2025 INSC 1311

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IN RE: SARANDA WILDLIFE SANCTUARY

I.A. NO.153500 OF 2024
[Applications for Direction]

WITH

I.A. NO.153501 OF 2024
[Application for exemption from filing official translation]

WITH

I.A. NO. 153502 OF 2024
[Application for Intervention]

WITH

I.A. NO. 251558 OF 2025
[Applications for Intervention]

WITH

I.A. NO. 252324 OF 2025
[Application for placing on record Additional Facts and Documents]

WITH

I.A. NO. 252325 OF 2025
[Application for exemption from filing official translation]

WITH

I.A. NO. 252948 OF 2025
[Application for Direction]

WITH

I.A. NO. 252949 OF 2025
[Application for exemption from filing official English Translation of Annexures]

WITH

I.A. NO. 265049 and 265353 OF 2025
[Application for Clarification/Modification and for filing Additional Documents]

IN

I.A. NO. 252948 OF 2025

WITH

I.A. NO. 268196 OF 2025
[Application for Modification]

IN

I.A. NO.153500 OF 2024

WITH

I.A. NOS. OF 2025
Diary Nos.265620-265621 of 2025

[Applications for Impleadment and Direction]

WITH

I.A. NO. OF 2025
Diary No.272221 of 2025
[Applications for Direction]

IN

WRIT PETITION (C) NO. 202 OF 1995

IN RE: T.N. GODAVARMAN THIRUMULPAD
...PETITIONERS

VERSUS

UNION OF INDIA AND OTHERS ...RESPONDENTS

IN THE MATTER OF:

DR. DAYA SHANKAR SRIVASTAVA ...APPLICANT

STEEL AUTHORITY OF INDIA LTD. ...APPLICANT

INDEX

J U D G M E N T

B.R. GAVAI, CJI

I. INTRODUCTION

1. The issue in the present matter pertains to the Saranda forest area in the State of Jharkhand which is undisputedly one of the most pristine Sal forests in the world. It is a biodiversity hotspot, interconnected with forests in the States of Odisha and Chhattisgarh, creating a contiguous wildlife corridor. The region is rich in biodiversity and wildlife and includes within its confines the critically endangered and endemic Sal Forest Tortoise, four horned antelope, Asian palm civet, wild

elephants, leopards, sambar and chital deer, bison, barking deer, and numerous species of birds and reptiles.

2. The erstwhile unified State of Bihar, by a notification bearing No. 1168F dated 16th February 1968[1] declared an extent of 31,468.25 hectares (approx. 314 sq. kms) in the Saranda forest area as the "Saranda Game Sanctuary". This was done pursuant to relevant provisions of the *Bihar Forest, Hunting, Shooting and Fishing Rules, 1958*. On bifurcation of the then State of Bihar into States of Bihar and Jharkhand, this area now falls within the State of Jharkhand.

3. One Dr. R.K. Singh, a distinguished wildlife scientist, being aggrieved by the fact that the Government of Jharkhand[2] and Ministry of Environment, Forests and Climate Change[3] had failed to declare the Eco-Sensitive Zone[4] in respect of Sasangada/Saranda Sanctuary based in the West Singbhum District of Jharkhand, filed an Original Application being OA No. 59/2020/EZ before the National Green Tribunal, Eastern Zone Bench, Kolkata[5]. It was specifically contended in the said OA that the two massive iron ore mining projects, *Kiriburu* and

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[1] Hereinafter, "1968 Notification".
[2] Hereinafter, "GoJ".
[3] Hereinafter, "MoEF&CC".
[4] Hereinafter, "ESZ".
[5] Hereinafter, "NGT".

Maghehatuburu, have chronically disturbed the habitat of wild animals in this locality. It was further contended that the protection of wildlife is mandatory under the *Wildlife (Protection) Act, 1972*[6] so also that the pristine forest areas need to be protected under the provisions of *the Indian Forest Act, 1927* and the *Forest (Conservation) Act, 1980* bearing in mind the directions given by this Court in the present proceedings. A relief was, therefore, sought to notify an ESZ around Sasangada/Saranda Game Sanctuary and the adjoining Reserve Forests in a time bound manner.

4. The learned NGT, *vide* order dated 12th July 2022, passed the following direction:

> "34. Annexure-2 to the Original Application mentions that the area of the Saranda/Sasangada Forest is about 31,468.25 hectares. This is a huge area of pristine forest and whether it has been declared as Game Sanctuary or not, it is nevertheless a repository of some of the finest Sal Forest in the country having rich wildlife and requires protection and preservation **and, therefore, a direction is issued to the State Respondents to consider whether the same needs to be declared as a Sanctuary since it has nowhere been stated by the State Respondents in their various affidavits that this massive area does not have any wildlife**."
>
> [Emphasis supplied]

[6] Hereinafter, "WP Act".

5. Thereafter, since no action was taken by the GoJ in this respect, an IA came to be filed before this Court in the present proceedings being IA No.153500 of 2024 by one Dr. Daya Shankar Srivastava, a resident of Palama, Jharkhand, seeking directions to the State of Jharkhand to declare the Saranda Game Sanctuary with area of 314.68 sq. km. as notified by the 1968 Notification by the erstwhile State of Bihar as a deemed sanctuary under the provisions of the WP Act.

6. Alongwith the IA for directions, two IAs being IA No. 153502 of 2024 seeking permission to intervene in the present proceedings and IA No.153501 of 2024 seeking exemption from filing official translation have also been filed by the applicant.

7. It appears from the material placed on record by the applicant that *vide* notification dated 26th September 2001, the Department of Forest and Environment of GoJ notified the entire forest area of Saranda, Kolhan, and Porahat Forest Division as the core area of the Singbhum Elephant Reserve.

8. *Vide* order dated 7th August 2024, notice came to be issued to the State of Jharkhand and MoEF&CC.

9. In response thereto, the MoEF&CC filed a counter-affidavit dated 17th September 2024, wherein it was stated that no record was available with the State of Jharkhand as to the notification of Saranda Game Sanctuary in 1986.

10. A counter-affidavit also came to be filed by the State of Jharkhand dated 10th November 2024, wherein it was stated by one Mr. Aviroop Sinha, Divisional Forest Officer[7], Saranda, Chaibasa, West Singhbum that in the last Working Plan of Saranda Forest Division prepared by one Mr. K.S. Rajhans for the period between 1976-77 and 1995-96 based on the 1968 Notification, the land in question consisted of 126 compartments of five Reserve Forest Blocks and two Protected Forest Blocks covering an area of 31,468.25 hectares.

11. It will be relevant to refer to the following statements made in the said affidavit:

> "7. …Besides since the inception of these Notified (R.F. & P.F.) Forests within the stated area of 31,468.25 Hectares (vide Notification No. 1168 F dated 16.02.1968) compromising (sic) of 126 Compartments, **neither any kind of mining excavation operations nor any diversion of Forest Land for Mining purpose as approved by Forest Conservation Act 1980 has been undertaken**, except for part area of approximately 4.31 hectares within compartments KP12 and KP 21 has been

[7] **Hereinafter, "DFO".**

diverted by Kiriburu Meghahataburu Iron Ore Mine for non-excavatory ancillary mining activity (Road). **Moreover, as on date, there are no operational mines inside the 126 compartments of stated within the stated area of 31,468.25 Hectares**."

[Emphasis supplied]

12. It can thus be seen that it was clearly stated that except for part area of 4.31 hectares within compartments KP12 and KP 21 where iron ore mine was located, neither any kind of mining excavation operations nor any diversion of forest land for mining purpose has been undertaken in respect of the said area of 31,468.25 hectares.

13. Upon perusal of the aforesaid affidavit, this Court passed an order on 20th November 2024, which reads thus:

"…….

5. It is not in dispute that the said area consists of pristine forest and it is a repository of some of the finest Sal trees in the country. It is also not disputed that it is having rich wildlife and as such requires protection and preservation.

6. A period of 2½ years has lapsed from the date on which the aforesaid observations were made by the learned NGT.

7. Since the State places reliance on the judgment of the NGT, it should have explained to us as to why it has not followed the directions issued by the learned NGT.

8. The 2006 Amendment to the 1972 Act has been brought into effect with a purpose of imposing stringent restrictions for the protection of wildlife.

If that be so, there is no reason as to why the State did not take steps to implement the directions issued by the learned NGT on 12.07.2022.

9. We, therefore, direct the State to file an affidavit explaining the aforesaid within a period of two weeks from today."

[Emphasis supplied]

14. In pursuance to the aforesaid order, an affidavit dated 2nd December 2024 came to be filed by the DFO, Saranda stating therein that the Principal Chief Conservator of Forest Wildlife[8]-cum-Chief Wildlife Warden[9] had moved a proposal on 29th November 2024 for the declaration of Saranda Wildlife Sanctuary and Sasangdaburu Conservation Reserve. It was stated that the proposal sought to declare an area of approx. 575.1941 sq. kms. as "Saranda Wildlife Sanctuary" and an area of approx. 136 sq. kms. as "Sasangdaburu Conservation Reserve" in accordance with a map proposed by the Wildlife Institute of India[10] dated 29th November 2024.

