

16.09 hrs.

Title: Discussion on the Coal India (Regulation of Transfers and Validation) Bill, 2000.(Bill passed)

MR. SPEAKER: The House will now take up item No. 13.

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI N.T.

SHANMUGAM): Sir, I beg to move:

"That the Bill to empower the Central Government to direct the transfer of the land, or of the rights in or over land or of the right, title and interest in relation to a coal mine, coking coal mine or coke oven plant, vested in the Coal India Limited or in a subsidiary company to any subsidiary company of Coal India Limited or any other subsidiary company and to validate certain transfers of such land or rights, as passed by Rajya Sabha, be taken into consideration."

Ever since the coal mines were nationalised in two phases, 1972 and 1973, Coal Mines Nationalisation Act, 1973, and also ever since the nationalisation of the coal industry, though the land or right in or over such land acquired under various Acts and the right, title and interest in relation to a coal mine or a coke oven plant were directed to be vested in the Coal India Limited or its predecessor, its subsidiary companies were *de facto* managing such land, coal mines or plants.

The absence of a formal legal title to the land or the right over such land or the right, title and interest in relation to a coal mine or coke oven plant, in the subsidiary companies has exposed them to litigation and other legal infirmities. While the Companies Act, 1956 contains provisions for reconstruction and amalgamations, it could be given only prospective effect under that Act.

It has, therefore, been considered necessary to empower the Central Government to direct the transfer of land and its rights pertaining to a coal mine or coke oven plant vested in the Coal India Limited to a subsidiary company, or where it is vested in a subsidiary company, to another subsidiary company. It has also been considered necessary to validate all purported transfers of this nature, which have taken place before the commencement of the proposed Legislation.

The Bill seeks precisely to achieve this purpose.

16.11 hours (Shri Basu Deb Acharia *in the Chair*)

This Bill was introduced in the Rajya Sabha on 14.2.1995. Later it was discussed and passed on 24.11.2000.

With these words, I commend that the Bill may be taken up for consideration and passing.

MR.CHAIRMAN: Motion moved:

"That the Bill to empower the Central Government to direct the transfer of the land, or of the rights in or over land or of the right, title and interest in relation to a coal mine, coking coal mine or coke oven plant, vested in the Coal India Limited or in a subsidiary company to any subsidiary company of Coal India Limited or any other subsidiary company and to validate certain transfers of such land or rights, as passed by Rajya Sabha, be taken into consideration."

MR. CHAIRMAN: Only one hour has been allotted for this Bill

श्री राजो सिंह (बेगुसराय) : महोदय, यह जो बिल पेश किया गया है, (ब्यवधान)

समापति महोदय : राजो सिंह जी, आप बैठ जाइए।

श्री राजो सिंह : आप एक मिनट हमारी बात तो सुन लीजिए। (ब्यवधान) इन्हें पहले बिल पेश करना था, इसमें यह लिखा ही नहीं है कि बिल किस ने पेश किया।

SHRI SONTOSH MOHAN DEV (SILCHAR): Sir, the Statement of Object has not been given in the Bill.

MR. CHAIRMAN: It is because it has been passed in the other House. राज्य सभा ने पास कर दिया है।

SHRI SONTOSH MOHAN DEV : Sir, the Coal Ministry and the Coal India are in a very bad shape. They do not have the Chairman. A number of stories are published in the Press. The subsidiary is running with the acting MDs. For years together they have not been in place. This Bill has come after the Supreme Court passed strictures regarding transfer of some property. You, Sir, also were a Member of the concerned Standing Committee. I would first like to read out the views of the present Foreign Minister, who was then the Chairman of the Standing Committee, when it came from Rajya Sabha to Lok Sabha.

"The Coal India (Regulation of Transfers and Validation) Bill, 1995 aims to empower the Central Government to direct the transfer of land, or the rights in or over land or of the right, title and interest in relation to a Coal Mine, Coking Coal Mine or Coke Oven Plant, vested in Coal India Limited or in a subsidiary company to any subsidiary company and to validate certain transfers of such land or rights."

The Committee obtained different State Governments views, mainly West Bengal and Bihar, on the Bill and examined them in detail. It says further:

"The Bill has also been questioned on the ground of being violative of the provisions of Mines and Mineral (Regulation and Development) Act, 1957, Mineral Concession Rules, 1960 and certain other State Acts. The Government on the other hand, have clarified that the Bill flows from the Coal Mines (Nationalisation) Act, 1973.

Section 28 of the Act has an over-riding provision stipulating that the Nationalisation Act shall have effect notwithstanding anything inconsistent with any other law for the time being in force. The Committee after detailed examination and discussion are inclined to the view that the proposed Bill, apparently serves no other purpose than to safeguard against the possibility of being challenged on grounds of lack of title to the subsidiary companies of Coal India Ltd. The Committee, therefore, hold that what is required presently is to have a fresh look at the Coal Mines (Nationalisation) Act, 1973, and to eliminate such shortcomings, if any, as exist in its effective implementation. The Committee therefore, are unable to recommend the Coal India (Regulation of Transfers and Validation) Bill, 1995 to the Parliament for adoption."

That was the recommendation of the Standing Committee. When the hon. Minister introduced this Bill, I expected him to make this point. I also expected him to say that he has come before this House to overcome these difficulties which are being faced and that this is a limited purpose Bill. As has been rightly said by the Minister, these coal mines were taken over by the Acts of 1971 and 1973. It was done to improve the working conditions of the workers and secondly to modernise coal fields of India which are precious gold for us and which give us raw material for steel, thermal and other projects. It also adds to many other things. What does the history speak? It says that the condition of the workers has gone from bad to worse. They have converted subsidiaries to run them more effectively. The subsidiary is a white elephant. Only a few days back, we have seen some reports in newspapers. Since those who are involved in the CBI raid are not present in this House, I do not like to take their names. But I would like to warn the Government that behind this scheme there is a lobby. They are saying that in spite of CBI raid so and so can be appointed as he is a very good fellow. Who has certified it? Is it CBI or the Court or those lobby people who are working for them?

Today, you have brought before us this Bill to say that it was one time transfer of property and that you want to regularise it. That has gone for the other subsidiaries. We welcome it. It is because you have to face some trouble here. But then the question arises as to why you have brought another Bill which is before me as the Chairman of the Standing Committee on Energy. It is called Coal Mines Nationalisation (Amendment) Bill, 2000 for allowing private investment in coal sector. The idea is to transfer the property from Coal India to the subsidiaries. Then the subsidiaries will go for collaboration with the private sector. All the States like Bihar, West Bengal and other newly created States will be the sufferers. You will get the advantage and the cream of it. It is a Bill just to deprive the States of their limited resources which they have. It is a known fact that mines and minerals are also the property of the State. They get premium or royalty from that and they run their State on it. For years together, we have seen in this House that whether it is the Congress Government or Janata Government or your Government, everybody is

depriving the States of their legitimate royalty and other things. You have become a *jamindar*. All States are suffering and they cannot start development work, whether it is North or South.

The Central Government, by Act after Act, tries to squeeze them like a moneylender. This is not fair. This is not a good deal. That is why I do not welcome this Bill.

