

Mining for an Inclusive Future *Impact of Judicial Decisions on India's Mining Sector*

This Briefing Paper discusses the challenges faced by the mining sector in India, which include problems in the allotment of mining leases and illegal mining. The judiciary, particularly the Supreme Court of India, has intervened to direct mining companies to set things right and started imposing penalties on them. However, the suspension of mining activities has adversely affected the livelihoods of workers and communities dependent on mining, which raises concerns about the sustainability and inclusivity of judicial decisions.

It argues that a balanced approach is necessary to manage the conflicts between various stakeholders and suggests that economic analysis and distributive justice be applied to judicial decisions. It also highlights the need for a more nuanced approach to judicial decision-making and recommends seeking expert assistance to incorporate diverse perspectives.

The paper proposes a more informed and balanced approach to development, society, and the environment to ensure sustainable development. It emphasises the importance of enabling the judicial system to seek expert advice on the costs and benefits of various challenges and to provide wholesome justice. It also expounds upon various judicial decisions in India on mining and other related activities, discussing their adverse economic impacts on different stakeholders, particularly local communities and their livelihoods.

This paper offers recommendations for higher judicial bodies to balance the impact of their decisions on stakeholders and employees while promoting sustainable and inclusive development.

Introduction

India's mining sector is an essential industry and occupies a vital position in the supply chain resources. The number of processes and stakeholders involved in every single mining activity makes it a significant contributor to the country's economy. The role of the mining sector in all economies can vary significantly, depending upon geographical considerations, regulations, and socio-economic factors as well.¹

India's diversity in minerals allows for its mining industry to flourish with 3257 mining leases for over 40 minerals and industry contributing to 2.5 percent of the Gross Domestic Product (GDP).² It is also the fourth largest producer of iron ore,³ alumina, and bauxite while also mining for various other minerals such as gypsum, manganese, etc.

Under the United Nations Agenda for Sustainable Development Goals (SDGs), it is believed that mining, though a profitable activity, can contribute to a sustainable development framework.⁴ The mining sector as a whole adds value in the form of providing livelihoods and economic opportunities. This sector with an inclusive approach will be able to help in achieving various SDGs such as ending poverty,⁵ gender equality,⁶ decent work and economic growth,⁷ and reasonable consumption and production.⁸

Regardless of its potential, the sector is not indifferent to instances of illegal mining, unscientific mining and issues in allotment of mining leases, which often lead to disproportionate impact on the environment. The judicial bodies in India, especially the Supreme Court and the National Green Tribunal (NGT) have tried to set the course

¹ Rajput Ananay Et.al, 'The Role of Mining Sector in Indian Economy', International Journal of Innovative Science and Research Technology, ISSN No: -2456-2165, Volume 6, Issue 4, April – 2021, available at <https://ijisrt.com/assets/upload/files/IJISRT21APR258.pdf>

² Abraham, Mary, 'India's Mining Sector: Towards a Sustainable and Equitable Future', 21 February 2022 available at [India's Mining Sector: Towards a Sustainable and Equitable Future | TERI](#).

³ Pistilli, Melissa, 'Top 10 Iron-producing Countries (Updated 2022)', 18 august 2022, available at <https://investingnews.com/daily/resource-investing/base-metals-investing/iron-investing/top-iron-producing-countries/>

⁴ Starke, Lind, 'Breaking New Ground: Mining, Minerals and Sustainable Development', 5 December 2016, Routledge. partially available at <https://books.google.co.in/books?id=jtSoDQAAQBAJ>

⁵ SDG 1.

⁶ SDG 5

⁷ SDG 8.

