



# CHALLENGE OF MINING IN INDIA: LAW, POLICY AND JUDICIAL ATTITUDE

**Harneet Kour, Ph.D Scholar, Dr. Arvind Jasrotia, Professor Department of Law,  
University of Jammu, Jammu, India**

The Mining Sector in India plays a crucial role in its economic development as the country is rich in natural mineral deposits thereby generating employment, infrastructure and industrial development. However, there are severe concerns regarding the environmental impacts of mining activities, which includes deforestation, water pollution, soil degradation and loss of biodiversity, etc. Both national and regional frameworks have shaped the complex and evolving legal response to these environmental issues.

National laws such as the Environment Protection Act of 1986, the Mines and Minerals (Development and Regulation) Act of 1957, the Forest (Conservation) Act of 1980, and the National Environmental Policy of 2006 have played a significant role in shaping India's environmental legal framework. This paper tries to look at the effectiveness of these national laws in reducing environmental damage caused by mining, including the weaknesses and challenges in the enforcement of these regulations.

To analyse the environmental problems produced by the mining activities and the legal actions taken by the concerned authorities to lessen these effects, this paper examines particular examples in the Union Territory of Jammu and Kashmir. The research study also analyses how the Apex Court and the National Green Tribunal, in particular has intervened to resolve mining related environmental hazards. Despite of this fact that court has given many judgements to restrict the illegal mining activities and enforced the environmental restoration practices, yet there is a huge gap between the application and enforcement of law and its implementation.

This paper will be divided into four parts. The first part will make an appraisal of legislative measures and policies regarding the mining sector. The second part will discuss the role played by Judiciary in the development and regulation of mining activities. The third part will highlight the impact of unregulated mining operations on local population, marine life and environment and lastly the paper will conclude with few suggestions.

**Keywords:** Mining sector, environmental degradation, unregulated mining operations, ecosystem, and illegal mining activities.

## INTRODUCTION

The mining sector provides for the basic raw materials which are used by several manufacturing and infrastructure industries working in the country and for extracting the basic raw materials they need workforce

both at the mining sites as well as at the manufacturing end, thereby creating the job opportunities.<sup>1</sup> The Encarta Encyclopedia defines mining as “the selective recovery of minerals and materials, other than recently formed organic materials from the crust of the earth”. Materials recovered by mining include bauxite, coal, diamonds, iron, precious metals, lead, limestone, nickel, phosphate, rock salt, tin, uranium, and molybdenum.<sup>2</sup> Any material that cannot be grown from agricultural processes must be mined. Mining in the wider sense can also include extraction of petroleum, natural gas and even water. The mining industry may prove extremely harmful and destructive if it is not properly regulated. Therefore, on national scale, the sector has undergone significant changes in the recent years which have opened the mining sector to private investment with proper regularization and legal framework.<sup>3</sup>

In order to ensure sustainability in the mining sector, India has also brought about number of policies, rules and regulations which are mostly based on the international best practices.

## Mining Sector: Constitutional and Legal Framework

### ➤ The Constitutional Framework

Under the Federal structure of India, the administration of Mining sector is the collective responsibility of the Central government and the respective State government in accordance with the Union list, State list and the Concurrent list contained in the Seventh Schedule of the Constitution of India.<sup>4</sup> The Constitution authorizes the predominance of the Central government in the area regulating the mines and mineral development with the law- making powers of the parliament and the state legislatures and the formulation of the two entries of schedule VII.<sup>5</sup> Therefore, the ownership rights of state in respect of the onshore minerals are subject to the Central Government regulation in terms of the laws enacted by the Parliament to sub serve the national interest.<sup>6</sup> In fact, with respect to the major minerals which are known as Schedule 1 minerals<sup>7</sup>, the States have little powers except possession, receiving royalty and a few other payments and even in respect of royalty and associated dead rent, the rates are prescribed by the Central government under the relevant legal provisions of the Mines and Minerals (Development and Regulation) Act, 1957. The states can make their own rules and regulations only with respect to minor minerals.

<sup>1</sup>A.Wani., “Mining and quarrying in India with special reference to the State of J&K”, available at <https://environlaw.wordpress.com/2016/04/27/mining-and-quarrying-in-india-with-special-refrence-to-the-state-of-jammu-and-kashmir> (last visited on November 1, 2024).

<sup>2</sup>John Lawrence Mero, George B. clark, Encyclopedia Britannica, available at <https://www.britannica.com/technology/mining> ( last visited on January 2, 2025).