15. It will be relevant to refer to the following averments made in the said affidavit dated 2nd December 2024:

"10. **That the stated proposal is also in conformity with the Management Plan for sustainable Mining (MPSM) in Saranda and Chaibasa in Singbhum**

[8] Hereinafter, "PCCF-WL".
[9] Hereinafter, "CWLW".
[10] Hereinafter, "WII".

district. Besides, due consideration has been given for inclusion of the Conservation Area (in MPSM) which is also having two biodiversity hotspot zones, while delineating the boundaries of the proposed "Saranda Wildlife Sanctuary" and 'Sasangdaburu Conservation Reserve'."

16. It can thus be seen that the State specifically submitted that the stated proposal is also in conformity with the Management Plan for Sustainable Mining[11] in Saranda and Chaibasa in Singbhum district. Upon perusal of the affidavit dated 2nd December 2024, this Court passed the following order on 20th February 2025:

> "**1.** The issue in these applications pertains to Saranda Game Sanctuary in Saranda Forest Division.
>
> **2.** In the affidavit dated 02.12.2024 filed by Mr. Aviroop Sinha, DFO Saranda, Van Bhawan, Chaibasa, it is stated that the Principal Chief Conservator of Forest Wildlife (PCCF-WL)- cum-Chief Wildlife Warden (CWLW), Jharkhand vide its Memo No. 1263 dated 29.11.2024 has moved a proposal to the Government of Jharkhand for declaration of "Saranda Wildlife Sanctuary" and "Sasangdaburu Conservation Reserve".
>
> **3.** In paragraph 9 of the said affidavit, the details of the areas to be included in "Saranda Wildlife Sanctuary" admeasuring 575.1941 sq. kms. and the areas to be included in "Sasangdaburu Conservation Reserve" admeasuring 136.03806 sq. kms. have been given.

[11] **Hereinafter, "MPSM"**

4. We expect the State of Jharkhand to take a final decision in that regard expeditiously.

5. List these applications on 16.04.2025."

17. When the matter was thereafter listed before this Court on 16th April 2025, an affidavit came to be filed by the same officer, Mr. Aviroop Sinha. In the said affidavit, it was stated that the proposal for declaration of protected areas under the WP Act, namely Saranda and Sasangdaburu was received from PCCF-WL-cum-CMLW on 29th November 2024 and the same has been sent back by the Department of Forest, Environment and Climate Change, GoJ to the Principal Chief Conservator of Forests[12] (HoFF) on 23rd March 2025 for his examination and comments.

18. Taking a serious note of this change of stand by the State Government, this Court passed the following order on 16th April 2025:

"…….

8. It was almost after a period of four months from the date on which the proposal was received by the State Government from PCCF-WL-cum-CMLW that the proposal has again been sent back to the Principal Chief Conservator of Forests for his comments.

[12] **Hereinafter, "PCCF".**

> **9. <u>We do not understand the propriety of keeping the matters pending almost for four months, particularly when an impression was given to this Court in the affidavit dated 02.12.2024 that the matter is being processed expeditiously by the State Government.</u>**
>
> **10.** The Secretary, Department of Forest, Environment and Climate Change, Government of Jharkhand is, therefore, directed to remain present in this Court on 29.04.2025 at 10:30 a.m. and show cause as to why action should not be taken for dilly dallying the matter without any valid reasons.
>
> ……"
>
> [Emphasis supplied]

19. Accordingly, a compliance affidavit came to be filed on 28th April 2025 in furtherance of the directions issued by this Court *vide* order dated 16th April 2025. In the said affidavit filed by one Mr. Aboobacker Siddique P, working as Secretary, Forest, Environment and Climate Change, GoJ, a reference was made to the chronology of events till the said date. It was stated that upon receiving comments from PCCF (HoFF) on the proposal submitted by PCCF-WL-cum-CWLW, certain defects were pointed out in the said proposal and the stand was taken for rectification of the said defects.

20. It will be relevant to refer to paragraph 15 of the said affidavit dated 28th April 2025:

> "15. I say that the State Govt. is duty bound to ensure statutory compliance with the mandate of Wild Life (Protection) Act, 1972 for declaring any forest as sanctuaries and conservation reserve. I say that the intention and commitment of the State Govt. towards preserving the said area is unwavering and can be borne by the fact even before submitting the said Proposal, the State Government had engaged the services of the premier forest institute of the country, Wildlife Institute of India, Dehradun to carry out a detailed Research Proposal on Assessment and Monitoring of Biodiversity Values in Saranda Forest Division, and had received a Project Proposal in March 2024 itself. I reiterate, my and my State Govt's commitment to implement the orders of this Hon'ble Court."

21. It can thus clearly be seen that the GoJ has clearly stated that it was duty bound to ensure statutory compliance with the mandate of WP Act for declaring any forest as sanctuaries and conservation reserves. By the said affidavit, the State Government had expressed its unwavering intention and commitment to preserving the said area. The affidavit would also show that the State Government had engaged the services of the WII to carry out a detailed research proposal for assessment and monitoring of biodiversity values in Saranda Forest Division. The affidavit further stated that the State Government was awaiting the response/detailed justification from the WII in respect of the proposed Saranda Wildlife

Sanctuary and Conservation Reserve, along with supporting documents, for identifying the potential area for declaration as a protected area under the WP Act. The State of Jharkhand by the said affidavit, therefore, prayed for further reasonable time to obtain all necessary approvals and to carry out all requisite statutory compliances and procedural formalities.

22. Therefore, the matter was listed on 29th April 2025. It will be relevant to refer to the order passed by this Court dated 29th April 2025, which reads thus:

> "……..
>
> **9.** In the affidavit it is stated that now the State Government has proposed to notify an area of 57,519.41 hectares as against the original proposal of 31,468.25 hectares as the Wildlife Sanctuary. It is further stated that an area admeasuring 136.03806 sq. kms. or 13603.806 hectares, has been proposed to be notified as a Conservation Reserve. It is stated that the proposal has now been sent for comments to the Wildlife Institute of India, Dehradun (WII). It is stated that as soon as the comments are received from the WII the proposal would be placed before the State Wildlife 15 Board (SWB) and upon the decision of the SWB, the matter would be placed before the State Cabinet and after the approval by the State Cabinet, the final notification would be issued.
>
> **10.** We, therefore, request the WII to examine the proposal and forward the proposal along with its comments to the State of Jharkhand within a period of one month from today. The Secretary, Department of Forest, Environment and Climate Change, Jharkhand would communicate this order to the WII. On receipt of the comments from WII, we direct the

State of Jharkhand to complete all the formalities within a period of two months thereafter.

……."

23. Pursuant to the aforesaid order, the State of Jharkhand filed a supplementary affidavit on 22nd July 2025 stating therein that the WII examined the proposal and submitted its report on 30th May 2025. It was stated that the WII report was placed before the Chief Minister-cum-Department Minister, for in-principal approval. It was further stated that the Competent Authority had directed the Chief Secretary, Jharkhand to convene a meeting with the Industry Department, Mines and Geology Department, Forest Department and Revenue Department to consider the proposal. It was further stated that the said meeting was convened on 13th May 2025. It was stated that during the course of the said meeting, the Mines and Geology Department presented concerns regarding the aforementioned proposal dated 29th April 2025. It was stated that consequently a committee was constituted under the Chairmanship of the Chief Conservator of Forest, Wildlife, Jharkhand consisting of various officers as Members, with a mandate to thoroughly review the proposals for Saranda Wildlife Sanctuary. It was stated that the

committee held four meetings and submitted its report on 3rd July 2025. The conclusion of the report is as follows:

> "As per the opinion and submission of Wild Life Institute of India/Mines and Geology Department/Forest Department Saranda Wild Life Sanctuary may be declared as per the provision of Wild Life (Protection) Act, 1972 after obtaining the approval from SBWL. Thereafter, the decision on Sasangdaburu Conservation Reserve may be considered in future."

24. This Court was informed by the said affidavit that the next meeting of the State Board for Wildlife[13] was scheduled for the 1st August 2025 and the proposal for declaration of Saranda Wildlife Sanctuary would be placed before the SBWL for thorough deliberation.

25. Thereafter, the matter was listed before this Court on 17th September 2025. It will be relevant to refer to the entire order passed by this Court on 17th September 2025:

> "**1.** From the perusal of the material placed before us, **it appears to us that the State of Uttarakhand (sic) is indulging in not only dilly dallying tactics, but is also attempting to take the Court for a ride**.
>
> **2.** It was earlier brought to the notice of this Court that in spite of the NGT issuing a direction to the State Government vide order dated 12.07.2022 to consider whether the area of Saranda/Sasangada Forest needs to be declared as a sanctuary or not, the State of Jharkhand had not taken any steps.

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[13] **Hereinafter, "SBWL".**

3. The applicant herein, therefore, was required to file an I.A. No.153500/2024. This Court vide order dated 20.11.2024 had recorded that it was not in dispute that the area consists of pristine forest and it is a repository of some of the finest Sal trees in the country. The Court also recorded that it was an undisputed position that the said area was having rich wildlife and as such requires protection and preservation. **The Court therefore, prima facie observed that there was no reason as to why the State did not take steps to implement the directions issued by the NGT on 12.07.2022.** We, therefore, directed the State to file an affidavit explaining the aforesaid position within a period of two weeks from the date of said order, i.e. 20.11.2024.