⁸ SDG 16.

right by imposing penalties and suspending all illegal mining activities with immediate effect.⁹

When an illegal mining activity is set up and allowed to continue for years without consequences, it has a certain amount of settlement of labourers and the economic ecosystem around it. This ecosystem of small shops, and labour families amongst others is sustained by the mining activity.¹⁰

For instance, in the case of suspension of Iron Ore Mining in the State of Goa¹¹ mining activity provided livelihood to 10,108 workers employed with service providers and 4750 mine workers.¹² All of them lost employment because of the mining suspension. This part of the paper will bring to light similar cases from CUTS' study on judicial decisions' economic impact.¹³

This paper will unpack the potential of the mining sector and the possibilities of it becoming sustainable by the use of a framework. In doing so, the paper will also detail out the findings of CUTS' study on the two cases of iron ore and sand mining respectively. Furthermore, it will track developments in the areas of iron ore mining and sand mining post the judgements. Also, it will find out whether principally the judgements have made a difference in the practical implications of mining and compare the recommendations of CUTS' study with the real-life implications of economic impact assessment before judicial decisions.

Environmental Judicial Decisions

In India, the role of the judiciary is important to protect the environment. Many environmental activism have found their roots in India solely due to the public interest litigation (PIL) movement at the Supreme Court. The court has been instrumental in developing the principles of environmental protection in India through landmark judgements.

⁹ <http://cuts-ccier.org/pdf/synthesis-report-on-economic-impact-of-select-sc-and-ngt-decisions.pdf>

¹⁰ *Ibid.*

¹¹ Goa Foundation vs Sesa Sterlite Ltd. & Ors., (2018) 4 SCC 2183 available at [The Goa Foundation vs M/S Sesa Sterlite Ltd. And Ors. on 7 February, 2018](#)

¹² <http://cuts-ccier.org/pdf/synthesis-report-on-economic-impact-of-select-sc-and-ngt-decisions.pdf>

¹³ <https://cuts-ccier.org/highlighting-the-economic-impact-of-judicial-decisions/>

The environment protection principles of sustainable development, precaution, polluter pays, and public trust doctrine were all adopted by the judiciary and interpreted in the Indian context.¹⁴

The innovative use of PIL under the practical application of Articles 32 and 226 has led to social and environmental justice. In the Oleum gas leak case,¹⁵ the court put together the doctrine of absolute liability for harms caused by hazardous and inherently dangerous industries. The directions given in this case led to an expansion of the jurisdiction of the Supreme Court under Article 32.

However, the cases of the environment which earlier called upon the executive to perform its obligations have been in favour of environmental protection. The actions of the judiciary which overstep in the area of legislature and executives will be termed as overreach and will be against the underlying philosophy of the Indian Constitution.¹⁶

The Dehradun quarrying case¹⁷ was the earliest case for environmental jurisprudence in mining where the Supreme Court directed to stop illegal mining under the Environment (Protection) Act, 1986.¹⁸ There was an urgency to protect the environment in the Supreme Court decisions which seldom took into account the economic impact of their decisions. This has changed in the past years as the importance of economic impact assessment in judicial decisions has been realised.

Supreme Court in the judgement of Shivshakti Sugars¹⁹ noted that the interface of law and economics holds utmost relevance today. As India is on a path of economic growth

¹⁴ Narayan, Saurav, 'Role of Indian judiciary in protection of the environment', 9 April 2022 *available at* <https://blog.ipleaders.in/role-of-indian-judiciary-in-protection-of-the-environment/#:~:text=The%20Indian%20judiciary%20has%20played,India's%20healthy%20flora%20and%20fauna>.

¹⁵ M.C. Mehta v. Union of India, 1987 AIR 1086, 1987 SCR (1) 819, *available at* <https://indiankanoon.org/doc/1486949/>

¹⁶ R Shunmugasundaram, 'Judicial activism and overreach in India', *available at* <https://core.ac.uk/download/pdf/112282.pdf>

¹⁷ Rural Litigation and Entitlement Kendra v. State, AIR 1988 SC 2187, *available at* <https://indiankanoon.org/doc/1949293/>

¹⁸ Vardhan, Pooja P., 'Environment Protection under Constitutional Framework of India', 4 June 2014, Press Information Bureau, *available at* [https://pib.gov.in/newsite/printrelease.aspx?relid=105411#:~:text=State%2C%20AIR%201988%20SC%202187,\(Protection\)%20Act%2C%201986](https://pib.gov.in/newsite/printrelease.aspx?relid=105411#:~:text=State%2C%20AIR%201988%20SC%202187,(Protection)%20Act%2C%201986).