<sup>3</sup> Planning Commission, Government of India, “Sustainable Development Emerging issues in India’s Mineral Sector” (May, 2012).

<sup>4</sup> Entry 23 of List (State List) empowers the State governments to make laws relating to “regulation of mines and mineral development subject to the provisions of List 1 with respect to regulation and development under the control of the Union”; Entry 54 of List 1 (Union List) dealing with the same subject empowers the Central government to make laws relating to the “regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest”; Additionally, the Constitution confers legislative powers on the Central government for the regulation and development of oil fields, mineral oil reserves, petroleum and petroleum products and safety of mines and oil fields as also for the Geological Survey of India which is the premier public sector agency for undertaking geological surveys in the country (entries 53, 55, and 68 of the Union List – List 1).

<sup>5</sup> The Constitution of India, art. 246 cl. (1-3).

<sup>6</sup> Planning Commission, Government of India, “Sustainable Development Emerging issues in India’s Mineral Sector” (May, 2012).

<sup>7</sup> The Mines and Minerals (Development and Regulation) Act, 1957

On the other hand, the Constitution of India specifically provides for the environmental protection through the prism of Article 21, 47, 48A and 51 A (g) and 51(c) as follows:

- **Protection of Life and Personal Liberty-** Article 21 specifies that no person shall be deprived of his life or personal liberty except according to procedure established by law".<sup>8</sup>
- **Duty of the State to raise the level of nutrition and the standard of living and to improve public health-**Article 47 provides that the state shall regard the raising of the level of nutrition and standard of living of its people and the improvement of public health as among its primary duties and, in particular, the state shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.<sup>9</sup>
- **Protection and improvement of environment and safeguarding of forests and wildlife-** Article 48A directs that the State shall endeavor to protect and improve the environment and safeguard the forests and wild life of the country.<sup>10</sup>
- **Fundamental Duties-** According to Article 51A (g), it shall be the duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wild life.<sup>11</sup>
- **Promotion of international peace and security-** Article 51 (c) mandates that the state shall endeavour to foster respect for international law and treaty obligations in the dealings of organized peoples with one another.<sup>12</sup>

The Directive Principle of the State Policy though not enforceable is increasingly being referred to by the courts as complimentary to the fundamental rights.<sup>13</sup> In *Sachidanand v. State of West Bengal*<sup>14</sup>, the Supreme Court held that whenever problems relating to ecology are under its consideration, it is bound to bear in mind the provisions of Article 48A and Article 51A(g) of the Constitution.

In fact, in their new found activist role, the courts have gone a step further and have interpreted the fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution to include the right to enjoy unpolluted air and water and a wholesome environment.<sup>15</sup>

### **Legal Framework: National Mineral Policy**

In the year 1993, the first National Mineral Policy was implemented and is one of the most important legal frameworks for the mines and mineral sector in India. It lays down provisions with regard to regulation of minerals, role of the states in the development of minerals, survey and exploration, strategy of mineral development, foreign trade, research and development, etc. The policy also recognized the need for encouraging the private investment including Foreign Direct Investment (FDI) in the mineral sector. The policy continues to formulate measures for the regulation of mines and development of mineral resources in

<sup>8</sup> The Constitution of India, art. 21.

<sup>9</sup> The Constitution of India, art. 47.

<sup>10</sup> The Constitution of India, art. 48 A.

<sup>11</sup> The Constitution of India, art. 51 A(g).

<sup>12</sup> The Constitution of India, art. 51(c).

<sup>13</sup> *M.C Mehta V. Union of India*, AIR 1988 SC 1037, 1038.

<sup>14</sup> AIR 1987 SC 1109, 1114-15.

<sup>15</sup> *M.C Mehta V. Union of India*, AIR 1987 SC 1086

order to ensure basic uniformity in mineral administration.<sup>16</sup> The development over the years in the mining sector has led to the revision of the 1993 policy and also enactment of National Mineral Policy, 2008 (for non-fuel and non-coal minerals). The new policy stressed upon the importance of practicing sustainable mining in order to preserve and protect the exhaustible mineral reserves aiming at optimal utilization of the natural mineral resources of the country.

In the year 2017, the Ministry of Mines constituted a committee under the chairmanship of Dr. K Rajeshwara Rao to review the National Mineral policy 2008 in compliance with the directions of the Supreme Court in its judgment.<sup>17</sup> The committee submitted its report in the same year which later on approved the National Mineral Policy, 2019 which replaced the earlier policy. The aim of new policy is to have more efficient, meaningful and implementable policy that brings in future transparency, better regulation and enforcement with a balanced social and economic growth as well as sustainable mining practices.

