to the coming into force of the Act. If the State Government permits the lessee by the amendment of the lease deed to win and remove felspar and quartz also in addition to mica it cannot be said that the State Government has violated Section 2 of the Act because thereby no permission for fresh breaking up of forest land is being given. The result of taking the contrary view will be that while the digging for purposes of winning mica can go on, the lessee would be deprived of collecting felspar or quartz which he may come across while he is carrying on mining operations for winning mica. That would lead to an unreasonable result which would not in any way subserve the object of the Act. We are, therefore, of the view that while before granting permission to start mining operations on a virgin area Section 2 of the Act has to be complied with it is not necessary to seek the prior approval of the Central Government for purposes of carrying out mining operations in a forest area which is broken up or cleared before the commencement of the Act. The

learned counsel for respondent 1 has also given an undertaking that respondent 1 would confine his mining operations only to the extent of five acres of land on which mining operations have already been carried out and will not fell or remove any standing trees thereon without the prior permission in writing from the Central Government. Taking into consideration all the relevant matters, we are of the view that respondent 1 is entitled to carry on mining operations in the said five acres of land for purposes of removing felspar and quartz subject to the above conditions.'

*The aforesaid observations have been set in detail in order to understand the true ratio of the said decision in the background of the facts of that case. It is true that this Court held that if the permission had been granted before the coming into operation of the 1980 Act and the forest land has been broken up or cleared, clause (ii) of section 2 of 1980 Act would not apply in such a case. **But that decision was rendered in the background of the facts of that case. The ratio of any decision must be understood in the background of the facts of that case.** It has been said long time ago that a case is only an authority for what it actually decides, and not what logically follows from it. (See Lord Halsbury in *Quinn v. Leatham*) [1901] Appeal Cases 495. But in view of the mandate of Article 141 that the ratio of the decision of this Court is a law of the land, Shri Gobind Dass submitted that the ratio of a decision must be found out from finding out if the converse was not correct.*

But this Court, however, was cautious in expressing the reasons for the said decision in *State of Bihar v. Banshi Ram Modi & Others (supra)*. This Court observed in that decision that the result of taking the contrary view would be "**that while digging for purposes of winning mica can go on, the lessee would be deprived of collecting felspar or quartz which he may come across while he is carrying on mining operations for winning mica. That would lead to an unreasonable result which will not in any way sub-serve the object of the Act.**" There was an existing lease where mining operation was being carried on and what was due by incorporation of a new term was that while mining operations were being carried on some other minerals were available, he was given right to collect those. The new lease only permitted utilisation or collection of the said other minerals. **In the instant appeals the situation is entirely different. The appellants are asking for a renewal of the quarry leases. It will lead to further deforestation or at least it will not help reclaiming back the areas where deforestations have taken place. In that view of the matter, in the facts and circumstances of the case, in our opinion, the ratio of the said decision cannot be made applicable to support the appellants' demands in these cases because the facts are entirely different here. The primary purpose of the Act which must sub-serve the interpretation in order to implement the Act is to prevent further deforestation.**

*The Central Government has not granted approval. If the State Government is of the opinion that it is not a case where the State Government should seek approval of the Central Government, **the State Government cannot apparently seek such approval in a matter in respect of, in our opinion, which it has come to the conclusion that no renewal should be granted.** In that view of the matter and the scheme of the Act, in our opinion, the respondents were right and the appellants were wrong. All interpretations must subserve and help implementation of the intention of the Act. This interpretation, in our opinion, will subserve the predominant purpose of the Act.”*

- (ii) Further, in case of **State of A.P. versus Anupama Minerals [(1995) 81 SCC 117]**, the Hon’ble Apex Court *inter-alia* held that:–

“The respondents were granted mining leases under Rule 31 of the A.P. Mining Rules, 1966. The Forest Conservation Act, 1980 (for short ‘the Central Act’) had come into force on October 25, 1980. Subsequently in terms of the grant of the lease the respondents applied for renewal. The State Government refused to grant renewal in view of the prohibition contained in Sec. 2 the Act. The respondents filed the writ petitions in the High Court and the Division Bench in the impugned Judgment dated June 9, 1982 directed to consider the renewal of the respondents and seek approval of the Central Government under Sec. 2 of the Act. Calling in question of the legality of the directions issued by the

High Court these appeals by Special Leave have been filed. in some of the cases the application for renewal has been filed after the Act had come into force but on the question of law does not make much difference. The point raised is no longer res-integra.

This Court in **Ambica Quarry Works v. State of Gujarat & Ors.**, [1987] 1 SCC 213, held that **the public authority is vested with the power the expression 'may' has been construed as 'shall' because if the conditions for the exercise of the power are fulfilled, it is coupled with the duty. When the grant of renewal was sought to be made then the authority has been invested with the duty to grant of renewal. On the facts and circumstances in these cases specially in view of the prohibition contained in the Act renewal cannot be granted since the Act had come into force.** So any grant of renewal should be consistent with the provisions contained in the Act.

The purpose of the Act is Conservation of the Forest and to prevent the depletion of the forest. In other words the Act intended no only to protect the existing forest but also conserve forest and protection of the existing forest in accordance of the provisions of the Act. In view of the prohibition for grant of lease in the reserved forest area, grant of renewal in the face of the prohibited area will be in violation of law. Therefore, the authorities though had the power, but had duty" while conserving the forest to refuse to grant renewal. **In that view the Government's refusal to grant renewal,**

therefore, cannot be said to be illegal. If they consider the renewal could be granted, even then the prior approval of the Central Government is mandatory under Sec. 2 of the Act. The renewal cannot be granted in view of the prohibition contained in the Act."

- (iii) The position of the law with regard to taking of approval before undertaking any mining operation in the forest area is made absolutely clear by the decision of the Apex Court in case of **T.N. Godavarman Thirumalpad versus Union of India and others (AIR 1997 SC 1228)**. The Court directed all the State Governments to promptly ensure total cessation of all such activities forthwith. The relevant parts of the said judgment are as under:—

"1. *In view of the great significance of the points involved in these matters, relating to the protection and conservation of the forests throughout the country, it was considered necessary that the Central Government as well as the Governments of all the States are heard. Accordingly, notice was issued to all of them. We have heard the learned Attorney General for the Union of India, learned counsel appearing for the States and the parties/applicants and, in addition, the learned Amicus Curiae, Shri H.N. Salve, assisted by Sarvashri U. U. Lalit, Mahender Das and P.K. Manohar. After hearing*

all the learned counsel, who have rendered very able assistance to the court, we have formed the opinion that the matters require a further in depth hearing to examine all the aspects relating to the National Forest Policy. For this purpose, several points which emerged during the course of the hearing require further study by the learned counsel and, therefore, we defer the continuation of this hearing for some time to enable the learned counsel to further study these points.

- 2. However, we are of the opinion that certain interim directions are necessary at this stage in respect of some aspects. We have heard the learned Attorney General and the other learned counsel on these aspects.*
- 3. It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for short the 'Act') and the meaning of the word "forest" used therein. **There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.***
- 4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and*

therefore, the provisions made therein for the conservation of forests and fore matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest: must be understood according to its dictionary meaning. This description cover all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof.

This aspect has been made abundantly clear in the decisions of this Court in Ambica Quarry Works and ors. versus State of Gujarat and ors. (1987 (1) SCC 213), Rural Litigation and Entitlement Kendra versus State of U.P. (1989 Suppl. (1) SCC 504), and recently in the order dated 29th November, 1996 in W.P.(C) No.749/95 (Supreme Court Monitoring Committee vs. Mussorie Dehradun Development Authority and ors.).

The earlier decision of this Court in State of Bihar Vs. BanshiRam Modi and ors. (1985 (3) SCC 643) has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay.

5. We further direct as under:–

I. General:

1. *In view of the meaning of the word "forest" in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any "forest". In accordance with Section 2 of the Act, **all on-going activity within any forest in any State throughout the country, without the prior approval of the Central Government, must cease***

forthwith. It is, therefore, clear that the running of saw mills of any kind including veneer or ply-wood mills, and mining of any mineral are non-forest purposes and are, therefore, not permissible without prior approval of the Central Government. Accordingly, any such activity is prima facie violation of the provisions of the Forest Conservation Act, 1980. Every State Government must promptly ensure total cessation of all such activities forthwith ...”

Thus, the Hon’ble Apex Court has made clear that no non forest activity – mining, of any mineral can be undertaken in the forest area without prior approval of the Central Government under the FCA. The Court has made it absolutely clear that the decision in the case of **State of Bihar Vs. Banshi Ram Modi and ors. (1985 (3) SCC 643)** was to be understood in the light of subsequent decisions stated above.

It is to be reiterated that Ld. Counsel, appearing on behalf of the lessees who have not obtained prior approval under FCA, vehemently relied upon again and again the judgment rendered in the case of **Banshi Ram Modi (Supra)**. As discussed above, the aforesaid judgment would have no bearing because the same was decided on

the peculiar facts of the case as held by the Apex Court repeatedly, as discussed above.

Unfortunately, Ld. Counsel have not noted the fact that in case of **K. M. Chinnappa versus Union of India**, [AIR 2003 SC 724], the Hon'ble Apex Court has held that:-

*“Banshi Ram's case on which emphasis was laid by the company is not **good law** in view of the subsequent decisions of this Court in **Ambica Quarry Works v. State of Gujarat and Ors.** (1987 (1) SCC 213). Reference may also made be made to the decisions in **Tarun Bharat Sangh, Alwar v. Union of India and Ors.** (1992 Supp. (2) SCC 448), **Tarun Bharat Sangh, Alwar v. Union of India and Ors.** (1993 Supp. (3) SCC 115) and two reported orders in **T.N. Godavarman Thirumulkpad v. Union of India and Ors.** (1997 (2) SCC 267) and **T.N. Godavarman Thirumulkpad v. Union of India and Ors.** (1997 (3) SCC 312). The stand of the company that Notification dated 29.5.1982 excluded the land in question from being forest land is clearly untenable in view of the Section 2(ii) of the Forest (Conservation) Act, 1980 (in short the 'Conservation Act').”*

(iv) Similarly, the aforesaid contentions were considered by the Apex Court in the case of **A. Chowgule & Co. Ltd. vs. Goa Foundation & Ors.**, [(2008) 12 SCC 646]. The relevant parts thereof read as under:—

“6. ***A bare perusal of the aforesaid provisions would show that prior approval is required for the diversion of any forest land and its use for some other purpose. This is further fortified by a look at Rule 4 which provides that every State Government or other authority seeking prior approval under Section 2 of the Act shall submit a proposal to the Central Government in the prescribed form and Rule 6 stipulates that the proposals would be examined by a committee appointed under Rule 2-A within the parameters and guidelines postulated in Rule 5. There is nothing on record to suggest that this procedure had been adopted. Admittedly also the approval for 4.4 hectares had been obtained long after the lease deed had been executed on 1st November 1989 and there is no suggestion that even for this limited area the procedure envisaged under Rules 4, 5 and 6 had been followed. We are, therefore, of the opinion even assuming that some approval was granted with respect to 4.44 hectares of land in the year 1997, it would not amount to prior approval in terms of the Act and the Rules afore quoted. Mr. Shrivastava has, however, pointed out that in the light of the judgment in Banshi Ram Modi's case***

(supra), as the 4.44 hectares of land were to be utilized for the purpose of an existing and adjoining mining activity, the prior approval envisaged under section 2 was not required. We find, however, that the aforesaid judgments do not apply to the facts of the present matter as it is nobody's case that any mining activity was going on near the land which is now sought to be leased out. In the above cited cases, the primary question was as to whether in the case of a lease granted prior to the coming into force of the Act, the provisions of Section 2 would apply at the time of the renewal of the lease after the Act had become operative. Concededly this is not the case before us and on the contrary in Hyderabad Abrasives case (*supra*) it has been specifically observed that the material date 'for the purpose of the Act' is not the date of the lease is granted, but the date on which the State Government or other authority permits the breaking up, or clearing of the forest land or any portion thereof, the implication being that the initial lease deed could be granted earlier to the promulgation of the Act, but for renewal, the provisions of the Act would be operable. We also find that **the observations in Ambica Quarry Works, Rural Litigation & Entitlement Kendra, T. N. Godavarman Thirumulkpad and M. C. Mehta cases (*supra*)**, would indicate that after the coming into force of the Act, the renewal of a pre-existing mining lease in a

forest area can be granted only if the requirements of Section 2 are satisfied. It is therefore obvious that the claim of the appellant confined only to 4.44 hectares is also untenable for the reasons given above and that in any case, the benefication plant to which this area was to be attached had been shifted from its earlier proposed location.

7. *It has finally been submitted by Mr. Shrivastava that the land in question was not a forest and was, therefore, not subject to the provisions of the Act and that in any case, the appellant was willing to reforest an identical area if the lease was permitted to operate. We find from a perusal of the High Court judgment that this question of fact had been adequately dealt with based on the affidavits filed in Court and also on a perusal of the Revenue record. Some argument has been made by Mr. Shrivastava on the discordance between the affidavits filed by the two Forest Officers, T.Ramaswamy and R. Nagbhushan Rao. We however discern no difference with regard to the basic factum as to the nature of the land in question and the only difference, if at all, is with regard to the number of trees per hectare said to be growing on the land. We, thus, have no hesitation in confirming this finding of fact. In T.N.Godavarman Thirumulkpad case (supra), this Court expressed its dissatisfaction with some of the State Governments in the*

implementation of the provisions of the Act and observed thus:

*The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest”; must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term “forest land”, occurring in Section 2 will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. **The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in Ambica Quarry Works vs. State of Gujarat, Rural Litigation and Entitlement Kendra vs. State of U.P. and recently in the order***

dated 29.11.1996 (Supreme Court Monitoring Committee vs. Mussoorie Dehradun Development Authority). The earlier decision of this Court in State of Bihar v. Banshi Ram Modi has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority.

8. *We are, therefore, of the opinion that in the light of the aforesaid emphatic and clear cut observations, and findings of fact, there can be no doubt that the land leased out to the appellant was indeed a forest.*
9. *Some arguments have flown during the course of the hearing that the appellants were willing to reforest an identical area in case the lease was allowed to be effectuated. In this connection, some observations need to be made. The basic question is as to what is implied by the terms afforestation or re-forestation. Is it merely the replacement of one tree with another or does it imply some thing a little more complex? "Reforestation is the restocking of existing forests and woodlands which have been depleted, with native tree stock, whereas afforestation is the process of restoring and recreating areas of woodlands or forest that once existed but were deforested or otherwise*

removed or destroyed at some point in the past". In the present case, we are concerned with afforestation and the promise of the appellant to plant trees in an equivalent area. We, however, find from experience and observation that the re-forestation or afforestation that is being carried out in India does not meet the fundamentals and the planting of new trees to match the numbers removed is too simplistic and archaic a solution, as in the guise of compensatory replantation, local varieties of trees are being replaced by alien and non-indigenous but fast growing varieties such as poplar and eucalyptus which make up the numbers but cannot satisfy the needs of our environmental system. It must be borne in mind that both re-forestation and afforestation envisage a resurrection and replantation of trees and other flora similar to those which have been removed and which are suitable to the area in question. **There is yet another circumstance which is even more disturbing inasmuch as the removal of existing forest or trees suited to the local environment have destroyed the eco system dependent on them. This is evident from the huge depletion of wild life on account of the disturbance of the habitat arising out of the destruction of the existing forest cover.** A small but significant example is the destruction of plantations alongside the arterial roads in India. 30 years ago all arterial roads had huge peripheral forest cover which not only

*provided shade and shelter to the traveller but were a haven to a large variety and number of birds and other wild life peculiar to that area. With the removal of these plantations to widen the roads to meet the ever growing needs of the traffic, and their replacement by trees of non-indigenous varieties, (which are often not eco or bird friendly) in the restricted and **remaining areas bordering the widened roads, the shelter for birds has been destroyed and where thousands of birds once nested and bred, there has been a virtual annihilation of the bird life as well. Those who live in North India would do well to remember that a drive along the Grand Trunk Road, National Highway No.1, northwards of Delhi, particularly during the hours of dawn or dusk, was as if through an aviary with thousands of birds representing a myriad of species with their distinctive calls reaching a crescendo during early evening and gradually fading into silence as darkness set in. Sadly, all that can now be seen are crows feeding on the decaying and mutilated carcasses of dogs and other animals killed by speeding vehicles. Equally disturbing is the decrease in the reptilian population as the undergrowth in which it lived and prospered has been destroyed, and with the concomitant increase in the rodent population, colossal losses and damage to the farmer and in the storage of food grains.***

- (v) Again, in case of **Nature Lovers Movement vs. State Of Kerala & Ors.**, [(2009) 5 SCC 373], the Apex Court made observations in **Paras: 47 and 48** which read as under:-

“47. The ratio of the above noted judgments is that the 1980 Act is applicable to all forests irrespective of the ownership or classification thereof and after 25-10-1980 i.e. the date of enforcement of the 1980 Act, no State Government or other authority can pass an order or give a direction for dereservation of reserved forest or any portion thereof or permit use of any forest land or any portion thereof for any non-forest purpose or grant any lease, etc. in respect of forest land to any private person or any authority, corporation, agency or organisation which is not owned, managed or controlled by the Government.

48. Another principle which emerges from these judgments is that even if any forest land or any portion thereof has been used for non-forest purpose, like undertaking of mining activity for a particular length of time, prior to the enforcement of the 1980 Act, the tenure of such activity cannot be extended by way of renewal of lease or otherwise after 25-10-1980 without obtaining prior approval of the Central Government.”

The aforesaid observations were also referred to and relied upon by the Apex Court in case of **K. Balakrishnan Nambiar v/s. State of Karnataka & ors.**, [AIR 2011 SC 1628] and the Court held that the similar submissions of the Ld. Counsel were also no longer ‘*res integra*’.

Conclusion:—

- A.** In view of the aforesaid unambiguous pronouncement of the Apex Court, in case of mining lease in forest area on or after 25.10.1980, the State Government or other authority is required to obtain prior permission of the Central Government and without permission, any forest land or any portion thereof can not be used for any non-forest purposes.
- B.** The purpose of FCA is conservation of forests and to prevent depletion of the forest. Secondly, depletion of forest affects eco-system. As held in the case of **A. Chowgule & Co. Ltd. (Supra)**, [(2008) 12 SCC 646], “*There is yet another circumstance which is even more disturbing inasmuch as the removal of existing forest or trees suited to the local environment have destroyed the ecosystem dependent on them. This is evident from the huge depletion of wild life on account of the disturbance of the habitat arising out*

*of the destruction of the existing forest cover.
The shelter for birds has been destroyed and where
thousands of birds once nested and bred, there has
been a virtual annihilation of the bird life as well.”*

- C.** Renewal of mining lease can not be claimed as a matter of right.
- D.** In case of renewal of lease after 25.10.1980 i.e. commencement of FCA, fresh approval from the Central Government is must.
- E.** In case of renewal of the lease in the forest land after 25.10.1980, even for the area broken up before 25.10.1980, prior approval of the Central Government is necessary.
- F.** Breaking a fresh virgin natural forest land in subsisting leases (granted prior to 25.10.1980) after commencement of FCA is a violation under Section 2(ii) of the Act.
- G.** The decision in Banshi Ram’s case upon which emphasis was made by the Ld. Counsel for the lessees is not a good law as held in the matter of **K. M. Chinappa (Supra), [AIR 2003 SC 724]**.