¹⁹ Shivshakti Sugars Ltd. v. Shree Renuka Sugar Ltd., (2017) 7 SCC 729, *available at*

and development, the judiciary while adjudicating on sensitive economic matters, must take into consideration the economic analysis of law.²⁰ Even if there was a “technical violation”, the Supreme Court asserted that it had both the power and responsibility under Article 142 of the Indian Constitution to bypass the strict requirements of the statute, as long as it was in the economic interests of the nation.²¹

This was further highlighted in a recent 2022 judgement which stated that the conservation of ecology and the environment must go hand in hand in the spirit of economic development.²² CUTS’ study on judicial decisions and their economic impact also highlighted similar findings from the ground in two cases of iron ore mining²³ and sand mining.²⁴

CUTS’ Findings in the Iron Ore Mining Case

On a petition from the Goa Foundation in 2014, the Supreme Court ruled that on the expiry of all mining leases in 2007, further mining operations were illegal. The leases were renewed in 2016 by the government of the state of Goa because of the Bombay High Court order. The leases were later set aside by the Supreme Court in 2018. As a consequence of the suspension of mining activities, there were economic and job losses to the mining companies, dependents, service providers, and the state exchequer. The team at CUTS met with representatives of the Goa Foundation (petitioner in the original 2014 case). CUTS discovered that the Goa Foundation had

<https://indiankanoon.org/doc/181654439/>

²⁰ Teoh, Darren, ‘Economic Analysis of Law With Indian Characteristics: Shivshakti Sugars Ltd. v. Shree Renuka Sugar Ltd. [2017], Singapore Law Review, Juris Illuminae Vol 9 (2017/18), *available at*

<https://static1.squarespace.com/static/55c714fbc4b0f0d634b061b5/t/5b699f72575d1f19c8807cbb/1533648758465/Economic+Analysis+of+Law+with+Indian+Characteristics+Darren+Teoh+%28RE+PAIRED%29.pdf>

²¹ Shivshakti Sugars Ltd. v. Shree Renuka Sugar Ltd., (2017) 7 SCC 729, Para 40 *available at*

<https://indiankanoon.org/doc/181654439/>

²² Samaj Parivartana Samudaya vs State Of Karnataka. on 26 August, 2022, *available at*

<https://indiankanoon.org/doc/140564246/#:~:text=1.,in%20the%20State%20of%20Karnataka.>

²³ The Goa Foundation vs. M/s Sesa Sterlite Ltd. & Ors., 2018, *available at*,

<https://indiankanoon.org/doc/34846888/>

²⁴ National Green Tribunal Bar Association vs. Ministry of Environment & Forests and Ors., 2013, *available at*

<https://indiankanoon.org/doc/41995660/>

suggested alternative measures to the government to minimise environmental harm but those weren't adopted.²⁵

The CUTS' study over an assessment period of March 2018-January 2021 found the impact of the judicial decisions on various stakeholders and also identified the best potential remedy that could have been adopted to favourably impact the environment.

In the year 2010-11, iron ore mining contributed 20 percent to the state's Gross Domestic Product (GDP), which fell to 1.64 percent in 2017-18. Also, the state exchequer, as a consequence of the mining ban, suffered a deficit of ₹1821.32 crore in taxes paid by the mining corporations. The revenues of mining companies were impacted by ₹6967.7 crores between 2018-19 and 2020-21. The variety of service providers such as truck owners, barge owners, and mining machinery owners may have an estimated revenue impact of ₹609.28 crore, ₹193.50 crore, and ₹40.45 crore respectively.

The impact of mining suspension was felt in the form of loss of employment by a total of 14,858 workers (4,750 mineworkers and 10,108 workers employed with service providers). These workers collectively lost salaries worth ₹385.56 crores. The adverse economic impact was also seen in the port of Mormugao with a reduction in earnings and loss in welfare because of the loss of livelihood for workers.

CUTS' study concluded that both instances of mining suspension (2014, 2018) were avoidable had the government of Goa acted judiciously. CUTS recommended that while quashing mining leases, it would have been preferable had the Supreme Court directed the Goa government to restart mining operations within a stipulated time under court supervision and facilitated by a committee of subject experts including economists, environmentalists, etc. This forward-looking approach could have been based upon an ex-ante impact analysis of the mining while exploring innovative environmental protection measures to minimise the damage.

