

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(HARYANA MINING MATTERS

I.A.No. 1785, 1967, 2152 IN 1967, 1962, 2443, 2186, 2444, 2168, IA D. NO. 75191, 2484, 2527 AND 2582 IN IA D. NO. 75191, 1866, 1858 and 1859, , 1891, 1892 and 1893, 1895, 1896, 1906, 1907 AND 1908, 1968, 2451, 2336, IA D. NO. 58737, 2390, 2450 IN IA NO. 2385, 2454, 2455, 2486, 2487, 2488 AND 2492, 2385, 2143, 2623, 2624, 1937, 2415, 2579, 2780, 2781, 2782, 2783, 2784 AND 2785, 32531/2021, 32532/2021 IN IA NO. 2450, 28631 AND 28637/2021, 31357 AND 31360/2021, 35779 AND 35781/2021, 43525/2021 IN IA D. NO. 75191, 44798/2021 IN 31360/2021, I.A. NO. 93600/2021, 92854 AND 92850/2023, 81251, 81253/2023 AND 113069/2024

CONTRUCTIONS MATTERS I.A.No. 2198, 1888, 1911 AND 1912, 2306 AND 2307, 2308 AND 2309 IN IA NO. 1888 AND 2386 AND 2387, 2388, 2392, 2103, 2355, 2356 AND 2357, 2577 AND 2578, 2575 AND 2576, 1894, 2497 AND 2498, 2514, 2515, 2595, 2596, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 1938, 2684, 2685, 2686 AND 2687, 2720, 2721, 2758, 2759, 2760, 2761, 66059/2017, 66071/2017, 81981 AND 81982/2017, 134492 AND 134499/2017, 67457 AND 67458/2019, 128127 AND 134352/2020, 97884, 97894, 97887, 97899/2021 (APPLICATIONS FOR DIRECTIONS AND MODIFICATION/CLARIFICATION OF COURT'S ORDER DATED 06/05/2002, 8/10/2009, 18/03/2004, INTERVENTION AND IMPLEADMENT, PERMISSION TO FILE ADDITIONAL DOCUMENTS AND EXEMPTION FROM FILING O.T. AND INTERIM STAY AND PERMISSION TO FILE REPLY AFFIDAVIT AND APPLNS. RAISING OBJECTIONS AGAINST CEC REPORTS) IN W.P.(C) NO. 4677/1985

WITH

Writ Petition(s)(Civil) No(s). 202/1995'

[1] I.A. NO. 105701/2024 (CEC REPORT NO. 03/2024) [CEC Report No. 3 dt. 07.03.2004 regarding in compliance of the order dt.10.01.2024 of the Hon'ble Court. Accordingly, the CEC is of the opinion that these three I.As Nos. 87550, 107909 and 112526 of 2023 may be considered after this Hon'ble Court considers and decides on the broader issues about mining in Aravali Hill and Ragnges. [2] In Re: Mining in Aravalli in the State of Haryana I. A. NOS. 828, 839, 840, 850, 853-854, 855-856, 866-868, 869-870, 871-872, 873-874, 875-876, 877-878, 879-880, 881-882, 891-892, 900, 905, 1465, 1488, 1590, 1612-1613, 1700, 1701, 1702, 1703, 2007-2008, 2138-2139,