[IV]

Violation of penal provisions under FCA, 1980

1. The penal provisions of Sections 3A and 3B of the FCA are as under:—

“3-A. *Penalty for contravention of the provisions of the Act:—*

*Whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period which may extend to **fifteen days**.*

3-B. *Offences by authorities and Government Department:—*

(1) *Where any offence under this Act, has been committed—*

(a) *by any department of Government, the head of the department; or*

(b) *by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;*

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed, without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) *Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”*

2. The Government of India, vide its Notification F. No.5-5/98-FC, dated 01.10.2003, have authorized the Chief Conservator of Forest, Regional Offices, MoEF to file complaints against persons prima facie found guilty of such offence in Jurisdictional Courts for prosecution. But till date, no such case has been registered by the CCF/APCCF, Regional Office, Bhubaneswar. It is an utter surprise to the Commission that though there are serious violations under the FCA, not even a single case is registered in the State. The Regional Office of Bhubaneswar has completely failed to perform its duties and responsibilities. Therefore, accountability should be fixed on them. Further, it should be seen whether any case is filed in the country as a whole.

3. Further, illegal use or possession of the forest land by the lessees would attract the penal provisions of the Orissa Forest Act, 1972. The relevant provision of the Orissa Forest Act, 1972 is reproduced as under:-

“27. Offences:-

(1) Any person who –

(a) makes any fresh clearing or causes breaking of land which is prohibited under Section 5;

- (b) *sets fire to a reserved forest or to a forest land in respect of which a notification under Section 4 has been issued or in contravention of any rule made by the State Government in this behalf, kindles any fire in such forest or leaves any fire burning in such manner as to endanger such forest or forest land; or*
- (c) *in a reserved forest kindles, keeps, or carries any fire except at such season as the Forest Officer may notify in this behalf,*

shall be punishable with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees.

- (2) *Any person who in a reserved forest–*
 - (a) *trespasses or pastures cattle or permits cattle to trespass; or*
 - (b) *... ..*
- (3) *Any person, who in a reserved forest–*
 - (a) *fells, girdles, lops, taps or burns any tree or plant or strips off the bark or leaves from or otherwise damages the same or causes damage to any forest-produce;*

- (b) *quarries stone, burns lime or charcoal or collects, subjects to manufacturing process or **removes any forest produce.***
- (c) *clears or breaks up any land for cultivation or **for any other purpose,** or cultivates or attempts to cultivate any land in any manner or puts up any sheds or other structure; or*
- (d) *in contravention of any rule made in this behalf by the State Government huts, shoots, fishes, poisons water or sets traps or snares;*

shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees)

- (4) *When a person is convicted for an offence under Clause (a) of Sub-section (1) or clause (c) of Sub-section (3), the Court shall order eviction of the offender from the land in relation to which the offence has been committed and, on such order being made, all sheds or structures on such land shall be demolished and if the Court so orders, the crop, if any, standing on the land shall be seized and confiscated to the State Government.*

(5) *Order passed and actions to be taken under sub-section (4) may be executed by a Police Officer not below the rank of a Sub-Inspector or a Forest Officer not below the rank of a Range Officer as the Court may direct.*

(6) *Nothing in this section shall be deemed to prohibit*

(a)

(b)”

During the enquiry, it has been observed that in almost all the offence cases booked by the Forest Department, only manager of leases and/or low ranked officials/persons were named in the FIRs as accused. This is totally unacceptable logic. Such approach has emboldened the lessee to violate the relevant provisions of laws. All such cases should be reviewed and action should be taken as per law.

4. The Apex Court, while interpreting Karnataka Forest Act, held that there approach should not be liberal in dealing with the matter of forest offences. In case of **State of Karnataka v. K. Krishnan [AIR 2000 SC 2729]**, the Hon’ble Court held that provisions of the Forest Act are required to be strictly complied with. The relevant portion thereof is as under:—

“7. Learned counsel appearing for the appellant-State has submitted and we agree that the provisions of the Act are required to be strictly complied with and followed for the purposes of achieving the object for which the Act was enacted. Liberal approach in the matter with respect to the property seized, which is liable to confiscation, is uncalled for as the same is likely to frustrate the provisions of the Act.

... ..

The liberal approach in the matter would perpetuate the commission of more offences with respect to the forest and its produce which, if not protected, is surely to affect the mother-earth and the atmosphere surrounding it. The courts cannot shut their eyes and ignore their obligations indicated in the Act enacted for the purposes of protecting and safeguarding both the forests and their produce. The forests are not only the natural wealth of the country but also protector of human life by providing a clean and unpolluted atmosphere.”

5. It is noted that in all offences under FCA, liberal and lenient approach has been adopted by the MoEF. The MoEF has introduced a concept of “Penal Compensatory Afforestation” (PCA) in the guidelines for the violations committed under Section 2. It is stated here that there is no provision

under the Forest (Conservation) Act, 1980 and Rules thereunder for PCA.

The provisions of FCA do not empower the MoEF to frame such guidelines which substitutes penal provisions of the Act for offence punishable under it. By issuing such guidelines, MoEF has virtually amended the FCA which is not permissible in law.

Such guidelines have completely diluted the provisions of the Act and created a fearless atmosphere where the defaulters are walking away by paying a paltry amount as PCA. However, at the other hand, the lessees are making super phenomenal profits by committing such violations under the Act. There is no even a remote relation between the PCA and Sections 3A & 3B (which provides for prosecution and came into force from 15.03.1989) of the FCA. No lessee would mind to pay PCA twice or thrice or more as imposed by MoEF. No protest or litigation came across, while examining the records by the Commission for payment as PCA. At the same time, it has become a routine exercise committed regularly by the MoEF to impose PCA in all such offences, even in very serious offences.

Hence, the guidelines which are contrary to the Act are required to be withdrawn forthwith. In law, it would have no force and it can be challenged at any point of time by a person who is directed to pay PCA. They have remained unchallenged, as it is a convenient bypass to prosecution and imprisonment. Violation of law is made easy thereby.

In all cases where there is a violation of FCA, action should be taken under Section 3A and/or Section 3B of the Act and the rules thereunder. Penal provisions should not be diluted or made ineffective by charging some amount. On the contrary, penal provisions of the FCA should be strengthened and made stricter by prescribing more punishment, depending upon the gravity of the violations.

6. Further, the provisions of the FCA with regard to punishment for the offence of mining in the forest area, require to be suitably amended to make it deterrent. At present, the provisions prescribe **fly bite** punishment. As such, illegal mining in a forest area not only amounts to trespass and theft of minerals but also it disturbs the ecosystem.

Therefore, mining in a forest area without approval should be made punishable with imprisonment for a period not less than six months but which may extend to seven years and shall also be liable to pay fine in proportion to amount of illegal mining. The offence would be held to be cognizable offence. Such cases should also be tried by the Special Courts, constituted for trying such offences so that result would be fast and would have deterrent effect not only to the accused persons who are prosecuted but also to others.

National Forest Policy, 1988

At this stage, it is necessary to reproduce relevant few paragraphs from the National Forest Policy, 1988 issued by MoEF (Department of Environment, Forests & Wildlife) dated **7th December, 1988** which are as under:–

“1. Preamble

- 1.1 ... Conservation includes preservation, maintenance, sustainable utilization, restoration and enhancement of the natural environment.

2. Basic Objectives

- 2.1 The basic objectives that should govern the National Forest Policy are the following:–

- **Maintenance of environmental stability through preservation and, where necessary, restoration of the ecological balance that has been adversely disturbed by serious depletion of the forests of the country.**
- Conserving the natural heritage of the country by preserving the remaining natural forests with the vast variety of flora and fauna, which represent the remarkable biological diversity and genetic resources of the Country.

- *Checking soil erosion and denudation in the catchment areas of rivers, lakes, and reservoirs in the interest of soil and water conservation, for mitigating floods and droughts and for the retardation of siltation of reservoirs.*

... ..

- 2.2 *The principal aim of Forest Policy must be to ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium which is vital for sustenance of all life forms, human, animal and plant. The derivation of direct economic benefit must be subordinated to this principal aim.*

3. Essentials of Forest Management

- 3.1 *Existing forests and forest lands should be fully protected and –their productivity improved. Forest and vegetal cover should be increased rapidly on hill slopes, in catchment areas of rivers, lakes and reservoirs and ocean shores and, on semi-arid, and desert tracts.*
- 3.2 *Diversion of good and productive agricultural lands to forestry should be discouraged in view of the need for increased food production.*
- 3.3 ***For the conservation of total biological diversity, the network of national parks, sanctuaries, biosphere reserves and other***

protected areas should be strengthened and extended adequately.

- 3.4 *Provision of sufficient fodder, fuel and pasture, specially in areas adjoining forest, is necessary in order to prevent depletion of forests beyond the sustainable limit. Since fuelwood continues to be the predominant source of energy in rural areas, the programme of afforestation should be intensified with special emphasis on augmenting fuel wood production to meet the requirement of the rural people.*
- 3.5 *Minor forest produce provides sustenance to tribal population and to other communities residing in and around the forests. Such produce should be protected, improved and their production enhanced with due regard to generation of employment and income.*

4. Strategy

4.1 Area under Forests

*The national goal should be to have a minimum of one-third of the total land area of the country under forest or tree cover. **In the hills and in mountainous regions, the aim should be to maintain two-third of the area under such cover in order to prevent erosion and land degradation and to ensure the stability of the fragile eco-system.***

... ..

4.3 Management of State Forests

4.3.1 Schemes and projects which interfere with forests that clothe steep slopes, catchments of rivers, lakes, and reservoirs, geologically unstable terrain and such other ecologically sensitive areas should be severely restricted. Tropical rain/moist forests, particularly in areas like Arunachal Pradesh, Kerala, Andaman & Nicobar Islands, should be totally safeguarded.

4.3.2 **No forest should be permitted to be worked without – the Government having approved the management plan,** which should be in a prescribed format and in keeping with the National Forest Policy. The Central Government should issue necessary guidelines to the State Governments in this regard and monitor compliance.

... ..

4.4 Diversion of Forest Lands for Non-forest purposes

4.4.1 Forest land or land with tree cover should not be treated merely as a resource readily available to be utilised for various projects and programmes, but as a national asset which requires to be properly safeguarded for providing sustained benefits to the entire community. **Diversion of forest land for any non-forest purpose should be subject to**

the most careful examinations by specialists from the standpoint of social and environmental costs and benefits.

Construction of dams and reservoirs, mining and industrial development and expansion of agriculture should be consistent with the needs for conservation of trees and forests. Projects which involve such diversion should at least provide in their investment budget, funds for regeneration/ compensatory afforestation.

- 4.4.2 **Beneficiaries who are allowed mining and quarrying in forest land and in land covered by trees should' be required to repair and re-vegetate the area** in accordance with established forestry practices. No mining lease should be granted to any party, private or public, without a proper mine management plan appraised from the environmental angle and enforced by adequate machinery.

4.5 Wildlife Conservation

Forest Management should take special care of the needs of wildlife conservation, and forest management plans should include prescriptions for this purpose. **It is specially essential to provide for "corridors" linking the protected areas in order to maintain genetic continuity between artificially separated sub-sections of migrant wildlife.**

... ..”

Though there is well meaning, National Forest Policy, 1988 framed and backed with various laws but neither infrastructure nor men power is created to implement, monitor and execute in the field. It is completely lacking. It is observed that will power is lacking at all levels in political and executing wings of the Constitution to implement it. A large number of vacancies, inadequate and inefficient infrastructure in all the connected departments have been observed. It is told that substantial amount of Compensatory Afforestation Fund Management and Planning Authority (CAMPA) funds are locked in Govt. treasuries. It should be made use of.

[VI]

Wild Life

1. Another important legislation is the **Wild Life (Protection) Act, 1972 (WLPA)**. The Act seeks to constitute a Wild Life Advisory Board in each State; regulate hunting of wild animals and birds; lay down the procedure for declaring areas as Sanctuaries, National Parks and others.
 - (a) **Section 5A of WLPA** provides for constitution of the **National Board for Wild Life (NBWL)** under the Chairmanship of the Prime Minister and Vice Chairman is the Minister in-charge of Forest & Wild Life and other members are experts, officials & non-officials. It is charged with the duty to promote the conservation and development of wild life and forests.
 - (b) **Under Section 5B of WLPA**, the **National Board for Wild Life (NBWL)** is empowered to constitute its **Standing Committee** for performing such duties as may be delegated by NBWL.
 - (c) **Under Section 5C of WLPA**, it is the duty of the **National Board for Wild Life (NBWL)** to

promote the conservation and development of wild-life and forests. It provides **functions of National Board**. The relevant provisions are as under:–

- “2(a) *framing policy and advising the Central Government and the State Government on the ways and means of **promoting wild life conservation** and effectively controlling poaching and illegal trade of wild life and its products;*
- (b) making recommendations on the setting up of and management of **national parks, sanctuaries and other protected areas** and on matters relating to **restriction of activities in those areas;***
- (c) carrying out or causing to be carrying out **impact assessment of various projects and activities on wild life or its habitat;***
- (d) reviewing from time to time, the progress in the field of **wild life conservation** in the country and suggesting measures for **improvement** thereto; and*
- (e) preparing and publishing a **status report** at least once in two years on wild life in the country.”*

- 2.** Under Section 5C, it is a duty of the National Board to promote the conservation and forests and to take such measures, as it thinks fit. For this purpose, under Sub Section 2, policies are required to frame. It is also entitled to make recommendations for setting up of the management of National Parks, Sanctuaries and other protected areas and on matters relating to restriction on activities in those areas.
- 3.** On the basis of the said provisions, approval of the National Board is required to be obtained before carrying out activities of mining in the eco-sensitive zone. For this purpose, a decision is taken in the National Board for Wildlife in 2002 under Section 3 of E.P. Act, 1986 read with Rule 5 of the E.P. Rules, 1986.

[VII]

Guidelines for taking non-forestry activities in wildlife habitats

1. On 19.12.2012, the Ministry of Environment and Forests, Wildlife Division, Government of India had codified **Guidelines for taking non-forestry activities in wildlife habitats**. The same are as under:–

“1. General Policy:

*National Parks, Sanctuaries and Conservation Reserves are notified under the Wildlife Protection Act, 1972 as dedicated areas rich in, and representing the unique biodiversity of a place. Such protected areas are considered very important for conservation of biodiversity, and for ensuring the healthy populations of its floral and faunal components, for the present and future generations alike. However, the rising human population and its growing demands for socio-economic development put increasing stress on forests including protected areas both directly and indirectly. This calls for a balance that has to be struck between development and conservation implying that any activity involving use or diversion of any part of a notified protected area may be considered only under **most exceptional** circumstances, taking fully into account its*

impending impact on the biodiversity of the area, and consequently on the management of the Protected Area. A critical part of this balanced approach is to spell out the feasibility of mitigation to address the impacts without compromising the management objectives of the Protected Area. The activities to be taken up in the identified wildlife habitats also need to comply with the orders of the Hon'ble Supreme Court in addition to the statutory requirements as provided in the Wild Life (Protection) Act, 1972.

2. Scope:

Measures to protect the wildlife and biodiversity in general include inter alia, notification of suitable wildlife habitats as Protected Areas (National Parks, sanctuaries etc.) under the Wild Life (Protection) Act (WLPA), 1972. Recommendations of the National Board for Wildlife (NBWL) are prescribed in the Act for regulating any activity inside such areas. Hon'ble Supreme Court thought a number of order has further made it essential to seek the recommendations of this advisory body for regulating activities in the adjoining areas to the Protected Areas. Protection of other forests is ensured through the Forest (Conservation) Act 1980 wherein, recommendations of the Forest Advisory Committee are prescribed for this purpose. Protected areas cover generally the known habitats of wildlife including important

flagship species. Tiger Reserves represent specifically notified areas under the WLPA focusing on conservation of the charismatic big cat under the Project Tiger in view of the specially threatened status of this national animals. With a view to ensuring conservation of elephants, the national heritage animal, 'Project Elephant' is operational. Technical and financial assistance is provided by the Central Government for conservation of elephants in the designated elephant habitats in the country. But presently such habitats are not legal entities. Though many existing elephant habitats are part of the existing Protected Areas, a proposal for enabling notification of such important habitats as elephant reserves under appropriate legal provisions is also under consideration of the government in the Ministry of Environment and Forests. It is expected that once the legal provisions for declaration of elephant reserves is in place, such areas will also be included under the regulatory regime under Wild Life (Protection) Act 1972 as proper legal entities.

These guidelines prescribe the process of obtaining recommendations of the Standing Committee of NBWL under the Wild Life (Protection) Act 1972 with respect to the areas, for which this process is mandatory under the law, and also in compliance to relevant Hon'ble Supreme Court orders. These guidelines replace the guidelines dated 15.03.2011 issued earlier

in this regard, along with all amendments made therein.

3. **Activities inside Protected Areas:**

*The process of consideration of any proposal for use of areas inside the protected areas, as a mandatory requirement under the present statutes, involves consideration and recommendation of the **National Board for Wildlife**. However, as the **Standing Committee of National Board for Wildlife** has been delegated the powers of the National Board for Wildlife, such cases are to be referred to the Standing Committee of National Board for Wildlife for consideration and recommendation. Details of such situations where such reference is warranted are described below:*

3.1 **Activities inside Wildlife Sanctuaries:**

*Section 29 of the Wild Life (Protection) Act, 1972 provides for the seeking the recommendation of the **State Board for Wildlife** (a Board chaired by the State Chief Minister) for any diversion of land or produce including water, etc. from a Sanctuary.*

As per the proviso under Section 33 (a), no construction of commercial tourist lodges, hotels, zoos and safari parks can be undertaken inside a sanctuary except with prior approval of the Standing Committee of NBWL.

*Further, in view of the directions dated 9th May 2002 of Hon'ble Supreme Court in Writ Petition (Civil) No.337/1995, all such proposals in respect of a Sanctuary or a National Park also require Supreme Court's approval based on the recommendation of the **Standing Committee of National Board for Wildlife** (a Committee chaired by the Minister in charge of the Ministry of Environment and Forests)*

3.2 Activities inside National Parks:

*Section 35(6) of the Wild Life (Protection) Act, 1972 provides that the recommendation of the **National Board for Wildlife** (a Board chaired by the Prime Minister) is essential for any use or diversion of the habitat of any wild animal, or produce including water, etc. in a National Park.*

This proviso is also applicable with respect to National Parks in view of Section 35(8) of the Act.

In the circumstances, any activity proposed within the boundaries of a National Park or Wildlife Sanctuary shall require the recommendation of the Standing Committee of NBWL, and the approval of the Hon'ble Supreme Court.