All right, the Supreme Court has passed some strictures and the Rajya Sabha Standing Committee on Industry has made some recommendations which go in your favour. In their Report the Committee said that as per the recommendations of the Parashar Committee you have to regularise it. So, you regularised it. But, before I support this Bill, I would like to get some support from you saying that whatever you do, you will not deprive the States of their legitimate rights of royalty.

I know a State like Punjab is asking for captive mines. I have written to you personally in this regard; many other MPs have written to you; Chief Ministers have also written to the Prime Minister. But this is not being given. What is the reason? Because some subsidiary is opposing it. They are the dog in the manger. I proposed to the then Secretary to find out whether they are going to utilise that coal mine and if they really want it, I will be the first person to support it. Neither they utilise it; nor will they give it to the State Government. My interest is only to give it to the private sector. What else will you give up? You are giving up Maruti, FCI and the Banks. You are trying to privatise them. This is the new theory started by your Government.

SHRI M.V.V.S. MURTHI (VISA KHAPATNAM): Who started it all? Your Government started it.

SHRI SONTOSH MOHAN DEV : Whoever may have started it, I said at the very beginning that the Congress Government, the BJP Government, and all the Governments are equally responsible. You may please be alive and listen to me. I am above all these things. I always speak straight.

SHRI M.V.V.S. MURTHI You have agreed with me. Thank you.

SHRI SONTOSH MOHAN DEV : My point is whatever is going on today, the States' interest should not suffer.

Bank nationalisation was done for the poor. Now you are asking us to believe something else. The other day the hon. Finance Minister, while speaking in the Economic Conference of world-famous people, said that even if you have 30 per cent share, your position is not diluted. This is really a very interesting point. We always heard as Ministers - I was also a Minister for quite a long time - that 51 per cent must be the minimum to exercise control. Now your new theory is that even with 33 per cent share you can be in control.

The hon. Minister is a very nice man, an honest man and a good man. But he must be very careful. He is in a vicious circle. The Coal India Ltd. is the capital of all dishonest people. You go through the records. What is the immediate cause for transfer of properties from Coal India Ltd. to its subsidiaries? These subsidiaries have been carrying on their operations for the last so many years without any difficulty.

I have certain questions. I would not burden you with a long speech. I would be precise in my questions. The first question is whether there has been any court case where the legal title of any subsidiary has been challenged. If so, what are the details? This question is to help you pass this Bill because I think you should be transparent. You can answer my questions because these are all known to your Department.

My second question is whether it is not a fact that the cost of land of some of the properties which are under Coal India Ltd. is very high and the Government wants to take advantage of it. I have explained to you how. What is the need for transfer of property to these subsidiaries retrospectively, particularly when the Government has brought forward the Coal Mines Nationalisation (Amendment) Bill, 2000 allowing private investment in coal sector?

For the last seven days I have been studying this Bill. It has been sent by the hon. Speaker to my Committee. If you go through this Bill, all these problems will be solved.

What is the hurry for you to bring this Bill? Let me and the House know it. Only then we can stand by you and I think you have neither explained it in the aims and objectives or anywhere else. I thought you will explain it. We shall not go in for it. How does the Government propose to redress the grievances of the coal-bearing States like Bihar, West Bengal and Assam?

SHRI RAM TAHAL CHAUDHARY (RANCHI): And Jharkhand also.

SHRI SONTOSH MOHAN DEV : I am sorry and beg for apology. It includes Jharkhand also.

My last question is, considering all these things, will you take corrective steps? I am sure that you will mention in your reply that you will take corrective steps. What is your plan and programme for modernisation? It is being told by the power sector that when you supply coal, it has 20 per cent stone, 10 per cent mound and 70 per cent coal.

All the washeries are in a bad shape. You are dearth of money. Are you thinking of selling land and investing that money for modernisation of coal washeries? What is the position there? Singareni Coalfields is doing well but I have been told that there is a move from here recently. It is not wise for me to say it here because people write to me as the Chairman of the Standing Committee on Energy. Singareni Coalfields is doing well. The plant and power project under them are also doing well. Do not try to change the heads to make them zamindars and auction it to them. It must not be done.

As I told you, you are an honest and sincere man. There will be attempts to make you also like others and us. You will have to be very careful. That is why, I am telling to keep the Bill very transparent. Try to keep the Department also transparent. I do not understand why one Secretary posted there is being transferred from there within a month. Why was Shri Kaul changed? It was because he did not concede to some demands of some superpowers who are running the Government. He could not oblige to some of the pressures there. If somebody does not like him, another man is sent there from the Ministry of Finance. This is what is happening.

You are supporting the Government... (Interruptions) You must take care of these things when you are supporting them. You are the main pillars and others are subsidiary pillars. So, you have to correct all these things. I think this is a Bill which can be avoided. My party's direction and my Chief Whip's direction sitting besides me is that I should support it and I support it. But I have to say about all these things. I spoke to you yesterday also and apprised you of my feelings. I feel that this Bill is not at all necessary at this time when you have another Bill. Even if you are bringing it, you should not misuse this Bill to deprive the State Governments of their rights. Today, all the State Governments, except Andhra Pradesh, are living with the World Bank funds. They have got a lot of money from the World Bank. Other States are suffering. West Bengal does not have money for their plants. Jharkhand is also suffering.

SHRI K. YERRANNAIDU (SRIKAKULAM): Singareni Collieries in Andhra Pradesh is doing well. We are getting profits now and we are giving bonus to the workers. Out of the net profit, we are giving them bonus.

SHRI SONTOSH MOHAN DEV : You are also following Mr. Murthy. I am praising you and when I praise you, you do not understand it and again, you start criticising. We are all old friends. I want Singareni Coalfields to be encouraged. I had gone to the thermal power project and I had planted a tree there, when I was the Chairman of the Estimates Committee.

I had gone there recently. I had seen it becoming a bigger one. The Project Manager told me that it is not only the tree but the Singareni Coalfields are also becoming bigger.

So, in the end, I would tell you, Mr. Minister, that I am supporting you. With these words, I give my conditional support to you. When I listen to your answer, then, I will give you my full support.

16.30 hrs. (डॉ. रघुवंश प्रसाद सिंह पीठासीन हुए)

श्री गिरधारी लाल मार्गव (जयपुर) : माननीय सभापति जी, यह बिल माननीय मंत्री जी इसलिए लाये हैं चूंकि सुप्रीम कोर्ट ने भारत कोकिंग कोल वर्सेज गवर्नमेंट ऑफ बिहार के मामले में एक निर्णय दिया था। उसी निर्णय के आधार पर माननीय मंत्री जी बिल लाये हैं। इसे राज्य सभा ने पास कर दिया है। यह बात सही है कि श्री संतो मोहन देव जी एक कमेटी का जिक्र कर रहे थे। सौभाग्य से मैं भी उसी कमेटी का सदस्य हूँ और कोल माइन्स के बारे में अगली मीटिंग में विचार होने जा रहा है। चूंकि माननीय मंत्री जी यह बिल लाये हैं, राज्य सभा ने इसे पास कर दिया है और इस पर सुप्रीम कोर्ट का निर्णय यह है -

"The main objective of the Bill is to empower the Central Government to direct the transfer of the land, or of the rights in or over land or of the right, title and interest in relation to a coal mine, coking coal mine or coke oven plant, vested in the Coal India Limited or in a subsidiary company to any subsidiary company of Coal India Limited or any other subsidiary company and to validate certain transfers of such land or rights."