4. In compliance to the aforesaid, an affidavit was filed before this Court on 02.12.2024. In the said affidavit it was stated that the Principal Chief Conservator of Forest Wildlife (PCCF-WL)-cum-Chief Wildlife Warden (CWLW), Jharkhand vide Memo No. 1263 dated 29.11.2024 had moved a proposal to the Government of Jharkhand for declaration of "Saranda Wildlife Sanctuary" and "Sasangdaburu Conservation Reserve". In the said affidavit, the details of the area to be included in the Saranda wildlife sanctuary was shown as 575.1941 sq. km. and the area to be included in Sasangdaburu Conservation Reserve was shown as 136.03806 sq. km.

5. Vide our order dated 20.02.2025, we expected that the State Government would take action expeditiously.

6. Thereafter, when the matter was listed before us on 16.04.2025, another affidavit was filed by the State Government stating therein that the matter was examined by the Department of Forest, Environment and Climate Change, Government of Jharkhand and was sent back on 23.03.2025 to the PCCF (HoFF) for examination.

7. This Court vide order dated 16.04.2025 specifically found that it was almost after a period of four months from the date on which the proposal was received by the State Government from the PCCF-WL cum CWLW that the proposal was again sent back to the Principal Chief

Conservator of Forest for his comments. **The Court expressed that there was no propriety of keeping the matters pending for almost four months, particularly when an impression was given to this Court in the affidavit dated 02.12.2024 that the matter is being processed expeditiously by the State Government.** We had, therefore, directed the Secretary, Department of Forest, Environment and Climate Change, Government of Jharkhand to remain present before this Court on 29.04.2025.

8. On 29.04.2025, Mr. Abu Bakr Siddiqui, Secretary, Department of Forest, Environment and Climate Change, Government of Jharkhand was present in the Court. An affidavit was also filed on behalf of the State Government. In the said affidavit, **it was specifically stated that the State Government had proposed to notify an area of 57,519.41 Hectares as against the original proposal of 31,468.25 Hectares as the wildlife sanctuary.** The affidavit further stated that an area admeasuring 136.03806 sq. km. Or 13603.806 Hectares has been proposed to be notified as conservation reserve. It was further stated that the proposal was sent for comments to the wildlife Institute of India (WII), Dehradun. **It was also stated that as soon as the comments are received from the WII, the proposal would be placed before the State Cabinet and after the approval of the State Cabinet, the final notification would be issued**.

9. On the basis of the said affidavit dated 29.04.2025, we had requested the WII to examine the proposal and forward the same along with its comments to the State of Jharkhand within a period of one month from the said date. We had also directed the Secretary, Department of Forest, Environment and Climate Change, Jharkhand, to communicate the order to the WII. **We had further directed the State of Jharkhand to complete all the formalities upon receipt of the comments from WII within a period of two months thereafter.**

10. A supplementary affidavit filed by the State dated 22.07.2025 states that the WII has given its positive recommendations Vide report dated 30.05.2025.

11. In that view of the matter, the State was expected to complete the formality, i.e. the approval of the State Wildlife Board and the Cabinet within a period of two months thereafter, i.e. on 30.07.2025. However, now we are informed that the Chief Secretary of the State of Jharkhand on 13.05.2025 constituted a Committee under the Chairmanship of Chief Conservator of Forest for conducting 'a comprehensive review of the boundary/area determination of the proposed Sanctuary in consideration of the interest of the State and in compliance with the orders of the Hon'ble Supreme Court'.

12. The primary reason given in the said letter was that the Geological Survey of India has identified certain Prospecting Areas for future mining which fall within the proposed area of Saranda Wildlife Sanctuary.

13. It is, thus, clear to us that the conduct of the State, to say the least, has been totally unfair. When on various occasions, i.e. on 20.02.2025, 16.04.2025 & 29.04.2025, a clear indication was given to the Court that the State has proposed to notify an area of 57,519.41 Hectares as wildlife sanctuary and conversation (sic) reserve, now the State is turning on its stand by appointing a Committee for the same purpose vide order dated 13.05.2025. If the State was alive to the concerns expressed in the Minutes dated 13.05.2025, then nothing prohibited it from placing the same before this Court in the affidavit dated 02.12.2024, or the affidavit dated 29.04.2025.

14. As a matter of fact, when the Secretary was present in the Court, in the affidavit dated 29.04.2024, a clear indication was given to the Court that upon approval by the WII, all the necessary formalities, i.e. obtaining the approval of the State Wildlife Board and the Cabinet would be completed. We had, therefore, given two months period to comply with the formalities.

15. We are of the considered view that the State Government of Jharkhand is in clear Contempt of the order passed by this Court on 29.04.2025.

16. We, therefore, direct the Chief Secretary of the State of Jharkhand to remain present in this Court on 08.10.2025 at 10.30 am and show cause as to why an action should not be taken against him for committing Contempt of the order of this Court dated 29.04.2025.

17. We further clarify that if the State fails to comply with its statements made in the affidavit dated 29.04.2025, the Court would be required to issue a Mandamus commanding the State to comply with the statement made before this Court.

18. The application for intervention is rejected while reserving the rights of the applicant to take recourse to such remedies as are available in law.

19. If the order dated 29.04.2025 is complied with in the meantime, the personal presence of the Chief Secretary, State of Uttarakhand shall stand exempted.

20. List on 08.10.2025."

[Emphasis supplied]

26. A perusal of the aforesaid order would reveal that on the said date, this Court was informed that the Chief Secretary of the State of Jharkhand on 13th May 2025 constituted a Committee under the Chairmanship of Chief Conservator of Forest for conducting a comprehensive review of the boundary/area determination of the proposed Sanctuary in consideration of the interest of the State and in compliance with the orders of this Court. We had noted that the primary reason given in the letter appointing the said Committee was that the Geological Survey of India has identified certain Prospecting Areas for future mining which fall

within the proposed area of Saranda Wildlife Sanctuary. We had, therefore, observed that the conduct of the State, to say the least, had been totally unfair. We further observed that on various occasions, *i.e.*, on 20th February 2025, 16th April 2025 and 29th April 2025, a clear indication was given to the Court that the State had proposed to notify an area of 57,519.41 hectares as wildlife sanctuary and conservation reserve, but now the State was turning around on its stand by appointing a Committee for the same purpose *vide* order dated 13th May 2025. We, therefore, directed the Chief Secretary of the State of Jharkhand to remain present in this Court on 8th October 2025 and to show cause as to why an action should not be taken against him for committing contempt of the order of this Court dated 29th April 2025. We further clarified that if the State failed to comply with its statements made in the affidavit dated 29th April 2025, the Court would be required to issue a mandamus commanding the State to comply with the statement made before this Court. We further clarified that if the order dated 29th April 2025 was complied with, the personal presence of the Chief Secretary, State of Uttarakhand shall stand exempted.

27. In pursuance to the order passed by this Court on 17th September 2025, Shri Avinash Kumar, Chief Secretary, GoJ was

personally present in this Court on the next date of listing *i.e.*, 8th October 2025 and he had also filed an affidavit on 7th October 2025.

28. In the said affidavit, it was stated that the draft proposal submitted by the PCCF-WL for notifying 57,519.41 hectares as Saranda Wildlife Sanctuary was made without carrying out a study or investigation and there was no scientific basis for the same. It was further stated that the WII, in its hurriedly prepared report, merely endorsed the draft proposal shared with it by the PCCF-WL. It was further stated that the WII had not considered the following issues involved:

(i) Community Displacement and Livelihood Loss

(ii) Socio-Cultural Disruption

(iii) Mining and Economic Security

(iv) Security Concerns

29. On 8th October 2025, we had extensively heard Shri Kapil Sibal, learned Senior Counsel appearing for the State of Jharkhand and Shri K. Parameshwar, learned *amicus curiae*.

30. It will be pertinent to refer to the entire order passed by this Court on 8th October 2025, which reads thus:

> "**1.** In response to the order passed by this Court dated 17.09.2025, Mr. Avinash Kumar, presently occupying the office of Chief Secretary, State of Jharkhand is personally present in the Court.

2. We have extensively heard Shri Kapil Sibal, learned senior counsel appearing for the State of Jharkhand and Shri K. Parameshwar, learned Amicus Curiae.

3. Shri Sibal, submits that since inception, the proposal with regard to an area of 31,468.25 hectares for declaration as a wildlife sanctuary has been under consideration. However, confusion arose on account of a communication addressed by the Wildlife Institute of India (for short "WII"), indicating an area of 57,519.41 hectares. It is stated that on the basis of the said letter, a statement came to be made before this Court in an affidavit. However, the WII itself by a subsequent communication stated that the earlier letter was only a part of internal communication and the said letter was not authenticated.

4. It is, therefore, submitted that in view of this situation a statement came to be made.

5. He further submitted that there is no intention to run away from the earlier proposal of declaration of Saranda Wildlife Sanctuary.

6. From the affidavit dated 22.07.2025 sworn by Mr. Aviroop Sinha, Divisional Forest Officer, Saranda Forest Division, Chaibasa, Government of Jharkhand, **we find that, at least, an area admeasuring 31,468.25 hectares, has already been notified as game sanctuary vide Notification No. 1168 F dated 16.02.1968. As such, there should be no difficulty in notifying the said area as a Wildlife Sanctuary. The affidavit clearly states that in 126 compartments situated in the aforesaid area, neither any kind of mining excavation operations nor any diversion of Forest Land for Mining purpose has been undertaken. It is categorically stated that there are no operational mines inside the 126 compartments of the aforestated area**.