Section 33(8) of the Wild Life Protection Act, 1972 provides that no construction of commercial tourist lodges, hotels, zoos and safari parks can be undertaken inside a

National Park except with prior approval of the Standing Committee of NBWL.

3.3 Activities inside a Tiger Reserve:

A Tiger Reserve notified under the provisions 38V (1) of WLPa may include an existing Protected Area or other forests (as the buffer areas). The Tiger Reserve, once notified gets conferred protection on par with a Wildlife Sanctuary under Section 38V (2). Further Section 38W makes it mandatory to obtain approval of Standing Committee of NBWL for any activity including alteration of boundaries of Tiger Reserves. Therefore, any proposal involving any area under the notified Tiger Reserve will also be governed by the relevant provisions applicable to the Wildlife Sanctuaries and therefore, will be referred to the Standing Committee of NBWL for consideration.

3.4 Activities inside Conservation Reserves:

The Ministry of Law and Justice has opined that activities to be taken up inside a Conservation Reserve can also be dealt with in the Standing Committee of NBWL. Therefore, the procedure indicated under para 4 below needs to be followed for planning and executing any activity inside Conservation Reserve also.

3.5 Activities in areas other than Protected Areas:

In addition to the notified protected areas as described above, the consideration of the

Standing Committee of NBWL has been prescribed in certain circumstances which are listed below:

3.5.1 Activities within 10 Kms. from boundaries of National Parks and Wildlife Sanctuaries:

*In pursuance to the order of Hon'ble Supreme Court dated 4th December 2006 in Writ Petition (Civil) No.460/2004, in case any project requiring Environmental Clearance, is located within the eco-sensitive zone around a Wildlife Sanctuary or National Park or **in absence of delineation of such a zone, within a distance of 10 kms. from its boundaries**, the User agency/ Project Proponent is required to obtain recommendations of the Standing Committee of NBWL.*

3.5.2 Activities within areas connecting the Tiger Reserves, notified by NTCA for controlling the land use as per section 38 O(g):

Section 38 O (g) of the Wild Life Protection Act, 1972 entrusts the responsibility to NTCA to ensure that areas connecting Tiger habitats are not diverted for ecologically unsustainable habitats except in public interest and with the approval of NBWL. Proposals for any activities in such areas duly notified by NTCA, and recommended by it in accordance with these provisions, to be covered under such regulation

will be permitted only after seeking recommendations of the Standing Committee of NBWL. Violation of this provision is required to be dealt with by the NTCA.

4. Procedure to be followed for consideration of proposals by the Standing Committee of National Board for Wildlife:

- 4.1 *The User Agency/Project Proponent is required to submit the proposal in the prescribed proforma that has been prescribed by the Ministry of Environment and Forests, and is available on the website of the Ministry (<http://moef.nic.in/modules/others> to be filled in).*
- 4.2 *The prescribed proforma has **five** parts and each part is required to be filled in by the User Agency; concerned Divisional Forest Officer/ Park Manager; Concerned Chief Conservator of Forests; Concerned Chief Wildlife Warden and the Forest Secretary.*
- 4.3 *The proforma also seeks information in detail on the biodiversity of the area in question; maps of the area, other activities already in place; possible impacts of the proposal, etc.*
- 4.4 *The User agency is required to submit Part-I and Part-II of the proforma duly filled in to the concerned Forest Officer, who in turn, forwards the same to the Chief Wildlife Warden through the Chief Conservator of Forest.*

- 4.5 *The Chief Wildlife Warden, after giving his specific comments on the proposal, shall forward 15 copies of the same to the Government of India, through the Forest Secretary **after obtaining the recommendation of the State Board for Wildlife on the proposal.***
- 4.6 *The proposal so received from the State Chief Wildlife Warden will be placed before the Standing Committee of NBWL, chaired by Minister of State (I/C) Environment and Forests. The meeting of the Standing Committee is convened once in 2–3 months.*
- 4.7 *In cases where the area proposed for diversion is large and/or the impact of the project on wildlife is considered to be serious, site inspections may be conducted by the members of the Committee or further studies/surveys may be conducted by experts on the instructions of the Standing Committee of NBWL.*
- 4.8 *The site inspection reports are generally considered in the next meeting of the Standing Committee to enable the Committee to make its recommendation.*
- 4.9 *After the Standing Committee of NBWL recommends the proposal, the User Agency/ State Government is required to approach Hon'ble Supreme Court for final clearance in view of the Court orders dated 13.11.2000.*

[Note: *Hon'ble Supreme Court vide their order dated 13.11.2000 had directed that there shall be no dereservation/ denotification of National Parks and Sanctuaries without approval of the Supreme Court. Therefore, to take up any such activity, a clearance from Hon'ble Court is mandatory.]*

4.10 *In case of Border Roads, proposals of the Ministry of Defense, a simplified proforma for simultaneous clearance under the Forest (Conservation) Act, 1980 and wildlife clearance is being adopted under 'A Single Window System'.*

5. ***Proposals for survey work to be carried out inside national parks and wildlife sanctuaries:***

In case any kind of survey work and/or Environment Impact Assessment (EIA) studies, that is a prelude to future diversion of land, are to be taken up in areas involving a wildlife habitat, then also the entire procedure, as prescribed in paragraph 4 above would need to be followed."

2. In **Para: 2** of the forwarding letter bearing No.6-10/2011 WL, dated 19.12.2012, of MoEF, Wildlife Division, Government of India, Delhi, it has been clarified as under:-

“It is clarified that (i) while project proponents may simultaneously apply for Environment, Forest and NBWL clearances, in order to complete the formalities without undue delay, (ii) no rights will vest in or accrue to them unless all clearances are obtained.

In other words, project proponents cannot rely upon the concept of fait accompli, if they have already received any of the clearances. The Environmental, Forest and NBWL clearances will all be processed on their respective merits, and the clearance of one aspect will not confer any right upon the project proponent. Complete clearance is obtained only when all the requisite clearances have been obtained by the Project Proponent. This approach would protect the integrity of the flora and fauna of the country, as well as bring in clarity and transparency in the issue of Environmental, Forest and NBWL clearance.”

3. At this stage, it would be worthwhile to highlight **Para: 3.5.1** of the aforesaid guideline which reads as under:–

“3.5.1 Activities within 10 Kms. from boundaries of National Parks and Wildlife Sanctuaries:

In pursuance to the order of Hon'ble Supreme Court dated 4th December 2006 in Writ Petition (Civil) No.460/2004, in case any project requiring Environmental Clearance, is located within the eco-sensitive zone around a Wildlife Sanctuary or National Park or in absence of delineation of such a zone, within a distance of 10 kms. from its boundaries, the User agency/Project Proponent is required to obtain recommendations of the Standing Committee of NBWL."

[VIII]

Eco-fragile zone — a vital factor

1. Eco-fragile zone, commonly known as Eco-sensitive Zone is one of the most vital factors for protection of wild life in protected areas. This provides a buffer cushion and breathing space to the notified areas. The Environment (Protection) Act, 1986 and Rules empower the Central Government to take measures to protect, conserve and improve environment. Declaration of surrounding eco-sensitive zone is one of the vital factors to protect and improve the over all environment (ecosystem) of the notified protected areas. In the above background, it is relevant to quote Section 3 of the E.P. Act, 1986 and Rule 5 of E.P. Rules, 1986 which *inter-alia* reads as under:—

“3. Power of Central Government to take measures to protect and improve environment:—

(1)

(2) *In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respects to all or any of the following matters, namely:—*

... ..

- (v) **restriction of areas** in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall not be carried out subject to certain safeguards;
-”

2. Under the said Act, Environment (Protection) Rules, 1986 are framed. Rule 5 thereof provides for **“Prohibition and restriction on the location of industries and the carrying on processes and operations in different areas”** which *inter-alia* reads as under:–

“5. Prohibition and restriction on the location of industries and the carrying on processes and operations in different areas:–

- (1) *The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:–*

- (i) *Standards for quality of environment in its various aspects laid down for an area;*

... ..

(viii) **Proximity to a protected area** under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a **sanctuary, National Park**, game reserve or closed area notified, as such under the Wild Life (protection) Act, 1972, or plans protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body;

... ..

(x) Any other factors as may be considered by the Central Government to be relevant to the protection of the environment in an area.”

The Eco-fragile (Eco-sensitive) zone was introduced under the above provisions by the Central Govt. empowered under this Act & Rules.

3. On 09.02.2011, the MoEF, New Delhi framed **guidelines for declaration of eco-sensitive zones around national parks and wildlife sanctuaries**. The said guidelines, *inter-alia*, read as under:–

“1. Background:

1.1 IBWL Decision:

1.1.1 During the XXI meeting of the Indian Board for Wildlife held on 21st January 2002, a ‘Wildlife Conservation Strategy-2002’ was adopted wherein point no.9 envisaged that “lands falling within 10 Kms. of the boundaries of National Parks and Sanctuaries should be notified as eco-fragile zones under section 3(v) of the Environment (Protection) Act and Rule 5 Sub rule (viii) & (x) of the Environment (Protection) Rules.”

1.1.2 The Additional Director General of Forests (WL), vide letter dated 6th February 2002, had requested all the Chief Wildlife Wardens for listing out such areas within 10 kms. of the boundaries of National Parks and Sanctuaries and furnish detailed proposals for their notification as eco-sensitive areas under the Environment (Protection) Act, 1986.

1.1.3 In response, some of the State Governments had raised concern over applicability of the 10 kms. range from the Protected Area boundary and informed that most of the human habitation and other areas including important cities in these States would come under the purview of eco-sensitive zone and will adversely affect the development.

1.2 National Wildlife Action Plan (2002–2016)

1.2.1 *The National Wildlife Action Plan (NWAP) 2002–2016 indicates that “**Areas outside the protected area network are often vital ecological corridor links and must be protected to prevent isolation of fragments of biodiversity which will not survive in the long run.** Land and water use policies will need to accept the imperative of strictly protecting ecologically fragile habitats and regulating use elsewhere.”*

1.2.2 *The Action Plan also indicates that “All identified areas around Protected Areas and wildlife corridors to be declared as ecologically fragile under the Environment (Protection) Act, 1986.”*

1.3 Decision of National Board for Wildlife:

1.3.1 *Considering the constraints communicated by the States, the proposal was re-examined by the National Board for Wildlife in its 2nd meeting held on 17th March 2005 and it was decided that the ‘delineation of eco-sensitive zones would have to be site specific and relate to regulation, rather than prohibition, of specific activities’. The decision was communicated to all the State Governments for compliance vide letter dated 27th May, 2005. Thereafter, it was further communicated with subsequent reminders.*

1.4 Hon'ble Supreme Court's decision:

1.4.1 *A Public Interest Litigation was also filed by the Goa Foundation vide their Writ Petition No.460/2004 before the Hon'ble Supreme Court regarding the issue of declaration of eco-sensitive zones.*

1.4.2 *Vide their order dated 4th December 2006, Hon'ble Supreme Court had directed the Ministry of Environment & Forests to give a final opportunity to all States/Union territories to respond to the letter dated 27.5.2005 and that the State Governments send their proposals within four weeks, to the Ministry. It was also directed that all cases where environmental clearances were granted where activities are within 10 Kms. zone, be referred to Standing Committee of NBWL."*

The departure from the statutory provisions of E.P. Rules, 1986 in the 2nd meeting of NBWL, i.e. prohibitory and restrictive to regulation have not been considered by the Apex Court in its order dated 30.04.2010, in case of Narayan Sarovar Chinkara Sanctuary wherein it has been made prohibitory likewise in other cases, too.

The aforesaid guidelines further provide that:-

“2. Statutory Provisions

2.1 *Section 5C(1) of the Wildlife (Protection) Act, 1972 states that it shall be the duty of the National Board for Wildlife to promote the conservation and development of Wildlife and forests by such measures as it thinks fit.*

2.2 *Section 3 of the Environment (Protection) Act, 1986 (EPA) gives power to the Central Government i.e. the Union Ministry of Environment and Forests to take all measures that it feels are necessary for protecting and improving the quality of the environment and to prevent and control environmental pollution. To meet this objective, the Central Government can restrict areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards [Section 3(2)(v)]*

2.3 *Section 5(1) of the Environment (Protection) Rules, 1986 (EPR), states that the central government can prohibit or restrict the location of industries and carrying on certain operations or processes on the basis of considerations like the biological diversity of an area (clause v) maximum allowable limits of concentration of pollutants for an area (clause ii) environmentally compatible land use (clause vi) proximity to protected areas (clause viii).*

3. Purpose for declaring Eco-sensitive Zones:

The purpose of declaring Eco-sensitive Zones around National Parks and Sanctuaries is to create some kind of “Shock Absorber” for the Protected Areas. They would also act as a transition zone from areas of high protection to areas involving lesser protection. As has been decided by the National Board for Wildlife, the activities in the Eco-sensitive zones would be of a regulatory nature rather than prohibitive nature, unless and otherwise so required.

4. Extent of Eco-sensitive Zones:

4.1 *Many of the existing Protected Areas have already undergone tremendous development in close vicinity to their boundaries. Some of the Protected Areas actually lying in the urban setup (Eg. Guindy National Park, Tamil Nadu, Sanjay Gandhi National Park, Maharashtra, etc.) Therefore, defining the extent of eco-sensitive zones around Protected Areas will have to be kept flexible and Protected Area specific. The width of the Eco-sensitive Zone and type of regulations will differ from Protected Area to Protected Area. However, as a general principle, the width of the Eco-sensitive Zone could go up to 10 Kms. around a Protected Area as provided in the Wildlife Conservation Strategy-2002.*

4.2 *In case where sensitive corridors, connectivity and ecologically important patches, crucial for*

landscape linkage, are even beyond 10 kms. width, these should be included in the Eco-sensitive Zone.

- 4.3** *Further, even in context of particular Protected Area, the distribution of an area of Eco-sensitive Zone and the extent of regulation may not be uniform all around and it could be of variable width and extent.*

5. Need for guidelines:

- 5.1** *As has been indicated vide para 1.4 above, the Hon'ble Supreme Court has vide their order dated 4th December, 2006 directed all the State/Union Territory Governments to forward proposals for declaration of eco-sensitive zones around its Protected Areas. However, only States like Haryana, Gujarat, Mizoram, Meghalaya, Assam, Goa have forwarded proposals. However, several other States/Union Territories have not come forward, perhaps for want of guidelines in this regard.*
- 5.2** *In this context, it is pertinent to note here that Hon'ble Supreme Court vide their judgment dated 3rd December, 2010 in the case relating to the construction of park at NOIDA near Okhla Bird Sanctuary filed by Shri Anand Arya & Anr. vs. Union of India (I.A. Nos.2609-2610 of 2009) in Writ Petition (Civil) No.202/1995, had noted that the State Government of Uttar Pradesh had not declared Eco-sensitive zones around its Protected Areas*

as the Government of India had not issued any guidelines in this regard.

- 5.3** *The Ministry of Environment & Forests had set up a committee under the Chairmanship of Shri Pronab Sen for identifying parameters for designating Ecologically Sensitive Areas in India. The said Committee had identified parameters for declaration of specific units of land/water etc. as Ecologically Sensitive Zones based on parameters like richness of flora & fauna; slope; rarity & endemism of species in the area; origins of rivers etc. However, these parameters do not basically apply to the Eco-sensitive zones in the instant context, i.e. around Protected Areas. In the instant case, the Eco-sensitive zones are meant to act as a “Shock absorbers” / “transition zone” to the Protected Areas by regulating and managing the activities around such Protected Areas.*

6. The procedure to be adopted:–

- 6.1** *As has been indicated in the foregoing paras, the basic aim is to regulate certain activities around National Park and Wildlife Sanctuary so as to minimize the negative impacts of such activities on the fragile ecosystem encompassing the Protected Area. As a first step towards achieving this goal, it is a pre-requisite that an inventory of the different land use patterns and the different types of activities, types and number of industries operating around each of the Protected Area*

(National Parks, Sanctuaries) as well as important Corridors be made. The inventory would be done by the concerned Range Officer, who can take a stock of activities within 10 km. of his range.

6.2 *For the above purpose, a small committee comprising the concerned Wildlife Warden, an Ecologist, an official from the Local Self Government and an official of the Revenue Department of the concerned area, could be formed. The said committee could suggest the:-*

- (i) Extent of eco-sensitive zones for the Protected Area being considered.*
- (ii) The requirement of such a zone to act as a shock absorber.*
- (iii) To suggest the best methods for management of the eco-sensitive zones, so suggested.*
- (iv) To suggest broad based thematic activities to be included in the Master Plan for the region.*

6.3 *Based on the above, the Chief Wildlife Warden could group the activities under the following categories:-*

- (i) Prohibited.*
- (ii) Restricted with safeguards.*
- (iii) Permissible.*

- 6.4** *Once the proposal for Eco-sensitive zones has been finalized, the same may be forwarded to the Ministry of Environment and Forests for further processing and notification. Here, it may be noted that, the State/Union Territory Forest Department could forward the proposals to the respective authority in the State Government with copy to the Ministry of Environment and Forests, as and when the proposals (even if it is for single Protected Area) are complete.*
- 6.5** *It is to mention here that in cases where the boundary of a Protected Area abuts the boundary of another State/Union Territory where it does not form part of any Protected Area, it shall be the endeavour of both the State/Union Territory Governments to have a mutual consultation and decide upon the width of the eco-sensitive zone around the Protected Area in question.*
- 6.6** *The State Government should endeavor to convey a very strong message to the public that ESZ are not meant to hamper their day to day activities, but instead, is meant to protect the precious forests/Protected Areas in their locality from any negative impact, and also to refine the environment around the Protected Areas.*
- 6.7** *These guidelines are indicative in nature and the State/Union Territory Governments may use these as basic framework to develop*

specific guidelines applicable in the context of their National Parks, Wildlife Sanctuaries, important corridors, etc. with a view to minimizing and preferably eliminating any negative impact on protected areas.”

- A.** The aforesaid National Wildlife Action Plan 2002–2016 *inter-alia* provides that:–

“Areas outside the protected area network are often vital ecological corridor links and must be protected to prevent isolation of fragments of biodiversity which will not survive in the long run. Land and water use policies will need to accept the imperative of strictly protecting ecologically fragile habitats and regulating use elsewhere.

All identified areas around Protected Areas and wildlife corridors to be declared as ecologically fragile under the Environment (Protection) Act, 1986.”

- B.** The purpose of declaring Eco-sensitive Zones around National Parks and Sanctuaries is to create some kind of “shock absorber” for the Protected Areas. It should act as a transition zone from areas of high protection to areas involving lesser protection.

- C.** At the 21st meeting of the Indian Board of Wild Life on 21.01.2002, a “Wild Life

Conservation Strategy” was adopted under the Chairmanship of the then Prime Minister of India wherein Point No.9 envisaged that lands falling within 10 Kms. of the boundaries of National Parks and Sanctuaries should be notified as Eco-fragile zones under Section 3(v) of the Environment (Protection) Act, 1986 and Rules 5(1)(viii) and (x) of the Environmental Protection Rules, 1986.