जो असैट्स सब्सिडीयरी कम्पनियों को ट्रांसफर हो गये, उसमें कहीं न कहीं कोई लेक्यूना रह गया। उस लेक्यूना को दूर करने के लिए माननीय मंत्री जी यहां पर यह बिल लाये हैं। आठ सब्सिडीयरी कम्पनियां हैं, जिनके नाम का उच्चारण करने की मुझे आवश्यकता नहीं है। Now, they are able to transfer properties which are there in their names. In order to give power to them, the Bill has been introduced so that they can transfer the land and properties to the other companies. यह एक छोटा सा अमेंडमेंट है। मेरे से पूर्व माननीय वक्ता ने जो बात कही है कि कोल इंडिया लि. के चेयरमैन नहीं हैं, सब्सिडीयरी कम्पनी को टाइटल देने के बारे में बिल लाया गया है, वह एक प्रकार से रिट्रोस्पेक्टिव है। यदि इस प्रकार से भारत सरकार को इन सब्सिडीयरी कम्पनीज को जो दिया गया है, उनकी लैंड को और उनके इंटेरेस्ट को ट्रांसफर करने का अधिकार मिल जाता है तो काम ठीक प्रकार से हो जाता है। इसीलिए यह बिल लाया गया है। यह बात सही है कि श्री संतो मोहन जी जो बात बता रहे थे कि इन कम्पनियों के कर्मचारियों में निश्चित रूप से कहीं न कहीं असंतो है। उन्हें बोनस या अन्य सुविधाएं नहीं मिल रही होंगी। माननीय मंत्री जी से मेरा अनुरोध है कि अब आप कोल मिनिस्टर हो गये हैं, कर्मचारियों में जो असंतो हैं, वहां जो चेयरमैन नहीं हैं, उस संबंध में माननीय मंत्री जी निश्चित रूप से कोई न कोई उपचार करेंगे और उपचार करने के बाद उसकी व्यवस्था करेंगे।

मैं यह भी कहना चाहता हूँ कि इसमें कई स्टेट्स को जो सॉयल्टी मिला करती थी, उसका जो नुकसान होगा, उसकी भरपाई किस प्रकार होगी, इस संबंध में भी वह विचार करें और स्टाम्प ड्यूटी का जो नुकसान राज्य सरकारों को होगा, उस संबंध में वह निश्चित रूप से विचार करेंगे कि किस प्रकार से इस होने वाले नुकसान की

पूर्ति होगी। कोल इंडिया की खदानों में चप्पे-चप्पे में भ्रष्टाचार की बात कही गई है। इस बारे में मुझे विश्वास पता नहीं है। इस बारे में बिहार के लोगों को ज्यादा मालूम होगा। निश्चित रूप से इसमें कही न कहीं सुधार करना होगा। कानूनी प्रावधान में जो रुकावट आ रही है, कोल इंडिया सुचारू रूप से चल सके, उसके नाते माननीय मंत्री जी यह बिल लाये हैं। आपको मालूम ही है कि देसी कोयले की कीमत कोई देने को तैयार नहीं है, कोयले की कीमत धीरे-धीरे गिर रही है, उसकी गुणवत्ता भी गिर रही है। यह बात सही है कि यह बिल हमारी ऊर्जा समिति में डिस्कस होने जा रहा है। लेकिन मैं आपकी पार्टी का सदस्य होने के नाते, आपका सेवक होने के नाते इस बिल का समर्थन करता हूँ।

इस बिल को पास किया जाए जिससे जो कानूनी दिक्कतें आ गई हैं, उन कानूनी दिक्कतों को दूर किया जा सके। यह छोटा सा बिल है। जो सबसीडियरी कंपनियां हैं, उनको राइट देने का यह बिल है। इन कंपनियों में जो भी कमियां होंगी, समिति अपनी ओर से जब रिपोर्ट देगी तो माननीय मंत्री जी निश्चित रूप से उनको दूर करने का प्रयास करेंगे। इतना कहकर मैं बिल का समर्थन करता हूँ। यह बिल जल्दी लाना चाहिए था, लेकिन देरी से लाया गया, इसका कारण मंत्री जी को मालूम है। सरकारें बदलती हैं और इसमें देर लग जाती है। इसका मुझे भी खेद है और मंत्री जी को भी खेद होगा। सबसीडियरी कंपनीज़ को जो अधिकार मिलना चाहिए प्रॉपर्टी और लैण्ड को ट्रांसफर करने का, वह अधिकार उनको मिल सके, इसी भावना के साथ माननीय मंत्री जी जो बिल लाए हैं, मैं इसका पुरज़ोर समर्थन करता हूँ और मुझे उम्मीद है कि सदन इस बिल को पास करेगा।

SHRI BASU DEB ACHARIA (BANKURA): Sir, I rise to oppose this Bill, the Coal India (Regulation of Transfers and Validation) Bill, 2000. This Bill was first introduced in 1995 in the Rajya Sabha, and then it was referred to the Standing Committee on Energy. Under the Chairmanship of Shri Sontosh Mohan Dev, the Standing Committee on Energy stated that they are unable to recommend the Bill to Parliament. They have given the justification. In its Report, 1995-96, they have scrutinised the Bill. They took the evidence of the Ministry of Coal and the Ministry of Law, Justice & Company Affairs and came to the conclusion that there was no necessity for such a Bill. Then, why again the same Bill was referred to the Standing Committee on Industry? The Standing Committee on Industry also examined the Bill and recommended that the same should be passed.

Sir, what is the necessity of this Bill? Coal mines were nationalised in 1972 and 1973 by the Coal Mines Nationalisation Act. Prior to 1972, all the coal mines were under private sector. Why coal mines were nationalised? They were nationalised because under the private management, unscientific mining was carried out, 'slotter' mining was carried out, and workers were squeezed and exploited. In order to protect the interests of the workers, to enhance the production of coal, and to have a scientific mining, coal mines were nationalised.

The lands were vested with the Government and then subsequently transferred to Coal India. Now, what is the need for transferring into the subsidiary, and to make the subsidiaries, an independent one? What will remain with Coal India?

Sir, we have been demanding that the Coal India should be restructured. Its organizations should be like the Steel Authority of India. There is only one company, the Steel Authority of India. Under it, there are steel plants.

There is only one Board in the Steel Authority of India Limited and there are no separate Boards for different steel plants. But, the Coal India has its own Board. It has eight subsidiaries now. Previously, it had five subsidiaries, but it has created three more subsidiaries by bifurcating some of the collieries. So, there are eight subsidiaries and they have eight boards. These are eight white elephants. The three subsidiaries of Coal India, namely the ECL, CCL, BCCL are situated in the newly created Jharkhand State and all these three subsidiaries are incurring losses now. They are incurring losses because they are the oldest mines. The coalfields in Raniganj and Jharia are the oldest coalfields in the country. All the three subsidiaries have a large number of underground mines and each of these subsidiaries has inherited a huge work force of more than one lakh in each one of them.

