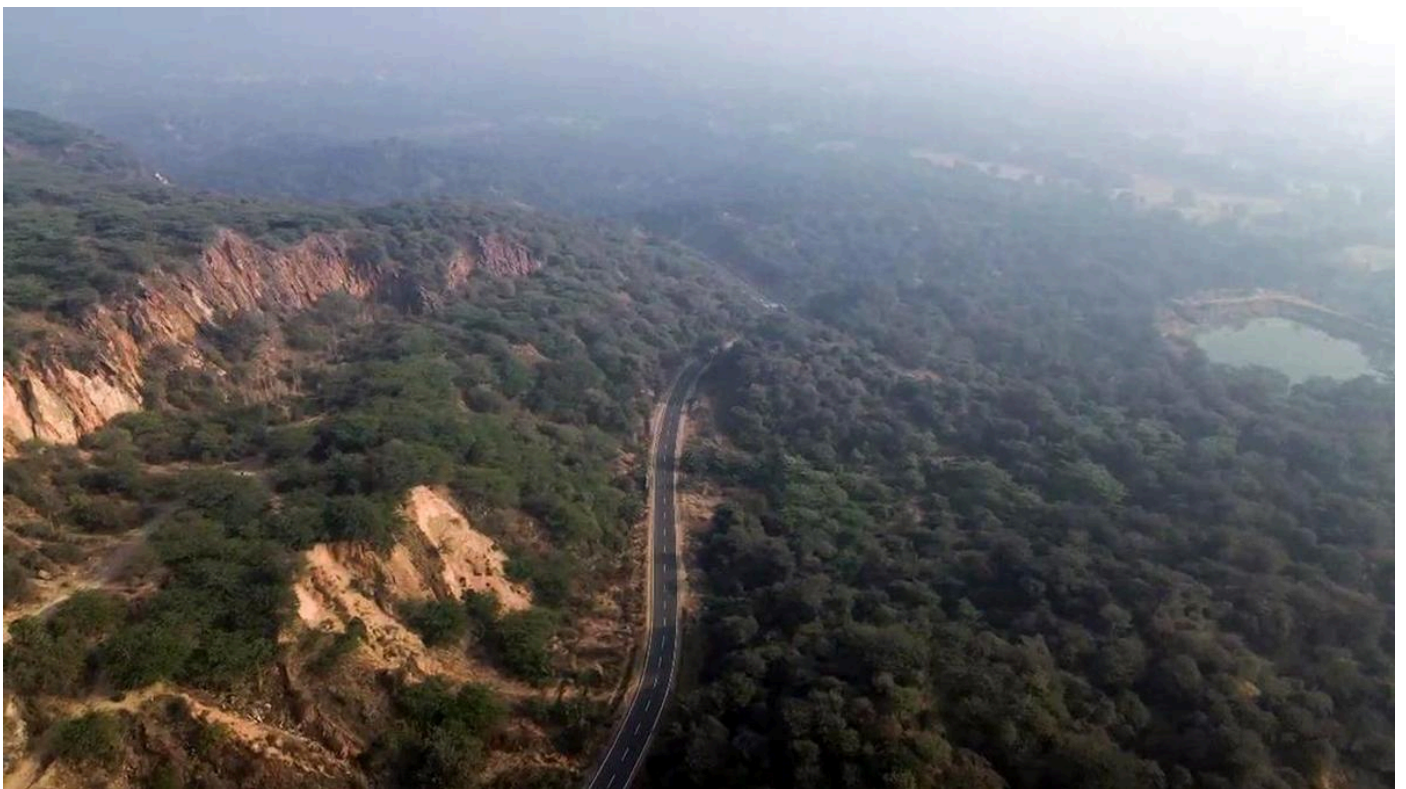


Supreme Court pauses its own judgment defining Aravalli, moots rethink by high-powered panel

‘Independent expert opinions must be obtained and considered after consulting with all the stakeholders. There is a need to resolve ambiguities and provide definitive guidance,’ Chief Justice Surya Kant said

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KRISHNADAS RAJAGOPAL



An aerial view of Aravalli Range in Haryana. | Photo Credit: ANI

The Supreme Court on Monday kept in abeyance its November 20 judgment upholding a government expert panel definition restricting the world's oldest surviving mountain systems, the Aravalli, to hills sporting an elevation of 100 metres or above, and hill clusters, slopes and hillocks located within 500 metres of each other.