D. The MoEF vide its letter dated 27.05.2005 and subsequent reminders to the Chief Secretaries of all the States / Union Territories, requesting them to submit detailed proposals at the earliest for declaration of eco-fragile/eco-sensitive zones falling within 10 kms. from the outer boundary of the national parks and sanctuaries areas.

E. This aspect was dealt with by the Apex Court in **Writ Petition (Civil) No.460 of 2004**, in the case of **Goa Foundation versus Union of India** wherein it has been held that:-

“The order dated 16th October, 2006 refers to a letter dated 27th May, 2005 which was addressed by the Ministry of Environment and Forests (MoEF) to the Chief Wildlife Wardens of

all States/Union Territories requiring them to initiate measures for identification of suitable areas and submit detailed proposals at the earliest. The order passed on that date was that MoEF shall file an affidavit stating whether the proposals received pursuant to the letter of 27th May, 2005 have been referred to the Standing Committee of National Board for Wildlife under the Wild Life (Protection) Act, 1972 or not. It was further directed that such of the States/Union Territories who have not responded to the letter dated 27th May, 2005 shall do the needful within four weeks of the communication of the directions of this Court by the Ministry to them.

It seems that despite the letter dated 27th May, 2005 and despite the Ministry having issued reminders and also bringing to the notice of the States/Union Territories the orders of this Court dated 16th October, 2006, the States/Union Territories have not responded. However, we are told that the State of Goa alone has sent the proposal but that too does not appear to be in full conformity with what was sought for in the letter dated 27th May, 2005.

The order earlier passed on 30th January, 2006 refers to the decision which was taken on 21st January, 2002 to notify the areas within 10 km. of the boundaries of national parks and sanctuaries as eco-sensitive areas. The letter dated 27th May, 2005 is a departure

from the decision of 21st January, 2002. For the present, in this case, we are not considering the correctness of this departure. That is being examined in another case separately. Be that as it may, it is evident that the States/Union Territories have not given the importance that is required to be given to most of the laws to protect environment made after Rio Declaration, 1972.

The Ministry is directed to give a final opportunity to all States/Union Territories to respond to its letter dated 27th May, 2005. The State of Goa also is permitted to give appropriate proposal in addition to what is said to have already been sent to the Central Government. The communication sent to the States/Union Territories shall make it clear that if the proposals are not sent even now within a period of four weeks of receipt of the communication from the Ministry, this Court may have to consider passing orders for implementation of the decision that was taken on 21st January, 2002, namely, notification of the areas within 10 km. of the boundaries of the sanctuaries and national parks as eco-sensitive areas with a view to conserve the forest, wildlife and environment, and having regard to the precautionary principles. If the States/Union Territories now fail to respond, they would do so at their own risk and peril. The MoEF would also refer to the Standing Committee of the National Board for Wildlife,

under Sections 5 (b) and 5 (c) (ii) of the Wild Life (Protection) Act, the cases where environment clearance has already been granted where activities are within 10 km. zone.”

4. Further, on **30.04.2010**, the Hon’ble Supreme Court in **Special Leave to Appeal (Civil) No.13658/1996** in the case of **Consumer Education and Research Society V/s. Union of India & Ors.**, has prohibited the mining operations within a radius of **3 kms.** from the outer boundary of ‘Narayan Sarovar Chinkara Sanctuary’. The direction is subject to final orders that may be passed later in the Buffer Zone matter.

The Government of India decided to create Eco-fragile Zone surrounding the National Parks and Sanctuaries for 10 kms. from the outer boundary at the meeting of NBWL on 21.01.2002.

The Hon’ble Supreme Court, in **Writ Petition No.460 of 2004**, in case of **Goa Foundation Vs. Union of India**, has ordered to extend the time limit for notification of 10 kms. eco-sensitive zone from the boundaries of National Parks and Sanctuaries for four weeks i.e. the time limit expired on 04.01.2007.

The Hon'ble Supreme Court did not consider the letter dated 27.05.2005 of the Government of India for departure from the earlier decision of NBWL dated 21.01.2002. **Hence, under Rule 5 of the Environment (Protection) Rules, 1986, the operations within 10 kms. should be prohibitory and restrictive where eco-sensitive zones are not notified.**

5. Eco-sensitive zones around Protected Areas may be kept flexible in very exceptional cases and be kept Protected Area specific. The width of the Eco-sensitive Zone and type of prohibition and restrictions may differ from one Protected Area to other. In general, the width of the Eco-sensitive Zone could go upto 10 kms. around a Protected Area (or beyond 10 kms. where there are sensitive corridors) as are presently provided in the "Wild Life Conservation Strategy-2002". The distribution of an area of Eco-sensitive Zone and the extent of measures may not be uniform all around and it could be of variable width and extent but should not be **below the threshold** which may affect the protected area.
6. Further, in case of **M. C. Mehta vs. Union of India & Ors. [(2009) 6 SCC 142]**, the Court observed that **Environment and ecology are national assets.**

They are subject to intergenerational equity. The relevant paras are as under:–

- “44. We find no merit in the above arguments. As stated above, **in the past when mining leases were granted, requisite clearances for carrying out mining operations were not obtained which have resulted in land and environmental degradation.** Despite such breaches, approvals had been granted for subsequent slots because in the past the authorities have not taken into account the macro effect of such wide-scale land and environmental degradation caused by the absence of remedial measures (including rehabilitation plan). **Time has now come, therefore, to suspend mining in the above area till statutory provisions for restoration and reclamation are duly complied with, particularly in cases where pits/quarries have been left abandoned.**
45. **Environment and ecology are national assets.** They are subject to intergenerational equity. Time has now come to suspend all mining in the above area on sustainable development principle which is part of Articles 21, 48-A and 51-A(g) of the Constitution of India. In fact, these articles have been extensively discussed in the judgment in [M.C. Mehta case (2004) 12 SCC 118] which keeps the option of imposing a ban in future open.”

[IX]**Leases situated at a distance less than 10 kms. from Simplipal National Park boundary and within Simplipal Biosphere Reserve and Mayurbhanj Elephant Reserve**

1. On the World Environment Day under the heading **“habitat havoc”**, in Times of India, Ahmedabad edition dated **05.06.2013**, it has been reported as under:–

“Elephants:

Last week four elephants died on rail tracks of Jalpaiguri. Their migration corridors are being swallowed by rail, road and human settlements. 318 elephants were electrocuted 2003–2012 because of power lines running in forests. There are 88 threatened elephant corridors across the country.

Tiger:

Human encroachments devouring most tiger habitats. Trade in tiger parts for Chinese medicine still unchecked. 1706 tigers scattered in habitats across Karnataka, Andhra, Arunachal, Kerala, Maharashtra, MP, Rajasthan, Uttarakhand, Bengal, TN & Assam. But their territory close to towns and cities.

Ganges river dolphin:

Originally found in the Ganges–Brahmaputra–Meghna & Karnaphuli–Sangu river systems in Nepal, India and Bangladesh. But this vast area's altered by over 50 dams and irrigation projects. Recent UP census found only 671 dolphins: Increasing effluent discharge driving it towards extinction.

One – horned rhino:

Indian rhinos once flourished in forests alongside the Indus, Ganges and Brahmaputra river basins, from Pakistan to the Indian–Burmese border. Several habitat destruction has limited them to a few small pockets in Nepal, Bengal and Assam. 70% rhinos found in Kaziranga Sanctuary.”

As seen from the above, the habitat havoc in various States causing deaths to big wilds. The highly wildlife rich Elephant reserve adjacent to Simlipal National Park, sensed similar habitat destruction due to mines in the area and non observation of the Wildlife Act, 1972 and Rules. The Elephant reserve also overlaps and forms part with 10 kms. eco-sensitive zone and Biosphere.

2. Apart from environmental problem, diversion of forest land/other lands have resulted to deforestation which have badly affected wildlife habitat and corridors. The Commission has received

representation from villagers complaining men-elephants conflicts. They submit that elephants encroach and move to their lands and villages, destroy crops and belongings. Trampling of human is every day's story in elephant infested areas in this zone.

Large scale truck movements on mine roads created for ore transportation is another major problem in this area.

It is found that large scale mining operation of iron ore and manganese is permitted within Elephant reserve in Mayurbhanj District. This should be done away.

3. The mines which are shown in **Annexure: VI** are in the deep forest areas and also the part of Mayurbhanj Elephant reserve and Biosphere reserve. Therefore, the operations of these mines have largely affected the movement of elephants, their fodder, breeding and others. It has also resulted in increase in number of incidents where human habitations are disturbed somewhere by their unnatural movements. On many occasions, they destroy the standing crops within few hours. Active and large scale mining is one of the reasons behind the above abnormal behaviour.

The increase of labour force in mines have resulted the anthropogenic pressure on natural dense forest which is also abode of elephants and other protected scheduled wilds since centuries, require to be controlled drastically. Mining operations adversely affect the wild animals and destroy their habitats, force them to move away to a safer place resulting into encroachment upon human habitats, conflicts and finally end to their extinct.

4. 10 kms. distance:-

At least distance of 10 kms. from the outer boundary of Simlipal National Parks should be maintained prohibited zone for mining operation. The minimum or nearest distance of 10 kms. at any point between lease boundary and protected area boundary is taken into consideration for its application because of foraging habit, movement, niche and territories of elephants, tigers and many more wild animals.

It is highlighted that there are 10 leases of iron and manganese ores among others falling within 10 kms. radius of outer boundary of Simlipal National Park (SPNP) (**Annexure: VI**) covering an area of 1470.404 ha.

- (a) None of the mining lease is approved by the Standing Committee of National Board for Wildlife.
- (b) Out of 10 mining leases, 7 lessees have not obtained EC.

Hence, in all, as such mining operations should be suspended till approval is obtained or lease should be cancelled.

Out of 10 lessees, 3 lessees have obtained ECs. The information submitted for the distance from the outer boundary for obtaining ECs are found apparently incorrect. Therefore, they are operating the mines in violation of E.P. Act and Rules, 1986 and also the Supreme Court's order dated 04.12.2006.

The names of the aforesaid 3 leases are as under:-

- (i) M/s. Lal Traders & Agencies,
Badampahar Iron Ore Mines (129.610 Ha.)

For getting approval, following submission was made for eco-sensitive zone:-

“No national park and wildlife sanctuary are located and reported in the core and buffer zone

of the mine, however, the Badampahar Reserve Forest is a part of elephant corridor of Mayurbhanj Elephant Project reported to be located in the Buffer Zone of the mine.”

- (ii)** B. C. Dagara,
Suleipat Iron Ore Mines (618 Ha.)

For getting approval, following submission was made for eco-sensitive zone:–

“No national park/wildlife sanctuary/biosphere reserve/tiger reserve/elephant reserve, etc. are reported to be located in the core and buffer zone of the mine and that the area does not report to form corridor for Schedule I fauna.”; and

- (iii)** D. C. Dagara,
Ghusuria Iron Ore Mines (54.585 Ha.)

For getting approval, following submission was made for eco-sensitive zone:–

“The Mayurbhanj elephant reserve is reported within the buffer zone of the mine.”

The remaining seven leases have not obtained EC till date. All 10 leases are also the part of Notified Elephant reserve and Biosphere reserve. Hence, it has increased importance. Overall, the

area is densely elephant infested habitat areas. Hence, 10 kms. radius is fully justified around the SPNP.

5. It is also stated that while granting EC, a specific condition is incorporated in two leases (M/s. Lal Traders & Agencies, Badampahar Iron Ore Mines and D. C. Dagara, Ghusuria Iron Ore Mines) to the effect that **the EC was subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority as may be applicable to this project. This has not been obtained by the lessee.** Hence, it is contravention of the E.C. approval. Mining operations should be suspended till it is obtained and produced by the lessee. Any other penal action arising out of the above violation should also be taken.
6. It is stated that there are 7 mining leases (Sr. Nos.4 to 10) presently which do not have EC. The mining activities are stopped in all these leases for want of approval under EIA notification.

These mining leases should not be allowed to operate and renewal should not be granted, at least for the protection of the elephants, tigers and environment.

- 7.** Before and after grant or renewal of such leases, both the Central Government and the State Government have taken the decision of the National Board for Wild Life dated 21.01.2002 casually and have not acted for the years together, even after the directions of the Hon'ble Supreme Court given in its order dated 04.12.2006. This has resulted into irreparable damage to wildlife habitat. It is unfortunate that even after 10 years, no action is taken. Accountability should be fixed, after having proper enquiry.
- 8.** Violation of Rule 5 of the Environment (Protection) Rules, 1986 is an offence punishable under Sections 15 and 16 of the Environment (Protection) Act, 1986. Action should be initiated against those who have –

 - (a)** operated the mines;
 - (b)** allowed to operate the mines without obtaining the approval of Standing Committee of NBWL.
- 9.** The MoEF, in its Environment Section, vide Office Memorandum dated 02.12.2009, has directed to all concerned to stipulate condition as per the order of the Hon'ble Supreme Court of India dated 04.12.2006 after a gap of three years. That means, a specific condition should be stipulated stating

that the EC shall be subject to their obtaining prior clearance from the National Board for Wild Life including from Standing Committee of National Board for Wild Life, as applicable. But the said office Memorandum by Environment section of the MoEF office has not implemented its own directions.

- 10.** The Hon'ble Supreme Court has also issued an order dated 04.08.2006 for prohibition of grant of Temporary Working Permission (TWP) within 1 km. of eco-sensitive zone, during considering the proposals for it under the Forest (Conservation) Act, 1980. This is only for the forest land and should be read for a limited specific purpose.

[X]

Violation of the provisions of the Forest (Conservation) Act, 1980 and other acts

1. In the State of Odisha, there are 192 mines. Out of it, 176 mines (iron ore and/or manganese) fall in either of Reserve Forest, Revenue Forest, Section 4 notified forest and deemed forest (DLC) (after 29.08.1998) or combination of two or all. The two districts (Keonjhar and Sundargarh) comprise of:–
 - (a) 7,51,125 ha. forest land;
 - (b) 6,22,408 ha. Government land;
 - (c) 6,33,873 ha. private land (Agriculture).

The overall impact area is about 1,00,000 ha. wherein maximum of these leases are located. The total area granted for these leases is about **45,187 ha**. Out of this, **33,987 ha**. is forest land. Because of the high density of these mines, the overall negative effect is very high.

2. The Forest (Conservation) Act, 1980 (hereinafter called as “FCA”) was introduced and brought into effect since 25.10.1980 by replacing the earlier Ordinance, 1980. The FCA is totally prohibitory and regulatory in nature. Section 2 of the said Act

prohibits the use of forest land for non-forest purpose without having **prior approval** under Section 2 of FCA. Further, after obtaining approval, it regulates the working of the project as per the conditions laid down thereunder. There is no provision for condonation of non-observation of Section 2 of the FCA.

3. From the provisions of Forest (Conservation) Act, 1980 and follow up various judgments of the Apex Court, the following points are taken into consideration for violations under the Act.

- (i)** No State Government or any other authority except with the prior approval of the Central Government may de-reserve any Reserved forest or allow any forest land to be used for non forest purposes. (Section 2 of FC Act)
- (ii)** Whether it is a case of first grant or renewal (irrespective of the fact whether the forest area was broken / cleared / worked before 25.10.1980) after the commencement of FCA (25.10.1980), the compliance of Section 2 of the Forest (Conservation) Act, 1980 is necessary as a condition precedent.

Any deviation from the above is considered as violation of Section 2 of the Act.

- (iii) The approval under the Forest (Conservation) Act, 1980 for diversion of forest land for grant/renewal of mining leases shall normally be granted for a period co-terminus or less with the period of mining lease granted/renewed under MM(DR) Act, 1957 or Rules framed thereunder, but not exceeding 30 years. (Letter No.5-5/86, FC, dated 25.11.1994). The conditions stipulated in the approvals are taken as a period of forest diversion under FCA.

The aforesaid provisions are not adhered to by the lessee, nor are enforced by the concerned Departments including Mining Department. This is likely to cause natural calamity wherever the forest is destroyed rampantly without obtaining prior permission of MoEF. Before granting permission for diversion of forest, even the MoEF is required to consider such prayer cautiously so that adequate forest cover is maintained. If this is not done, the result would be natural calamity. This can be visualized from what had happened in the State of Uttarakhand during this monsoon.

- (iv)** Extraction of the ore or any mining activity beyond the leased period and also during deemed extension period under Rule 24A (6) of MCR, 1960 without prior approval under FCA of forest land is a violation of Section 2 of the Act. Forest land includes DLC land after 29.08.1998 or the date of intimation to lessee whichever is earlier.
- (v)** When the lease period (fresh grant/renewal) under the MM(DR) Act, 1957 and Rules therein ends after the DLC forest is constituted (the date of affidavit filed by the State before the Hon'ble Supreme Court or intimation to lessee about DLC, whichever is earlier), prior approval under FCA is necessary to renew the mining lease or grant of fresh lease or extension of the period under the MM(DR) Act, or to continue the mining operation during deemed extension of lease period. Any mining activity without prior approval in these above circumstances is considered as violation of the FCA.
- (vi)** The type of violation, its magnitude, loss and others under FCA would be required to be discussed in detail for individual leases. At

present, the Commission is not dealing with the same.

(vii) Issue of working permissions by Steel and Mines Department of the State Government under MCR, 1960 for the leases (leases which fall in forest areas), when their lease period expired and came in deemed refusal category is considered as flagrant violation of the FCA (including leases for which the forest areas were broken prior to 25.10.1980). The State does not have any power or authority to issue such working permission for the leases which ceased to exist. It is also applicable to leases where lease period expires after 25.10.1980 and working permission [under MM(DR) Act] is issued or mining allowed in broken up forest areas.

(viii) All the production carried out without having approval under FCA (wherever it was necessary) is considered as illegal and without lawful authority. It attracts the provisions of Section 21(5) of the MM(DR) Act, 1957. Action should be taken accordingly.

(ix) The extension of period by 200 days by Ministry of Mines (GoI) in the cases of deemed

refusal where the lease period expired and no approval is taken under the FCA, for such leases (having forest land), the extension of 200 days is considered as a violation of the FCA.

- (x)** Anything which is not discussed here, would be discussed and reported in the individual cases in the subsequent report.
- (xi)** Breaking/Clearing of fresh forest areas in the subsisting leases (granted prior to 25.10.1980) after the commencement of FCA is considered as violation of Section 2(ii) of the FCA.
- (xii)** In many cases, MoEF has granted approval subject to obtaining environmental clearance under EIA Notification of EPA, 1986. But, lessees have started working of mines without obtaining the EC. They have operated the mines for years together in the absence of EC. All such cases are taken as violation under the FCA and the production taken is illegal and without lawful authority.
- (xiii)** In many cases, NPV has been collected without having obtained the approval under FCA. Payment of NPV without FC approval would not make good the violation of Section 2 of the

FCA. All such cases are taken as violation of FCA, provided, approval was necessary for use of forest land for non forest purpose.

(xiv) The transfer of lease in forest areas under Rule 37 of MCR, 1960 without prior approval under FCA is considered as violation of Section 2 of FCA.