7. In that view of the matter, we see no impediment in the State proceeding to notify the aforesaid area of 31,468.25 hectares as a Wildlife Sanctuary, which has already been notified vide Notification dated 16.02.1968.

8. Insofar as the other question of including any additional area is concerned, the same is a matter to be considered by the State Government in consultation with the State Wildlife Board.

9. We had issued notice to the Chief Secretary, noticing that the State of Jharkhand was adopting a topsy-turvy approach and on every date and the stand was changed. Earlier though the proposal was sent by the Principal Chief Conservator of Forest Wildlife (PCCF-WL)-cum-Chief Wildlife Warden (CMLW), Jharkhand to the State Government, the State Government again sent it back to the Principal Chief Conservator of Forests (HoFF) for reconsideration.

10. As such, we had directed the Secretary, Department of Forest, Environment and Climate Change, State of Jhakharnad to remain personally present before this Court vide our order dated 16.04.2025.

11. Accordingly, on 29.04.2025, the Secretary, Department of Forest, Environment and Climate Change, State of Jharkhand was present before this Court. The impression conveyed was that the State proposed to notify an area of 57,519.41 hectares as a Wildlife Sanctuary. The only difficulty indicated was that certain communications from the WII were not received. This Court had, therefore, requested the WII to furnish their comments within a stipulated period.

12. As such, a clear impression was given to the Court that the State Government intended to notify an area of 57,519.41 hectares as a Wildlife Sanctuary.

13. Subsequently, a supplementary affidavit came to be filed on 22.07.2025 stating therein that a Committee had been constituted to conduct a comprehensive review of the boundary/area determination of the proposed sanctuary, keeping in view the interest of the State and in compliance with the orders of this Court.

14. In the meantime, an application (I.A. No. 214893 of 2025) also came up for consideration before this Court filed by one Electrosteel Castings Ltd. seeking directions

to keep the proposal for notification of the Saranda Wildlife Sanctuary in abeyance.

15. In this background, we were not unjustified in gathering an impression that the State was taking the Court for a ride. As such, we had directed the Chief Secretary to remain present in the Court today. We had further clarified that if the order dated 29.04.2025 passed by this Court was complied with, the presence of the Chief Secretary shall stand dispensed with.

16. At least, insofar as an area of 31,468.25 is concerned, there appears to be no impediment to the State notifying the said area as a Wildlife Sanctuary.

17. In view of the order passed by this Court on 17.09.2025, we could have issued a mandamus to that effect today itself inasmuch as the said area is very well identified.

18. However, Shri Sibal makes a statement that the State Government shall file an undertaking before this Court within a period of one week from today to the effect that the area of 31,468.25 hectares will be notified as a Wildlife Sanctuary.

19. If the State proposes to include any additional area to the Wildlife Sanctuary, it shall be at liberty to do so.

20. List these applications on 15.10.2025."

[Emphasis supplied]

31. It can thus be seen that after hearing the submissions, we were of the view that even if the stand of the State is to be accepted, that an area of 57,519.41 hectares was erroneously arrived at, there should be no difficulty in declaring an area admeasuring 31,468.25 hectares as a wildlife sanctuary, since the same was already notified as a Game Sanctuary *vide* the 1968 Notification.

We had noticed that the affidavit dated 22nd July 2025 clearly depicted that in the 126 compartments situated in the aforesaid area, neither any kind of mining excavation operations nor any diversion of Forest Land for Mining purpose has been undertaken. We had also clearly observed that the State of Jharkhand was adopting a topsy-turvy approach and was changing its stand on every date. We also observed that in view of the order dated 17th September 2025, we could have issued a mandamus to that effect on the said date itself. Shri Sibal made a statement that the State Government shall file an undertaking before this Court within a period of one week from the date of the said order to the effect that the area of 31,468.25 hectares would be notified as a Wildlife Sanctuary.

32. The matter was, thereafter, listed on 15th October 2025 on which date it was adjourned to 17th October 2025.

33. In pursuance to our order dated 8th October 2025, an undertaking by way of an affidavit was filed on 17th October 2025 on behalf of the State of Jharkhand along with the draft notification for Saranda Wildlife Sanctuary thereby declaring an area admeasuring 24,941.64 hectares, which was a part of the Saranda Reserve Forest Area, as Saranda Wildlife Sanctuary.

34. The State also filed an IA being No. 268196 of 2025 for modification of the order dated 8th October 2025 passed by this Court on the same date *i.e.*, 17th October 2025. It is pertinent to note that the prayer in the IA was that the State be allowed to declare only the proposed area of 24,941.64 hectares as Saranda Wildlife Sanctuary.

35. *Vide* an order dated 27th October 2025, after hearing learned Senior Counsel/counsel for the parties, the matter was reserved for judgment. In furtherance of the said order, IA Diary No. 272221 of 2025 is also taken up for consideration with the present batch of applications.

36. In this factual background, the matter arises for consideration before us.

II. SUBMISSIONS

37. We have heard Shri K. Parameshwar learned *Amicus Curiae*, Shri Kapil Sibal learned Senior Counsel for the State of Jharkhand, Ms. Shibani Ghosh learned counsel for the Applicant-Dr. Dayanand Shankar Srivastava and Shri Tushar Mehta learned Solicitor General of India for the

Applicant-Steel Authority of India[14].

38. Shri Parameshwar, learned *Amicus Curiae*, placed before us the entire factual background starting from the 1968 Notification to MPSM in Saranda and Chaibasa in Singhbum District, Jharkhand, 2018 and the WII's 2025 Report. He also placed the previous orders of this Court so also the various affidavits filed by the State.

39. He submitted that the power to declare a sanctuary under the WP Act, is a power coupled with a duty. It is further submitted that the State, having recognized the ecological significance of Saranda Forest area, has a duty and an obligation to create a statutorily protected area by way of a wildlife sanctuary.

40. He further submitted that the declaration of a Wildlife Sanctuary under the WP Act does not affect existing rights of tribal and forest dwelling communities in the region, which are protected under Section 3 of the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*[15].

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[14] **Hereinafter, "SAIL".**
[15] **Hereinafter, "FRA".**

41. Ms. Ghosh, learned counsel appearing on behalf of the Applicant Dr. Dayanand Shankar Srivastava, submitted that the State of Jharkhand has failed to fulfil its constitutional obligation to protect forests and wildlife. It is submitted that on account of deforestation and mining activities in the forest areas, elephants are forced to migrate to Chhattisgarh, there has been a reduction in the population of various species of wildlife in the area and the Koina river has been severely damaged.

42. *Per contra* Shri Sibal, learned Senior Counsel for the State of Jharkhand, submitted that the Saranda region, which is proposed to be declared as a Wildlife Sanctuary, is notified as an area under the Fifth Schedule of the Constitution. It is submitted that the said area has been inhabited for centuries by the *Ho*, *Munda*, *Uraon* and allied Adivasi communities whose subsistence and cultural traditions are intrinsically tied to forest produce.

43. He submitted that the area sought to be declared as a Wildlife Sanctuary also encompasses *vital public infrastructure* such as roads, schools, health centres, police posts, settled agricultural lands, etc. He further submitted that the Saranda

Forest Division hosts 26% of India's iron ore reserves, and that the steel plants of SAIL and Tata, are critically dependent on the mining in this area. He further submitted that declaration of entire area as a Wildlife Sanctuary would halt mining and affect employment opportunities. He, therefore, submitted that this Court should accept the declaration of 24,941.64 hectares of forest area within the Saranda Forest Division.

44. Shri Tushar Mehta, learned Solicitor General of India for SAIL, submitted that the mining leases in the State of Jharkhand form approximately 50% of the total captive iron ore resource base used by SAIL, and that the continued utilisation of these valid and subsisting operational leases is crucial to achieving the production levels envisioned in the National Steel Policy, 2017. He further submitted that certain incidental and ancillary activities are undertaken within the 1-km eco-sensitive zone of proposed Wildlife Sanctuary. He, therefore, sought protection of existing operational mining leases and ancillary activities falling within proposed wildlife sanctuary area.

III. DISCUSSION AND ANALYSIS

45. From the various affidavits filed by the GoJ since the very inception including the latest one filed by the Chief Secretary, GoJ, it is clear that the stand of the GoJ has been that in an area admeasuring 31,468.25 hectares consisting of 126 compartments, no mining activities are carried out and that the land is not diverted for any non-forest use. If that be the case, even if we were to accept the argument that the area of 57,519.41 hectares was erroneously mentioned on account of some confusion between the officers/officials because of the tentative report of the WII, we see no reason as to why the State should now change its stand to reduce the area of the wildlife sanctuary from 31,468.25 hectares to 24,941.64 hectares.

46. The ostensible reason given by the State is that the area in question comprises of vital public infrastructure, including road networks, crucial for regional connectivity, educational institutions and agricultural lands etc. Another reason given is that the area includes long-established habitations of Scheduled Tribes and customary lands, indispensable to the livelihood and cultural practices of the local communities. Another reason given is that the affidavit filed before this Court by the DFO, Chaibasa, West

Singhbum and the Secretary, Ministry of Forest, Environment and Climate Change, GoJ did not take into consideration the existing rights of the existing inhabitants of the Game Sanctuary which is an area covered by the Fifth Schedule of the Constitution of India. It is further stated that the earlier affidavits have been filed without taking into consideration as to which areas in the Game Sanctuary are of adequate ecological, faunal, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wildlife or its environment and therefore required to be notified as a Wildlife Sanctuary. Another reason given is that the declaration of the entire Game Sanctuary as a Wildlife Sanctuary will also restrict existing mining activities in the ESZ operated by SAIL and other entities. It stated that the proposed area of 24, 941.64 hectares within the Saranda Forest Division meets the requirements prescribed under Section 26A of the WP Act and its declaration as a Wildlife Sanctuary would fully achieve the intended objectives of wildlife conservation.