2205, 2417, 2426-2427, 2445, 2536, 2567, 2574, 2636, 2658-2659, 2719, 2761, 2765, 2766, 2767, 2768-2769, 128672 and 128673/2019 IN 2858/2010, 2872-2873, 2932, 2933, 2934, 2874, 2876, 2877 and 2879/2010, 2877-2879/2010, 3086/2010, 3089-3090/2011, 3091, 3137, I.A. D. NO. 76048/2009, 3597, I. A. D. No. 76051/2009, 3605, 3606, 3780-3782/2014, 3811-3812/2014, 3815, 32330/2021 AND 40279/2021 I.A. RELATED TO CONSTRUCTION 1276-1277 [Second Monitoring Report dt. 28.10.2002 of CEC regarding large scale illegal mining of stones in the forest area in aravali hills around kot village located off the road mid-way between ballabgarh-sohna road near dhauj, and Applications for Impleadment, Intervention, Directions, Modification/directions of court's order dt. 30.10.2002, Clarification/Modification of Order's dated 29.10.2002 AND 09.12.2002, 16.12.2002, Permission, permission to file additional affidavit/documents, exemption from filing O.T., Clarification/Modification of Order's dated 08.10.2009 and applications for recalling of Court's Order dated 12.12.2018 in I.A. NO. 2858/2010] [3] In Re: Mining in Rajasthan 828/02 in W.P. (C) No. 202/1995 and 833/02, 834-835/02, 837/02, 846-847/02, 893-894/02, 901-902/03, 903-904/03 in 828/02, 1310/05 in 833/02, 1329/05 in 1310/05, 1331/05 in 1310/05, 1450-1452/05 in 1310/05, 2447/08 in 828/02, 2602/09 in 828/02, 2758-2759/09 in 828/02, 2803/10 & 3210/11 in 2758-2759/09, 2814/10 in 1310/05, 2834, 2836/10 in 1310/05, 2837, 2839/10 in 1310/05, 2840/10 in 2814/10, 2874, 2876/10 in 828/02, 2877, 2879/10 in 828/02, 2883-2885/10 in 1310, 2887-2889/10 in 1310, () 2891, 2893/10, 3125/11 in 2877-2879/10, 3129/11 in 2874-2876/10, alongwith Rajasthan Mining, 3281/11 in 2834-2836, 3296/11 in 1310(fresh), 3361-3362/12, 3394, 3396/12 in 1310, 3397/12 in 828, 3919-3920/2015 in 2891-2893, 3951 in 834-835, 3952 in 2814-2815 in 1310 I.A.No. 3957 In I.A.No. 828 In W.P.(C)No. 202/1995 I.A.No. 27190 AND 46116 of 2019, 49985/2019 (App. For O/T) in I.A. no. 3361-3363, 50600, 50604, 57647/2019, 57468, 57653/2019, 60991, 60995, 60999/2019, 141355/2019 in I.A. NO. 50600 AND 50610 OF 2019, 153523 AND 153524/2019, 90862 & 90864/2021 in I. A. No. 828 [Second Monitoring Report dated 28.10.2002 of Central Empowered Committee and Applications for Further Directions, Modification/Clarification of Order dated 30.10.2002 and Amendment of I.A.No. 833, Impleadment, Modification/Clarification of Order dated 29/30.10.2002, Modification/Clarification, Exemption from filing O.T., Modification/ Directions, Directions, Intervention, Clarification/Modification of Order dated 08.04.2005, Interim Directions, Stay, Modification of Order dated 19.02.2010 , Permission to file Additional Documents and Early Hearing of I.A.No. 828] AND [4] I. A. NOS. 87544, 87550 AND 91723 OF 2023 [APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.] IN RE : M/S. KRISHNA MINERS AND TRADERS, RAJASTHAN AND [5] I. A. NOS. 107906 AND 107909/2023 [APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] IN RE : M/S NALWAYA MINERALS INDUSTRIES P. LTD. RAJASTHAN AND [6] I. A. NOS. 112525, 112526 AND 112527/2023 [APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.] IN RE : M/S NALWAYA MINERALS INDUSTRIES P. LTD. RAJASTHANAND [7] I. A. NOS. 254548, 254550 AND 254551/2023 [APPLICATIONS FOR

IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.] IN RE : GURPREET SINGH SONI AND ORS. AND [8] I. A. NOS. 69040, 69044 AND 69050/2024 [APPLICATIONS FOR DIRECTIONS, EXEMPTION FROM FILING O.T. AND IMPLEADMENT] IN RE : JAIN KUMAR JAIN AND [9] I. A. NOS. 8156, 8157 AND 8155 OF 2024 [APPLICATIONS FOR DIRECTIONS, EXEMPTION FROM FILING O.T. AND IMPLEADMENT, AND IN RE : M/S. SHIV GRIT UDYOG, RAJASTHAN IN WRIT PETITION (CIVIL) NO. 202/1995 "ONLY" ARE LISTED IN W.P.(C) No. 202/1995

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UPON hearing the counsel the Court made the following
O R D E R

1. Since certain matters from State of Rajasthan with regard to mining in Aravalli Ranges and Hills were pending before the Bench presided over by one of us (B.R. Gavai, J.) and other matters from State of Haryana were pending before the Bench presided over by one of us (Abhay S. Oka, J.), the matter was referred to the Hon'ble the Chief Justice of India with an observation that it will be appropriate that all the matters are heard together so that the

issues are addressed commonly.

2. Accordingly, a Special Bench consisting of the two of us has been constituted under the orders of the Hon'ble the Chief Justice of India.

3. There are certain issues with regard to illegal mining as well as mining under the permissions granted by the States in Aravalli Hills/Ranges. One of the major issues is with regard to the different definitions of "Aravalli Hills/Ranges", as adopted by different States. The learned Amicus Curiae states that insofar as the State of Haryana is concerned, there is not even a definition of Aravalli hills and ranges.