The two main national legislations in India dealing with the mining rules and regulations are as follows:

- a) **The Mines Act, 1952:** The Mines Act, 1952 and the MMDR Act, 1957 together with the rules and regulations constitute the basic laws which govern the mining sector in India. It seeks to regulate the working conditions of the labours who are working in mines by providing for measures to be taken for their safety.<sup>18</sup>
- b) **The Mines and Minerals (Development and Regulation) Act, 1957:** It is the principle legislation which governs the Indian Mineral Sector (other than petroleum and gas) and ensures that the state exercises their power with a uniform national framework. Under the MMDR Act, minerals are classified into minor minerals and major minerals. With respect to the major minerals, the states are empowered to regulate and develop minerals but subject to the provisions of the Act and with the previous approval of the Central Government<sup>19</sup> while the Central Government retain the power of revision, fixation of royalty, etc.<sup>20</sup>

The Act has undergone number of amendments from time to time since its enactment. The amendments made in the year 1972 and 1986 have enhanced the control of government on mining. After few years the amendments carried out in 1994 and 1999 have liberalized the procedure for granting mineral concessions and facilitating private sector including foreign direct investment into the mining sector. These amendments have also introduced the provisions relating to environment. In 1986, the Act was amended and certain provisions were introduced to provide greater sensitivity towards environmental concerns in the mining operations.

The amendments include:

- Provisions relating to General restrictions on undertaking reconnaissance, prospecting and mining operations which seeks to control mineral exploration and extraction in order to guarantee that these

<sup>16</sup> K. Randive, S. Jawadand., & T. Raut, "National Mineral Policy and Its Impact on Indian Mineral Sector" *Journal of Geosciences Research* 1-15 (2017).

<sup>17</sup> *Common Cause v. UOI & Ors.*, AIR 2017 SC.

<sup>18</sup> The Mines Rules, 1955.

<sup>19</sup> The Mines and Minerals (Development and Regulation) Act, 1957, s. 5.

<sup>20</sup> The Mines and Minerals (Development and Regulation) Act, 1957, s. 17,17A

operations are carried out ethically, sustainably, and in accordance with national regulations.<sup>21</sup>

- Permits government to make “premature termination” of prospecting licenses and mining leases for the preservation of natural environment, prevention of pollution and harm to public health, buildings, monuments and other structures and for conservation of mineral resources and safety in the mines.<sup>22</sup>
- Empower the central and state governments to frame rules on various matters including rehabilitation of flora and other vegetation destroyed by mining operations.<sup>23</sup>
- Puts an obligation on the central government to take all necessary steps “for the conservation and systematic development of minerals” and “for the protection of environment by preventing or controlling any pollution which may be caused by prospecting or mining operations”.<sup>24</sup>

In the year 2015, the Indian government significantly amended the mining laws, through the Mines and Mineral (Development and Regulation) Amendment Act 2015, by introducing the concept of auctions in order to bring greater accountability and transparency to mineral concessionary regime.<sup>25</sup> In order to provide for necessary legal changes and to further liberalize the mining sector, the Mineral Law (Amendment) Act 2020 was passed by the Indian Parliament which amended the existing Mines and Mineral (Development and Regulation) Act, 1957 and the Coal Mines (Special Provisions) (CMSP) Act, 2015. The Act provided for allocation of coal/lignite for composite prospecting license cum mining lease for which there was no provision earlier.<sup>26</sup> It has heralded a new era in the coal and mining sector especially to promote the “Ease of doing Business” by enabling people to bid for blocks and sell the coal freely to any buyer of their choice.<sup>27</sup> In order to further boost the mining sector, the Central Government by exercising the powers conferred under the MMDR Act, 1957 has framed various rules. Some of them are The Mineral Concession Rules, 1960, The Mineral (Auction) Rules, 2015, The Mineral (Conservation and Development) Rules, 2017, The Mineral (Conservation and Development) Amendment Rules, 2018, etc.