47. It is also the contention of the State of Jharkhand that during the recent field visits, genuine apprehensions were recorded among indigenous and forest-dependent communities regarding possible displacement from their ancestral lands.

48. The thrust of the arguments of Shri Sibal is that the areas which have been excluded are the areas where there are habitations and infrastructural developments. Another apprehension expressed by Shri Sibal is that if the aforesaid area is included, it will also lead to the problem of the Naxalite insurgency in the said area.

(i) KEY PROVISIONS CONTAINED IN THE WP ACT

49. For considering the submissions made before us, it will be relevant to refer to certain provisions of the WP Act.

50. Section 18 of the WP Act reads thus:

> "**18. Declaration of sanctuary**.—(1) The State Government may, by notification, declare its intention to constitute any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment.
>
> (2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.
>
> *Explanation*.—For the purposes of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries."

51. It can thus be seen that Section 18 of the WP Act empowers the State Government to declare its intention to constitute any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment.

52. It is thus clear that Section 18 of the WP Act would apply for declaring any area as a Wildlife Sanctuary which is not comprised within any reserve forest or the territorial waters.

53. It will also be relevant to refer to Section 19 of the WP Act, which reads thus:

> "**19. Collector to determine rights**.—When a notification has been issued under Section 18, the Collector shall inquire into, and determine, the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary."

54. It can thus be seen that upon a notification being issued under Section 18 of the WP Act, the Collector is required to inquire into, and determine, the existence, nature

and extent of the rights of any person in or over the land comprised within the limits of the sanctuary.

55. Sections 20, 21, 22 and 23 of the WP Act which deal with the procedures to be adopted by the Collector for determination of the rights and the extent of powers available to him, read thus:

> "**20. Bar of accrual of rights**.—After the issue of a notification under Section 18, no right shall be acquired in, on or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.
>
> **21. Proclamation by Collector**.—When a notification has been issued under Section 18, the Collector shall, within a period of sixty days, publish in the regional language in every town and village in or in the neighbourhood of the area comprised therein, a proclamation—
>
> > (*a*) specifying, as nearly as possible, the situation and the limits of the sanctuary; and
> >
> > (*b*) requiring any person, claiming any right mentioned in Section 19, to prefer before the Collector, within two months from the date of such proclamation, a written claim in the prescribed form, specifying the nature and extent of such right with necessary details and the amount and particulars of compensation, if any, claimed in respect thereof.
>
> **22. Inquiry by Collector**.—The Collector shall, after service of the prescribed notice upon the claimant, expeditiously inquire into—
>
> > (*a*) the claim preferred before him under clause (*b*) of Section 21, and

(*b*) the existence of any right mentioned in Section 19 and not claimed under clause (*b*) of Section 21,

so far as the same may be ascertainable from the records of the State Government and the evidence of any person acquainted with the same.

23. Powers of Collector.—For the purpose of such inquiry, the Collector may exercise the following powers, namely:—

(*a*) the power to enter in or upon any land and to survey, demarcate and make a map of the same or to authorise any other officer to do so;

(*b*) the same powers as are vested in a civil court for the trial of suits."

56. It will also be relevant to refer to Section 24 of the WP Act which reads thus:

"**24. Acquisition of rights**.—(1) In the case of a claim to a right in or over any land referred to in Section 19, the Collector shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part, the Collector may either—

(*a*) exclude such land from the limits of the proposed sanctuary, or

(*b*) proceed to acquire such land or rights, except where by an agreement between the owner of such land or holder of rights and the Government, the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land, and on payment of such compensation, as is provided in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013),

(*c*) allow, in consultation with the Chief Wild Life Warden, the continuance of any right of any person in or over any land within the limits of the sanctuary."

57. It can thus clearly be seen that the Collector, in consultation with the Chief Wildlife Warden, is entitled to allow the continuance of any right of any person in or over any land within the limits of the sanctuary.

58. It will also be pertinent to refer to Section 26A of the WP Act, which reads thus:

"**26-A. Declaration for area as sanctuary**.—(1) When—

(*a*) a notification has been issued under Section 18 and the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government; or

(*b*) any area comprised within any reserve forest or any part of the territorial waters which is considered by the State Government to be of adequate ecological, faunal, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wild life or its environment, is to be included in a sanctuary,

the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be a sanctuary on and from such date as may be specified in the notification:

Provided that where any part of the territorial waters is to be so included, prior concurrence of the Central Government shall be obtained by the State Government:

Provided further that the limits of the area of the territorial waters to be included in the sanctuary shall be determined in consultation with the Chief Naval Hydrographer of the Central Government and after taking adequate measures to protect the occupational interests of the local fishermen.

(2) Notwithstanding anything contained in sub-section (1), the right of innocent passage of any vessel or boat through the territorial waters shall not be affected by the notification issued under sub-section (1).

(3) No alteration of the boundaries of a sanctuary shall be made by the State Government except on a recommendation of the National Board."

59. A harmonious reading of Section18 with Section 26A of the WP Act would reveal that the statute itself makes a distinction between any area other than an area comprised within any reserve forest or the territorial waters and any area within any reserve forest or any part of the territorial waters.

60. As discussed hereinabove, insofar as the area admeasuring 31,468.25 hectares is concerned, from the very beginning it has been the stand of the GoJ that the said area comprises of 126 compartments and that within these compartments, neither any kind of mining excavation operations nor any diversion of forest land for mining purpose

has been undertaken. In none of the affidavits, it has been stated that the areas concerned do not have ecological, faunal, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wildlife or its environment. It is further to be noted that Section 26A of the WP Act has been brought on the statute book by way of Act 44 of 1991 with effect from 2nd October 1991.

(ii) REPORT BY THE WII

61. It also cannot be disputed that the WII is a body of experts in the field of wildlife protection who possess the scientific knowledge with respect to conservation measures.

62. It will, therefore, be relevant to refer to the observations, findings and recommendations of the WII in its report dated 30th May 2025, which has been placed on record by the GoJ itself in its affidavit dated 22nd July 2025. With regard to the ecological importance of the area, the WII observed thus:

> "The region, historically recognised for its rich biodiversity and presently harbouring species like the Asiatic Elephant, Four-horned Antelope, and Sloth Bear, is experiencing habitat degradation and fragmentation. Historical records and ongoing surveys underscore the presence of numerous threatened species, highlighting the area's vital conservation value. The proposed Saranda Wildlife Sanctuary and Sasangdaburu Conservation Reserve aim to protect

this biodiversity hotspot in the junction of Jharkhand and Odisha……. Thus, the proposed area is of immense ecological, biodiversity (floral and faunal), and geomorphological significance from historic, present and future contexts and is critical for the protection, conservation, propagation and development of wildlife and its habitat.

……

4. SINGHBHUM ELEPHANT RESERVE

….The Singhbhum Elephant Reserve holds a critical value for the proposed Saranda Wildlife Sanctuary and Sasangdaburu Conservation Reserve, as it is home to a number of elephant corridors and biodiversity……

LULC map reveals that a substantial portion of the dense forest cover in the Singhbhum Elephant Reserve is located within the proposed Saranda Wildlife Sanctuary and Sasangdaburu Conservation Reserve. This underscores the importance of the proposed area, which facilitates species movement within the Singhbhum Elephant Reserve by functioning as a vital wildlife corridor and hotspot."

63. After considering all the aspects concerning the issue, the WII finally observed thus:

"**7. OBSERVATIONS AND DISCUSSION**

i. The biodiversity within the Saranda Forest Division has both historic and contemporary importance and also act as a crucial ecological corridor facilitating wildlife connectivity between the states of Jharkhand and Odisha. This region is ecologically significant, serving as an important elephant corridor and providing passage and home for a diverse array of species across multiple taxa.

ii. The area has experienced degradation due to mining operations and encroachment over time.