²⁵ <https://cuts-ccier.org/pdf/synthesis-report-on-economic-impact-of-select-sc-and-ngt-decisions.pdf>

Developments in Goa's Iron Ore Mining Since CUTS' Study

It is believed that judicial decisions are the last drawn line, after which rarely the executive and legislature step over the line. However, reality is far off from this belief. The compliance with court directions is abysmal at best on the ground. In the year 2022 itself, the Goa government opened various mining blocks in auction. In September 2022, the government of Goa invited bidders to bid for four iron ore blocks, however mining is not expected to begin/resume immediately as any successful bidder will have to go through the environmental clearances afresh.²⁶ This would begin the process of mining that was halted in September 2012.

The situation of environmental damage hasn't improved even though mining activities were halted in 2012. The state pollution control board has launched an investigation into the causes of the Mahadayi River near Dudhsagar Falls turning muddy in some stretches. The board has assured that action will be taken once the survey is conducted to find out the source of pollution.²⁷

The lifting of the mining ban in Goa in 2014 has not resulted in the resumption of mining operations due to issues such as the non-renewal of mining leases and pending approvals. This has affected the livelihoods of people dependent on the industry, while restarting mining could provide employment opportunities and boost the economy, it may also have adverse environmental impacts and threaten the livelihoods of small-scale farmers and fisherfolk. Therefore, the government needs to create a mining policy that considers the environmental and social impacts of the industry, while balancing the economic benefits and the protection of the environment and the rights of local communities.²⁸

The state government has faced various challenges in resuming mining operations, including opposition from local communities and environmental activists, legal

²⁶ De Souza, Gerard, 'Goa opens 4 iron ore mining blocks for auction', 30 September 2022, Hindustan Times, *available at* <https://www.hindustantimes.com/india-news/goa-opens-4-iron-ore-mining-blocks-for-auction-101664532967264.html>

²⁷ 'Mahadayi river water near Dudhsagar Falls turns muddy; Goa Pollution Control Board Sends team for inspection', 7 September 2022, Udayavani, *available at* <https://www.udayavani.com/english-news/mahadayi-river-water-near-dudhsagar-falls-turns-muddy-go-pollution-control-board-sends-team-for-inspection>

²⁸ <https://www.heraldgoa.in/Review/Restarting-mining-in-Goa-A-myth-or-reality/192890>

challenges, and the need to balance economic growth with environmental concerns. However, the resumption of mining could potentially provide a significant boost to the state's economy, which has been impacted by the ban on mining.²⁹

CUTS' Findings in the Sand Mining Case

In 2012, the Supreme Court of India mandated that leases for all minor minerals with an area of less than 5 hectares would only be granted after environmental clearance by the Ministry of Environment, Forest and Climate Change (MoEFCC). Before this judgement, an Environmental Clearance (EC) was required only for mining projects with lease areas of 5 hectares and above, regardless of whether the mineral was minor or major. Following the SC judgement, the National Green Tribunal (NGT) ordered in August 2013 that no person, company, or authority could carry out any mining activity or removal of sand from any riverbed anywhere in the country until an EC from MoEFCC/ State Environmental Impact Assessment Authority (SEIAA) and a licence from competent authorities have been obtained.

The objective of this study was to analyse the economic impact of the sand mining stoppage in Gautam Buddha Nagar, if any, on relevant stakeholders, from August 2013 to September 2017. The study takes a bottom-up approach to understand only the first-order direct impact on key stakeholders such as the government, mining leaseholders, associated businesses, and labourers/workers among others.

The state of Uttar Pradesh (UP), and the Gautam Buddha Nagar district, in particular, have been known for rampant illegal mining of sand, despite laws and regulations in place. According to the Comptroller and Auditor General of India's (CAG) audit report of the Revenue Sector of UP, the state was deprived of ₹477.93 crore in 2015-16 due to unauthorised mining operations and suffered a loss of ₹179.57 crore due to extraction of minerals without ECs. The government was also unable to recover a penalty of ₹282.22 crore from lessees who extracted minerals without renewing a mining plan in addition to over-extracting beyond the approved quantity.