Sir, when these subsidiaries become independent, the land which is now vested with the Coal India Ltd. will be transferred to the subsidiaries. But what is the need of transferring of the land now? After the coal mines were nationalised in 1972 and 1973, in 1995, when Shri Ajit Panja was the Coal Minister, this Bill was introduced. This Bill remained in the cold storage for the last five years. But the Government has suddenly woken up now and brought this Bill before the House. I would like to know whether the ECL will be able to survive when it is bifurcated from Coal India. What will be the role of Coal India? The hon. Minister has not stated anything about it in the Statement of Objects and Reasons. This Bill has been brought forward to empower the Central Government to direct the transfer of the land, or of the rights in or over land or of the right, title and interest in relation to a coal mine, coking coal mine or coke oven plant, vested in the Coal India Ltd. or in a subsidiary company to any subsidiary company of Coal India Ltd. or any other subsidiary company and to validate certain transfers of such land or rights. There is no problem in managing these lands now. So, what is the need for this Bill and what is the motive behind it?

MR. CHAIRMAN : Please conclude now.

SHRI BASU DEB ACHARIA : Sir, I have just started and I have spoken only for five minutes.

MR. CHAIRMAN : The time allotted for your party is only four minutes, but you have already spoken for five minutes. So, please be brief.

SHRI BASU DEB ACHARIA : I will be brief, but this is a very important Bill. So, I have to speak for another 15 minutes.

So, what is the motive behind bringing this Bill now? The only motive is, when the Government of India adopted the liberalisation policy and decided to open up all the coal mines, the Coal Mines (Nationalisation) Act was amended in 1995 to allow captive mining.

Now, the motive behind this is to privatise coal-mining. It is one step towards privatisation of our coal industry. He has not clarified it. He has stated that it is a very simple Bill. Shri Bhargava, this is not a very simple Bill. इसके पीछे एक मोटिव है। So, he should clarify what will be role of Coal India. Why is he bringing forward this Bill at this juncture? What purpose will this Bill serve to strengthen the organisation of Coal India and its subsidiaries? What will happen to the loss-making subsidiaries?

Yesterday, I received a written reply from the Minister about the revival of ECL. I asked them a question. He has not replied positively that the Government of India is considering the revival of ECL. Rather the Government of India is actively considering to close down 64 mines. This is the motive behind bringing forward this Bill. What will happen to ECL? Would ECL survive? Would CCL survive or not? Would BCL survive or not? Will they allow the closing down of mines? What has been invested during the last eight or nine years? Has any budgetary support been provided to the Eastern Coalfields Limited? No budgetary support is being provided. We are importing coal. How much are we importing? When the Congress Party was in power, only seven million tonnes of coal used to be imported. Today, it is 24 million tonnes of coal. We have abundant reserves of both coking and non-coking coal. Still we are importing it. Earlier, even the Railway freight was less for imported coal than what was prevailing for the indigenous coal. Now that has been withdrawn. There is 10 per cent rebate. So, he should clarify all these things.

There is also another Bill which Chairman of the Standing Committee on Energy has already referred and it will be considered by our Committee. Then, why is there a need for a separate Bill? Will the Nationalisation Bill also cover this aspect or not?

Coal India is in a very bad shape. He has rightly said that there is no Chairman. We do not know who will be the Chairman. One person was selected but his house had been raided by the CBI. There is no permanent Chairman for the Eastern Coalfields Limited. There is a CMD who is looking after three subsidiaries. How can one CMD look after three subsidiaries – ECL, CCL and BCCL? One CMD is looking after three subsidiaries. There is no permanent Chairman. There is corruption. I was told that to become a Chairman of Coal India, an amount of Rs. 40 crore was offered. If such a huge amount is offered to become the Chairman of Coal India, you can imagine how much corruption is there. There are mafias. The mafias are ruling. The mafias are recommending who should become the Chairman and who should become the CMD. There is no concrete measure to reduce corruption. ECL can be revived. BCCL as well as CCL can also be revived by modernising them and also by investing money. How much amount has been spent for mechanisation? What is the percentage of utilisation of machinery in ECL, CCL and BCCL?

They have imported heavy machinery by spending crores of rupees. What is the percentage of utilisation of it? It is only 57 per cent. How much have they invested?

Only a few days back, last week, there was a strike by six lakh coal workers. They went on strike on two demands. One is about the wage agreement, which was finalised on 13th of September. All the unions, except CITU, refused to sign the agreement. There was a strike. It was complete in four subsidiaries, ECL, BCCL, CCL, SECL and in Singreni Colliery and WCL also. There was a total strike. That means the workers of coal industry have rejected the wage agreement. On the floor of this House, I demanded that the Coal India management should immediately start negotiations with the unions about a fresh wage agreement.

Sir, you will be surprised to know that in the case of executives or officers the increase is 120 per cent; the minimum increase is about Rs.5000 and the maximum is Rs.15000. But in the case of 40 per cent of the workers, there is no increase in the wages and they will not be benefited by this agreement rather they will get reduced wages; in case of some workers there is only a little increase. Why is it 120 per cent for the executives and why there is a reduction in the wages for the workers? Why is the Ministry not instructing or rather directing the Coal India management to start fresh negotiations with the workers?

Another demand was for withdrawal of the Coal Mines Nationalisation (Amendment) Act Repeal Bill, which was introduced in the Rajya Sabha in order to privatise the coal industry. The hon. Minister should clarify what is the need of this piece of legislation. What was the purpose? Why, at this juncture, has he brought this piece of legislation? What will happen to the loss making subsidiaries? What will be the role of Coal India Limited? Whether there will be double taxation or double excise for subsidiaries as well as for the Coal India?

As regards royalty to the State Governments आपका भी इसमें इंटरैस्ट है, लेकिन अभी मांग नहीं कर रहे, क्योंकि सारा झारखंड में चला गया।

सभापति महोदय : झारखंड के लिए मांग करेंगे।

श्री बसुदेव आचार्य : बिहार में तो अब कुछ रहा नहीं, लेकिन पहले बड़े जोर-शोर से आप मांग करते थे। हम भी आपको सपोर्ट करते थे।

SHRI M.V.V.S. MURTHI : If you have double excise and double taxation, then double royalty will be given, according to the Act.

SHRI BASU DEB ACHARIA : That is not there in the Act. It has to be amended again. It has to be incorporated.

So, there is no justification in bringing this piece of legislation. There is no need for transferring the land to the subsidiaries. Therefore, I oppose this Bill as the Government intend to legalise an illegal thing.

DR. B.B. RAMAIAH (ELURU): Hon. Chairman Sir, this Coal India (Regulation of Transfer and Validation) Bill, 2000 is mainly introduced because of the Supreme Court and the Government of Bihar is mainly responsible for it.

The main purpose of this Bill is to empower the Central Government to transfer the land right, title of interest in relation of coal mines vested in the Coal India Limited to subsidiary companies, and to help certain transfers to the subsidiary companies, namely, the Bharat Coking Coal Limited, the Western Coalfields Limited, the Eastern Coalfields Limited, the Central Mine Planning and Design Institute Limited, the South-Eastern Coalfields Limited, the Northern Coalfields Limited, and the Mahanadi Coalfields Limited.

The main purpose of this Bill is to transfer land. The entire Coal India Limited acquires substantial quantity of land. When the subsidiaries want to pledge land, raise capital, and borrow money, it is not possible for them to do because the land title is not there. There are some problems in the transfer of land titles. And that is why, this Bill has come before the Parliament to allow them to get the land title. The stamp duty that has to be paid to the State Government is also very high. These are the factors that they want to avoid and see that they would be able to have the land transfers. The proprietorship of the Coal India Limited, as has been mentioned by the hon. Members, is one hundred per cent in the hands of the Coal India Limited only.