Traditionally, the intricate relationship between indigenous communities and forest ecosystems, often characterized by traditional resource management practices, has contributed to the relative integrity of these natural environments. However, increasing anthropogenic pressures from escalating demographic pressures, evolving socio-economic conditions, and heightened resource demands are altering this relationship, thereby exerting considerable pressure on the region's forest resources and ecological stability (WII, 2016). This underscores the importance of the Saranda Forest Division for the proposed Saranda Wildlife Sanctuary and Sasangdaburu Conservation Reserve, particularly regarding elephant movement and corridors within the Singhbhum Elephant Reserve.

iii. Previous studies have specifically investigated the occupancy of the Four-horned Antelope within the Saranda Forest Division (Joshua et al., 2016). Limited information exists regarding the status of this species across its various fragmented habitats in India. Comparing historical and recent surveys highlights the ecological significance of the Saranda Forest Division for the species.

iv. A 2016 study by the Wildlife Institute of India documented the presence 16 mammal species from the region. Further, the ongoing study by WII in the Saranda Forest Division has recorded 23 mammal species. Although the abundance of species in the Gua range may be relatively lower, likely influenced by mining activities, the recorded species richness underscores the importance of this area. Similar patterns are also observed in avifauna (the Wildlife Institute of India 2016 study recorded 116 species). The current ongoing study added to the list with a substantial increase up to 138 bird species from the Saranda Forest Division. Furthermore,

herpetofauna records show a notable increase from 13 species in the previous study (WII, 2016) to 27 species in the present ongoing study within the region.

v. It is pertinent to mention that over 70% of the area in the Saranda Forest Division has intact forest. Many previous studies and the current ongoing study have predominantly focused on the areas with better accessibility and very often these are under disturbance regime. Despite considerable anthropogenic pressures, the area demonstrates resilience and continues to support a notable diversity of wildlife across various taxa.

vi. Mouse deer and Nilgai are recorded occasionally in the Tholkobad beat of the Saranda Forest Division (Tiwari 2024), indicating the slow comeback of these species. It is possible that there could be more species when sampling can be intensified and there also possibility of reintroduction or augmentation of locally extinct species and low population species, respectively. The ongoing WII study's identification of species hotspots in the lower Koina range, adjacent to the Samta and Sasangda range, further emphasizes the ecological significance of these less-explored parts of the Division.

vii. Given its geographic relationship with the Simlipal Tiger Reserve (Odisha), the Saranda Forest Division plays a vital role in regional conservation. Despite the absence of a resident tiger population, Saranda is known to facilitate the dispersal of tigers and other species between the states (Qureshi et al.. 2022) and with declaration of wildlife sanctuary population recovery for species like tiger and gaur can be accomplished.

8.CONCLUSION

> In summation, the Saranda Forest Division within Jharkhand represents a critical ecological zone facing substantial environmental pressures, primarily from mining activities. The region's rich biodiversity and its importance for species like the Asiatic elephant, Chousingha, Mouse deer and sloth bear are under threat, necessitating a balanced approach that integrates conservation strategies with sustainable development practices. Hotspots for the population of Elephant and Four-horned Antelope are found within and outside the Proposed Saranda Wildlife Sanctuary and Sasangdaburu Conservation reserve highlighting the importance of the region from local and landscape contexts. Hence, the notification of the proposed wildlife sanctuary and conservation reserve by the state will be a significant value addition for protection of biodiversity and ecological integrity in the local, regional and national contexts."

64. It can thus be seen from the report of the WII that it is clear that the land in question squarely falls within clause (b) of sub-section (1) of Section 26A of the WP Act.

65. It cannot be disputed that under Article 48A of the Constitution of India, the State is mandated to protect and improve the environment and to safeguard the forests and wildlife of the country.

66. Further, under Article 51A(g) of the Constitution, every citizen has a duty to protect and improve the natural environment

including forests, lakes, rivers and wildlife, and to have compassion for living creatures.

67. There cannot, therefore, be any dispute that according to these constitutional commitments and the environmental jurisprudence, as has developed on account of various judgments of this Court over the decades, the State is required to recognize and protect areas of ecological significance, and particularly to conserve and protect wildlife and its inhabitants. The State has a positive obligation and a mandate to provide statutory protection to forests and wildlife and declare ecologically significant areas to be statutorily protected. Furthermore, upon a perusal of the report of the WII and also the various affidavits filed by the State itself, it cannot be disputed that the Saranda Forest require protection as envisaged under Section 26A of the WP Act.

(iii) NATIONAL FOREST POLICY, 1998 AND NATIONAL WILDLIFE ACTION PLAN, 2017-31

68. This Court, in the present proceedings on 26th September 2005[16] recognized that the *National Forest Policy, 1988* provides for the identification of protected areas, recognition of customary rights

[16] **(2006) 1 SCC 1**

over forest areas, forest conservation with involvement of the local community, and the need for regular surveys of forest resources.

69. It will be relevant to refer to some of the features of the *National Forest Policy, 1988* which read thus:

> "**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.
>
> .....
>
> **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.
>
> .....
>
> **4.4.1** Forest land or land with tree cover should not be treated merely as a resources readily available to be utilised for various projects and programmes, nut 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 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 trees and forests. Projects which involve such diversion should at least provide in their investment budget, funds for regeneration/compensatory afforestation."

70. This Court, again in the case of ***Centre for Environmental Law, World Wide Fund-India v. Union of India and Others***[17] held that the *National Wildlife Action Plan, 2017-31* was also having a statutory flavour.

71. The *National Wildlife Action Plan 2017-31* recognises the need to enhance the protected area network (broadly including national parks, wildlife sanctuaries, community reserves etc.) and to demarcate boundaries for protected areas. The *National Wildlife Action Plan 2017-31* further stresses on *in situ* conservation of threatened species, and the need for immediate conservation measures including the protection of critical habitants.

72. We, therefore, have no hesitation in saying that in view of the mandate of Articles 48A and 51A(g) of the Constitution, Section 26A of the WP Act and particularly in the light of the report of the WII, the State cannot run away from its duty to declare the extent of 31,468.25 hectares as Saranda Wildlife Sanctuary.

(iv) JUSTICE M.B. SHAH COMMISSION REPORT

73. There is another angle from which the matter can be looked at.

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[17] **(2013) 8 SCC 234**

74. In pursuance to the 2013 Report of Justice M.B. Shah Commission of Inquiry on illegal mining of iron and manganese ores in the State of Jharkhand, the Indian Council of Forestry Research and Education, Dehradun[18] conducted a study to suggest annual capacity for iron ore production. The ICFRE submitted its draft final report on 28th March 2016. The report was examined by a committee constituted on 4th April 2016 by the MoEF&CC. Based on the committee's recommendations, the ICFRE report was accepted by the competent authority in the MoEF&CC. Further, based on ICFRE's Report, the MoEF&CC issued the MPSM *vide* Office Memorandum dated 8th June 2018.

75. It will be relevant to refer to some of the observations of the Justice M.B. Shah Commission's 2013 Report as summarized in the MPSM. Para 4 thereof reads thus:

> "4. It was observed that considering the aforesaid position and mining operation in dense **Saranda Forest which is admittedly having wildlife and is one of finest elephant habitats, would be destroyed without getting further benefit of iron ore.** As such, in the aforesaid area, Sal trees and associates which were existing are already destroyed and which has affected the environment. **Hence, capping of production in each mine is a must.**"
>
> (Emphasis supplied)

[18] Hereinafter "ICFRE".

76. It can thus clearly be seen that the MPSM found that the area in question is one which has wildlife and it is one of the finest elephant habitats, however, it is in danger of being destroyed if mining operations are continued without getting further benefit of iron ore. The Commission, therefore, noted that capping of production in each mine is a must.

77. It will also be relevant to refer to the following paragraphs of the MPSM:

> **7.** In the State of Jharkhand, most of the mines are in the Saranda forest area which is the finest elephant habitat and part of Notified Elephant Reserve and also highly eco– sensitive, as regards bio–diversity. Most of the mines are very close to the rivers (i.e. Koena and others) or natural streams and in many of the cases; streams are either passing through or quite close by the leased area and catchments area. **The sudden increase in production would increase the effective area under mining and result into drying of these streams, degradation of environment, loss of micro bio–diversity of these streams, adverse effect on all roads, agriculture, horticulture, ground water table, pollution of air and water and eco–system as a whole. Modifications of mining plans to increase production without knowing the real effect on a self-contained Saranda ecosystem has raised many questions on environment of the area. It may leave a permanent impact which would be difficult to rejuvenate the climatic climax natural forest.**
>
> **8.**The Commission observed that mining leases are granted, without having any prior consent of the Forest Department. The proposed lease is a fresh grant in the virgin forest of a very high tree density

and one of the finest elephant habitats. Whether diversion of one of the best natural virgin forest areas in the country for a lease of 12 to 13 years life is really worthy and justified? **The natural forest which had taken millions of years to come to this climatic climax would be destroyed for a mine of 12 to 13 years life span.** A serious thought in this regard shall be given.

As per the Indian Minerals Yearbook 2013 (Part-I) 52nd Edition the total iron ore (hematite) deposit in West Singhbhum district is 2304 MT (proven 1840 MT and probable 464MT). With 60 MTPA extraction of ore, the ore reserve will last for 40 years.

9.MoEF&CC is formulating parameters to identify pristine and biologically diverse and rich forest areas which shall not be diverted for mining projects. Though the parameters are yet to be finalised and shall be suggestive in decision making, the report of the ICFRE on carrying capacity study of Saranda region and Dr Bist Committee has examined all aspects of bio diversity conservation in tune with the concerns of Shah Commission and **identified critical wildlife habitats, corridors linking critical wildlife habitats, rich forests and such other important forest areas in Saranda Forest which needs to be protected and conserved for posterity and are considered as ecologically important and may be considered as inviolate for iron ore mining and may be notified as Conservation Reserve/ Corridors or Ecologically Sensitive Areas in accordance with the provisions of the Wild Life (Protection) Act, 1972 and the Environment (Protection) 1986 respectively by the State Government.**

10. The ICFRE submitted the draft final report on 28.3.2016. The report was examined by a committee constituted on 4.4.2016 by the MoEF&CC. Based on the committee's recommendations, the ICFRE report was accepted by the MoEF&CC.