### **Regulatory Framework for Environmentally Sustainable Mining**

In India, the mining sector is regulated both at the central and state levels. In order to deal with the environmental conflicts that might arise due to different mining activities, the Ministry of Environment, Forest and Climate Change (MoEFCC) is the Apex body which has led down a set of policies, Acts, rules and regulations. Environment Protection Act (EPA) 1986 with recent amendments Environment Protection (Amendment) Act (EPA 2006) and the Forest Conservation Act, 1980 are the two major policies monitoring the mining activities of the entire industrial sector of the country to ensure the environmental protection. EPA, 1986 lays down standards for discharge of effluents, national ambient air quality standards, ambient air quality standards, and the requirements of the Environmental Impact Assessment (EIA) that will lead to environmental clearance. Under EPA 2006, EIA is most important environmental requirement for a mining operation. The Act empowers the Central Government to take all the measures as deemed necessary for

<sup>21</sup> The Mines and Minerals (Development and Regulation) Act, 1957, s. 4 -s. 9(a).

<sup>22</sup> The Mines and Minerals (Development and Regulation) Act, 1957, s. 4A.

<sup>23</sup> The Mines and Minerals (Development and Regulation) Act, 1957, s. 13, 15.

<sup>24</sup> The Mines and Minerals (Development and Regulation) Act, 1957, s. 18.

<sup>25</sup> Mines and Minerals Development and Regulation (Amendment) Act, 2015

<sup>26</sup> The Mineral Law (Amendment) Act 2020, s. 6,7,8,10,11,12,16

<sup>27</sup> The Mineral Law (Amendment) Act 2020, s. 4,5,7 and 10.

protecting the environment, and preventing, controlling, and abating pollution.<sup>28</sup> Some other policies are: The National Forest Policy, 1988; The National Conservation Strategy and Policy Statement on Environmental and Development, 1992 which provides that diversion of forest land for non-forest activities including mining should be minimal and adequate arrangements shall be made for compensatory afforestation and regeneration. The Policy Statement for Abatement of Pollution, 1992 provides that mining operations should not be taken up ordinarily in ecologically sensitive areas.

All the above-mentioned policies stressed upon the need for ensuring the environmental integrity and sustainability in mining operations and stipulated that every mining project should have a mining plan, including environmental management and mine closure plans along with the time bound plan for rehabilitation and restoration of mined areas.

In order to analyze the impact of mining operations on the surrounding environment, the need for environmental impact assessment in respect of specific mining operations is also emphasized. Under the Environmental Impact Assessment (EIA) Notification 2006, as amended, all mines, irrespective of their size and nature of mineral (major/minor), operating in the country must obtain an Environmental Clearance (EC).<sup>29</sup> Mines operating without an EC are considered to be illegal mines. For seeking such environmental clearance (EC), undertaking mine level EIA and formulating management plans (EMP) are mandatory.

The 2006 EIA Notification divides the mining projects into two categories i.e. category A and category B. The Mining projects which have a lease area more than 50 ha in size comes under category A which requires Environmental Clearance from national level EIA created with the Ministry of Environment, Forest and Climate Change in the Government of India. The projects which have a lease area between 5 ha to 50 ha come under category B which requires Environmental Clearance from state EIA created with respective State Department of Environment in the State Government and those which are smaller than 5 hectares are not required to get the Environment Clearance as initiated by the EIA notification of 2006. But subsequently, another category was created by an amendment and classified as B2 category which was related to mining of minor minerals of lease area less than or equal to 5 hectares. The amendment led to the constitution of the District level Environment Impact Assessment Authority and District Level Expert Appraisal Committee at district level for grant of environmental clearances. District Level Expert Appraisal Committee will scrutinize and recommend the prior environmental clearances of mining of minor minerals to the District Level Environment Assessment Authority on the basis of the District Survey Report.

Some of the key environmental clearances required for mining operations include:

- Clearance under the Environmental Protection Act, 1986 and the rules framed there under in accordance with the EIA Notification 2006, as amended from time to time.
- Consent to undertake mining in forest lands covered under the Forest Conservation Act 1980.

Clearance from the relevant State Pollution Control Board under the: Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981, Hazardous and Other Wastes

<sup>28</sup> The Forest Conservation Act, 1980.

<sup>29</sup> *Deepak Kumar etc. v. State of Haryana*, AIR 2012 SC

(Management and Transboundary Movement) Rules 2016, Solid Waste Management Rules 2016, Noise Pollution (Regulation and Control) Rules 2000, etc.