The subsidiaries do not have the main Capital. This Bill is to have the transfer of land title. In fact, it is only just a sort of an obligation of doing it, in reality it is not a very big problem.

As the hon. Members have mentioned, the main purpose of having the Coal India Limited and its subsidiaries is mainly to increase the production and also look after the labour relations and their welfare. In fact, today if you look at it, 40 per cent of load in the Railways is because of the transfer of coal. Today, after the Railways have changed their technology from the coal-based steam engine to diesel, and also to the electrical side, the coal demand of the Railways will not be there. The transfer of coal will be mainly for power generation. That is, energy is the major factor for development of our country.

As some of the hon. Members have put it, we have met the demand substantially through import of coal. In the power projects of the coastal States, it is cheaper to import coal from outside and they would be able to use it. But for increasing the production within the country, they have to go in for modernisation.

The cost incurred in respect of transportation of coal is one of the big problems. The best thing today is that we must provide coal washeries at the pit heads in order to reduce the transport cost of coal so that it would become more efficient and economical both for the power projects and also profitable for coal mining.

Shri Sontosh Mohan Dev has also mentioned about the Singareni Collieries. It has come to a profitable stage after a long time. It is because of the better management and better technology that they are adopting. These subsidiaries also have to be strengthened. If they have some problems, for solving the problems, they can be combined together, that is amalgamation, and through adopting better management techniques.

17.00 hrs.

The Coal India today would be able to take all the assistance required for them. In any case, the other doubts expressed by some of our Members are whether this will lead to double taxation, both excise duties and local taxes. The second thing is about income-tax provision and all those things. I am sure that the hon. Minister might have taken this into consideration. In consultation with the Department concerned, he will be definitely looking into those aspects. As our hon. Members have mentioned, in this coal industry there is Mafia which is one of the major factors that is going to affect. That is a very important thing that we have to watch carefully when they are able to operate these subsidiaries which are located far off and in different States. We have also to watch the problems of naxalism in some parts. In any case, this Bill only gives the power for transfer of land and the title deeds so that the individual

subsidiaries can also be able to improve their efficiency and modernise them with proper assistance from outside. Regarding financial requirement, what is required for them will be borrowed from the financial institutions or raised in the capital market. Though we have no objection to approve this Bill, I am sure this thing and the other things the hon. Minister will take into consideration. While taking all these precautions, they should improve on these things.

SHRI S.D.N.R. WADIYAR (MYSORE): Hon. Chairman, Sir, I thank you for the opportunity given to me to speak on this Bill. I submit that this Bill has been brought in this House after the judgement of the Supreme Court on the Bharat Coking Coal Limited *versus* Government of Bihar. No doubt, the Bill seeks to empower the State Government to transfer lands belonging to Coal India and its subsidiaries and to validate certain transfers.

I would like to submit to you that majority of the coalmines is situated in tribal areas. It is a well-known fact. One of the newspapers has stated that a number of multi-national companies, including, Rio Tinton of Australia, have been very active, and are trying to explore the possibilities of mining in these areas. By this Bill, through the back door, the Government will try to overcome the lacunae of the Land Acquisition Act and so they have brought this Bill. Through this Bill, they can easily transfer the tribal land and the forest resources to non-tribals including the multinational companies. These multinational companies procure raw material for a negligible amount. The same thing is processed and re-sold in our country for a huge profit of hundred per cent. Further, you are trying to de-notify tribal lands. The tribal lands are protected by the Constitution. The tribal lands cannot be sold to non-tribals. By this Bill, you are trying to approve all that. You are infringing upon the rights of the tribals. My appeal is that the land should not be touched. Rio Tinton and other such multinational companies should be kept out because they give very little in consideration to what they take. The Government will be ruining the lives of a large number of tribals. The benefit will not reach us. Further, the State Governments are likely to be affected as the royalties and the stamp duty for transfer of property from various parties are being infringed upon.

The Government is taking away this property as it can transfer it to any person. It is illegal, morally not correct and very unethical. In the matter of transfer of such property the Government should consult the Ministry of Law and see in what way the rights of the tribals are not infringed upon. There is a possibility of double taxation; excise duties are likely to be charged on holding and subsidiary companies and this is likely to lead to litigation and loss to the entire company of Coal India.

Further, I would like to submit that the production of coal has considerably come down from 1998-99 to the current year. The Government should consider taking steps to increase the mining activities so as to produce larger amount of coal and make all these coal mines viable instead of trying to take away the powers of the Company so that they can be disposed of.

In the year 1998-99 the production was 18.168 tonnes whereas it has come down to 17.52 in the year 2000. What is the reason for this reduction? I would like to know that from the coal industry or the management of the coal industry which is playing around and dancing to the tune of these various coal *mafias*. Their connivance or conspiracy should be exposed. The revenue has been affected and the production has been suffering

Seventy per cent of our population is agricultural and rural based. We need electricity for them. Unfortunately, today the Government is not in a position to provide electricity to the rural sector or the agricultural sector. Instead of improving the production of coal so that many thermal-based power companies come out successfully and produce enough power, the Government has gone to the extent of not taking account of the need to re-vitalise the production of the coal industry.

The Government has instead, gone in to invite foreign companies to participate in the de-nationalisation and management of coal companies. The coal mines were nationalised in 1971 and 1973. The Government could have some private participation, but I feel that it should not totally sell out the interests of the country, the coal companies and especially many of the tribals who are not in favour of the multi-national companies.

श्री पी.आर. खूटे (सारंगढ) : सभापति महोदय, मैं कोल इंडिया (अन्तरण विनियमन और विधिमाम्यकरण) विधेयक, 2000 के समर्थन में खड़ा हुआ हूँ। पूर्ववर्ती सरकार की गलत और भ्रष्ट प्रबन्धन के चलते हमारा देश कोयले के मामले में बहुत पिछड़ा है। दुनिया में कई ऐसे देश हैं जैसे चीन, आस्ट्रेलिया और पोलैंड जो कोयला उत्पादन में और कोयले की गुणवत्ता बढ़ाने में सर्वोत्तम स्थान पर हैं। हमारे देश में कोयले के उत्पादन में वृद्धि हो रही है। 1998-99 में वह 206.31 मिलियन टन था। वह बढ़ कर 208.18 टन चला गया। इसका उत्पादन तो बढ़ रहा है लेकिन कोयले की क्वालिटी में किसी प्रकार की बढ़ोत्तरी नहीं हो रही है।

17.12 बजे (श्री पी.एच. पांडियन पीठासीन हुए)

हमारे देश में कोयले की जो क्वालिटी होनी चाहिए, वैसी क्वालिटी का कोयला उपभोक्ताओं को नहीं मिल रहा है। इसका उत्पादन बढ़ कर इसका फायदा उठाना चाहिए। आप इस बात पर जरूर विचार करें। जितनी हमारी मांग है, हम उतने कोयले का उत्पादन नहीं कर रहे हैं। एक तरफ जो कोयले का उत्पादन होता है, वह ज्यों का त्यों पड़ा रहता है क्योंकि क्वालिटी की कमी है। हम इसका ज्यादा उत्पादन करते हुए भी निर्यात नहीं कर रहे हैं। हमें दूसरे देशों से इसका आयात करना पड़ता है। मेरी मांग है कि इसका उत्पादन बढ़े या न बढ़े लेकिन कोयले का दर्जा बढ़ना चाहिए। वह प्रथम श्रेणी का होना चाहिए ताकि उसका इस्तेमाल उपभोक्ता कर सकें।

हमारे देश में कई कोयले के कारखाने हैं। सी.आई.एल. और बी.सी.सी.एल. ऐसी कम्पनियां हैं जो कोयले का उत्पादन करती हैं। एक ही कम्पनी सी.आई.एल. करीबन

86 परसेंट कोयले की पूर्ति करती है। हमारे देश में कोयले का पिछले दिनों क्या दाम था?