11. The process for identifying critical pristine forests for conservation is in progress and the concept has

been used in identifying the forest area which are critical for wildlife, forest and biodiversity conservation. As a policy the dense and biodiverse forest with significant wild flora and fauna population should not be diverted for mining purpose especially when sufficient mineral deposits are available elsewhere for feeding the related industries. **In Saranda and Chaibasa sufficient iron and manganese ores deposits are available in the eastern boundary of Saranda forest adjoining Chaibasa with good forest cover which according to ICFRE can last for more than 50 to 100 years and mining may be allowed there with sufficient safeguards. This area has many operating mines and has been worked in past also and already fractured and disturbed the landscape. This area is adjoining the mining areas of Odisha. The iron ore complex in Meghahatuburu, Kiriburu, Baraibury, Gua and Noamundi in Jharkhand and, Barbil and Joda in Odisha makes contiguous area for iron and manganese ore mining and may be developed for sustainable mining with adequate integrated forest and wildlife management plan. The entire landscape of eastern Jharkhand and western Odisha is full of wild elephants and traditional corridor exists for the movement of elephants from one habitat to another.**

(Emphasis supplied)

78. The Plan, therefore, clearly notes that the sudden increase in production has dangerous effects resulting into drying of these streams, degradation of environment, loss of micro biodiversity of these streams and adverse effect on all roads, agriculture, horticulture, ground water table, pollution of air and water and eco–system as a whole. It further states

that modifications of mining plans to increase production without knowing the real effect on a self-contained Saranda ecosystem may leave a permanent impact which would be difficult to rejuvenate the climatic climax natural forest.

79. The Plan also expressed concern as to whether the natural forests which had taken millions of years to come to this climatic climax can be permitted to be destroyed for a mine of 12 to 13 years lifespan.

80. It specifically emphasized on identification, protection and conservation of the critical wildlife habitats, corridors linking critical wildlife habitats, rich forests and such other important forest areas in Saranda Forest. It emphasized that they need to be protected and conserved for posterity and are considered as ecologically important and may be considered as inviolate for iron ore mining. Therefore, it was recommended that these areas in Saranda Forest be notified as Conservation Reserve/Corridors or Ecologically Sensitive Areas in accordance with the provisions of the WPA and the

Environment (Protection) Act, 1986[19] respectively by the State Government.

81. The Commission also observed that in Saranda and Chaibasa, sufficient iron and manganese ores deposits are available in the eastern boundary of Saranda forest adjoining Chaibasa with good forest cover which according to ICFRE can last for more than 50 to 100 years and mining activities could be undertaken there with sufficient safeguards. It is further observed that the area has operating mines and has also been working in past, which has already fractured and disturbed the landscape. It is further observed that the iron ore complex in Meghahatuburu, Kiriburu, Baraibury, Gua and Noamundi in Jharkhand and Barbil and Joda in Odisha makes contiguous area for iron and manganese ore mining and may be developed for sustainable mining with adequate integrated forest and wildlife management plan. The Commission recorded that the entire landscape of eastern Jharkhand and western Odisha is full of wild elephants and traditional corridor exists for the movement of elephants from one habitat to another.

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[19] **Hereinafter "EPA".**

82. Appendix 1 of the MPSM lists the forest compartments which shall be conservation areas/no mining zones. It is thus clear that even another expert body has identified the areas which shall be conservation areas/no mining zones.

(v) STAND TAKEN BY THE STATE OF JHARKHAND

83. In its latest proposal, the State has sought to exclude several compartments from the wildlife sanctuary, however, only 6 out of them (*i.e.*, KP-2, KP-10, KP-11, KP-12, KP-13 and KP-14) are categorized as either Mining Zone-I or Mining Zone-II under the MPSM. Even the compartments which are identified in the MPSM as conservation areas/no-mining zones (*i.e.*, TK-8, TK-9, T-4, T-5, T-6, T-25 to T-32) have been sought to be excluded from the wildlife sanctuary.

84. We see no justification in excluding the compartments which have been notified in the MPSM to be conservation area/no mining zone from the proposed wildlife sanctuary. We say so because the MPSM has recommended thus in order to adhere to the principle of Sustainable Development.

85. This Court has time and again emphasized on the necessity to strike a balance between environmental

protection and the need for development. A reference in this regard can be made to the following judgments of this Court:

(i) ***Vellore Citizens' Welfare Forum v. Union of India and Others***[20]***;***

(ii) ***Intellectuals Forum, Tirupathi v. State of A.P. and Others***[21]

(iii) ***State of Himachal Pradesh and Others v. Yogendera Mohan Sengupta and Another***[22]***; and***

(iv) ***T.N. Godavarman Thirumulpad v. Union of India and Others (In Re: Gaurav Kumar Bansal)***[23]***.***

86. The main opposition of the State is on the ground that the rights of the tribals and the traditional forest dwellers residing in the area proposed to be declared as wildlife sanctuary would be adversely affected. We find that the said contention is absolutely without any substance.

87. As already discussed hereinabove, under Section 24(2)(c) of the WPA, the Collector, in consultation with the Chief Wild Life Warden, is entitled to allow the continuation of

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[20] **(1996) 5 SCC 647**
[21] **(2006) 3 SCC 549**
[22] **(2024) 13 SCC 1**
[23] **(2025) 2 SCC 641**

any right of any person in or over any land within the limits of the sanctuary.

88. In this respect, it will also be relevant to refer to the FRA. The Preamble of the FRA reads thus:

> "An Act to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land
>
> Whereas the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers;
>
> And whereas the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;
>
> And whereas it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions…."

89. It will also be relevant to refer to Section 3 of the FRA which reads thus:

> "**3. Forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers**.—(1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:—
>
> (*a*) right to hold and live in the forest land under the individual or common occupation for habitation or for self cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;
>
> (*b*) community rights such as *nistar*, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;
>
> (*c*) right of ownership access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
>
> (*d*) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
>
> (*e*) rights, including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
>
> (*f*) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
>
> (*g*) rights for conversion of *Pattas* or leases or grants issued by any local authority or

any State Government on forest lands to titles;

(*h*) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified, or not, into revenue villages;

(*i*) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(*j*) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;

(*k*) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(*l*) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (*a*) to (*k*) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(*m*) right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980 (69 of 1980), the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:—

(*a*) schools;

(*b*) dispensary or hospital;

(*c*) *anganwadis*;

(*d*) fair price shops;

(*e*) electric and telecommunication lines;

(*f*) tanks and other minor water bodies;

(*g*) drinking water supply and water pipelines;

(*h*) water or rain water harvesting structures;

(*i*) minor irrigation canals;

(*j*) non-conventional source of energy;

(*k*) skill upgradation or vocational training centres;

(*l*) roads; and

(*m*) community centres:

Provided that such diversion of forest land shall be allowed only if,—

(*i*) the forest land to be diverted for the purposes mentioned in this sub-section is less than one hectare in each case; and

(*ii*) the clearance of such development projects shall be subject to the condition that the same is recommended by the Gram Sabha."

90. It can thus be seen that none of the rights about which the State has expressed its concerns, through its application

for modification of order of this court dated 8th October 2025, would at all be disturbed for either an individual or for the community as a whole.

91. It will also be relevant to refer to sub-Section (1) of Section 4 of the FRA which reads as under:

> "**4. Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers**.—(1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in—
>
> (*a*) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in Section 3;
>
> (*b*) the other traditional forest dwellers in respect of all forest rights mentioned in Section 3."

92. It can thus be seen that sub-Section (1) of Section 4 of the FRA which begins with a *non-obstante* clause recognizes and vests forest rights in the forest dwelling Scheduled Tribes and also the other traditional forest dwellers. Under sub-Section (2) thereof, even if any modification of forest rights or resettlement in critical wildlife habitats of national parks or wildlife sanctuaries for creating inviolate areas for wildlife

conservation recognized under the said Act has to be done, very stringent provisions have been made.

93. Therefore, we are of the considered view that the provisions contained in Section 24(2)(c) of the WPA and Section 3 read with Section 4(1) of the FRA amply protect the rights of the tribals and forest dwellers even after declaration of the said area as a wildlife sanctuary.

94. The bogey that on declaration of wildlife sanctuary, the habitations and rights of the tribals and traditional forest dwellers will be lost and vital public infrastructures like educational institutions, roads, etc., will have to be demolished is only a figment of imagination of the State. Rather than taking such a stand before this court, we are of the considered view that the State should have educated the tribals/forest dwellers residing in the said areas about the rights available to them under the FRA as well as the WPA.

95. Further, in order to allay the apprehension of the State with regard to any protest or resistance from the tribals and forest dwellers, we are of the view that the same would be taken care of in view of the directions that we propose to issue hereinafter.

96. As already discussed hereinabove, Section 3 of FRA protects the individual rights as well as the rights of the community pertaining to habitat and habitation, conversion of leases or grants, the right to live on forest lands, as well as *in situ* rehabilitation. Further, the diversion of forest lands is permitted under sub-Section (2) of Section 3 of the FRA for any of the purposes stated therein. In that view of the matter, we find that the contention of the State that it has reduced the area of 31,468.25 hectare to 24,941.64 hectare taking into consideration the protection of the rights of the tribals and forest dwellers is without any substance.