(xv) It has been observed that after a gap of 17 to 32 years, verifications have been done in large number of cases of broken up forest areas and considered as prior to 25.10.1980. The reports have been prepared by low ranked officials of the Department of Mines, Forest and Revenue, when the proposal was submitted during the approval under FCA. This has been done without taking any basis and records of production, etc. before 25.10.1980. Individual cases would be examined in this regard in subsequent Report. In cases where it is found that the broken up areas (as taken under FCA for all purposes), are not justified and were actually broken after 25.10.1980, it has been taken as violation of the Act and further follow up actions are recommended.

(xvi) Contravention of the provisions of Section 2 of FCA is punishable under Sections 3A and 3B of the Act.

It is observed in the State of Odisha that in some of the cases, the post facto approval had been granted with retrospective effect without recommending action under Sections 3A and 3B of the FCA. There are very few cases where prior approval under Section 2 of the Act is obtained. As such, there is no power to grant post facto approval with retrospective effect. All the production and working of mining is considered as “illegal” in such cases before the date of approval under FCA.

4. Leases, which are running under deemed extension (even in the broken up area) do require approval under Section 2 of Forest (Conservation) Act, 1980 and if it is not obtained, there is a violation of Section 2 of the Act. All production during this period is illegal and without lawful authority.

As per the letter dated 11.05.2011 of Ministry of Mines, **all the mining operations are illegal and unlawful, if approval is not obtained under the FCA, 1980 and EPA, 1986, during the deemed extension period.**

Therefore, in cases of new grant, renewal or deemed extension or extension of period or transfer of lease without FCA approval, prior approval under FCA is mandatory. **If it is not obtained, use of forest land for non forestry purpose (mining operations) would be in violation of Section 2 of the Act.**

Temporary Working Permission during the renewal of mining leases:–

In respect of renewal of mining leases, temporary working permission may be granted by the Central Government to continue working in already broken up area **up to maximum period of one year, even without formal approval for the renewal, provided that:–**

- a.** The user agency has submitted the required proposal with complete details to the Forest Department at least one year prior to the expiry of existing lease period.
- b.** The State Government has sent the formal proposal to the Central Government for renewal of mining lease prior to the expiry of the existing lease, alongwith particulars and reports as are required to be furnished in the normal course of renewal.

- c. The temporary working permission will be confined to areas already broken up prior to the expiry of the lease, and **no fresh areas will be broken up until formal renewal is granted.** These amendments came into force with effect from 25.10.1994.

It is observed that in large number of cases, the mining operation continued even after the expiry of TWP period till the formal approval is accorded (it would be discussed in individual cases in the subsequent Report).

Further, it is observed that in many cases, TWP is given by MoEF in violation of their own guidelines.

5. Under Para 4.3(i) and (ii) of the guidelines, the MoEF have formulated to impose penal compensatory afforestation. The said paras are reproduced as under:–

“4.3 Anticipatory action by the State/UT Governments – Penal Compensatory Afforestation.

- (i) Cases have come to the notice of the Central Government in which permission*

*for diversion of forest land was accorded by the concerned State Government in anticipation of approval of the Central Government under the Act and/or where work has been carried out in forest area without proper authority. Such anticipatory action is neither proper nor permissible under the Act, which clearly provides for prior approval of the Central Government in all cases. Proposals seeking ex-post-facto approval of the Central Government under the Act are normally not entertained. **The Central Government will not accord approval under the Act unless exceptional circumstances justify condonation.** However, penal compensatory afforestation would be insisted upon by the MoEF on all such cases of condonation.*

- (ii)** *The penal compensatory afforestation will be imposed over the area worked/used in violation. However, where the entire area has been deforested due to anticipatory action of the State Government, the penal compensatory afforestation will be imposed over the total lease area.”*

In such cases, apart from imposition of Penal Compensatory Afforestation, the Central Government may initiate proceedings in accordance with Section 3B of the Forest (Conservation) Act, 1980 against the persons responsible for violation of Section 2 of the aforesaid Act.

It is to state here that the Penal Compensatory Afforestation (PCA) is neither an integral part of the FCA nor of the Rules. Therefore, imposing of PCA by MoEF is in contravention of the FCA and it has completely diluted the Act. The result is — FCA is virtually made toothless and ineffective. Deterrent effect of the penal provisions of the Act is completely lost.

During the enquiry, it has been observed that though the guidelines themselves provide not to accord ex-post facto approval under the Act, unless exceptional circumstances justify. However, without any exception, approvals have been accorded in all such cases. Not even a single example is set in the State to reject the mining proposal, even when there are serious violations committed under the Act. The reasons are best known to the authorities concerned. Instead, the proposals are delayed and mining allowed during the period. The MoEF has acted against its own guidelines. The Commission

has observed that these guidelines are contrary to the provisions of the FCA and Rules.

6. Substitution of Section 3A and 3B of FCA

Penal provisions (Sections 3A and 3B of FCA) cannot be substituted by penal compensatory afforestation (PCA) by framing guidelines for which there is no power.

Firstly, in most of the cases, **State has not recommended action under Sections 3A and 3B of the FCA.**

Secondly, while granting approval, the MoEF has not recommended to take action in individual cases for violation of the FCA, punishable under Sections 3A and 3B. Though the then Secretary, Shri T. N. Seshan has pointed out in his D.O. letter No.19-19/87-FP(R), dated 05.05.1988 to Shri N. K. Panda, the then Chief Secretary as early as on 05.05.1988 to take action in the cases of FCA violations. The provisions of Sections 3A and 3B of the FCA are required to be implemented. Not even in a single case of violation of the FCA in the mining leases of Iron and Manganese Ores, the penal provisions for prosecution have been exercised by MoEF (Chief Conservator of Forests, Regional Office,

Bhubaneswar) in the State of Odisha, since he has been authorized to do so since 01.10.2003.

Because of this inaction, large numbers of violations have been committed in the State especially during the period, when there was a “China Boom” for export of Iron Ore and super profits in domestic market. The lessees have made windfall super profits by committing violation under FCA and escaped by paying petty amount as penalty in the form of penal compensatory afforestation in utter disrespect and contempt of the law of the land. Even in serious cases of violation of FCA, the said power has not been exercised. In fact, in serious violations, the approvals should have been rejected to set example of discipline and authority of law.

In this context, it is recommended here that the imposition of PCA should be done away from the approvals given and actions should be initiated as per the provisions of Sections 3A and 3B of the FCA or approval should be withdrawn by following due course of law. The list of such leases where the PCA has been imposed alongwith the extent of the forest land used in violation of the Section 2 of the Act is given in **Annexure: VIII**.

- 7.** The Central Government (MoEF) has framed Rules in the years 1981 and 2003 to implement the Act. The Government of India as late as on 01.10.2003 authorized the Regional Chief Conservator of Forest, MoEF under the Forest (Conservation) Act, 1980 to file complaints against persons prima-facie found guilty of such offence in the Court having jurisdiction in the matter.

On inquiry from the Regional APCCF, Bhubaneswar, it is found that no such complaints have been filed so far. This act of authorization by MoEF, New Delhi seems to be casual in approach, since such authorization is found impractical. Immediate actions should be taken to authorize the officers/officials of State Government who are eligible under the respective State Forest Acts/ Indian Forest Act to take action in violations of forest offences.

- 8.** It is to state here that the MoEF, New Delhi and Regional Office, Bhubaneswar were fully aware about these violations, since most of such violations were reported to the MoEF by the State Government during the submission of proposals for diversion of forest land. Of course, the seriousness of the matter was lacking. Except one or two cases which came to notice of the Commission during the enquiry

(violation under Forest (Conservation) Act, 1980) wherein MoEF had directed to take action to State Government (before 2000), remaining all other cases were left free. Further, no action has been taken in those cases also where Government of India had recommended to do so. There appears no seriousness in this regard at the State level and is left to the low ranked officials to handle such serious issues.

9. Any forest which is used for non forestry purpose without having obtained prior approval under Section 2(ii) of the Forest (Conservation) Act, 1980 after 25.10.1980 would be treated as unauthorized. The leases, given before 25.10.1980 and their period continued after it, would only be allowed to use the broken-up area, till the lease period expires. No fresh forest area can be broken after 25.10.1980 without prior approval of Central Government for such fresh areas even in subsisting leases. Moreover, in cases where the lease period expires after 25.10.1980, it was mandatory for them to obtain prior approval under FCA.

As regards the DLC forest, it was mandatory for the lessees to obtain prior approval under FCA, wherein lease period expires after 29.08.1998. The leases in which lease period continued after

29.08.1998 could only be worked in the broken up DLC forest which was broken prior to 29.08.1998. No fresh DLC forest is allowed to be broken after 29.08.1998. No lessee can continue its mining operation in DLC forest (broken as well as fresh), once its lease period expires after 29.08.1998 without having obtained prior approval under FCA. Any case, which is found contrary to above, is considered as violation of the Act and production, if done, is without lawful authority.

Further, illegal use of the forest land and other violations, as described in Section 27 of the Orissa Forest Act, 1972 (OFA, 1972) by the lessees, would attract the penal provisions of the OFA, 1972. The relevant provision of the Orissa Forest Act, 1972 is reproduced as under:–

“27. Offences:–

(1) Any person who –

- (a)** *makes any fresh clearing or causes breaking of land which is prohibited under Section 5;*
- (b)** *sets fire to a reserved forest or to a forest land in respect of which a notification under Section 4 has been issued or in contravention of any rule*

made by the State Government in this behalf, kindles any fire in such forest or leaves any fire burning in such manner as to endanger such forest or forest land; or

- (c) in a reserved forest kindles, keeps, or carries any fire except at such season as the Forest Officer may notify in this behalf,*

shall be punishable with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees.

- (2) Any person who in a reserved forest—*

- (a) trespasses or pastures cattle or permits cattle to trespass; or*

- (b)*

- (3) Any person, who in a reserved forest—*

- (a) fells, girdles, lops, taps or burns any tree or plant or strips off the bark or leaves from or otherwise damages the same or causes damage to any forest-produce;*

- (b) quarries stone, burns lime or charcoal or collects, subjects to manufacturing process or **removes any forest produce.***

- (c) *clears or breaks up any land for cultivation or **for any other purpose**, or cultivates or attempts to cultivate any land in any manner or puts up any sheds or other structure; or*
- (d) *in contravention of any rule made in this behalf by the State Government huts, shoots, fishes, poisons water or sets traps or snares;*

shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees)

- (4) *When a person is convicted for an offence under Clause (a) of Sub-section (1) or clause (c) of Sub-section (3), the Court shall order eviction of the offender from the land in relation to which the offence has been committed and, on such order being made, all sheds or structures on such land shall be demolished and if the Court so orders, the crop, if any, standing on the land shall be seized and confiscated to the State Government.*
- (5) *Order passed and actions to be taken under sub-section (4) may be executed by a Police Officer not below the rank of a Sub-Inspector or a Forest Officer not below*

the rank of a Range Officer as the Court may direct.

(6) *Nothing in this section shall be deemed to prohibit*

(a)

(b)”

During the inquiry, it has been noted that in large number of cases (individual cases would be discussed in the subsequent Report), the lessees had applied for diversion of forest land under FCA but the proposal were kept pending for years together on one pretext or the other at various levels. However, during this period, the mining operations were allowed in the forest land. This has mainly happened during the “china boom” (from the year 2000–01 to 2010–11) and lessees were also getting super profit in domestic market. The lessees and State authorities have fully colluded in illegal mining and caused a mass destruction of forest wealth, plunder of natural resources, irreparable damage to ecosystem and environment and also loss to State exchequer. It may be noted that during this period, royalty was very less and profits were exceedingly high. It is further observed that during this period, the production of iron ore in the State have been increased approximately from

1,18,02,931 MT per year to 8,08,96,000 MT per year since 1999–2000 to 2009–10 respectively.

- 10.** Actions should be taken in all **31 cases**, as mentioned in **Annexure: VIII** and others, as per Sections 3A, 3B of Forest (Conservation) Act, 1980 and Section 27 of Orissa Forest Act, 1972.
- 11.** It is also noted that the State Government was also not serious for such violations and has taken casual approach. One of the examples of a proposal dated 04.08.2008 with respect to lease of Late Shri S. N. Mohanty, submitted by Sri P. N. Padhi, IFS (Special Secretary to State Government) to the Assistant Inspector General of Forests, MoEF, New Delhi, is reproduced as under:–

“15. Violation:

*The DFO, Bonai Division in his site inspection report and in Part-II of proposal, has reported that grant of lease on 27.11.86 and execution of lease deed on 20.01.1987 for the Mining Lease area containing 19.732 ha. of Revenue forest land (KF), without prior approval of Central Govt. is a violation of Forest (Conservation) Act, 1980. **However, no mining activity has been taken up on this land** which is evident from the land schedule of broken up area enclosed to the DP (Page–74/DP).*

*Again after declaration of Deemed forest land in pursuant to Hon'ble Supreme Court Order on 12.12.96 in WP(C) No.202 of 1995, the lessee continued to work in the ML area and has broken 26.281 ha. of forest land (0.073 ha. in PRF + 26.208 ha. in DLC forest land). Hence, **Penal Compensatory Afforestation** over degraded forest land twice the extent of forest area worked in violation i.e. 52.562 ha. may be imposed on the lessee to regularize this violation. These facts have also been reported earlier in the State Government letter of recommending diversion of 75.859 ha. forest land in favour of the same applicant.”*

[XI]

Details, regarding FC violations in the leases comprised of forest area in the State of Odisha, are as under:–

1. Based on the provisions of the FCA, its interpretation by the Hon'ble Supreme Court in various orders, the guidelines issued by the MoEF as discussed / stated in preceding sub-chapter, it is to note that:–
 - (i) For use of fresh forest land for non forestry purpose or Temporary Working Permission under MCR, 1960 or deemed extension under Rule 24(A) after 25.10.1980, it is mandatory to have approval under the FCA in forest area under the FCA, 1980;
 - (ii) Fresh grant of mining lease or renewal of lease or extension of lease period or transfer of lease without prior FCA clearance is contravention of Section 2 and hence, unlawful, void and of no effect; and
 - (iii) For violation of the provisions of the FCA, prosecution proceedings are required to initiate under Sections 3A and 3B of the Act.

2. The approval under the F.C. Act, 1980 for diversion of forest land for grant / renewal of mining leases shall normally be granted **for a period co-terminus with the period of mining lease**. Hence, no mining leases should be allowed to work under deemed renewal, if fresh FC is not obtained. Deviation from the said direction is treated as violation of the Act.

3. (a) It is stated that out of total number of **192** leases of iron and manganese ores, in all, **176** leases comprised of forest (full/part) area. The list thereof is at **Annexure: I**.

- (b) It is further stated that out of **192** mines of iron and manganese ores, in all, **16** mines are not having forest area (i.e. in non forest area). The list thereof is at **Annexure: II**.

- (c) As per the record submitted by the Regional Office, MoEF and also State Government, out of **176** mines (located in forest area), in **78** mining leases, MoEF has granted diversion of forest land under Section 2 of the FCA, 1980, leaving 98 leases without approval under the said Act. The list thereof is at **Annexure: III**.

Out of 98 leases, 51 leases are/were running without obtaining forest diversion under FCA in contravention of provisions of

the said Act (for a certain period including deemed extension period under Rule 24A of MCR, 1960). They should have obtained MoEF's permission before operating mines, but failed to do so. The list with illegal/without lawful authority production carried out during the period thereof is at **Annexure: IIIA**.

- (d) Further, out of **176** mines (which comprised of forest area), in **98** mining leases, no approval has been obtained from MoEF for diversion of forest land at all. But in many leases, mining operations are/were carried out. **That is without obtaining FC at all**. The list thereof is at **Annexure: IV**.

However, it is to be noted that out of these **98** leases, in **45** leases, iron/manganese ore is/was extracted illegally / without any lawful authority, that is to say, in contravention of provisions of FCA, the mines are/were being operated without FC. The mines are/were operated even during the deemed extension period. Hence, production is considered as illegal/without any lawful authority. The list thereof is at **Annexure: IVA**.

- (e) In as many as **55** leases, the rivulets/tributaries/rivers are either passing through

the leases or very close by to them. This means proper environmental safeguards have not been taken, during grant of the leases to protect the river water from pollution which is being used by the villagers, wildlife and others, for drinking purpose. The list thereof is at **Annexure: V.**

- (f) Out of **176** mining leases which are within the forest area, **10** leases are located in Mayurbhanj District and are the parts of eco-sensitive zone within 10 kms. from the outer boundary of Simlipal National Park. The leases are also the part of notified elephant reserve. The list thereof is at **Annexure: VI.**
- (g) **31** mines are adjacent to elephant corridor, (as suggested/proposed/under consideration). The list thereof is at **Annexure: VII.** The result thereof is destruction of certain standing crops by the elephants. Question would be –
 - (i) “Who shall be blamed?” and
 - (ii) “Whether the elephants or the persons and authority which disturb the elephants habitats?”

**Obvious answer would be –
persons or authority disturb elephants
habitats.**

- (h) The list of leases where the PCA has been imposed alongwith the extent of the forest land used in violation of the Section 2 of the Act is given in **Annexure: VIII**. As discussed earlier, there is no provision of PCA under the FCA, 1980 and Rules framed thereunder. Action should be taken as per the provisions under the FCA.
- (i) From the record submitted by the State Government and Regional Office, Bhubaneswear (MoEF) for the diversion of forest land for mining leases, a compilation of **72 leases** has been made and placed in **Annexure: IX**.

Out of the said **72** leases, in **30** leases, ex-post facto approvals have been accorded by MoEF wherein violation under Section 2 of Forest (Conservation) Act, 1980, has been committed by the lessees, covering the forest areas, as listed in **Column: 8** of the said Annexure. (the lessees had worked for extraction of ores and other activities in such

areas). There was no recommendation made by MoEF for taking actions under Sections 3A and 3B of the Act for such cases. There may be some more cases of this kind.

- (j) Under the provisions of Rule 24A of MCR, 1960, many leases in the State were fallen in the category of deemed refusal and legally ceased to exist. The State Government, without authority, competence and power, issued Temporary Working Permission in 34 leases under MCR, 1960 in violation of provision of Section 2 of FCA. (there is no provision as well as power with any authority to issue such permission under the law where lease did not exist.) A list of such leases where full or part of leased area consist of forest land (reserve forest, revenue forest, Section 4 notified forest) is enclosed herewith at **Annexure: X**. The State Government/lessee did not obtain prior approval under Section 2 of FCA, 1980 before or after issuing TWP. All such TWPs are in violation of Section 2 of FCA, 1980 (together with violation under MCR, 1960). Action should be initiated under Sections 3A and 3B of FCA in all such leases given in **Annexure: X**. It is to state here that the then Secretary, MoEF, Shri T. N. Seshan had also

written to the Chief Secretary, Shri N. K. Panda on 05.05.1988 regarding issue of illegal work permits in utter disregard to the law. He further requested to the State Government to fix responsibility on the persons responsible for this unlawful act and to take action.