सन् 1999 में यह 595.84 रुपये प्रति टन था जो बढ़कर 775.62 रुपये प्रति टन हो चुका है। हमें यह देखना चाहिये कि उत्पादन कितना हो? सभी जगह जरूरत से ज्यादा लोग खदानों में काम कर रहे हैं। किसी खदान में तो दस गुना से ज्यादा लोग काम कर रहे हैं। इस कारण से उत्पादन की लागत बढ़ रही है और उत्पादन लागत ज्यादा होने के कारण हम अन्य देशों से बहुत पीछे हैं, उनसे स्पर्द्धा नहीं कर पा रहे हैं। यदि कोई नया आदमी कोयला उद्योग करना चाहे या चलाना चाहे तो उन्हें बाहरी देशों से सॉफ्ट लोन मिल जाता है। उदाहरण के लिये, जर्मनी ने हमारे देश को कोयला खनन के लिये लोन दिया है। मुझे दुख के साथ कहना पड़ता है कि वे सॉफ्ट लोन तो देते हैं लेकिन साथ में शर्त भी निर्धारित करते हैं। मशीनरी चले या न चले, उनके पुर्जे भारत में मिलें या न मिलें, विदेश से आयात की गई मशीन बंद हालत में पड़ी हुई हैं। आखिर, यह नुकसान किसका हो रहा है? कुल मिलाकर हमारे देश का नुकसान हो रहा है।

सभापति महोदय, मैं आपके माध्यम से मंत्री जी से मांग करना चाहता हू कि कोयले की स्पर्द्धा करने के लिये हमारे यहां के कोयले के अंदर जो राख है, उसे निकालने के लिये कोयला धुलाई होनी चाहिये। हमारे यहां कोयला धुलाई के लिये कई प्रोजेक्ट लगाये जाने चाहिये। ये धुलाई प्रोजेक्ट निजी क्षेत्रों में भी खोल देने चाहिये। हमारे पास इतना कोयला है कि विदेशों को निर्यात कर सकते हैं, केवल इच्छा शक्ति की जरूरत है।

सभापति महोदय, हमारे नवगठित छत्तीसगढ़ प्रदेश में मेरा संसदीय क्षेत्र सारंगगढ़ आता है जहां कोयला खनन का कार्य कोरबा, चिरिमिरी, रायगढ़ के अतिरिक्त उड़ीसा राज्य से लगे क्षेत्रों में भारी मात्रा में कोयला उत्पादन होता है। इसलिये मेरा मंत्री जी से अनुरोध है कि मेरे क्षेत्र में कोयला धुलाई प्रोजेक्ट की स्थापना की जाये। वहां इस प्रोजेक्ट की काफी संभावना इसलिये भी है कि प्रायः सभी बड़ी नदियों- महानदी, हसो, केलो, मान, पैरी, अर्पा आदि का पानी बहकर समुद्र में चला जाता है। उस पानी का लाभ स्थानीय लोगों को नहीं मिल पा रहा है। हमारे क्षेत्र में जिस तरह से कोयला खनन का काम होता है, उसके लिये धुलाई प्रोजेक्ट लगाया जाना जरूरी है। इसका लाभ शासन को राजस्व के रूप में प्राप्त होगा ही, साथ ही बेरोजगारों को रोजगार मिल सकेगा।

सभापति महोदय, मैं आपके ध्यान में एक बात और लाना चाहूंगा कि कोयला खदान में जो लेबर चार्जेज लग रहा है, एक ट्रक कोयला खदान के लिये एक हजार रुपया मजदूरी के लिये लगती है।

उस कोयले को ट्रक में लोड करने के लिए प्रति ट्रक आठ रुपये भुगतान करना पड़ता है और उस ट्रक को पास कराने के लिए खासकर हमारे छत्तीसगढ़ और झारखंड प्रदेश में जो अभी नया प्रदेश गठित हुआ है, वहां के थानेदारों को प्रति ट्रक पांच हजार रुपये रिश्वत के रूप में दिये जाते हैं। इसलिए इस अंचल के थानों में थानेदार लोग भारी-भरकम रिश्वत देकर थाना प्रभारी बनकर जाते हैं।

MR. CHAIRMAN :The time allotted for this is one hour. Already one hour and ten minutes have passed. Three more Members have to speak. Please conclude.

श्री पी.आर.खूटे : सर, मैं पहली बार बोल रहा हूँ, पहली बार सदस्य चुनकर आया हूँ, मुझे सदन में बोलने का मौका नहीं मिला है।

MR. CHAIRMAN: If it is maiden speech, I will allow you.

श्री पी.आर.खूटे : माननीय सभापति जी, उस ट्रक का भाड़ा करीब दस हजार रुपये लगता है और उस ट्रक से जो कोयला भेजा जाता है, वह कोयला बनारस में लगभग चालीस हजार रुपये में बिकता है। महोदय, आपको याद होगा पूर्व में कोयले से डीजल बनाने के लिए इसका उपयोग करने का सुझाव आया था। लेकिन उस दिशा में अभी तक क्या पहल हुई है, किसी को पता नहीं है। आज देश में डीजल का संकट है। हमें डीजल विदेशों से महंगी दर पर आयात करना पड़ता है, जिससे उपभोक्ताओं को बहुत असुविधा होती है। अगर हम कोयले से डीजल का उत्पादन करें तो ईंधन के रूप में काफी सफलता अर्जित कर सकते हैं।

सभापति महोदय, आज जहां-जहां भी कोयले का खनन हो रहा है, जहां भी कॉलियरीज हैं, वहां इतना भयंकर भ्रष्टाचार है कि उसका उदाहरण इस सदन में देने में संकोच होता है। मैं माननीय मंत्री जी से कहना चाहूंगा कि इस भ्रष्टाचार को रोकने की दिशा में वह पहल करें और साथ ही साथ मैं यह भी कहना चाहूंगा कि देश में जहां भी कॉलियरीज हैं, जहां बड़ी संख्या में हरिजन, आदिवासी और गरीब तबके के लोग कोयला खनन के कार्य में लगे रहते हैं, उनका श्रमिकों के रूप में शोषण होता है। जो श्रमिक वहां काम करते हैं, उन्हें आकस्मिक मृत्यु के बाद उचित मुआवजा भी नहीं मिलता है। इतना ही नहीं, कई ऐसी कॉलियरीज हैं जहां मजदूरों के लिए सस्ती दर की कैंटीन भी नहीं हैं। अगर मजदूर बीमार पड़ जाते हैं तो वहां सस्ती स्वास्थ्य सेवा भी सुलभ नहीं कराई जाती है। इस विधेयक पर अनेक माननीय सदस्यों ने अपने विचार रखे हैं और उनकी ओर से बहुत अच्छे सुझाव आये हैं। इसे राज्य सभा ने पास कर दिया है और मुझे विश्वास है कि लोक सभा का सम्मानित सदन भी इस विधेयक को सर्वानुमति से पास करेगा। आपने मुझे बोलने का समय दिया, इसके लिए मैं धन्यवाद देता हूँ और इस विधेयक का पुरजोर समर्थन करते हुए अपनी बात समाप्त करता हूँ। धन्यवाद।