In 2013, the district administration of Gautam Buddha Nagar estimated the illegal sand mining business to be worth Rs. 100 crore monthly, out of which, the government only received ₹1 crore as royalty. The ban on sand mining restricts the already scarce supply

²⁹ <https://india.mongabay.com/2022/01/mining-on-the-shifty-sands-of-goan-politics/>

of sand, driving up prices and increasing the incentive for illegal mining. After the NGT's order, stakeholders from the construction sector expressed fears of steep rises in sand prices and foresaw delays in the completion of projects.

The Confederation of Real Estate Developers' Associations of India (CREDAI) spokesperson projected that real estate construction costs would increase threefold, as sand would have to be imported from Cambodia and Pakistan. Such cost increases are ultimately passed on to buyers, and employment in the construction sector also takes a hit due to a fall in construction activity. The Builders Association of India (Mumbai Centre) estimated employment loss for 10 million construction workers in Maharashtra due to a sand mining ban ordered by the Mumbai High Court in September 2010.

The information received from the concerned department in Gautam Buddha Nagar reveals that at the time of the NGT order on August 5, 2013, all sand mining leases in the district had expired on May 1, 2013. No new leases were granted until 2017, when the new State Mineral Policy was implemented, except for short-term permits.

An analysis of royalty collection by the revenue department shows a downward trend from 2012-13 to 2016-17, resulting in an estimated annual loss of ₹3.68 crore to the state government from sand mining in Gautam Buddha Nagar. The estimated total royalty loss during the assessment period from August 2013 to September 2017 was ₹12.88 crore.

Although CUTS was able to engage with current leaseholders to some extent, contacting previous lease and permit holders was challenging due to poor data availability and unwillingness to engage. However, it was evident that sand mining continued in Gautam Buddha Nagar under short-term permits, and it could not be confirmed if any businesses that mined sand under a lease before the assessment period went out of business due to no new leases being granted.

During stakeholder interactions, a current and active leaseholder highlighted the difficulties involved in obtaining leases, such as the lack of technical knowledge and typical governmental inertia, even though the application process is now entirely online through the e-tendering process.³⁰

The cement and construction industries associated with sand mining faced a sand shortage and incurred additional costs in procuring illegal sand at a higher price due to the stoppage of sand mining by NGT. Compared to alternatives such as manufactured sand (M-sand) or crushed rocks, illegal sand was more feasible and acceptable for them. According to a stakeholder association, during the assessment period, illegally mined sand was purchased at a higher price of ₹40-45 compared to legally mined sand, according to a stakeholder association.

The impact on workers during the assessment period meant that they lost their source of income. However, the sand mining industry in Gautam Buddha Nagar saw an increase in the nexus advancing illegal sand mining. Most labourers involved in legal sand mining were paid Rs. 300 to 400 per day, and illegal mining, although risky, was far more lucrative for them. Through stakeholder interaction, it was found that the remuneration for illegal sand mine labour was approximately ₹150 for every trolley of sand that was mined. Each trolley made approximately an average of 15-20 trips per day, and each labourer earned close to ₹2000 daily on average.

In conclusion, multiple interventions from the judiciary, policy changes, and administrative initiatives have failed to curb illegal sand mining, leading to hazardous environmental consequences. To this end, CUTS recommended that **the EIA Framework needs to be analysed and redesigned** to follow an **integrated approach** by considering social and health aspects along with the **assessment of cumulative impact rather than the impact of individual leases**. The concept of "clusters" introduced in the EIA Amendment 2016, takes into account the environmental impact of a group of closely situated mining leases, rather than looking at each mining lease individually.

³⁰ <https://cuts-ccier.org/pdf/synthesis-report-on-economic-impact-of-select-sc-and-ngt-decisions.pdf>

As the situation stands now, specifically in Gautam Buddha Nagar, the existence and dominance of the sand mafia overshadow the legal sand mining activities. Therefore, miners and workers see no apparent disincentive to engage in illegal sand mining, with weak enforcement and implementation of laws. Legal sand mining is also touted as expensive and cumbersome as compared to illegal sand mining.