## Response of Indian Judiciary on Environmental Conflicts

The Indian Judiciary has always been sensitive towards environmental protection and conservation. Over the years, the problems, issues and environmental conflicts have entered the halls of judiciary and by way of public interest litigation; the matters of popular significance were brought to courts attention by anyone and not necessarily by the aggrieved party only.<sup>30</sup> The Indian judiciary has given many impressive judgments from shifting the sites of production to shutting down the manufacturing units, which had both long term and far reaching consequences. It is all because of the activist role of the Indian judiciary that a new interpretation has been given to Article 21 of the Indian Constitution which deals with the right to life and personal liberty which now includes the right to enjoy unpolluted air and water and a wholesome environment.<sup>31</sup> It is because of this interpretation, the court can step in any project or activity which is harmful or injurious to the environment.<sup>32</sup> Similar views have been expressed by various High Courts of the country in its several judgments.

In Rural Litigation Entitlement Kendra vs. Union of India case,<sup>33</sup> (RLEK Case), the limestone quarries in the Doon Valley area of Dehradun were deteriorating the environment of the mountains and forests posing great threats to the health of people who are working in the quarries as well as who are living in that area. The RLEK sent a letter to the Apex Court which was converted by the court into public interest litigation and formed a committee to analyze the situation. The Supreme Court after considering the alarming consequence of the working quarries in the area took extreme step and ordered the closure of all the quarries and provided alternative arrangements to the workers and the quarry owners. It was held by the Supreme Court that protection and safeguard of right to live in a healthy environment has to be given prime importance even at the cost economic loss.

In T.N GodavarmanThirumulpad v/s Union of India &Ors.,<sup>34</sup> popularly known as Forest Case, the Supreme Court came out as a major actor rather being just an arbitrator in the routine environmental cases. In this case, a writ petition was made in the Supreme Court seeking its intervention in directing the state of Tamil Nadu to check the felling of timber and also to combat the problem of deforestation. The most important aspect of this case is that it is an ongoing case „continuing mandamus“ and the Court continues to pass orders at regular intervals.<sup>35</sup>

One of the most controversial cases that were heard as a part of this case was the one related to mining in Niyamgiri Hills in the State of Odisha in violation of the procedures prescribed under the Forest

<sup>30</sup> *Vellore Citizens Welfare Forum v. Union of India*, AIR 1987 SC 965, 982, 1086.

<sup>31</sup> *Virendra Gaur v. State of Haryana*. AIR 1995 (2) SCC 577.

<sup>32</sup> *T.N. GodavarmanThirumulpad v. Union of India &Ors.*, AIR 2006 (14) SCALE 87.

<sup>33</sup> AIR 1985 SC 652, 656.

<sup>34</sup> AIR (1997) 2 SCC 267.

<sup>35</sup> Nupur Chowdhary, "From Judicial Activism to Adventurism-The Godavarman Case in the Supreme Court of India" 17 *Asia Pacific Journal of Environmental Law* 184.

(Conservation) Act, 1980 for forest land diversion. The Order passed by Justices J.S. Verma and B.N. Kirpal states that:

*“All ongoing activity within any forest in any state throughout the country, without prior permission of Central Government, must stop forthwith – Running of saw mills including veneer or ply wood mills and mining of any mineral, being non-forest purposes, not permissible without prior approval of Central Government and must stop forthwith – all states must constitute Expert Committees and submit reports to the Supreme Court – specific directions for states of J&K, U.P. and West Bengal and Tamil Nadu also issues.”*

In *Samaj Parivartan Samudaya and Ors. V. State of Karnataka and Ors.* case,<sup>36</sup> the court intervened and expressed its concern over illegal mining resulting into environmental degradation and illegally exploiting the forest areas. The court applied the precautionary principle, which is the essence of Article 21 of the Constitution of India as per the dictum of Supreme Court in *M.C. Mehta V. Union of India* and issued a ban on illegal mining.

In *Goa Foundation V. M/S Sesa Sterlite Ltd. And Ors.*,<sup>37</sup> showing dismay over large- scale illegal mining of iron ore and manganese ore in the State of Goa, the bench comprising of Madan B. Lokar and Deepak Gupta, JJ issues several directions to ensure implantation of mining related environment protection laws and said:

*“For the State to generate adequate revenue through the mining sector and yet have sustainable and equitable development, the implementation machinery needs a tremendous amount of strengthening while the law enforcement machinery needs strict vigilance. Unless the two marry, we will continue to be mute witnesses to the plunder of our natural resources and left wondering how to retrieve an irretrievable situation.”*

The Union Territory of Jammu and Kashmir, known for its fragile Himalayan ecology and abundant natural resources, has witnessed a marked increase in mining activity in recent years. While mineral extraction has been integral to infrastructure development and economic growth, unregulated and illegal mining practices have had significant adverse effects on local communities, aquatic ecosystems, and the overall environment.

