

SUPREME COURT OF INDIA

Samaj Parivartana Samudaya

Vs.

State of Karnataka

W.P.(Civil)No.562 of 2009

(Aftab Alam, K.S.Radhakrishnan and Swatanter Kumar,JJ.)

03.09.2012

ORDER

Aftab Alam,J.

1. The Central Empowered Committee has submitted a report dated August 29, 2012 regarding implementation of the R R Plans, resumption of mining operations in “Category A” mining leases and issues incidental thereto.
2. Heard Mr. Shyam Divan, the learned Amicus Curiae, Mr. Prashant Bhushan, appearing for the applicant in I.A. No.68 of 2012, Mr. Krishnan Venugopal appearing for M/s. R. Parveen Chandra, Mr. C.U. Singh, learned senior counsel appearing for the Association of Indian Mini Blast Furnaces and other learned counsel.
3. The recommendations made in the aforesaid report of the CEC dated August 29, 2012 are accepted subject to any modification that the Court may feel necessary to make later on.
4. At Annexure R-1 to the report, there is a list of 16 “Category A” mining leases in Bellary district and two in Chitradurga district in respect of which the R R Plans have been approved. One of the 18 “Category A” mines, namely, MEL (ML-2346) (103.81 ha) has all the statutory sanctions, permissions and approvals in place and the rest of the 17 mining leases, according to the CEC, are also likely to get all the statutory sanctions, permissions and approvals within a few months as indicated in the table at pages 15 and 16 of the report. It is also stated in the report that the R R Plan in respect of the 18 “Category A” mines has been duly approved and its implementation on the ground has also commenced.
5. In light of the recommendation of the CEC, the ban imposed on mining operations in all the mining leases (excepting two mining leases of M/s. NMDC Ltd.) in the districts of Bellary, Tumkur and Chitradurga by orders dated July 29 and August 26, 2011 is lifted in respect of the 18 “Category A” mines as enumerated in Annexure R-1 to the report. Mining

operations in those 18 “Category A” may commence to the extent of the permissible annual production as determined by the CEC and as indicated in the table at page Nos.15 and 16 of the report. The commencement of the mining operations shall be subject to:

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

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

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

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

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

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

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

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

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

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

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

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