4. The Central Empowered Committee (CEC) has submitted its Report No.3/2024, wherein certain aspects have been pointed out. The Report also points out various illegal mining activities carried out throughout the State of Rajasthan, district wise details have been given with regard to the areas under illegal mining.

5. In the report of the CEC, a report prepared by the FSI is annexed. As per the Report of the FSI the definition of Aravalli hills has been given as the hill as well as the uniform 100 meter wide buffer surrounding the downside of the hills.

6. We find that the issue with regard to the mining activities in the Aravalli Hills and Ranges needs to be addressed jointly by the Ministry of Environment, Forest and Climate Change (MoEFCC) as well as all the four State Governments i.e. the Government of National Capital Territory of Delhi (GNCTD) and the States of Rajasthan, Haryana and Gujarat.

7. We, therefore, direct that a Committee be constituted comprising of the following officers/officials to have a uniform definition of the Aravalli hills and ranges:-

- i. Secretary, Ministry of Environment, Forest and Climate Change, Government of India.
- ii. Secretaries of the Department of Forests, Government of National Capital Territory of Delhi and the States of Haryana, Rajasthan and Gujarat.
- iii. A representative of the Forest Survey of India.

- iv. A representative of the Central Empowered Committee.
 - v. A representative of the Geological Survey of India.
 - vi. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, shall be the convenor of the Committee.
8. The said Committee shall submit its report within a period of two months from today.
9. In the meantime, we also issue the following directions, as suggested by Shri P. Parameshwar, learned Amicus Curiae, to which Shri Tushar Mehta, learned Solicitor General of India appearing for the State of Haryana and Shri K.M. Natraj, learned Additional Solicitor General of India appearing for the State of Rajasthan, do not have any objection:-
- i. Direct the Union of India through the MoEFCC, State of Rajasthan, State of Haryana and GNCTD to file affidavits with details comments on the CEC Report No.3/2024 and also the issues identified hereinabove.
 - ii. The States of Haryana and Rajasthan should specifically indicate what steps for compliance of 15 (fifteen) Judgments/Orders of this Court's have been taken by the respective States.
 - iii. The States of Haryana and Rajasthan should specifically state what action has been taken on the CAG/CEC Reports on illegal mining and whether prosecution under the relevant State Laws and Recovery Process has been undertaken.
 - iv. The State of Rajasthan to specifically state the actions taken pursuant to the FSI Report dated 22.02.2018 where illegal mining polygons have been identified.
 - v. The State of Rajasthan be directed to reply to the FSI Report submitted to this Court pursuant to Order

dated 19.02.2010. The FSI Report dated 25.08.2010 and the CEC Report thereon dated 25.10.2010 were shared with the State of Rajasthan way back in 2010.

vi. The States of Rajasthan and Haryana shall also state the extent and mapping of all boundaries of mining areas (mentioned in the mining leases) within the area of the State.

10. Shri K. Parameshwar, learned Amicus Curiae, has further submitted that until further orders are passed by this Court, no fresh mining leases or renewal of existing mining leases should be permitted in Aravalli Ranges and Hills in the States of Haryana and Rajasthan.

11. The said suggestion is opposed by Shri Tushar Mehta, learned Solicitor General of India and Shri K.M. Natraj, learned Additional Solicitor General of India and Shri A.N.S. Nadkarni, learned senior counsel appearing for the Federation of Associations of Mining in Rajasthan. It is submitted that millions of labourers are dependent upon the mining activities carried out in these States. It is submitted that if the order, as sought by the learned Amicus Curiae is passed, it would have a cascading effect on the livelihood of millions of labourers.

12. According to our experience and as has been pointed out by this Court, in the judgment of this Court dated 10.11.2021 passed in C.A. No.3661-3662/2020, a total ban on mining is not conducive even to the interest of the environment, inasmuch as it gives scope for illegal mining.

13. In that view of the matter, to balance the competing interest, we find that the following direction would subserve the purpose:-

Until further orders, though all the States in which Aravalli Ranges and Hills are situated would be at liberty to consider and process the applications for grant of mining leases and also for renewal thereof including obtaining

statutory clearances from the various authorities, no final permission shall be granted for mining in the Aravalli Hills/Ranges, as defined in the FSI Report dated 25.08.2010, without permission from this Court.

14. Needless to state that this order in no way shall be construed as prohibiting the legal mining activities which are being carried out in accordance with the valid permits/licences.

15. Needless further to state that our orders are restricted only to the mining in the Aravalli hills/ranges.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
COURT MASTER