



# ***WILDLIFE FIRST***

**ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್**

**MEMBER, NATIONAL BOARD FOR WILDLIFE**

NO.1235, FIRST FLOOR  
26<sup>TH</sup> 'A' MAIN ROAD  
4<sup>TH</sup> 'T' BLOCK, JAYANAGAR  
BANGALORE - 560 041, INDIA  
TEL: 0 8 0 - 2 6 5 3 5 7 6 3  
FAX: 0 8 0 - 2 6 5 3 5 8 1 1  
EMAIL: [wildlife1st@gmail.com](mailto:wildlife1st@gmail.com)  
WEBSITE: [www.wildlife1st.info](http://www.wildlife1st.info)

22nd November, 2008

Smt Meera Saxena IAS  
Principal Secretary – Forests, Ecology & Environment  
M.S. Building, Dr Ambedkar Veedhi,  
Bangalore – 560001

Madam:

**Sub: Continued violation of Hon Supreme Court Judgments by KIOCL in the sensitive rain forests of Kudremukh in the Western Ghats.**

**Ref: (1) Judgment of the Hon Supreme Court in IA 670/2001 dt. 30-10-2002  
(2) Judgment of the Hon Supreme Court in IA 1150 in IA 1010 with IA 1458 in IA 1010 in IA 670 in WP (C) No. 202 of 1995 dt. 15-12-2006  
(3) Our letter to the PCCFs (Gen) and Wildlife dt. 19-08-2008**

As you are aware, the Supreme Court based on a petition filed by Wildlife First, ordered the stoppage of mining in the eco-sensitive rain forests of Kudremukh in the Western Ghats. The court rejected repeated appeals of Kudremukh Iron Ore Company Limited (KIOCL) to seek an extension of their lease within the limits of Kudremukh National Park (KNP) beyond 31-12-2005. The court also held that the action of the State Government in leaving out the area leased to the company while issuing the notification in June 2001 as illegal and not in order.

In the Judgment referred at (2) above, the Apex Court has unambiguously rejected the company's plea to start "eco- tourism" in Kudremukh and has directed the Government to take possession of the mines and implement the mine closure plan with "no or minimal disturbance to the unbroken area".

Thus, the letter and spirit of the Hon Supreme Court Judgments is to evict the company and its infrastructure from within the limits of the KNP and ensure that the ravaged rain forests of Kudremukh are reclaimed and restored.

The 30 year Mining lease executed on 24<sup>th</sup> July 1969 demised on 24<sup>th</sup> July 1999. After that the lease was never renewed and KIOCL was allowed to operate only on temporary mining permissions after which the Supreme Court granted time upto 31-12-2005.

Instead of taking strong action to recover 5000 ha of forest/revenue land that is under illegal occupation and initiate restoration of the devastated Kudremukh area, we learn that in a meeting chaired by the Chief Secretary on 08-08-2007, senior officers of the Government have discussed proposals for "eco tourism park" by KIOCL and Jungle Lodges. This is highly disturbing.

If KIOCL is permitted to build a 18 hole golf course, helipad and luxury eco-tourism resorts, it would amount to a contempt of the Hon Court's judgments cited above. Luxury tourism creates huge pressures due to formation of new roads and heavy use of existing forest roads, entry of vehicles, trampling of vegetation in fragile rain forests, manipulation of habitat to accommodate tourists' demands etc. Kudremukh National Park is just not in any condition to take such pressures.

Further, such a decision would be untenable as the Wildlife (Protection) Amendment Act 2002, prohibits the establishment of commercial tourist resorts within the limits of a National Park. It would also run contrary to the objectives of a National Park that has been ravaged by decades of open cast mining of low grade iron ore.

Even more ludicrous is the discussion of a proposal of KIOCL agreeing to part with 200 acres from the revenue land within the lapsed lease area for a Police school. We are surprised that senior officials in the Government are either not aware or choosing to ignore the legal position that the whole area already vests with the Government and there is no necessity to seek KIOCLs "benevolence".

In the light of the Apex court judgments referred at (1) and (2) above and the Recommendations of the Central Empowered Committee (CEC) which have been accepted by the court and is binding on the State, KIOCL cannot even be in possession of the area let alone start "eco-tourism" and such other commercial ventures in the area with Jungle Lodges.

In addition to the Recommendations of the CEC and Supreme Court directions, the lease covenants and provisions clearly mandate that the lessee delivers all mines, waterways, buildings, structures etc to the State Government. **The company has violated this lease covenant and the General Provisions of the lease empower the State Government to effect a forfeiture of the property since the lease has demised.** Many of the other lease covenants and provisions of the Forest Act / Wildlife Act have also been violated by the company. Yet, no action is being taken to evict the mining company from the lapsed lease area within the limits of Kudremukh National Park in the Western Ghats for reasons that we can only surmise.

**The CAG in its Audit Report of 2003 had concluded that a sum of Rs 139.15 crores was pending recovery from KIOCL for massive environmental damage caused to the National Park. The Government, it appears, is yet to initiate action to recover this huge amount.**

In this situation, the State represented by Principal Secretary -Forests is bound to comply with the letter and spirit of the Hon Supreme Court Judgments. However, it appears that the relentless attempts of KIOCL to hang on to 5000 ha of high value real estate in Kudremukh by floating ideas of eco-tourism park, golf course etc is being tacitly supported by senior officials of the Government.

In view of the facts and circumstances explained above we request you to immediately ensure that:

1. The Judgments of the Hon Supreme Court referred at (1) and (2) above are implemented in letter and spirit by taking possession of the entire mining area within the limits of KNP in the Western Ghats.
2. KIOCL is evicted from the limits of the Kudremukh National Park and Government resumes all lands held by KIOCL since they cannot even be in legal possession after the lease demised on 31<sup>st</sup> December 2005 pursuant to the Supreme Court Judgment.

3. The 281 acres 38 guntas of land transferred to KIOCL by KIADB be reacquired.
4. All devious proposals by KIOCL and Jungle Lodges for luxury tourism are rejected and the mine ravaged forests of Kudremukh are left undisturbed to facilitate restoration in order to reduce siltation in the Bhadra River/Reservoir.
5. The proposal to maintain pipelines and pump water from a East flowing river basin to the West is stopped since this amounts to an inter basin transfer and which also violates the Wildlife (Protection) Amendment Act, 2002

Having been involved in this issue for over a decade, we would be happy to make a detailed presentation to you, if you so desire. We look forward to your response and an acknowledgement of this letter.

Sincerely  
For Wildlife First



K.M.Chinnappa / Praveen Bhargav  
Trustees

Copy to: Shri P.J. Dilip Kumar IFS – Principal Chief Conservator of Forests  
Shri I.B. Srivastava IFS – PCCF & Chief Wildlife Warden