

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO- 622
TO BE ANSWERED ON- 07/02/2024

DEFORESTATION OF FOREST LAND DUE TO MINING

622 SHRI VIVEK K. TANKHA

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) The number of tribal families uprooted owing to deforestation on account of mining in the last five years, State-wise details thereof;
- (b) Whether Government has conducted any study to assess the impact of deforestation of Hasdeo Arand forest on tribal families due to coal mining, if so, the details thereof; and
- (c) What measures have been taken in terms of resettlement and compensation due to loss of livelihood and land, the details thereof?

ANSWER

MINISTER OF STATE FOR TRIBAL AFFAIRS
(SHRI BISHWESWAR TUDU)

(a) to (c): Land and its management falls under the exclusive legislative and administrative jurisdiction of States as provided under the Constitution of India [Seventh Schedule – List ii (State List) – Entry No. (18)]. Whenever land is acquired for public purposes, including mining activities involving displacement of tribal beneficiaries, it is the responsibility of the State to ensure compliance of the relevant provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013).

The RFCTLARR Act also lays down procedure and manner of social impact assessment, rehabilitation and resettlement. The First Schedule of the RFCTLARR Act provides for compensation for land owners. As per Section 3(1)(ii) of the RFCTLARR, 2013, 'land owner' includes any person who is granted forest rights under FRA, 2006 (2 of 2007) or under any other law for the time being in force. The Second Schedule provide for element of rehabilitation and resettlement for all the affected families

(both land owners and the families whose livelihood is primarily dependent on land acquired) in addition to those provided in the first Schedule. Similarly, the Third Schedule provides for infrastructural amenities for a reasonably habitable and planned settlement in the resettlement area. RFCTLARR Act, 2013, provides safeguards to the right holders under FRA against displacement under Sections 41 and 42.

Further, Section 9B of the Mines and Minerals (Development & Regulation) Act, 1957 (in short MMDR Act), prescribes the establishment of District Mineral Foundation (DMF) in any district affected by mining-related operations, the objective of which is to work for the interest and benefit of persons, and areas affected by mining related operations in such manner as prescribed by the State Governments. DMF is funded by statutory contributions received from the holders of mining leases in terms of the fixed percentage of royalty prescribed by the Central Government.

Minerals (Other than Atomic and Hydro Carbon Energy Minerals) Concession Rules, 2016 (Mineral Concession Rules, 2016) have been framed under section 13 of the Mines and Minerals (Development and Regulation) (MMDR) Act, 1957 to regulate the manner in which mineral concessions are to be granted and for purposes connected therewith. Rule 52 of Mineral Concession Rules, 2016, provides for compensation payable to the owner of the land in which the mining operations are carried out; and Rule 53 of Mineral Concession Rules, 2016, provides for assessment of compensation for damage, if any, done to the land by the reconnaissance or prospecting or mining operations, as the case may be, which shall be payable to the owner of the land. In addition, as per Rule 12 (1) (l) of the said Rules, one of the conditions subject to which a mining lease is granted is that the lessee shall, in the matter of employment, give preference to the tribals and to the persons who are displaced because of the mining operations.

Ministry of Mines had also circulated guidelines for Pradhan Mantri Khanij Kshetra Kalyan Yojna (PMKKKY) on 16.09.2015 which has been revised vide Ministry of Mines' order dated 15-01-2024. PMKKKY with the objective of the welfare of areas and people affected by mining related operations, using the funds generated by DMF. At least 60% of the funds will be utilized for high priority areas like: (i) drinking water supply; (ii) environment preservation and pollution control measures;

(iii) health care; (iv) education; (v) welfare of women and children;

(vi) welfare of aged and disabled people; (vii) skill development and livelihood generation; and (viii) Sanitation (ix) Housing (x) Agriculture

(xi) Animal Husbandry. The PMKKKY has special provision for scheduled areas, which reads as under:

The process to be adopted for utilization of PMKKKY funds in the scheduled areas shall be guided by the provisions contained in Article 244 read with Schedule V and Schedule VI to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

In respect of villages affected by mining situated within the scheduled areas:

a. Approval of the Gram Sabha shall be required

i. for all plans, programs and projects to be taken up under PMKKKY.

ii. identification of beneficiaries under the existing guidelines of the Government.

b. Report on the works undertaken under PMKKKY in the respective village shall be furnished to the Gram Sabha after completion of every financial year.

Ministry of Tribal Affairs does not centrally maintain information relating to conduct of impact assessment and measures taken in terms of resettlement and compensation due to loss of livelihood and land.