One way to incentivise legal sand mining is for **state governments to reduce/cap the prices of legally mined sand**. Another way is to **simplify the procedure for obtaining permissions, leases, transportation, and storage permits** for legal sand mining, making it difficult. Additionally, investment in/and **promotion of alternatives such as M-sand** has become crucial to meet the ever-increasing demand for sand. Lastly, adequate resources need to be allocated to **strengthen regulatory and monitoring mechanisms** of court decisions to curb illegal sand mining.³¹

Developments in Sand Mining Since CUTS' Study

Sand mining has become a major environmental and social concern in India due to the indiscriminate mining of sand from riverbeds and beaches, resulting in the erosion of riverbanks, loss of natural habitats, and increased vulnerability to floods and natural disasters. The demand for sand for construction and other industries has led to the emergence of an unregulated and illegal sand mining industry, often controlled by organised crime syndicates. Reports emerged in 2018 that the Indian Air Force was protecting its land on the Yamuna Bank from sand mining, raising questions about the extent of the problem and the involvement of various stakeholders.³²

The issue of sand mining is not limited to the Yamuna River and is impacting communities across India. Despite gaining attention from civil society organisations, environmentalists, and the media, effective action has been slow due to the nexus between the sand mining mafia and local politicians and law enforcement agencies. This has led to violence and the use of illegal firearms, making it a dangerous and deadly business.

³¹ <https://cuts-ccier.org/pdf/policy-brief-sand-mining-case.pdf>

³² <https://www.tribuneindia.com/news/archive/features/wreaking-havoc-on-rivers-744874>

In 2019,³³ The National Security Act (NSA) was invoked against illegal sand mining in Uttar Pradesh, marking a significant step in addressing the issue. However, the use of the NSA has been criticised as excessive and potentially violates human rights. Sand mining is a global issue with serious implications for the environment and human societies, leading to the emergence of sand wars in some regions as countries compete for limited resources. Effective action is needed to address this issue and protect the environment and communities that depend on rivers for their livelihoods.

States are coming up with solutions and preparing models to combat illegal sand mining. For instance, the Haryana government has prepared a standard operating procedure (SOP) to prevent illegal mining in the state. The SOP includes measures such as installing CCTV cameras, deploying drones to monitor mining sites, and implementing a system to track vehicles carrying mining material. The government hopes that these measures will help curb the illegal mining activities that have been rampant in the state.³⁴

This further explains that the lack of effective regulation and monitoring has allowed for the exploitation of resources and damage to local communities. The article explains that good governance, including transparency and accountability, is necessary to address the issue of illegal mining and ensure the sustainable use of natural resources.³⁵

The use of technology and the establishment of a state corporation can help address the issue of illegal mining in India. For instance, satellite imagery and unmanned aerial vehicles can be used for surveillance, monitoring, and the creation of a state corporation, which will have the authority to auction and sell minerals, thereby reducing the involvement of private contractors in mining activities.³⁶

³³ <https://foreignpolicy.com/2019/08/09/the-coming-sand-wars/>

³⁴ <https://www.thehindu.com/news/national/other-states/haryana-prepares-sop-to-prevent-illegal-mining/article65834632.ece>

³⁵ <https://www.downtoearth.org.in/blog/mining/why-unlawful-sand-mining-in-india-needs-good-governance-78773>

³⁶ <https://timesofindia.indiatimes.com/city/chandigarh/illegal-mining-new-age-tech-and-state-corporation-the-answer/articleshow/90023265.cms>

A report by NITI Aayog also highlights the need for India to reduce its carbon footprint and increase its resilience to climate change. It also discusses the recent decision by the National Green Tribunal (NGT) to limit the number of environment-related cases it handles, which could potentially affect its ability to address issues such as illegal mining.³⁷