- (k) As stated, 176 leases are comprised of forest (part/full) areas. These leases were granted in favour of particular lessee. But some of them transferred in favour of another lessee under Rule 37 of MCR, 1960, without obtaining prior approval under the FCA (**Annexure: XI**). The transfer of forest leased land without prior approval under FCA (after 25.10.1980) has been considered as violation of Section 2 of the Act. It is to note here that the leases were given to a specific user agency and without transfer under FCA, it can not be used by a different user agency. Action should be initiated against the authorities responsible for it under Sections 3A and 3B of the Act. There is no provision of condonation under the Act for such illegal transfers. Such transfers are null and void.
- (l) During the inquiry, it has been observed that in some of the leases, diversion of forest land

was approved subject to obtaining approval under the E.P. Act, 1986 (EIA Notification dated 27.01.1994). But most of the lessees have not obtained EC and operated the leases in contravention of the said conditions. Such approvals cannot be made effective till conditions are fulfilled. All the production, during this period for such leases, is considered as illegal and without lawful authority **(Annexure: XII)**. The Deputy Directors/Mines officers should not have allowed the production. Action should be taken against the officials responsible, by following due process of law.

At the same time, in other leases for similar circumstances, no such condition was stipulated by MoEF (FC Section) during the approvals. Why it is so? They are the leases other than **24 leases (Annexure: XII)** out of 78 leases, wherein FCA approval is accorded.

- (m)** In the country, non forestry activities in forest land were rampant after the enactment of Forest (Conservation) Act, 1980 without having prior approval under the Act. By an order dated 12.12.1996 in **WP (C) No.202/1995**, the Hon'ble Supreme Court has taken a serious

note of such unlawful acts and directed all the State Governments to stop all non forestry activities including mining, in the forest areas where no approval has been obtained under the FCA. Further, the Hon'ble Court has also directed to all the State Governments to identify the forest land as defined in the said order.

In compliance to the said directions, the Odisha State Government has identified the forest land and filed affidavit before the Hon'ble Court on 29.08.1998 (as told by Forest Department) for the forest lands generally called as DLC.

All the mining leases which are having DLC land and their lease period expired after 29.08.1998 or any date intimated to the lessees (whichever is earlier); the lessees are supposed to obtain prior approval under the FCA, irrespective of the area whether broken before the above said date or otherwise. Further, no fresh DLC land can be broken/ worked in the subsisting leases. In contravention to the above provisions, if mining is/was carried out, it is considered as without any lawful authority / illegal mining

and accordingly, the production is considered as illegal. The production so carried out would be estimated in the individual cases during subsequent report.

(n) Prospecting Licenses and new leases granted after the year 2000

The Commission has requested the State Government to submit the list of leases granted between the years 2000 to 2012 and in compliance thereto, the State Government has submitted a list of 23 leases with records (files) which has been granted during this period.

All the records submitted by the State Government, have been examined and the following observations are made:-

- (i)** The State Government has granted 8 leases in the areas which have been previously held as mining leases (part or full). The list of 08 leases is enclosed herewith at **Annexure: XIII**.
- (ii)** Out of the aforesaid 8 leases, in 3 leases, the notification under Rule 59 of MCR,

1960 has been issued for inviting applications to grant the mining lease.

- (iii)** During the selection process for these 3 leases, State Government has given the preference for “captive consumption” and accordingly, recommendations were made but surprisingly, the Central Government has not imposed any such condition in this regard for the captive consumption.
- (iv)** In the remaining 5 cases, the leases were granted by making recommendations under Rule 27(3) of MCR, 1960 and Section 11(5) of MM(DR) Act, 1957 for relaxation under Rule 59(2) of MCR, 1960. The leases were granted by the Central Government by relaxing the Rule.
- (v)** It is found that the mining leases so granted were found invalid as per Section 4 of MM(DR) Act, 1957 and the State has to take action as per the provisions of the MM(DR) Act, 1957 read with MCR, 1960.

(vi) Prospecting Licenses:-

It is further observed that 15 prospecting licenses were granted by the State Government in the forest areas. As per letter No.7905, dated 07.06.2013 of the Forest Department, no approval under the FCA, 1980 has been obtained by the prospecting license-holders during that period. Hence, prospecting licenses issued and operated under the FCA, 1980 are under the clouds of doubt or all the prospecting done in contravention of Section 2 of FCA, 1980. The list of the said 15 leases is enclosed herewith at **Annexure: XIV.**

Further, as submitted by Indian Bureau of Mines (IBM) vide letter No.201(C)/India/ML/ME(I)/2013, dated 22.05.2013, it is informed that there was no prospecting scheme under Rule 4 of MC(DR), 1988 which have been approved and at the same time, no intimation was submitted by prospecting license-holders under Rule 7 of MC(DR), 1988. In addition, there were no reports submitted under Rule 8 of MC(DR), 1988 also.

Hence, it is inferred that under FCA, no approval is obtained; there was no scheme under prospecting licenses approved and no reports of prospecting licenses under Rules 7 and 8 of MC(DR) were submitted by the lease-holders. This creates a doubt whether any process of prospecting was followed as per the law or otherwise. This requires further investigation by an independent competent authority.

* * *

Annexure: I

The list of lessees of iron & manganese ores within forest area in full or in part

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
1	M/s. Adhunik Mitaliks Ltd., Mahadebnas Iron Ore Mine	33.803	12.306	0	0	21.497	0	0
2	A.M.T.C. (P) Ltd., Narayanposi Iron/Mn. Mines	349.263	61.084	28.988	92.113	70.101	96.977	0
3	Arujun Lodha, Balagunda Iron & Manganese Ore Mines	326.5	2.5913	1.7887	316.81	5.31	0	0
4	B. C. Dagara, Suleipat Iron Ore Mines	618.00	125.00	31.96	386.31	74.43	0	0
		430.99 *	55.90	14.19	312.85	48.05	0	0
		* The lessee claims that, he has relinquished 187.01 ha. during the renewal application.						

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)				
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)	
5	Sri B. C. Dagara, Bhitarmda Iron Ore Mines	243.819	0.119	0	243.7	0	0	0	
6	B. C. Dagara, Ganua-Mandajoda Iron/ Mn. Mines	12.08	0.05	0	0	0	12.03	0	
7	B. C. Dagara, Dalita Iron/Mn. Mines	22.165	0	0	0	0	0	22.165	
8	M. S. Deb, Inganijharan Iron & Manganese Ore Mines	114.930	56.803	0	32.703	4.370	0	21.054	
9	Basudev Agarwal, Urumunda Iron Mines	82.030	3.580	22.990	0	11.04	0	44.42	
10	B. D. Patnaik, Kalaparbat Iron Ore Mines	25.633	0	0	18.021	0	0	7.612	

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
11	M/s. B. I. Co. Ltd., Kusumdihi Mn Mines	52.176	11.884 **	18.90 **	0	16.070	1.113 (DPF)	4.209
		** The lessee has claimed that he has surrendered 18.898 ha. (14.306 ha. forest land + 4.592 ha. non-forest land) during RML application (Sr. No.126, dated 16.08.2000, Form D)						
12	M/s. B. I. Co. Ltd., Nadidiha Iron/Mn. Mines	73.855	6.162	0.057	0	38.026	0	29.611
13	M/s. B. I. Co. Ltd., Teherai Iron/Mn. Mines	137.46	18.976	9.974	0	57.41	0	51.10
		137.46 #	19.015	9.933	0	57.412	0	51.10
		# The lessee has claimed that he has surrendered 20.888 ha. (20.798 ha. reserve forest + 0.090 ha. non-forest land) during third RML application (Form J: 29.09.2000 and Form D: 11.10.2000)						
14	B. K. Mohanty, Uliburu Iron & Manganese Ore Mines	62.726	0	0	62.726	0	0	0
15	B. K. Mohanty, Uliburu Iron & Manganese Ore & Limestone Mines	56.9393	52.4878	0	0	4.4515	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
16	B. S. Mishra, Kanther Koiria Iron/Mn. Mines	33.985	7.592	5.212	0	21.181	0	0
17	M/s. Bhanja Minerals (P) Ltd., Deojhar Iron Ore Mines	399.020	244.88	0	61.920	38.560	0	53.660
18	M/s. Bhanja Minerals (P) Ltd., Inganijharan Iron & Manganese Ore Mines	216.885	52.940	3.520	159.175	1.25	0	0
19	M/s. Bharat Process & Mechanical Engineers Ltd. (BPMEL), Bhadrasahi Iron & Manganese Ore Mines	254.952	36.816	29.64	90.085	98.411	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
20	M/s. Bharat Process & Mechanical Engineers Ltd. (BPMEL), Thakurani Iron & Manganese Ore Mines	1546.55	386.59	691.653	362.645	105.662	0	0
21	C. P. Sharma, RBT Iron/Mn. Mines	69.606	2.254	0	0	10.380	0	56.972
22	D. C. Das, Maharajpur Iron Ore Mines	193.229	0	29.069	164.16	0	0	0
23	D. C. Jain, Dalpahar Block-B1 Iron Ore Mines	101.171	0	0	101.171	0	0	0
24	D. C. Jain, Dalpahar Block-B3 Iron Ore Mines	101.171	0	0	101.171	0	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)				
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)	
25	D. C. Jain, Dalpahar Block-C Iron Ore Mines	101.171	0	0	101.171	0	0	0	
26	D. C. Jain, Dalpahar Block-A Iron & Manganese Ore Mines	101.171	0	0	101.171	0	0	0	
27	D. C. Jain, Dalpahar Block-B2 Iron & Manganese Ore Mines	101.171	0	0	101.171	0	0	0	
28	D. R. Patnaik, Murgabeda Iron Ore Mines	* 15.378	* 0.171	* 1.303	* 12.513	* 1.391	0	0	
		** 15.378	** 3.784	** 1.093	** 10.481	** 0.020	0	0	
		(* As per Sabik settlement, ** as per Hal settelement as claimed by lessee)							
29	D. R. Patnaik, Thakurani Iron & Manganese Ore Mines	121.385	0	0	121.385	0	0	0	

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tenant Land (ha.)	Break up of forest Land (in ha.)				
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)	
30	D. C. Dagara, Ghusuria Iron Ore Mines	92.895	37.92	0	0	54.975	0	0	
31	Dr. S. Pradhan, Baitarani Iron Ore Mines	65.397	0	0	65.397	0	0	0	
32	Dr. S. Pradhan, Balita Iron Ore Mines	34.75	3.125	8.31	12.72	10.595	0	0	
33	Dr. Sarojani Pradhan, Sidhmatha Iron Ore Mines	94.259	0	0	94.259	0	0	0	
34	Dr. Sarojani Pradhan, Kalaparbat Iron Ore Mines	152.927	7.155	0	133.579	12.193	0	0	
35	Dr. S. Pradhan, Inganijharan Iron & Mn. Ore Mines	18.7	0	0	18.7	0	0	0	

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
36	M/s. O.M.C. Ltd., Daitari Iron Ore Mines	1018.3085	179.5835	13.4455	563.0789	32.588	229.6126	0
37	M/s. O.M.C. Ltd., Gandamardan Iron Mines (Block 'B')	1590.8673	75.5584	105.66	0	282.0369	1027.71	99.9025
38	M/s. O.M.C. Ltd., Kahandbandh Iron Ore Mines	366.311	49.0701	22.7109	0	98.221	0	196.309
39	M/s. O.M.C. Ltd., Sakradihi Iron Ore Mines	* 564.55	374.92		0	189.63	0	0
		* The lessee has claimed that Dubna Manganese lease (1135.419 ha.) and Sakradihi Iron Ore lease were amalgamated by the State Government on 18.02.2006. Now, it becomes Dubna - Sakradihi lease (1322.998 ha.)						
40	M/s. O.M.C. Ltd., Balda-Palsa-Jajang Iron Ore Mines	861.521	181.465	347.966	0	54.095	0	277.995
41	M/s. O.M.C. Ltd., Banspani Iron Ore Mines	380.4	49.803	141.88	129.435	13.382	0	45.9

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)				
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)	
42	M/s. O.M.C. Ltd., Gandamardan Iron Mines (Block 'A')	618.576	85.5772	13.2516	0	33.6132	486.134	0	
43	M/s. O.M.C. Ltd., Ranthra Iron Mines	408.8731	0	0	335.395	0	73.478	0	
44	M/s. O.M.C. Ltd., Kurmitar Iron Mines	1212.47	0.444	6.086	54.630	0	1151.31	0	
45	M/s. O.M.C. Ltd., Kasira Iron Mines	418.355	136.892	49.793	62.281	164.088	0	5.301	
46	M/s. O.M.C. Ltd., Bhanjapalli Iron Mines	141.235	31.479	9.793	0	88.879	0	11.084	
47	M/s. O.M.C. Ltd., Tiring Pahar Iron Ore Mines	79.3	0	0	79.3	0	0	0	

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
48	M/s. O.M.C. Ltd., Parulipada Manganese Ore Mines	104.860	18.464	2.206	31.930	52.260	0	0
49	M/s. O.M.C. Ltd., Roida-Sidhamatha Manganese Ore Mines	78.711	0	0	78.711	0	0	0
50	M/s. O.M.C. Ltd., Dubuna Manganese Ore Mines	1322.998	105.086	62.076	753.274	21.267	0	381.295
51	M/s. O.M.C. Ltd., Nishikhal Manganese Ore Mines	501.67	46.88	0	454.79	0	0	0
52	M/s. O.M.C. Ltd., Roida D_Block Manganese Ore Mines	129.499	23.144	0	79.290	27.065	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
53	M/s. O.M.C. Ltd., Dalki Iron & Manganese Ore Mines	265.29	12.568	6.199	183.962	62.561	0	0
54	M/s. O.M.C. Ltd. (IDCOL Ltd.), Roida C-Block Iron & Manganese Ore Mines	[96.775] 192.81 *	0	0	[96.775] 192.81	0	0	0
* The lessee has claimed that during first RML, lease was split into two blocks (1 & 2). The first RML was granted for 96.783 ha. First RML was executed for 96.775 ha.								
55	M/s. O.M.C. Ltd., Seremda-Bhadrasihi Iron Ore & Manganese Ore Mines	1734.57	218.462	429.352	718.735	363.586	0	4.435
56	M/s. O.M.C. Ltd. (SGBK), Siljora-Guruda-Balda-Kalimati Iron & Manganese Ore Mines	1011.5	304.442	145.08	0	181.06	0	380.918

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
57	G. S. Chaubey, Nangalsila Iron Ore Mines	45.931	37.186	0	0	8.745	0	0
		45.931	22.123	23.634	0	0.174 *	0	0
		* The lessee has claimed that in the settlement, forest land was reduced from 8.745 ha. to 0.174 ha. However, corrected ROR was not published at the time of execution of lease deed. The lease deed was executed on the basis of Sabik Commission. Hence 8.745 ha is taken on record.						
58	M/s. G. S. Mishra & Sons (P) Ltd., Gorumahisani Iron Ore Mines	1435.300	109.100	434.440	688.044	203.716	0	0
59	J. K. Chaubey, Purunapani Bhuyabasa Iron Ore Mines	85.49	80.601	0	1.02	3.157	0	0.712
60	J. K. Chaubey, Budharajapahar Iron & Mn. Mines	42.958	0	0	0	42.958	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
61	M/s. Lal Trades & Agencies, Badampahar Iron Ore Mines	129.610 *	0.780	0	128.830	0.000	0	0
		* The lessee has claimed that total ML area was 443.94 ha. During RML, he has applied only for 129.610 ha. and rest of area was surrendered.						
62	Gandhamardan Sponge Industries (P) Ltd., Putulpani Iron Mines	100.1632	7.5787	0.0965	0	80.1623	2.0386	10.2871
63	Narayani Sons, Laupada Iron Mines	141.336	104.5187	0	0	36.8173	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
64	M/s. Essel Mining & Industries Ltd., Kasia Iron Ore, Dolomite & Limestone Mines	134.733	20.853	0	113.88		0	0
65	M/s. Essel Mining & Industries Ltd., Koira Iron Ore Mines	90.143	12.288	18.397	0	59.458	0	0
66	M/s. Essel Mining & Industries Ltd., Unchabali Iron & Manganese Ore Mines	107.3066	75.0942	0.0810	0	8.2630	0	23.8684
67	M/s. Essel Mining & Industries Ltd., Jilling-Longalota Iron Ore Mines	456.1	45.248	41.26	106.682	20.821	0	242.089

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
68	M/s. Feegrade & Co. Ltd., Nadidiha Iron/ Mn. Mines	121.405	22.669	8.866	12.833 (7.39 *)	35.819	0	41.218
* The lessee has claimed that the existing reserve forest land is only 7.39 ha. and the remaining forest land was surrendered as per letter of MoEF dated 16.03.2009 (Stage-I).								
69	M/s. Feegrade & Co. Ltd., Sarkunda Iron/ Mn. Mines	393.556	1.743	1.813	128.05	0	260.942	1.011
70	Geetarani Mohanty, Raikela Iron Ore Mines	67.586	0.915	0	0	0	0	66.671
71	H. G. Pandya & Others, Jajang Iron Ore Mines	100.137	14.379	22.541	0	0	0	63.217
72	K. C. Pradhan, Chamakpur Iron Ore Mines	31.693	0.38	0	0	31.313	0	0
73	K. C. Pradhan, Lakraghat Iron Ore Mines	10.720	1.675	0	8.778	0.267	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
74	Shri K. C. Pradhan, Nayagarh Iron Ore Mines	24.570	1.776	0	0	0	0	22.794
75	K. C. Pradhan, Paredipada Iron & Manganese Ore Mines	12.600	10.5644	0	0	2.0356 *	0	0
		* The lessee has claimed that he has withdrawn RML application over the 2.0356 ha. of forest land.						
76	K. C. Pradhan, Hormotto Iron Ore Mines	59.186	40.846	18.100	0	0.240	0	0
77	K. C. Pradhan, Ganua Iron/Mn. Mines	12.560	0.150	0	0	0	0	12.41 **
		** The lessee has claimed that regarding objection to DLC land is subjudice. High Court of Orissa allowed working in the broken-up non-forest area.						
78	Indrani Pattnaik, Unchabali Iron Ore Mines	106.1127	0.4897	2.191	0	0	0	103.432
		18.00	0.842	4.593	0	0	0	12.565 **

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
79	J. N. Patnaik, Bhanjapali Iron Ore Mines	** Regarding DLC land status, the lessee has claimed that the matter is subjudiced before learned District Judge, Sundergadh.But on record it is taken as 12.565						
80	M/s. Jindal Steel & Power Ltd., TRB Iron Ore Mines	207.787 *	0.035	1.100	0	51.644	0	155.008
		* The lessee has claimed that initially, the lease was granted for 297.848 ha. As per Condition III of FC approval letter dated 06.05.1998, 90.061 ha. vergin forest area will be surrendered to Forest Department. Accordingly, the lessee surrendered this area in the year 2002. RML was filed on 15.04.2004 for 207.787 ha.						
81	M/s. K. N. Ram & Co., Roida II Iron Ore Mines	74.867	2.379	1.453	60.614	10.421	0	0
82	Kalinga Mining Corporation, Jurudi Iron Ore Mines	73.228	9.709	6.341	0	30.38	0	26.798
83	Kalinga Mining Corporation, Jurudi Iron Ore Mines	27.170	3.670	6.830	0	0	0	16.670

