

**MINING REGULATIONS IN
FOREST AND ECO-FRAGILE AREAS**

**A PRESENTATION
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MINERAL RESOURCES IN INDIA

- The mineral resources in India consist of Coal, Iron ore, Manganese, Mica, Bauxite, Titanium ore, Chromite, Diamonds, etc.
- India is the third largest producer of Coal, Lignite and Byrite and the largest producer of Mica in the world.
- There are 2,326 private and 292 public operating mines in the country.

BACKGROUND

- Mining is closely associated with forestry and environmental issues.
- A major part of the nation's known reserves of key minerals are located in areas which are under forest cover.
- Mining activity is an intervention in the environment, and if unregulated, has the potential to adversely disturb the ecological balance of the site.

BACKGROUND (CONTD)

- In India, large scale exploitation of coal and mineral resources has been carried out since long from thousands of mines spread across the country.
- For mining activities, across the country, 1.64 lac hectares of forest area has been diverted so far.
- Due to unscientific mining techniques, large scale degradation of land, disturbances in water table, pressures on forest areas, threat to flora and fauna and many other hazards have been reported.

BACKGROUND (CONTD)

- However, the requirements of economic development make the extraction of the nation's mineral resources an important priority.
- A framework of sustainable development has to be designed which takes care of biodiversity issues and ensure that mining activities take place along with suitable measures for the restoration of ecological balance.

MINING A THRUST AREA

- Mining for important minerals is a major thrust area in the drive to sustain the proposed 8% growth rate in the next 10 years.
- While the MoEF seeks more regulations in privatized mining in the light of large scale illegal mining across India, the Coal and Mines Ministries seek fewer regulations.
- This has led to a bitter tussle between the Coal and Power Ministries and the MoEF over mining rights in the dense forests of the Indian tribal lands.

MINING A THRUST AREA (CONTD)

- The practice of allocating “coal blocks” to the companies by the Ministry of Coal got a jolt when the MoEF released the first set in a series of maps of coalfields superimposed over forests on its website.
- These maps identified the “go” and “no-go” zones for mining.
- It showed 35% of the area of 9 major coalfields falling in the no-go zones, which are mostly in dense forests.

MINING A THRUST AREA (CONTD)

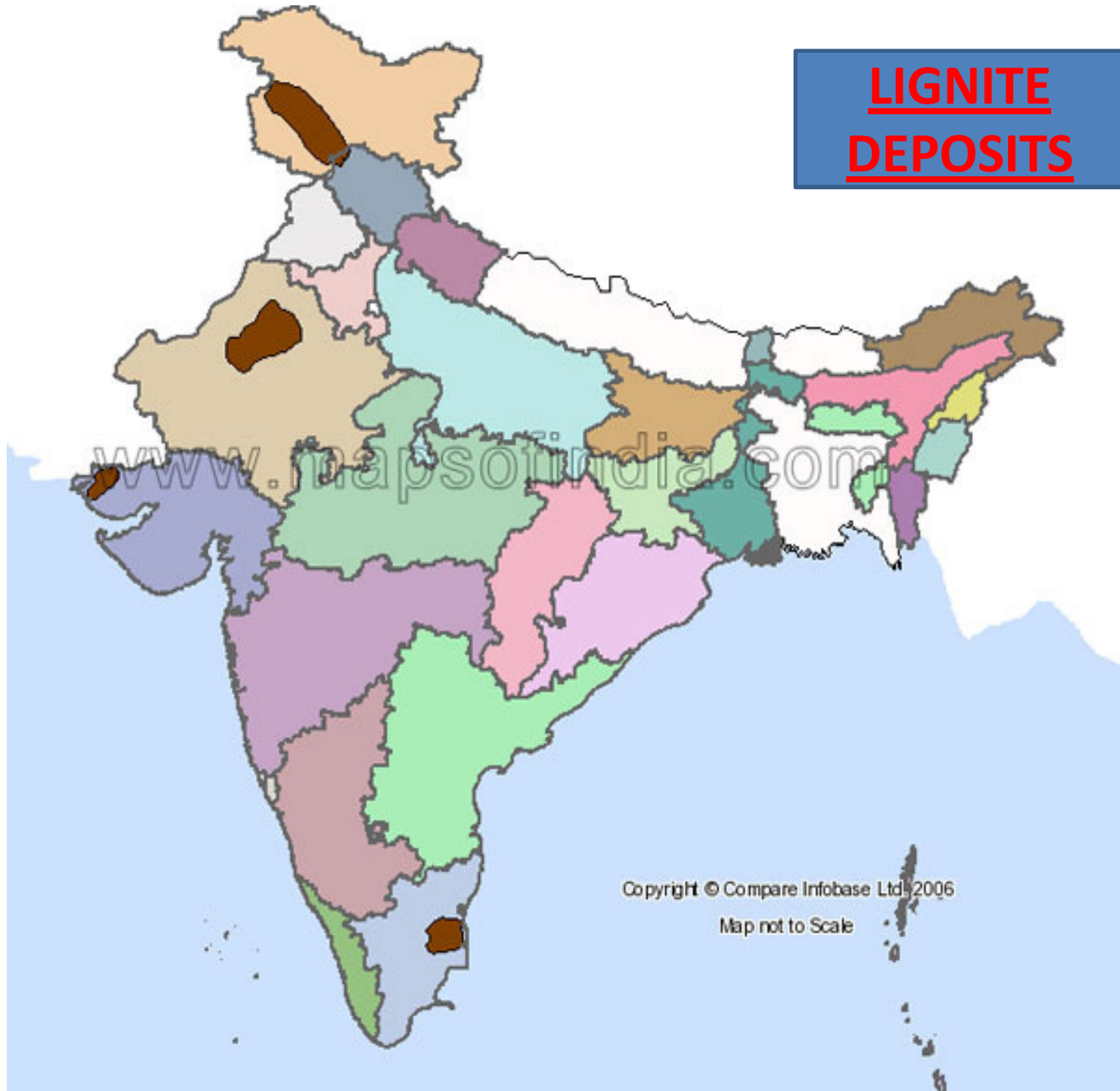
- The remaining 65% of the coalfields, MoEF suggested, can be mined if environmental and forest clearances are obtained.
- This led to furore in the Central Govt. and PMO had to intervene.
- The PS to the PM wrote to MoEF saying that the PMO does not agree with the definition of no-go areas.

