

Business Standard

SC raises ceiling limit of iron ore mining for three Karnataka districts

The apex court raised the ceiling limit of iron ore mining from 28 MMT to 35 MMT for Ballari district, and from 7 MMT to 15 MMT for Chitradurga and Tumkur districts.

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The Supreme Court on Friday raised the ceiling limit of iron ore mining for Ballari,

Supreme Court of India. (Photo: ANI)

Chitradurga, and Tumakuru districts in Karnataka, saying conservation of the ecology and environment must go hand in hand with the spirit of economic development.

The apex court raised the ceiling limit of iron ore mining from 28 MMT to 35 MMT for Ballari district, and from 7 MMT to 15 MMT for Chitradurga and Tumkur districts.

"Conservation of the ecology and the environment must go hand in hand with the spirit of economic development and the fine balance between the two goals is what is sought to be achieved even now," a bench headed by Chief Justice N V Ramana said.

The bench, also comprising Justices Hima Kohli and C T Ravikumar, passed the order on pleas seeking lifting of the ceiling limits of iron ore mining in these districts.

It referred to the May 20 this year order passed by the apex court which had granted certain reliefs relating to the sale and export of iron ore in these three districts in Karnataka and had left open the question of lifting or relaxation of the ceiling limit for production of iron ore there.

The bench referred to the history of ceiling limits on the production of iron ore through court orders and noted that on July 29, 2011, and August 26, 2011, the apex court had imposed a ban on mining in these three districts based on the report of the Centrally Empowered Committee (CEC).

It said in December 2017, the court had permitted to increase of the ceiling cap from 25 MMT to 28 MMT in Bellari district and from 5 MMT to 7 MMT for Chitradurga and Tumkur districts, based on the July 14, 2017, report of the CEC.

"In 2017, this court was of the view that the situation had vastly changed in the state of Karnataka and had therefore allowed an increase in the ceiling limit. We are now in the year 2022," the apex court said.

The bench said it can be no one's case that the situation subsisting in Karnataka currently is the same as had existed when the matter was first taken up or when the court had passed the order in 2017, relaxing the ceiling limit to some extent.

"This is also clear from the changed stance of the state of Karnataka and the CEC before this court. In 2017, the CEC had recommended a cumulative increase in the ceiling limit up to 5 MMT, whereas now, the CEC supports the view that the ceiling limit need not continue," it observed.

The bench noted that in 2017, Karnataka had submitted before it that the ceiling limit may be raised to 40 MMT, and gradually increased later to 50 MMT.

"However, the state of Karnataka is now in favour of a complete removal of the ceiling limit," it said.

The top court said it appeared that the CEC, the state, the Ministry of Steel, Karnataka Iron and Steel Manufacturers Association, and mining lease holders are all "ad idem" (in agreement) that the changed situation on ground warrants a complete removal of ceiling limits that were imposed by the court.

The bench noted that the monitoring committee had highlighted a separate concern regarding the infrastructural incapacity to transport iron ore excavated if the ceiling limits were to be raised.

It said advocate Prashant Bhushan, appearing for the original petitioner, has objected to the request for the lifting of the ceiling limit, on principles.

The bench said the concerns of the original petitioner and the monitoring committee merit due consideration.

"Much good work has been done in the state of Karnataka, because of the action initiated by the original petitioner and the subsequent judicial interventions by this court. In fact, it is this progress made steadily over the past decade that weighed with this court to even consider the relief regarding the raising of the ceiling limit sought by the present applicants," it said.

The apex court said concerns raised by the petitioner regarding possible over-excavation and its adverse impact on intergenerational equity must be balanced against the concerns of other parties as the principles of sustainable development also comes into play.

The bench said the apex court has generally accepted the CEC's recommendations when it comes to the ceiling limit and in the present case, the CEC has recommended a complete relaxation of the ceiling limit.

"But we are not inclined to allow the same in toto," it said.

"Rather, the situation merits a cautious approach, keeping in view the concerns raised and to ensure that any changes in the situation with respect to the mining activity in the state of Karnataka are brought about gradually, we are of the opinion that the ceiling limit of iron ore mining may be raised from 28 MMT to 35 MMT for district Bellary, and from 7 MMT to 15 MMT for Chitradurga and Tumkur districts collectively," it said.

Earlier on May 20, the top court had permitted mining firms to sell outside the state and export already excavated iron ore from mines in the districts of Ballari, Chitradurga, and Tumakuru in Karnataka without having to resort to the process of e-auction.

Iron ore exports from Karnataka were earlier banned by the apex court to prevent environmental degradation and to ensure that mineral resources of the state are preserved for future generations as part of the concept of intergenerational equity.