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)				
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)	
84	Kalinga Mining Corporation, Jurudi Iron Ore Mines	12.691	0	0.004	0	2.800	0	9.887	
85	Kalinga Mining Corporation, Jurudi Manganese Ore Mines	54.754	9.758	2.206	0	6.313	0	36.477	
		54.754	0.947	2.327	0	6.313	0	45.17 **	
** Information was submitted by the lessee.									
86	Kalinga Mining Corporation, Jurudi Manganese Ore Mines	39.173	5.098	17.718	0	0	0	16.357	
87	KJS Ahluwalia, Nuagaon Iron Ore Mines	767.284	117.522	124.00	0	521.149	0	4.613	
88	KJS Ahluwalia, Panduliposi Iron & Manganese Ore Mines	40.470	10.85	7.8230	0	21.797	0	0	

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tenant Land (ha.)	Break up of forest Land (in ha.)				
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)	
89	KJS Ahluwalia, Gannua Iron/Mn. Mines	23.300	1.562	0.621	0	20.611	0	0.506	
90	KJS Ahluwalia, Tantigram Iron/Mn. Mines	29.575	0	0	0	0	29.575	0	
91	AXL Exploration (P) Ltd, Bhutuda Mn. Mines	40.226	0	0	0	0	0	40.226	
92	M/s. A.M.T.C. (P) Ltd., Mahulsukha Mn. Mines	399.838	55.812	3.694	0	339.017	1.315	0	
93	M/s. Bharat Process & Mechanical Engineers Ltd. (BPMEL), Dalki Manganese Ore Mines	266.77	20.21	13.624	193.432	39.504	0	0	

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
94	M/s. Essel Mining & Industries Ltd., Sarkunda Iron Ore Mine	160.90	1.387	0	0	0.198	34.038	125.277
95	K. C. Pradhan, Nuagaon Mn. Mines	39.89 *	3.201	33.942	0	2.747	0	0
		* The lessee has claimed that the area was relinquished and the final mine closure plan was approved by IBM.						
96	M/s. Kaypee Enterprises, Thakurani Iron Ore Mines	228.040	0	0	228.040	0	0	0
97	Korp Resources (P) Ltd., Tantra Iron Ore Mines	72.560	0.141	0	0	8.984	0	63.435
98	M/s. Kusheleswara Minerals, Kalaparnat Iron Ore Mines	9.814	0	0	9.814	0	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
99	M. R. Das, Deojhar Iron Ore Mines	11.533	1.562	8.611	0	0	0	1.36
100	M. R. Das, Bhulbeda Iron & Manganese Ore Mines	5.139	0.567	0.477	0	0	0	4.095
101	M/s. M. G. Mohanty, Patbeda Iron/ Mn. Mines	19.425	2.918	0	0	5.261	0	11.246
102	M. G. Mohanty, Ganua Iron/Mn. Mines	82.083	0	0	0	0	82.083	0
103	M/s. M. G. Mohanty, Patabeda Iron Ore Mines	14.00	0	0	0	0	0	14.00
104	M. L. Rungta, Silijora-Kalimati Iron & Manganese Ore Mines	715.639	211.743	44.091	0	146.746	0	313.059

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
105	Mala Roy & Others, Jalahuri Iron Ore Mines	182.109	4.54	0	117.938	10.388	0	49.243
106	MGM Minerals Ltd., Patabeda Iron Ore Mines	28.397	0.737	0.574	0	0	0	27.086
107	M/s. Mideast Integrated Steel Ltd., Roida I Iron Ore Mines	104.68	0	0	104.68	0	0	0
108	M/s. Mineral Trading Syndicate, Bhulbeda Iron Ore Mines	62.322	6.3291	0	0	0	0	55.9929
109	M/s. Narayani Sons Pvt. Ltd., Suruguturia Iron Ore Mines	99.784	0.923	4.076	0	0	0	94.785
110	National Enterprises, Raikela Iron Ore Mines	45.932	1.344	0.712	0	43.876	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
111	National Enterprises, Sanindupur Iron/Mn. Mines	70.917	16.518	0	0	0	0	54.399
112	O.M.M. (P) Ltd., Kusumdihi Mn. Mines	31.549	0.656	2.569	19.798	3.751	0	4.775
113	O.M.M. (P) Ltd., Sanputli Mn. Mines	23.29	4.335	12.294	0	0	0	6.661
114	O.M.M. (P) Ltd., Tentulidihi Mn. Mines	35.613	0	0	0	0	31.926	3.687
115	O.M.M. (P) Ltd., Orahuri Mn. Mines	51.476	18.717	0	0	5.977	0	26.782
116	O.M.M. (P) Ltd., Patmunda Mn. Mines	807.316	93.857	101.108	0	167.419	339.406	105.526

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
117	M/s. Orissa Mineral Development Co. Ltd., Bagiaburu Iron Ore Mines	21.52	0	0	21.52	0	0	0
118	M/s. Orissa Mineral Development Co. Ltd., Belkundi Iron & Manganese Ore Mines	1276.79	341.322	487.192	182.556	265.72	0	0
119	M/s. Orissa Mineral Development Co. Ltd., Roida-Bhadrasahi Iron Ore Mines	998.7	57.35	64.04	77.265	800.045	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
120	M/s. Orissa Mineral Development Co. Ltd., Roida-Bhadrasahi Iron & Manganese Ore Mines	103.60	1.245	0	0.000	102.355	0	0
121	Orissa Industries Ltd., Kusumadihi Mn/Bauxite Mines	102.792	5.710	1.910	12.869	0	0	82.303
122	M/s. Pattnaik Minerals (P) Ltd., Joribahal Iron Ore Mines	106.533	2.652	4.779	0	3.893	0	95.209
		106.533	* 3.201	* 4.233	0	3.893	0	95.206
		* Information has been submitted by the lessee.						
123	M/s. Pattnaik Minerals (P) Ltd., Joribahal Manganese Ore Mines	14.739	0	0	0	14.569	0	0.170

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
124	M/s. P.T.A. Ltd., Raikela Iron Ore Mines	49.372	0.740	0	0	7.846	0	40.786
125	M/s. Rungta Mines Ltd., Kolmang Mn. Mines	218.53	22.124	66.902	0	2.206	0	127.298
		113.375 *	15.562	12.246	0	0.380	0	85.187
		* The lessee has claimed that he has surrendered 105.155 ha. (69.309 ha. forest land + 35.846 ha. non-forest land) as per direction issued during Stage-I Clearance dated 01.10.2003.						
126	M/s. Rungta Mines Ltd., Kanther Koira Mn. Mines	73.653	26.721	11.093	4.075	31.764	0	0
127	M/s. Rungta Mines Ltd., Jajang Iron & Manganese Ore Mines	666.15	86.219	94.346	0	67.965	0	417.62

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
128	M/s. Rungta Sons (P) Ltd., Oraghat Iron Ore Mines	82.961	6.094	1.934	0	12.08	0	62.853
129	M/s. Rungta Sons (P) Ltd., Sanindipur Iron/ Bauxite Mines	147.100 *	17.919	2.857	0	73.731	23.290	29.303
		* As per information claimed by the lessee, 58.189 ha. (22.285 ha. PRF + 31.886 ha. Khasara Forest + 4.068 ha. DLC) was surrendered during first RML period.						
130	M/s. Rungta Sons (P) Ltd., Katasahi Manganese Ore Mines	196.860	73.067	53.033	6.500	64.260	0	0
131	M/s. Rungta Sons (P) Ltd., Kamanda Mn./ Bauxite Mines	43.067	16.690	8.324	0	6.236	0	11.817
132	M/s. SAIL, Bolani Iron Ore Mines	1321.45	93.46	2.21	1181.66	44.12	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
133	M/s. SAIL, Toda RF Iron Mines	25.981	0	0	25.981	0	0	0
134	M/s. SAIL, Toda RF Iron Mines	77.94	0	0	77.94	0	0	0
135	M/s. SAIL, Toda-RF Iron Mines	3.34	0	0	3.34	0	0	0
136	M/s. SAIL, Kalta/Barsuan Iron Ore Mines	2486.383	138.710	0	1903.184	5.742	0	438.747
137	M/s. SAIL, Bolani Iron & Manganese Ore Mines	1586.360	420.040	660.180	339.220	166.920	0	0
138	M/s. Sarada Mines Pvt. Ltd., Thakurani-Block-B Iron Ore Mines	947.046	3.12	0	941.498	2.428	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
139	M/s. Serajudin & Co., Balda Block Iron Ore Mines	335.594	23.511	53.950	0	38.182	0	219.951
140	M/s. Serajudin & Co., Guruda Iron & Manganese Ore Mines	40.064	14.374	17.645	0	1.481	0	6.564
141	Sun Alloys & Mineral (P) Ltd., Patmunda Mn. Mines	81.197	16.439	64.269	0	0.453	0	0.036
142	T. B. Lal, Kasia-Barpada Iron Ore Mines	77.500	8.786	19.074	0.000	37.912	0	11.728
143	M/s. Tareni Minerals, Tehrai Iron/Mn. Mines	29.077	11.073	11.687	0	0.461	0	5.856
144	M/s. Tarini Mineral Pvt. Ltd., Deojhar Iron Ore Mines	34.365	0	0	34.365	0	0	0

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
145	M/s. Tarini Mineral Pvt. Ltd., Jurudi-Jajang Iron & Manganese Ore Mines	66.368	0	0	0	31.752	0	34.616
146	M/s. TISCO Ltd., Joda-East Iron Ore Mines	671.093	53.378	8.809	520.727	0.927	0	87.252
147	M/s. TISCO Ltd., Manmora Manganese Ore Mines	16.35 (* 671.093)	6.977 (* 53.378)	0 (* 8.809)	6.116 (* 520.727)	0.101 (* 0.927)	0	3.156 (* 87.252)
		* It includes lease area of Joda East Iron Mines)						
148	M/s. TISCO Ltd., Guruda-Tiring Pahar Manganese Ore Mines	169.000	98.775	1.311	0	10.392	0	58.522
149	M/s. TISCO Ltd., Malda Mn. Ore Mines	822.00	151.059	92.082	0	68.073	171.335	339.451

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
150	M/s. TISCO Ltd., Khandbandh Iron & Manganese Ore Mines	978	36.923	104.320	681.718	44.653	0	110.386
151	M/s. TISCO Ltd., Joda-West Iron & Manganese Ore Mines	1437.719	179.609	90.797	505.392	40.698	0	621.223
152	M/s. TISCO Ltd., Bamebari Iron & Manganese Ore Mines	464	64.737	16.994	170.157	62.844	0	149.268
153	M/s. TISCO Ltd., Katamati Iron Ore Mines	403.3238	204.152	0	57.552	141.62	0	0
154	M/s. Zenith Mining Pvt. Ltd., Ganua Iron/Mn. Mines	129.179	15.078	19.237	0	0	0	94.864
155	Matadin Sarada, Khajuridiha Iron/Mn. Mines	119.5439	14.041	43.116 *	0	14.172	23.431	24.783
		* The lessee has claimed that as per 'Hal' settlement record, 43.116 ha. is non-forest tenant land.						

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)				
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)	
156	P. K. Ahluwalia (Original lessee: Maitri Shukla), Gannua Iron/Mn. Mines	86.886	7.001	3.003	0	49.513	0	27.369	
157	S. N. Mohanty, Gannua Iron/Mn. Mines	13.796	0.429	3.42	0	0	0	9.947	
158	R. B. Das, Kundrupani Iron & Manganese Ore Mines	10.255	1.522	4.484	0	4.249	0	0	
159	R. B. Das, Dalpahar Iron & Manganese Ore Mines	4.84	0	0	4.84	0	0	0	
160	R. P. Sao, Guali Iron Ore Mines	365.026	57.950	38.959	57.579	210.538	0	0	
161	R. P. Sao, Chormalda Manganese Ore Mines	141.122	6.273	0	128.698	6.151	0	0	

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)				
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)	
162	S. N. Paul, Katasahi Manganese Ore Mines	9.7004	3.0231	2.4362	0	4.2411	0	0	
163	S. A. Halim, Oraghat Iron/ Mn. Mines	25.847	7.827	12.132	0	0	5.888	0	
164	S. C. Padhee, Gurubeda Iron Ore Mines	49.776	0.5543	0.3720	0	0	0	48.8497	
165	S. C. Padhee, Bansapani Iron & Manganese Ore Mines	37.868	4.001	1.200	0	0	0	32.667	
166	S. D. Sharma, Raikela Iron Ore Mines	14.933	2.114	5.382	0	6.851	0	0.586	
167	S. D. Sharma, Raika Iron & Manganese Ore Mines	26.243	11.622	0	0	14.621	0	0	

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)	Break up of forest Land (in ha.)			
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)
168	S. D. Sharma, Nuagaon Iron/Mn. Mines	12.942	0	0	0	8.30	0	4.642
169	S. N. Dasmohapatra, Kolha-Rudukela Iron & Manganese Ore Mines	36.474	21.4562	0	0	15.0178	0	0
		40.185 *	0	40.185 *	0	0	0	0
		* The lessee has claimed that mining lease was determined illegally by the State Government on 18.06.2012. There is status quo order dated 28.08.2012 of Hon'ble High Court of Orissa in Misc. Case No.12228 of 2012.						
170	S. N. Mohanty, Khuntupani Iron Ore Mines	15.378	0	0	15.378	0	0	0
171	S. N. Mohanty, Raikela Iron Ore Mines	18.315	0.235	0.607	0	17.473	0	0
172	S. N. Mohanty, KJST (Jaldih) Iron/Mn./ Bauxite Mines	333.063	0.802	2.222	0	19.732	140.166	170.141

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tenant Land (ha.)	Break up of forest Land (in ha.)				
					Reserved Forest Land (ha.)	Revenue Forest Land (ha.)	Section 4 Notified Forest Land (ha.)	DLC Land (ha.)	
173	Kavita Agrawal, Kusumdihi Mn. Mines	47.486	0	0	0	0.627	0	46.859	
174	T. P. Mohanty, Naibega Iron Ore Mines (Total lease area 48.117 ha. but surface right is only for 29.92 ha.)	47.219	16.961	0	16.689	8.296	0	5.273	
175	U. C. Mishra, Kamand Mn. Mines	60.70	12.215	0.675	0.04	47.77	0	0	
176	S. A. Karim, Ashanbari Iron Ore Mines	7.272	4.137	0.785	0	0	0	2.35	

Annexure: II

The list of lessees of iron and manganese ores which do not comprise forest area

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)
1	M/s. O.M.C. Ltd., Unchabali Iron Ore Mines	68.00	68.00	0
2	B. K. Das, Kasiabeda Iron Ore Mines	9.874	9.874	0
3	M/s. FACOR Ltd., Katasahi Manganese Ore Mines	13.674	13.674	0
4	M/s. Indicom Minerals (P) Ltd., Podkana Manganese Ore Mines	11.159	11.159	0
5	M/s. Kanakdhara Mining & Minerals (P) Ltd., Bandhal Mn. Mines	28.021	16.693	11.327
6	Kunal Das, Anajori Manganese Ore Mines	18.494	18.494	0
7	M. R. Das, Kashipur Manganese Ore Mines	21.622	3.452	18.170
8	M. R. Das, Khurigaon Manganese Ore Mines	26.636	8.336	18.300

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Non-Forest Govt. Land. (ha.)	Non-Forest Tanant Land (ha.)
9	M/s. O.M. & M. (P) Ltd., Bhanjikusum Mn. Ore Mines	8.134	8.134	0
10	M/s. Rungta Sons (P) Ltd., Bhulbeda Iron & Manganese Ore Mines	22.226	22.226	0
11	M/s. T. B. Lal & Co., Jajang Iron Ore Mines	22.690	10.120	12.570
12	M/s. Tarini Minerals, Nuagaon Mn. Mines	7.850	5.867	1.983
13	Prabodh Mohanty, Nuagaon Iron/Mn. Mines	29.257	25.59	3.667
14	Shri Raj Kumar Agrawal, Champasar-Bharatbahal Manganese Ore Mines	7.272	7.272	0
15	S. A. Halim, Oraghat Mn. Mines	11.485	6.559	4.926
16	S. N. Mohanty, Unchabali Iron & Manganese Ore Mines	8.133	8.133	0

Annexure: III

The list of lessees of iron and manganese ore who have obtained delayed F.C. approval from MoEF under the Forest (Conservation) Act, 1980

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
1	M/s. Adhunik Metaliks Ltd., Mahadebnas Iron Ore Mine	33.803	21.497	0	5-ORC-077/2007-FCE, dated 23.11.2009	19.370
2	A.M.T.C. (P) Ltd., Narayanposi Iron/ Mn. Mines	349.263	259.191	0	8-34/2000/FC, dated 29.06.2001	59.736
					Additional 8-34/2000-FC, (Vol.-I), dated 15.11.2007	184.591
3	B. D. Patnaik, Kalaparbat Iron Ore Mines	25.633	25.630	7.612	8-225/FCE, dated 03.09.1998	18.02

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
4	M/s. B. I. Co. Ltd., Nadidiha Iron/Mn. Mines	73.855	67.637	29.611	8-108/96-FC, dated 17.04.2003	38.026
					Additional 8-97/2008-FC, dated 09.02.2011	27.211
5	M/s. B. I. Co. Ltd., Teherai Iron/Mn. Mines	137.46	108.510	51.10	8-2/2009-FC, dated 12.10.2010	82.609
6	M/s. Bharat Process & Mechanical Engineers Ltd. (BPMEL), Bhadrasahi Iron & Manganese Ore Mines	254.952	188.496	0	8-92/97-FC, dated 10.06.1998	119.001
7	M/s. Bharat Process & Mechanical Engineers Ltd. (BPMEL), Thakurani Iron & Manganese Ore Mines	1546.55	468.307	0	8-91/96-FC, dated 26.02.1998	382.504

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
8	D. C. Jain, Dalpahar Block-B1 Iron Ore Mines	101.171	101.171	0	8-103/2000-FC, dated 14.11.2005	16.464 (Originally proposed 97.084)
9	D. C. Jain, Dalpahar Block-B3 Iron Ore Mines	101.171	101.171	0	8-103/2000- FC, dated 14.11.2005	16.464 (Originally proposed 97.084)
10	D. C. Jain, Dalpahar Block-C Iron Ore Mines	101.171	101.171	0	8-103/2000- FC, dated 14.11.2005	16.464 (Originally proposed 97.084)
11	D. C. Jain, Dalpahar Block-A Iron & Manganese Ore Mines	101.171	101.171	0	8-103/2000- FC, dated 14.11.2005	16.464 (Originally proposed 97.084)
12	D. C. Jain, Dalpahar Block-B2 Iron & Manganese Ore Mines	101.171	101.171	0	8-103/2000- FC, dated 14.11.2005	16.464 (Originally proposed 97.084)