MINING A THRUST AREA (CONTD)

- The PMO suggested that the MoEF relax the definition of no go zones for allocation of more areas under go zones.
- Mr Jairam Ramesh said in a press conference that releasing more than 5% dense forests could not be justified ecologically.
- The final decision has been left with the PM.



LIGNITE
DEPOSITS



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Map not to Scale



MINEFIELDS OF JHARIA, DHANBAD



COAL MINE IN AUSTRALIA, QUEENSLAND



THE TATA OPEN CAST COAL MINE AT BOKARO



ELK ON RECLAIMED LAND



SEEKING FOREST CLEARANCE

- What happens when a long lease for mining (20 years or more) expires?
- Does it mean going through fresh forest clearance cycle along with other requisite permissions?
- What happens if the mining company does not receive the new clearances before the lease period expires?
- On 4th August 2006, the Apex Court laid down the steps for renewal of mining operations, as below:

STEPS LAID DOWN

- A proposal seeking clearance under the Forest Conservation Act 1980 need to be filed 2 years prior to the expiry of the mining lease.
- If additional information is required, the State Government shall ask for the same within 90 days of the receipt of the proposal.
- The State Government will forward the proposal to the Central Government along with their recommendations within 9 months of the receipt of the proposal.

STEPS LAID DOWN (CONTD)

- The Central Government (MoEF) will dispose off the application within 4 months of its receipt, under ordinary circumstances.
- If it is unable to do so, reasons for the same would need to be recorded explaining the delay.
- If the application is delayed at the MoEF level, the User Agency or applicant can apply for the grant of a TWP.

STEPS LAID DOWN (CONTD)

- The application has to be made to the State Government in the proforma prescribed by the MoEF with an advance copy to MoEF.
- Such applications can be made any time after the expiry of 13 months from the date of filing of the proposal with State Government, but not later than 9 months prior to the expiry of the existing approval.

STEPS LAID DOWN (CONTD)

- The proposal seeking TWP would be processed and forwarded by the State Government to the MoEF within 3 months and the MoEF will place it before the FAC.
- FAC will consider all proposals for forest clearances and TWP and pass suitable recommendations to the MoEF.

FRESH MINING LEASES

- The Government of India, vide its communication dated 3rd Oct 1997, instructed the Regional Offices to reject any mining proposal deep inside forest area and to be more careful in recommending other mining cases to the Central Government.
- GOI vide its communication dated 22 Oct 1998, further instructed its Regional Office not to recommend fresh cases of mining unless it becomes inescapable for extraction of some rare minerals needed for overall interest/security of the country.

CONDITIONS PUT FORTH BY MOEF IN **FRESH MINING LEASE CASES**

- For mining activities, the following conditions are usually imposed upon the User Agency:
- Transfer and mutation of equivalent non-forest land
- Deposit of Compensatory Afforestation Funds.
- Deposit of NPV.

FRESH MINING LEASES (CONTD)

- Raising and maintaining a 7.5 m wide Safety Zone strip.
- Raising and maintaining plantations over one and a half times of SZ over degraded forest land elsewhere.
- Demarcation of mining area by RCC pillars.
- Mitigative measures to minimise soil erosion and choking of streams.

FRESH MINING LEASES(CONTND)

- Construction of check dams, retention walls to arrest sliding down of the excavated material.
- Top soil management plan.
- Realistic and effective reclamation and rehabilitation of mined area plan.
- No damage to flora and fauna of the area.

REGULATIONS OVER MINING AND INDUSTRIAL ACTIVITIES AROUND PA'S

- The Central Government, vide their letter dated 09.02.2011 have prohibited the mining activities in all the eco-sensitive areas.
- The State Government, pursuant to the SCA 601/2011 filed in the High Court of Gujarat, issued a GR directing complete ban on any mining and industrial activity within 1 Km of the periphery of any PA declared under the WL Protection Act.

REGULATIONS (CONTD)

- For any mining or industrial activity on any land falling between 1-5 Km of periphery of PA, NOC of the FD have to be obtained.
- Of late, the Central Empowered Committee, while recommending the case for deletion of areas so proposed by the FSO from Section 4 areas after settlement, has put forth a condition that “none of the deleted area will be allowed to be used for mining without obtaining approval under the Forest (Conservation) Act 1980

NOW THE BIG QUESTION
CONSERVATION OF FORESTS
AND
ENVIRONMENT
VS
MINING ACTIVITIES
HOW TO
RESOLVE?

***THANKS
FOR YOUR
KIND ATTENTION***