97. It will also be relevant to refer to the following observations made by this court in the case of ***Orissa Mining Corporation Limited v. Ministry of Environment and Forests and others***[24]:

> **"55.** The definition clauses read with the abovementioned provisions give emphasis to customary rights, rights to collect, use and dispose of minor forest produce, community rights like grazing cattle, community tenure of habitat and habitation for primitive tribal groups, traditional rights customarily enjoyed, etc. Legislative intention is, therefore, clear that the Act intends to protect custom, usage, forms, practices and ceremonies which are appropriate to the traditional practices of

[24] **(2013) 6 SCC 476**

forest dwellers."

98. It is further to be noted that for the effective implementation of the Act, the Ministry of Tribal Affairs has issued certain guidelines and communicated the same to all the States and the Union Territories *vide* its letter dated 12th July 2012. The said guidelines have already been reproduced in the judgment of this court in the case of ***Orissa Mining*** (supra), therefore, we avoid reproduction of the same in the present judgment.

99. Even in the 2006 judgment in the present proceedings (supra), this court has recognized the importance of protecting and safeguarding community rights in various laws. It will be relevant to refer to some of the observations of this Court:

> "**73.** It has been recognised that one of the essentials for forest management is the conservation of total biological diversity, the network of national parks, sanctuaries, biosphere reserves and other protected areas to be strengthened and extended adequately.
>
> **74.** The strategy under the Forest Policy is 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-thirds of the area under such cover in order to prevent erosion and land degradation and to ensure the stability of the fragile ecosystem. Clause 4.3 lays down the aspects of management of State forests. It would be instructive to reproduce hereunder certain parts of the policy with a view to have clarity in the

aim to be achieved:

> "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 forest, particularly in areas like Arunachal Pradesh, Kerala, Andaman and 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 Government in this regard and monitor compliance.
>
> ***
>
> 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 need 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 revegetate the area in accordance with established forestry practice. 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.

***

4.6. Having regard to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forest. While safeguarding the customary rights and interests of such people, forestry programmes should pay special attention to the following—

— one of the major causes for degradation of forest is illegal cutting and removal by contractors and their labour. In order to put an end to this practice, contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives, government corporations, etc. as early as possible;

— protection, regeneration and optimum collection of minor forest produce along with institutional arrangements for the marketing of such produce;

— development of forest villages on a par with revenue villages;

— family-oriented schemes for improving

the status of the tribal beneficiaries; and

— undertaking integrated area development programmes to meet the needs of the tribal economy in and around the forest areas, including the provision of alternative sources of domestic energy on a subsidised basis, to reduce pressure on the existing forest areas.

***

4.8.1. Encroachment on forest lands has been on the increase. This trend has to be arrested and effective action taken to prevent its continuance. There should be no regularisation of existing encroachments.

***

4.9. The main considerations governing the establishment of forest-based industries and supply of raw material to them should be as follows:

— As far as possible, a forest-based industry should raise the raw material needed for meeting its own requirements, preferably by establishment of direct relationship between the factory and the individuals who can grow the raw material by supporting the individuals with inputs including credit, constant technical advice and finally harvesting and transport services.

— No forest-based enterprise, except that at the village or cottage level, should be permitted in the future unless it has been first cleared after a careful scrutiny with regard to assured availability of raw material. In any case, the fuel, fodder and timber requirements of the local population should not be sacrificed for this purpose.

— Forest-based industries must not only provide employment to local people on a

priority but also involve them fully in raising trees and raw material.

— Natural forests serve as gene pool resources and help to maintain ecological balance. Such forests will not, therefore, be made available to industries for undertaking plantation and for any other activities.

— Farmers, particularly small and marginal farmers would be encouraged to grow, on marginal/degraded lands available with them, wood species required for industries. These may also be grown along with fuel and fodder species on community lands not required for pasture purposes, and by the Forest Department/corporations on degraded forests, not earmarked for natural regeneration.

— The practice of supply of forest produce to industry at concessional prices should cease. Industry should be encouraged to use alternative raw materials. Import of wood and wood products should be liberalised.

— The above considerations will, however, be subject to the current policy relating to land ceiling and land laws.

***

4.16. The objective of this revised policy cannot be achieved without the investment of financial and other resources on a substantial scale. Such investment is indeed fully justified considering the contribution of forests in maintaining essential ecological processes and life support systems and in preserving genetic diversity. Forest should not be looked upon as a source of revenue. Forests are a renewable natural resource. They are a national asset to be protected and enhanced for the well-being of the people and the nation."

100. In the totality of circumstances, we find that the State has been changing its stand time and again. Earlier, it had clearly admitted that in 126 compartments which were notified as the Saranda Game Sanctuary *vide* 1968 Notification, neither any kind of mining excavation operations nor any diversion of Forest Land for mining purposes have been undertaken except in part of the area approximately measuring 4.31 hectares. Subsequently, the stand had been changed wherein the State submitted that it is considering declaration of area measuring 57,519.41 hectare as against the original area measuring 31,468.25 hectare as a wildlife sanctuary. This stand was, yet again, changed and finally the State now proposes to notify only an area of 24,941.64 hectare as wildlife sanctuary.

101. We see no reason as to why the entire area of 126 compartments notified under 1968 notification should not be declared as wildlife sanctuary. However, taking into consideration the MPSM which excluded compartment numbers KP-2, KP-10, KP-11, KP-12, KP-13 and KP-14 as either Mining Zone-I or Mining Zone-II, we are inclined to

permit the State to exclude the aforesaid six compartments from the area to be notified as wildlife sanctuary.

IV. CONCLUSION AND DIRECTIONS

102. In the result, we *dispose of* the present set of IAs in the following terms:

(i) We direct that the State Government shall notify the area comprising of 126 compartments as notified in 1968 notification, excluding six compartments i.e., compartment numbers KP-2, KP-10, KP-11, KP-12, KP-13 and KP-14, as a wildlife sanctuary within a period of three months from the date of this judgment.

(ii) We reiterate the directions issued by this Court *vide* judgment and order dated 26th April 2023[25] passed in the present proceedings which reads thus:

> "**60.** Insofar as the restriction on mining is concerned, we are of the considered view that it has been the consistent view of this Court that the mining activities within an area of one kilometre of the boundary of the Protected Areas will be hazardous for the wildlife. Though in the case of *Goa Foundation* (supra), the said directions were issued in respect of State of Goa, we find that such directions need to be issued on Pan-India basis.

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xxxx xxxx xxxx

> **65.** We also modify the direction contained in paragraph 56.4 of the order dated 3rd June 2022 (supra) and direct that mining within the National Park and Wildlife Sanctuary and within an area of one kilometre from the boundary of such National Park and Wildlife Sanctuary shall not be permissible."

(iii) We further direct the State of Jharkhand to give wide publicity to the fact that by this judgment, neither the individual rights nor the community rights of the tribals and the forest dwellers in the said area would be adversely affected. The State shall also give wide publicity to the fact that in view of the provision of Section 3 read with sub-Section (1) of Section 4 of the FRA all the rights of the tribals and the forest dwellers both individually as well as of community shall stand protected.

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103. The present IA is filed with the following prayers:

> A. Direct that the declaration of the proposed Saranda Wildlife Sanctuary covering 24,941.68 hectares and its 1 km Eco-Sensitive Zone (ESZ) shall not in any manner impede, restrict, or otherwise affect the operation, maintenance, and functioning of the Applicant's essential ancillary infrastructure like Rangring tailing Dam, which

are indispensable for sustaining lawful mining operations and township activities namely:

a. Kumbdi Water Dam and allied facilities located partly in Compartments KP-15, KD-10 and KD-16 as mentioned in Paragraph 3 and detailed in **Annexure-3**, and

b. Railway Take-up Point and railway lines passing through Kiriburu-Meghahatuburu mines Compartments KP-21 as mentioned Paragraph 3 and detailed in **Annexure A-4**, and

B. to pass such other or further order or orders as this Hon'ble Court may deem fit and proper in the interest of justice and equity."

104. In the foregoing paragraphs, we have already held that in view of the provisions contained in Sections 3 and 4 of the FRA, the activities as prayed in the IA are permissible activities. Even after the declaration of the area covered under the 1968 Notification as a Wildlife Sanctuary, ancillary activities as sought to be carried out by the Applicant-SAIL would be continued to be permitted.

105. We, therefore, find that in view of the observations made hereinabove, the grievance of the applicant-SAIL no more survives. The IA is, therefore, disposed of in terms of the observations made in this judgment.

106. Before we part with the Judgment, we would like to place on record our deep and sincere appreciation for the tireless efforts put in by Shri K. Parameshwar learned *amicus curiae,* who has been ably assisted by Mr. M.V. Mukunda, Ms. Kanti, Ms. Raji Gururaj, Ms. Veda Singh, Mr. Shreenivas Patil, Mr. Prasad Hegde, Mr. Sai Kaushal, learned counsel. We would also like to place on record our appreciation for Shri Kapil Sibal, learned Senior Counsel appearing on behalf of the State of Jharkhand, Shri Tushar Mehta, learned Solicitor General of India appearing for Steel Authority of India Limited and Ms. Shibani Ghosh, learned counsel appearing on behalf of the applicant-Dr. Dayanand Shankar Srivastava.

.....CJI
(B.R. GAVAI)

.....J
(K. VINOD CHANDRAN)

NEW DELHI;
NOVEMBER 13, 2025.