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
13	Dr. S. Pradhan, Balita Iron Ore Mines	34.75	23.315	0	8-278/FCE/826, dated 26.02.1999	13.087 + 5.26 (broken up) = 18.347
					Renewal 8-278-FCE, dated 03.01.2006	18.347
14	Dr. Sarojani Pradhan, Sidhmatha Iron Ore Mines	94.259	94.259	0	8-100/2006-FC, dated 26.09.2007	85.55
15	Dr. Sarojani Pradhan, Kalaparbat Iron Ore Mines	152.927	145.772	0	8-177/1997-FC, dated 15.01.2007	52.002
16	Dr. S. Pradhan, Inganijharan Iron & Mn. Ore Mines	18.7	18.7	0	8-248/FCE, dated 20.06.2006	15.316

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
17	M/s. O.M.C. Ltd., Daitari Iron Ore Mines	1018.3085	825.2795	0	8-164/97-FC, dated 18.01.2000	95.60
					Renewal 8-164/97 FC, dated 27.01.2005	95.60 (broken up area)
18	M/s. O.M.C. Ltd., Gandamardan Iron Mines (Block 'B')	1590.8673	1409.6489	99.9025	8-339/FCE, dated 04.06.1998	232.438
					8-81/2005-FC, dated 17.08.2007	232.438
19	M/s. O.M.C. Ltd., Kurmitar Iron Mines	1212.47	1205.940	0	8-113/2000-FC, dated 26.12.2003	28.802
					Additional 8-113/2000-FC, (Vol. I), dated 10.04.2007 (2008)	104.310

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
20	M/s. O.M.C. Ltd. (IDCOL Ltd.), Roida C-Block Iron & Manganese Ore Mines	96.783	96.783	0	8-121/97-FC, dated 29.10.1998	96.783
					Extended 8-121 /97 FC dated. 14.01.2008	96.783
21	M/s. G. S. Mishra & Sons (P) Ltd., Gorumahisani Iron Ore Mines	1435.300	891.760	0	8-41/2003- FC, dated 13.07.2005	0.00
					8-41/2003-FC, dated 10.10.2005	0.00
					8-41/2003-FC, dated. 13.09.2006	81.00
22	M/s. Lal Trades & Agencies, Badampahar Iron Ore Mines	129.610	128.830	0	8-11/2004- FCA, dated 14.06.2007	70.57
					Additional 8-11/2004-FC, dated 27.07.2009	47.07

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
23	Gandhamardan Sponge Industries (P) Ltd., Putulpani Iron Mines	100.1632	92.488	10.2871	8-55/97-FC-2314-N, dated 29.06.2001	19.5197
					8-55/1997-FC, dated 14.06.2011	46.7464
24	M/s. Essel Mining & Industries Ltd., Kasia Iron Ore, Dolomite & Limestone Mines	134.733	113.880	0	8-95/96-FC, dated 22.01.1998	83.880
					8-95/96-FC, dated 27.05.2004	30.00
					Renewal 8-95/1996-FC, dated 18.11.2011	173.039
25	M/s. Essel Mining & Industries Ltd., Jilling-Longalota Iron Ore Mines	456.1	369.592	242.089	8-49/98-FC, dated 17.11.2000	75.489

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
26	M/s. Feegrade & Co. Ltd., Nadidiha Iron/Mn. Mines	121.405	89.870	41.218	8(21)26/2003- FCE, dated 16.03.2006	39.309
27	K. C. Pradhan, Chamakpur Iron Ore Mines	31.693	31.313	0	8-90/98-FC, dated 14/ 15.02.2000	31.313
28	Shri K. C. Pradhan, Nayagarh Iron Ore Mines	24.570	22.794	22.794	5-ORC059/ 2007-FCE, dated 06.06.2011	20.31
29	Indrani Pattnaik, Unchabali Iron Ore Mines	106.1127	103.432	103.432	8(21)40/2004- FCE, dated 03.05.2007	35.275
30	J. N. Pattnayak, Bhajpali Iron Ore Mines	18.00	12.565	12.565	8(21)42/2004- FCE, dated 05.06.2008	3.921

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
31	M/s. Jindal Steel & Power Ltd., TRB Iron Ore Mines	207.787	206.652	155.008	8-63/95/FC, dated 06.05.1998	36.422
32	M/s. K. N. Ram & Co., Roida II Iron Ore Mines	74.867	71.035	0	Additional 8-63/1995-FC (Vol. II), dated 08.08.2006	90.505
					8-112/96-FC, dated 09.09.1999	27.100
					Renewal of 63.429 with Additional 8-112/1996-FC, dated 08.11.2010	63.4290
33	Kalinga Mining Corporation, Jurtudi Iron Ore Mines	73.228	57.178	26.798	8-255/-FC, dated 02.05.2005	6.008

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
34	Kalinga Mining Corporation, Jurudi Manganese Ore Mines	54.754	42.79	36.477	8-99/2005-FC, dated 19.03.2008	47.214
35	KJS Ahluwalia, Nuagaon Iron Ore Mines	767.284	525.762	4.613	8-17/2001-FC, dated 22.04.2004	371.192
36	M/s. A.M.T.C. (P) Ltd., Mahulsukha Mn. Mines	399.838	340.332	0	8-23/98/FC, dated 04.04.2000	227.000
					8-93/2004-FC, dated 18.08.2008	227.00
37	M/s. Bharat Process & Mechanical Engineers Ltd. (BPMEL), Dalki Manganese Ore Mines	266.77	232.936	0	8-93/96-FC, dated 03.08.1998	167.187

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
38	M/s. Kaypee Enterprises, Thakurani Iron Ore Mines	228.040	228.040	0	8-154/97-FC, dated 02.11.1998	42.843
					8-154/97-FC (Vol. II), dated 21.07.2005	146.726
39	Korp Resources (P) Ltd., Tantra Iron Ore Mines	72.560	72.419	63.435	8-108/2008- FC, dated 14.06.2010	69.041
40	M/s. M. G. Mohanty, Patbeda Iron/Mn. Mines	19.425	16.507	11.246	5-ORC039/ 2007-BHU, dated 17.08.2009	15.622
41	M/s. M. G. Mohanty, Patabeda Iron Ore Mines	14.00	14.00	14.00	8(21)/27/2003- FCE, dated 29/ 30.12.2005	12.058

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
42	M. L. Rungta, Siljora-Kalimati Iron & Manganese Ore Mines	715.639	459.810	313.059	8-104/96-FC, dated 16.01.1998	139.736
					Additional 8-104/96-FC (Pt.), dated 12.11.2010	311.396
43	Mala Roy & Others, Jalahuri Iron Ore Mines	182.109	177.569	49.243	8-97/96-FCE, dated 21.01.1999	111.58
44	MGM Minerals Ltd., Patabeda Iron Ore Mines	28.397	27.086	27.086	8(21)/28/2003-FCE, dated 29/30.12.2005	23.581
45	M/s. Mideast Integrated Steel Ltd., Roida I Iron Ore Mines	104.68	104.68	0	8-106/2005-FC, dated 19.02.2008	51.99

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
46	National Enterprises, Raikela Iron Ore Mines	45.932	43.876	0	8-128/1997-FC, dated 10.11.2005	37.317 (13.00 + 27.317)
47	M/s. Orissa Mineral Development Co. Ltd., Bagiaburu Iron Ore Mines	21.52	21.52	0	8-236/FCE, dated 26.02.1998	17.083
48	M/s. Orissa Mineral Development Co. Ltd., Belkundi Iron & Manganese Ore Mines	1276.79	448.276	0	8-86/96-FC, dated 26.02.1998	261.866
49	M/s. Orissa Mineral Development Co. Ltd., Roida-Bhadrasahi Iron Ore Mines	998.7	877.31	0	8-118/96-FC, dated 26.02.1998	702.053
50	M/s. Pattnaik Minerals (P) Ltd., Joribahal Manganese Ore Mines	14.739	14.739	0.170	8-261/FCE, dated 24.08.1998	3.179

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
51	M/s. P.T.A. Ltd., Raikela Iron Ore Mines	49.372	48.632	40.786	8-23/2007-FC, dated 13.05.2009	45.585
52	M/s. Rungta Mines Ltd., Kolmang Mn. Mines	218.53	129.504	127.298	8-94/2003- FC, dated 16.03.2006	53.550
					Additional 8-94/2003-FC (Vol. II), dated 25.10.2011 (including 6.645 ha. Safety Zone)	32.017
53	M/s. Rungta Mines Ltd., Kanther Koira Mn. Mines	73.653	35.839	0	8-107/2000-FC, dated 31.03.2003	15.950
					Additional 8-107/2000-FC (pt.), dated 05.05.2011	17.849
54	M/s. Rungta Mines Ltd., Jajang Iron & Manganese Ore Mines	666.15	485.585	417.62	8-88/98-FC, dated 21.07.2000	44.70

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
55	M/s. Rungta Sons (P) Ltd., Oraghat Iron Ore Mines	82.961	74.933	62.853	8(21) 5/2000-FCE, dated 04.05.2006	10.80
					Additional 8-18/2011-FC, dated 01.03.2011 (including SZ)	64.133 (Stage I)
56	M/s. Rungta Sons (P) Ltd., Sanindipur Iron/Bauxite Mines	147.100	126.324	29.303	8-135/2003-FC, dated 19.06.2006	52.742
57	M/s. Rungta Sons (P) Ltd., Katasahi Manganese Ore Mines	196.860	71.000	0	8-18/99-FC, dated 02.06.2000	60.616
58	M/s. SAIL, Bolani Iron Ore Mines	1321.45	1225.78	0	8-17/97-FC, dated 19.02.1998	1050.15

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
59	M/s. SAIL, Kalta/Barsuan Iron Ore Mines	2486.383	2347.673	438.747	8-90/96-FC, dated 27.01.1998	395.639
60	M/s. Sarada Mines Pvt. Ltd., Thakurani-Block-B Iron Ore Mines	947.046	943.926	0	8-55/2000/FC, dated 21.06.2001	865.276
61	M/s. Serajudin & Co., Balda Block Iron Ore Mines	335.594	258.133	219.951	8-119/96-FCE, dated 11.12.1998	24.446
62	Sun Alloys & Mineral (P) Ltd., Patmunda Mn. Mines	81.197	0.489	0.036	8-168/FCE, dated 25.04.1995	0.453
63	M/s. Tarini Mineral Pvt. Ltd., Deojhar Iron Ore Mines	34.365	34.365	0	8-218/92-FC, dated 31.03.1993	34.365
64	M/s. Tarini Mineral Pvt. Ltd., Jurudi-Jajang Iron & Manganese Ore Mines	66.368	66.368	34.616	8-22/91-FC, dated 07.02.1992 (Granted in favour of N. Patnaik)	15.068

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
65	M/s. TISCO Ltd., Joda-East Iron Ore Mines(Manmora lease is an area of 16.35 ha. which is a part of Joda East Iron Ore Mines i.e. 671.093)	671.093	608.906	87.252	8-32/93/FC, dated 16.01.1997	521.622
					8-32/93/FC (Vol. II), dated 24.09.2007	567.087 (including 54.47 ha. DLC forest land)
67	M/s. TISCO Ltd., Guruda-Tiring Pahar Manganese Ore Mines	169.000	68.914	58.522	8-80/2004-FC, dated 28.03.2007	52.348
68	M/s. TISCO Ltd., Khandbandh Iron & Manganese Ore Mines	978.00	836.757	110.386	8-98/2004-FC, dated 09.08.2006	453.150
69	M/s. TISCO Ltd., Joda-West Iron & Manganese Ore Mines	1437.719	1167.313	621.223	8-89/2004-FC, dated 10.08.2007	503.678
70	M/s. TISCO Ltd., Bamebari Iron & Manganese Ore Mines	464.00	382.269	149.268	8-72/2004-FC, dated 25.01.2007	145.326

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
71	P. K. Ahluwalia (Original lessee: Maitri Shukla), Ganua Iron/Mn. Mines	86.886	76.882	27.369	8-47/93-FC, dated 07/ 09.08.1996	54.4
72	S. N. Mohanty, Ganua Iron/Mn. Mines	13.796	9.947	9.947	5-ORC032/ 2006-FCE, dated 03.09.2007	8.244
73	R. B. Das, Dalpahar Iron & Manganese Ore Mines	4.84	4.84	0	8(21)3/2001- FCE, dated 15.10.2007	3.6
74	R. P. Sao, Guali Iron Ore Mines	365.026	268.117	0	8-96/96-FC, dated 14.01.2005	42.417
					Additional 8-96/96-FC (pt.), dated 06.09.2011	95.00

Sr. No.	Name of the lessee	Total Area of lease (ha.)	Total Forest land (ha.)	Out of total forest land DLC Area (ha.)	FC Order Nos. and Date	Extent of forest land (ha.) (as per First FC obtained)
75	S. N. Mohanty, Raikela Iron Ore Mines	18.315	17.473	0	8-298/FCE, dated 13.05.2004	5.00
					Additional 8-298/FCE, dated 14.12.2010	9.618
76	S. N. Mohanty, KJST (Jaldih) Iron/Mn./ Bauxite Mines	333.063	330.039	170.141	8-45/2007-FC (pt.), dated 31.07.2009	177.517
77	T. P. Mohanty, Naibega Iron Ore Mines (Total lease area 48.117 ha. but surface right is only for 29.92 ha.)	47.219	30.258	5.273	5-ORC029/2006-FCA, dated 19.09.2008	26.89
78	O.M. & M. (P) Ltd., Patmunda Mn. Mines	807.316	612.351	105.526	8-92/07/FC, dated 24.09.2012 (Stage I Clearance was granted on 28.11.2009)	250.562 (including Safety Zone 12.12 ha.)

Annexure- IIIA

Details of mining leases having production without prior approval under FC Act, 1980 (Except for the period stated in column 5 & 6)

Sr No	Name of the lease and area (ha)	Extent of Forest / Non-forest / Non-forest tenant	Reserved / Revenue/ Notified / DLC (ha)	Date of Execution / Date of Expire / Working under deemed	TWP by MOEF under FC Act	MoEF Order & Date	Illegal Production (in Tonne)**	
							Iron (MT)	Manganese (MT)
1	2	3	4	5	6	7	8	9
1	M/s. AMTC. (P) Ltd., Narayanposi Iron/Mn. Mines (349.263)	259.191/ 61.084/ 32.023	92.113/ 70.101/ 96.977/ 0	15.01.86 / 02.02.2005 / 03.02.2005	F. No.8-34/2000-FC (Vol.I) dated 14/03/05 for the period 14/03/05 to 13/08/05	[1] 8-34/ 2000/ FC dt. 29/06/01, (divrsion period 29/06/01 - 02/ 02/05) And [2] 8-34/2000-FC (Vol.,-I) dt 15/11/07 (divrsion period 15/11/07- 02/02/25	1994-95 3141 1995-96 7569 1996-97 8290 1997-98 5128 1998-99 2879 1999-00 2334 2000-01 9707 2006-07 174403	1994-99 00 1999-00 334 2000-01 00 2006-07 00

Sr No	Name of the lease and area (ha)	Extent of Forest / Non-forest / Non-forest tenant	Reserved / Revenue/ Notified / DLC (ha)	Date of Execution / Date of Expire / Working under deemed	TWP by MOEF under FC Act	MoEF Order & Date	Illegal Production (in Tonne)**	
							Iron (MT)	Manganese (MT)
2	B.D. Patanaik - Kalaparnbat Iron Ore Mines (25.632)	25.632/ 0/ 0	18.02/ 0/ 0/ 7.612	31.7.59/ 30.7.89/ 01.08.89	11-10/94-FC (PE-I) dated 10/07/96 for 10/07/96 to 09/07/97 11-10/94/ FC (Pt-I) dated 13/12/97 for 13/02/97 to 12/04/97 2173 dated 16/02/98 for 27.05.97 to 26/02/98	8-225/FCE dt.03/09/1998 (for 10 years)	1993-94 12473 1994-95 6938 1995-96 8184 2008-09 8450 2009-10 27940 2010-12 00	

Sr No	Name of the lease and area (ha)	Extent of Forest / Non-forest / Non-forest tenant	Reserved / Revenue/ Notified / DLC (ha)	Date of Execution / Date of Expire / Working under deemed	TWP by MOEF under FC Act	MoEF Order & Date	Illegal Production (in Tonne)**	
							Iron (MT)	Manganese (MT)
3	M/s. B.I.Co. Ltd - Nadidiha Iron/Mn. Mines (73.855)	67.637/ 6.161/ 0.057	0/ 38.026/ -/ 29.611	25.10.04 (Lease Deed of 2nd RML)/ 10.12.07/ 11.12.07	8-108/96-FC dated 21/11/08 for one year 8-108-FC dt.03/12/09 DFO letter No.5213(ii)F dt. 25/06/11 and DFO letter No. 1740/6F dt 23/03/12 upto 31/03/13 for 3 month	[1] 8-108/96-FC- dt.17/04/2003, And F.no. [2] 8-97/2008 - FC dt.09/02/2011	1994-95 5450 1995-96 8728 1996-97 8492 1997-98 6243 1998-99 4920 1999-00 4220 2000-01 5036 2001-02 00 2002-03 00 2009-10 1859000	
4	M/s. B.I.Co. Ltd - Teherai Iron/Mn. Mines (137.46)	108.51/ 19.015/ 9.933	0/ 57.412/ -/ 51.1	12.7.84/ 31.12.01/ 01.01.02	8-2/2009 FC dt.02/03/09 (Stage I)	8-2/2009-FC dt.12/10/2010 (Stage I)	2003-04 5588 2004-05 85288 2005-06 673293 2006-07 629505 2007-08 308163 2008-09 104885	1993-94 192 1994-96 00 1996-97 281 1997-98 00 1998-99 1144 1999-01 00 2001-02 350 2002-03 337 2003-04 00

Sr No	Name of the lease and area (ha)	Extent of Forest / Non-forest / Non-forest tenant	Reserved / Revenue/ Notified / DLC (ha)	Date of Execution / Date of Expire / Working under deemed	TWP by MOEF under FC Act	MoEF Order & Date	Illegal Production (in Tonne)**	
							Iron (MT)	Manganese (MT)
5	M/s. BPMEL Kolha-Roida Iron & Manganese Ore Mines (254.952)	188.496/36.816/29.64	90.085/98.411/0/0	20.9.86/14.9.96/YES from 15.08.96	Nil	8-92/97-FC dt.10/06/1998	1994-95 202357 1995-96 230973 1996-97 191933 1997-98 203500	NIL
6	M/s. BPMEL Thakurani Iron & Manganese Ore Mines (1546.55)	468.307/386.59/691.653	362.645/105.662/0/0	14.11.62/30.9.84/YES from 01.10.84	Nil	8-91/96-FC Dt.24/2/1998	1994-95 3070 1995-96 119303 1996-97 117994 1997-98 40685	
7	D.C. Jain - Dalpahar Block-A Iron & Manganese Ore Mines (101.171)	101.171/0/0	101.171/0/0/0	9.6.86/8.6.06/09.06.06	F No.103/2000-FC dt.01.01.04 for 6 months	8-103/2000-FC dt.14/11/2005 (from 14.11.05 to 08.06.06)	1993-94 708 1994-95 453 1995-96 327	