डा.रघुवंश प्रसाद सिंह : सभापति महोदय, कोल इंडिया का विधेयक जमीन की हेराफेरी करने के लिए लाया गया है। हेराफेरी करने के लिए सेंट्रल गवर्नमेंट को पा वर्स मिल जाएं, इसलिए यह बिल लाया गया है। यह 1995 में तैयार हुआ था, उस समय श्री अजीत पांजा इसके मिनिस्टर थे। वह चाहते थे कि यह विधेयक पास हो जाए। लेकिन वह इधर से उधर चले गये। अभी श्री ण्णमुगम जी पांच वां के विलम्ब से यह विधेयक लाये हैं। सन् 1972-73 में नेशनलाइजेशन हो गया, मॉडर्नाइजेशन हो गया। अब ब्रिटेन में कोयला इतना ज्यादा पैदा हो गया कि उन्हें रोकना पड़ा। लेकिन अपने यहां कोयले की क्या स्थिति है। माननीय सदस्य भाण कर रहे थे, सब कहते हैं कि माफिया है, कोल माफिया है। इससे कोई इनकार नहीं कर सकता कि कोल माफिया का इसमें बोलबाला है। उसे रोकने के लिए सरकार कौन सी कार्रवाई कर रही है। इसमें करप्शन, भारी भ्रष्टाचार और लूट है।

आज वे सबसीडियरीज़ एक व्हाइट ऐलीफैंट हैं ऐसा बसुदेव आचार्य जी कहते हैं जिनका घर भी कोयला क्षेत्र में है और वहां कोयला खानें हैं। कोयला खान मजदूरों की हालत आज ठीक नहीं है। उनका भारी शोषण होता है। नीति कहती है कि कम से कम 40 प्रतिशत पनबिजली होनी चाहिए और 60 प्रतिशत थर्मल पावर होनी चाहिए। ज्यादा पनबिजली हो जाए तो अच्छा है। हमारे देश में डेढ़ लाख मैगावाट पनबिजली की पोटेन्शियलिटी है लेकिन सरकार उसके लिए उपाय नहीं कर रही है। कोयला तो जमा धन है। कोयला जलाकर जो बिजली पैदा करते हैं, उसके बजाय पनबिजली पर जोर दिया जाना चाहिए। इस पर ध्यान न देने से अपनी संपत्ति कोयले को हमें जलाना पड़ता है। केवल अपने देश के कोयले से काम नहीं चल रहा है। फिर कहते हैं कि विदेशी कोयला सस्ता है। उसमें ट्रांसपोर्टेशन कॉस्ट भी लगती है। ऑस्ट्रेलिया से, साउथ अफ्रीका से कोयला मंगाया जाता है। थर्मल पावर प्लांट में हम देखते हैं कि खराब कोयला दिया जाता है और कोयला के बदले पत्थर भेज दिया जाता है। इससे थर्मल पावर प्लांट भी नुकसान में हैं। सरकार को देखना चाहिए कि जिस लायक जरूरत है थर्मल पावर प्लांट में, जिस तरह की कोयले की जरूरत है, उस तरह का कोयला उपलब्ध हो। कोयले की जगह पत्थर जाने से टर्बाइन और बॉइलर खराब हो जाते हैं। कोयले का पाउडर बनाते हैं और जब बॉइलर में झाँकते हैं तो पत्थर पिसकर बॉइलर में चला जाता है जिससे वह खराब हो जाता है। हमारे यहां ज्यादा थर्मल पावर प्लांट हैं। इसलिए कोल सप्लाई ठीक से , हो यह सरकार को देखना चाहिए। पनबिजली पर ध्यान ज्यादा देना चाहिए क्योंकि कोयला तो निश्चित मात्रा में है और भविय के लिए हमें उसे सुरक्षित रखना चाहिए। हमारे देश में डेढ़ लाख मैगावाट कैपेसिटी पनबिजली की है।

सुप्रीम कोर्ट का फैसला हुआ और कोल से जो राज्यों को पैसा मिलता था, वह रोक दिया गया। उससे जिन राज्यों में कोयले का उत्पादन होता है, खानें हैं, उनका बड़ा भारी नुकसान हो रहा है। 1997 में एक ऐक्सपर्ट कमेटी बनी कि अभी जो कोयले की रॉयल्टी देते हैं, तीन-चार वॉ बाद उसको बढ़ाना है तो वह काम नहीं होता है। जो कोयले वाले राज्य हैं, उनको नुकसान उठाना पड़ रहा है। 1997 में सरकार ने एक समिति का गठन किया। उस समिति ने रिपोर्ट दी कि ऐडवेलोरम आधार पर कोयले की रॉयल्टी मिलनी चाहिए लेकिन वह वजन के आधार पर मिल रही है। इससे अरबों रुपये की क्षति हर साल कोयला उत्पादक राज्यों को होती है। 1997 में जब सरकार की समिति ने रिपोर्ट दी तो क्या सरकार उस पर बैठी हुई है? यह भी स्पेसिफिक ढंग से बताएं। झारखंड नया प्रदेश बना है, बिहार से केन्द्र सरकार की दुश्मनी थी इसलिए न्याय नहीं दिया, ऐडवेलोरम आधार पर, मूल्य के आधार पर कोयले की रॉयल्टी नहीं दी और वजन के आधार पर रॉयल्टी दे रहे हैं। कीमत बढ़ती जाती है और रॉयल्टी वजन के आधार पर ही स्थिर है। ऐसा अंधेरे, अन्याय चलने वाला नहीं है। अभी इन्होंने बिहार के दो हिस्से किये और प्रधान मंत्री कहते हैं कि रीऑर्गनाइज किया है। बिहार को आप दुश्मन मानते हैं तो हम आपसे कहने को तैयार हैं कि आपकी कृपा की जरूरत नहीं है, हम अपने बल पर लड़ने वाले हैं। बिहार की शिकायत करते हैं कि हमारा मजदूर बाहर जाता है रोजगार के लिए और अब देखिये, पंजाब का हारवैस्टर बिहार में जा रहा है।

