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Title: Introduction of the Mines and Minerals (Development and Regulation) Amendment Bill, 2021.

THE MINISTER OF PARLIAMENTARY AFFAIRS, MINISTER OF COAL AND MINISTER OF MINES (SHRI PRALHAD JOSHI): Sir, I beg to move for leave to introduce a Bill further to amend the Mines and Minerals (Development and Regulation) Act, 1957.

HON. SPEAKER: Motion moved:

“That leave be granted to introduce a Bill further to amend the Mines and Minerals (Development and Regulation) Act, 1957.”

DR. SHASHI THAROOR (THIRUVANANTHAPURAM): Thank you, Mr. Speaker. I am afraid that I wish to oppose the introduction of the Mines and Minerals (Development and Regulation) Bill on three grounds. One, it is violative of Article 48 (A) of the Constitution because the Bill fails to acknowledge the adverse impact on environment and biodiversity by stipulating automatic transfer of rights, approvals, clearances and licences from previous lease holders to the new owners. This is a violation of the Constitution.

Secondly, the Bill threatens the life and wellbeing of the people residing in close proximity to the mines by doing away with the requirement to obtain fresh permits despite a change in prevailing conditions. This endangers the right to life under Article 21 of the Constitution.

Thirdly, the Bill impinges upon the federal structure of the State as prescribed by the Constitution by awarding the power to the Central Government alone to auction mines owned by the States thereby encroaching upon the rights exercised by the State to hold auctions.

For these reasons, Sir, I urge the hon. Minister to introduce the Bill only after the concerns surrounding it have been addressed and an approach guided by the sustainable development has been incorporated in the Bill so that the ease of doing business does not take away the ease of living of our people. Thank very much, Sir.

SHRI PRALHAD JOSHI: Sir, Dr. Shashi Tharoor is the most learned Member. As far as Rule 72 is concerned, it mentions:

“If a motion for leave to introduce a Bill is opposed, the Speaker, if thinks fit, after permitting, brief statements from the Member who opposes the motion and the Member who moved the motion, may, without further debate, put the question:

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House.”

Now, the Bill is being legislated under Union List, Entry 54 of the Seventh Schedule to the Constitution. Entry 54 under the Seventh Schedule says:

“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.”

It means that the Parliament has full power and authority to legislate it. Entry 23 of the Seventh Schedule to the Constitution deals with the power and authority of the State. The Constitution has made it crystal clear. Entry 23 states:

“Regulation of mines and mineral development subject to the provisions of List-I with respect to regulation and development under the control of the Union.”

Here, List-I means, Union List - Entry 54.

So, whatever law is passed by the Parliament, the State Government has to enact it accordingly. This is very much clear. That is why, through you, I appeal to the hon. Member not to oppose the introduction of the Bill. So far as other two issues that he has raised are concerned, they are about the merits of the Bill and I am ready to give full reply after the debate.

माननीय अध्यक्ष : प्रश्न यह है :

“कि खान और खनिज (विकास और विनियमन) अधिनियम 1957 का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति प्रदान की जाए ।”

प्रस्ताव स्वीकृत हुआ ।

SHRI PRALHAD JOSHI: Sir, I introduce* the Bill.