One of the most immediate and visible impacts of unregulated mining is on the local population, particularly in rural and semi-urban areas. Riverbed mining, especially in districts like Pulwama, Anantnag, and Baramulla, has disrupted traditional livelihoods such as agriculture and fishing.<sup>38</sup> Excessive extraction of sand, gravel, and boulders from rivers like the Jhelum and its tributaries has led to the lowering of riverbeds, altering water flow and affecting irrigation systems. As a result, farmers report declining agricultural productivity, water scarcity, and crop failures. Moreover, the proliferation of illegal mining operation has led to increased dust pollution, noise and deteriorating the quality of life in nearby communities. Several studies

<sup>36</sup> AIR (2012) 7 SCC 407.

<sup>37</sup> AIR (2018) SCC.

<sup>38</sup> Raja Muzaffar Bhat, “Scarred by mining: Illegal riverbed mining in Kashmir”, available at <https://www.downtoearth.org.in/mining/scarred-by-mining> (last visited on 25th June, 2025).

and local reports also highlight the emergence of health issues such as respiratory problems and waterborne diseases due to contamination of water sources and air pollution.<sup>39</sup>

The impact on marine and aquatic life in the Union territory of Jammu and Kashmir riverine systems is equally alarming. Although the region is landlocked and does not possess marine biodiversity in the traditional sense, its freshwater ecosystems are rich and ecologically significant.<sup>40</sup> Rivers, streams and wetlands such as Wular and Dal Lake serve as habitats for endemic fish species and migratory birds. Unregulated dredging and sediment removal disturb these habitats, leading to habitat fragmentation and a decline in aquatic biodiversity. Also, the use of heavy machinery in riverbeds often leads to the destruction of aquatic vegetation, which is crucial for maintaining ecological balance.<sup>41</sup>

The consequences of unchecked mining are far-reaching and potentially irreversible which often leads to deforestation, soil erosion, and landslides, particularly in the ecologically sensitive hill areas. The altered topography increases vulnerability to natural disasters such as floods and flash floods, which have become more frequent and severe in recent years. Furthermore, air and noise pollution from mining activities degrade the ambient environment, impacting not just human health but also the health of flora and fauna.

## CONCLUSION:

The Indian legal and regulatory framework, while comprehensive, faces considerable challenges in ensuring the sustainability of mining activities. Despite the enactment of various environmental protection laws, such as the Environment Protection Act of 1986, the Mines and Minerals (Development and Regulation) Act of 1957, and the Forest Conservation Act of 1980, the implementation of these laws often falls short. The judiciary, in its proactive stance, has attempted to bridge these gaps by intervening in cases of illegal mining and enforcing stricter environmental regulations. However, enforcement remains inconsistent, with illegal mining continuing to thrive in certain regions, particularly where regulatory mechanisms are weak or compromised. The gap between legislation and its enforcement needs urgent attention to avoid irreversible environmental damage.

Additionally, the enforcement of existing laws must be strengthened, and a greater emphasis should be placed on sustainable mining practices. A multi-faceted approach involving stronger legal frameworks, better enforcement, active judicial oversight, and greater community involvement will be essential to ensure that the benefits of mining do not come at the cost of India's ecological and social well-being. Only through such comprehensive measures can India achieve a sustainable and environmentally responsible mining sector that contributes to both economic growth and environmental preservation.

<sup>39</sup> Arif Shafi Wani, Illegal riverbed mining devastates Kashmir's fragile ecosystem, available on <https://www.greaterkashmir.com/kashmir/illegal-riverbed-mining-devastates-kashmirs-fragile-river-ecosystem/> (Last visited on 26<sup>th</sup> June, 2025).

<sup>40</sup> Mukhtar Dar, Risks of unchecked mining to trout fish in Jammu and Kashmir, available on <https://www.jkpi.org/risks-of-unchecked-mining-to-trout-fish-in-jammu-and-kashmir/> (Last visited on 25<sup>th</sup> June, 2025)

<sup>41</sup> Dr. Raja Muzaffar Bhat, "Excessive mining has weakened river embankments", available on <https://www.greaterkashmir.com/opinion/excessive-mining-has-weakened-river-embankments/> (Last visited on 26<sup>th</sup> June, 2025).