

**GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA**

UNSTARRED QUESTION NO:5233

ANSWERED ON:05.09.2011

EXTRADITION OF DIAMONDS

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Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

- (a) the legal status of mining/extradition of diamonds, gold and other items falling under the jurisdiction of forest land;
- (b) whether a large number of companies have applied for mining of diamonds, gold and other items under the forest land in the country; and
- (c) if so, the details of these companies, State-wise including Madhya Pradesh and the number of cases the permission has been granted alongwith the terms and conditions laid-down by the Government?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT AND FORESTS (SHRIMATI JAYANTHI NATARAJAN)

(a) Use of forest land for non-forest purpose, including for mining/extraction of diamonds, gold, etc., requires prior approval of the Central Government under the provisions of the Forest (Conservation) Act, 1980.

(b) & (c) Central Government did receive applications to obtain its approval under the Forest (Conservation) Act, 1980, to undertake mining/prospecting of diamond and gold in forest areas. State-wise detail of the proposals seeking prior approval of the Central Government for mining/prospecting of diamonds and gold in forest land, received by the Central Government, along with status of these proposals is annexed.

Central Government so far accorded 1,719 approvals (including the approvals accorded for mining/prospecting of diamond and gold in forest land) under the Forest (Conservation) Act, 1980 for diversion of approximately 1,42,135 ha forest land for mining projects. State/UT-wise detail of the same is annexed. Approvals accorded by the Central Government for diversion of forest land for mining projects are generally subject to fulfillment of following general and standard conditions:

- (a) Legal status of forest land to remain unchanged.
- (b) Compensatory afforestation (CA) as per guidelines.
- (c) Transfer and mutation of non-forest land for CA in favour of Forest Department, if applicable.
- (d) Notification of such CA land as Reserved Forest /Protected Forest under the Indian Forest Act, 1927 or local forest Act.
- (e) Payment of Net Present Value (NPV) at the applicable rates.
- (f) Undertaking to pay additional amount of NPV, if so determined.
- (g) User agency to provide alternate fuel to the labourers and the staff working at the site so as to avoid any damage & pressure on adjacent forest areas.
- (h) Phased reclamation of mined area.
- (i) Safety zone area, its afforestation and fencing.
- (j) Afforestation on one and half times degraded forest land in lieu of the area used for safety zone.
- (k) Permission accorded under the Forest (Conservation) Act, 1980 is to be co-terminus with the period of mining lease accorded under the Mines and Minerals (Development and Regulation) Act, 1957.
- (l) In case of underground mines, areas on surface to be fenced and afforested.
- (m) Forest land shall not be used for any purpose other than that specified in the proposal.
- (n) Demarcation of lease area to be done on the ground at project cost using four feet high reinforced cement concrete pillars with

serial numbers, forward & back bearings, distance from pillar to pillar and DGPS coordinates.

(o) Settlement of rights in accordance with the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 on the forest land.

(p) Rehabilitation of project affected families, if any.

(q) Environmental clearance, if required.

(r) Submission of annual self-monitoring report.

Similarly, approvals accorded by the Central Government for prospecting of minerals in forest land are generally subject to compliance to the following conditions:

(a) Samples collected during prospecting are to be used purely for investigation purposes and not for trade or commerce.

(b) User agency to take appropriate measures to minimize noise and disturbance to wildlife.

(c) State Forest Department to supervise prospecting activities to prevent damage to flora (especially the fresh regeneration) and fauna.

(d) Permission for prospecting not to be construed as commitment on part of the Central Government to divert forest land for mining purpose.

(e) Filling of bore holes/pits after completion of prospecting.

(f) Work for prospecting including filling up of the bore holes to be completed within the period specified in the approval.

Apart from the afore-mentioned general and standard conditions, Central Government also stipulates project specific additional conditions, on case to case basis, to mitigate specific impact(s), if any, of mining projects on flora, fauna etc.