Overall Impact and Consolidated Findings of the CUTS' Study

Case	Period	Estimated economic impact on government revenues (₹Crore) [A]	Estimated induced economic impact (due to impact on govt revenues) (₹Crore) [A * 2.45] #	Estimated economic impact on businesses (₹Crore) [B]	Estimated economic impact on employees (Rs. Crore) [C]	Consolidated estimated first-order economic impact (₹Crore) [A+B+C]	Estimated job losses	The estimated number of people affected
Goa Iron Ore Mining	Mar 2018 – Jan 2021	668.39+	1637.56	8002.34*	393.07	9063.81	14858	68347
Sand Mining	Aug 2013 – Sep 2017	12.88	31.56	NA	NA	12.88	NA	NA

2.45 is the capital expenditure multiplier for India. It assumes that if the government utilises Re 1.00 for capital expenditure, consequent gains to the economy in subsequent years could be to the tune of ₹2.45. Using this multiplier, assuming that relevant governments in the covered matters would have utilised the lost revenue (if available) for capital expenditure purposes, and consequent gains would have been consistent with the capital expenditure multiplier estimates for India, the table lists the estimated induced economic impact. For details, see Bose and Bhanumurty, Fiscal Multipliers for India, Working Paper 2013-15, September 2013, at https://www.nipfp.org.in/media/medialibrary/2014/02/WP_2013_125.pdf.

Also, Reserve Bank of India, Government Finances 2020-21, A Half Yearly Review, December 2020, at https://www.rbi.org.in/Scripts/BS_ViewBulletin.aspx?Id=19959

+ ₹1821.32 crore impact on State Government revenues only

^ Considering the average household size in India is 4.6, as per the '2020 World Population Data Sheet' Population Reference Bureau, <https://www.prb.org/wp-content/uploads/2020/07/letter-booklet-2020-world-population.pdf>.

* Include ₹182.04 crore revenue deficit of the Mormugao Port other than the impact on mining companies and services providers.

NA: Not Available

³⁷ <https://thewire.in/government/niti-aayog-climate-sc-ngt-cuts-report>

Way Forward for the Mining Industry and Towards an Inclusive Future

In 2022, the Supreme Court in a recent judgement³⁸ stated that the conservation of ecology and environment must go hand-in-hand with the spirit of economic development and the fine balance between the two goals is what's sought to be achieved even now. Not much has changed in India since CUTS' study, thus the recommendations presented are based on the findings of the case studies and recent developments, with the overall objective of promoting human-centric economic development and environmental sustainability while also prioritising equity.

- a. The Supreme Court should conduct comprehensive ex-ante economic impact analyses with a group of experts from various disciplines to address public interest cases involving economic sensitive matters. This will provide decision-making backed by scientific evidence while ensuring the interests of all stakeholders are acknowledged. A standing roster of experts should be maintained for quick access.
- b. Cost-benefit assessments should be institutionalised and monitored as a continuous process by relevant authorities such as regulators, state agencies, expert committees, and the judiciary. This will allow for continuous tracking of costs and benefits to different stakeholders and facilitate informed decision-making. A specialised research unit could be formulated to monitor and evaluate cases, and technology initiatives can be utilised for transparency and efficiency in case management. A timely case management policy for all judicial courts will facilitate expeditious disposal of cases.
- c. Qualitative indicators of people's welfare should be acknowledged in the impact assessment framework, and the SC should guide decision-making based on the larger public good. Accountability must be enforced by levying fines and penalties on officers and politicians involved in corruption and maladministration cases.

³⁸ Samaj Parivartana Samudaya vs State Of Karnataka. on 26 August, 2022, *available at* <https://indiankanoon.org/doc/140564246/>

- d. Capacity building is essential to achieve the objectives of the proposed recommendations. Delegating the functions of capacity building to an independent, inclusive body attached to relevant institutions can address the capacity issue. Additionally, the number of judges and their competencies in the lower judiciary should be increased. Judges must also be exposed to basic economic issues to enable holistic decision-making. Institutionalising accountability in the judiciary is also important to ensure high standards of jurisprudence analysis and decision-making.

These recommendations aim to promote a holistic and balanced approach to decision-making that considers the interests of all stakeholders towards human-centricity and equal consideration to equity, economy, and environment.

This Briefing Paper has been written by Pradeep S Mehta, Secretary General and Neelanjana Sharma, Senior Research Associate of CUTS International.

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