“This stay shall remain in effect until the present proceedings reach a state of logical finality, ensuring that no irreversible administrative or ecological actions are taken based on the current framework,” the court ordered.

It directed that no fresh or renewed mining leases should be given without prior permission of the apex court.

The restrictive definition upheld by the apex court in November had sparked a public furore across the four Aravalli States of Rajasthan, Uttar Pradesh, Haryana and Delhi, with environmentalists and activists voicing concerns that the shrinking of protection would leave the doors wide open for unbridled mining in the hill ranges, which act as a green barrier against the eastward expansion of the Thar desert, and worsen pollution in cities, including Delhi.

A three-judge Bench headed by the Chief Justice of India Surya Kant, which assembled during the court’s ongoing winter vacations, took *suo motu* cognisance of widely publicised public apprehension that only 1,048 Aravalli hills out of a total 12,081 in Rajasthan alone would meet the 100-metre elevation threshold and, consequently, the lower ranges would be “stripped off” the environmental protection due to them. If true, the court agreed that it would be a “significant regulatory lacuna” in safeguarding the Aravalli.

The Bench proposed the constitution of a high-powered committee to analyse whether ‘sustainable mining’ or ‘regulated mining’ within the newly demarcated Aravalli areas, notwithstanding regulatory oversight, would result in any adverse ecological consequences. The committee would assess the areas no longer covered by the definition, specifically whether such exclusion risks their eventual erasure or degradation, thereby compromising the overall ecological integrity of the Aravalli range.

The proposed panel would also hold a multi-temporal evaluation of the short-term and long-term environmental impacts resulting from the implementation of the recommended definition and its associated directions.

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The Bench said several critical issues needed further clarification, including “whether the restrictive demarcation has inversely broadened the scope of ‘non-Aravalli’ areas, thereby

facilitating the continuation of unregulated mining and other disruptive activities in terrains that are ecologically contiguous but technically excluded by this definition”.

The court indicated that the definition of the Aravalli range must be arrived at only after exhaustive scientific and geological estimations and precise measurements of all the hills and hillocks. The definition, the court underscored, must be more nuanced and measured to maintain the “ecological integrity of the entire range”.

The government, represented by Solicitor General Tushar Mehta, said the court’s acceptance of the recommendations of a committee of the Ministry of Environment, Forest and Climate Change has led to “misconceptions and misrepresentations” about the court and the government in the public domain.

Mr. Mehta flagged that the judgment had directed the preparation of a ‘Management Plan for Sustainable Mining’ by the Environment Ministry through the Indian Council of Forestry Research and Education, which would have had to get the nod of the apex court. The judgment had stopped the granting of fresh mining leases in the interregnum.

“But some more clarifications are required. Independent expert opinions must be obtained and considered after consulting with all the stakeholders. There is a need to resolve ambiguities and provide definitive guidance,” Chief Justice Kant responded to Mr. Mehta.

The court said a definition restricting the Aravalli ranges to clusters within 500 m of each other may introduce a “structural paradox” wherein the geographical scope of protected territory would be significantly narrowed. The court explained whether clusters with larger gaps but contiguous to the Aravalli terrain would be then opened to unregulated mining and other “disruptive activities”, thereby causing and spreading extensive damage to even the protected areas.

The court asked whether a cluster of Aravalli hills, 100 metres or higher, but with a gap of over 500 metres among them, would come within the definition of the protected area.

The Bench highlighted the urgent need for laying down specific parameters to define the extent of the Aravalli hills without compromising ecological requirements. It listed the *suo motu* case on January 21.

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