बिहार की शिकायत करते हैं कि वह गरीब है, भूखा है जबकि सरकार के बैंकों में 37 हजार करोड़ रुपये वहां के गरीब आदमी ने जमा करके रखा है। आंध्र ने 26 हजार करोड़ रुपये जमा किये हैं। मैं पूछना चाहता हूँ कि इन्वेस्टमेंट कितना होता है? जब बिहार ज्वाइंट था तब 22 प्रतिशत था और अब 17 प्रतिशत हो गया है। क्या यह अंधेरे नहीं है? हमारा पैसा देश के अन्य राज्यों में लगाकर आप देश को चलाते हैं और बिहार को भूखा कहते हैं? इसलिए यह सब बातें चलने वाली नहीं हैं। आपने झारखंड राज्य को बनाया और संयोग से वहां भाजपा का ही राज बन गया लेकिन वह टिकाऊ नहीं है। यह ठीक बात है कि एक धक्के में ही सरकार गिर जायेगी लेकिन अगर झारखंड राज्य के साथ भी अन्याय होगा तो हम चुप नहीं बैठने वाले हैं इसीलिए हम सरकार को सावधान करते हैं। झारखंड राज्य में ही खान-खनिज पड़ा है लेकिन आप तीन वॉ 1997-98, 1998-99 और 1999-2000 से कोयले की रॉयल्टी नहीं दे रहे हैं। यह चौथा वॉ चल रहा है। मैं पूछना चाहता हूँ कि सरकार की ऐक्सपर्ट कमेटी की रिपोर्ट, जिसमें यह बताया गया है कि मूल्य के आधार पर ही कोयले की रॉयल्टी मिलनी चाहिए, ऐडवेलोरम के आधार पर कोयले की रॉयल्टी मिलनी चाहिए, उसे आप क्यों दबाकर बैठे हुए हैं? आप क्यों राज्यों का हिस्सा मार रहे हैं? राज्यों की आर्थिक हालत खराब है जबकि सारे खान-खनिज का मालिक केन्द्र सरकार है, दिल्ली सरकार है। मैं पूछना चाहता हूँ कि राज्यों के हिसाब से उसका रेवन्यू कहां है? इस प्रकार झारखंड का 1500 करोड़ रुपये का सरप्लस बजट होगा और बिहार का माइन्स 3000 करोड़ रुपये का बजट होगा। आपने यह राज्य बना दिया क्योंकि यह आपकी पार्टी प्रोग्राम में था। इसको बनाने से इनको ऐसा लगा कि हम बहुत भारी तरक्की का काम कर रहे हैं लेकिन आपने जितने राज्यों का हिसाब किया है, उसका हिसाब आपसे लोग लेंगे क्योंकि तेलंगाना भी उठ रहा है, विदर्भ भी उठ रहा है। इस तरह की कई मांगें उठ रही हैं। आपके लिए उनको संभालना मुश्किल हो जायेगा।

आपने झारखंड प्रदेश नया बनाया है। इस संबंध में बड़ा बयान हो रहा था कि वहां का हम विकास कराएंगे, तरक्की कराएंगे। मैं यह जानना चाहता हूँ कि आप कोयले की रॉयल्टी झारखंड राज्य को कब दे रहे हैं। आपने तीन वॉ तो बिता दिये हैं। व्यवधान पीछे वाला भूलक्षित से होता। इनको पहले लगता था कि हम अपने स्वार्थ के लिए बोल रहे हैं लेकिन बंटवारे के बाद हम स्वार्थ में नहीं बल्कि परमार्थ में बोल रहे हैं कि झारखंड प्रदेश का जो हिस्सा मारा जा रहा है, वह उसे मिलना चाहिए। अगर आप नहीं मानेंगे तो हम केवल याचना करने वाले ही नहीं हैं बल्कि लड़कर लेने वाले हैं। उनको ठंडा करके, अकल सिखाकर, मजबूर करके हम अपना हक और न्याय लेंगे। यह उनको देना पड़ेगा। झारखंड हमारा हिस्सा है इसलिए उसे भी हम पीछे नहीं छोड़ेंगे। झारखंड प्रदेश के माननीय सदस्य इस विषय में कुछ नहीं बोलेंगे क्योंकि वे वहां बंधुआ मजदूर हैं। जब दुनिया से बंधुआ मजदूर खत्म हो रहा है तो ये वहां पर बंधुआ मजदूर बने हुए हैं। ये जनता की बात नहीं बोलेंगे इसलिए हमको बोलना पड़ेगा क्योंकि वाजिब और न्यायसंगत हमारी मांग है। जब सरकार इस पर स्पट ढंग से उत्तर देगी तब हम इस बिल को सपोर्ट करेंगे, नहीं तो हम बिल को रोककर भी रख सकते हैं, इतना आप जान लीजिए। मेरा कहना है कि कमेटी की रिपोर्ट जो आप तीन साल से दबाकर बैठे हुए हैं, उसे आप कब देंगे। जब तक आप इसका स्पट उत्तर नहीं देंगे तब तक हम इस बिल को पास नहीं होने देंगे।

इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

श्री रघुनाथ झा (गोपालगंज) : माननीय सभापति जी, माननीय मंत्री जी ने जो विधेयक इस सदन में राज्य सभा से पारित होने के पश्चात् उपस्थापित किया है, उसका हम समर्थन करते हैं। हम और आप अच्छी तरह से जानते हैं कि 1972-73 में कोल कम्पनियों का नैशनलाइजेशन हुआ था, उस समय उसका उद्देश्य था कि जहां हम मजदूरों की सेवा शर्तों में सुधार करेंगे, उनको रहने के लिए आवास मुहैया करेंगे, उनके बाल-बच्चों के लिए पढ़ने की व्यवस्था करेंगे वहीं जिनकी जमीन ली गई, जिनका कोल खदान लिया गया है, उनको हम नौकरी देंगे।

उनके लिए व्यवस्था करेंगे। लेकिन मान्यवर, आज झारखंड अलग हो गया है। हम बिहार से आते हैं। हमें बिहार सरकार में भी रहने का मौका मिला लेकिन हमने नज़दीक से देखा है कि जिनकी जमीन चली गई, जिनकी जमीन ले ली गई, वे आज ठोकरें खा रहे हैं। जब देश आजाद हुआ तो हमने जमींदारी प्रथा का नाश किया लेकिन एक नया जमींदार कोल फील्ड में पैदा कर दिया। सी.सी.एल., बी.सी.एल. की आज क्या परिस्थिति है। हम सोच रहे थे कि नैशनलाइजेशन के बाद अच्छे किस्म के कोयले का उत्पादन होगा, वैज्ञानिक ढंग से कोयले का उत्पादन होगा, उसमें चोरी समाप्त करेंगे। लेकिन आप गौर से देखेंगे तो पता लगेगा कि उम्र से लेकर नीचे तक जितने भी पदाधिकारी हैं, वे चोरी करने में लगे हुए हैं। कोयले के इलाके के माननीय सदस्य यहां बैठे हैं। उस इलाके में हजारों रुपये का कोयला साइकिल पर, ट्रकों पर ले जाकर चोरी हो रहा है। इनके विभाग से आज तक चोरी रोकने का कोई उपाय नहीं हुआ।

एक मिश्रा कमेटी बनी थी। उसने जांच की थी कि कोयले के उत्पादन में कैसे वृद्धि हो, उसकी चोरी कैसे रोकी जाए। उसने अपने सुझाव दिए। इस सदन में भी उस बारे में चर्चा हुई और उसमें जिन अधिकारियों को इंगित किया गया कि उनकी देख-रेख में चोरी हो रही है, वे भ्रष्टाचार में लिप्त हैं, उन अधिकारियों को अच्छी-अच्छी फील्ड दी गई, उनको लूट करने की छूट दी गई, उनको छूट की तरजीह मिली। मुझे कहने में कोई हिचकिचाहट नहीं है, हम सब जानते हैं। इसी सदन के 26 माननीय सांसदों ने सी.सी.एल. के अध्यक्ष एवं प्रबंध निदेशक के खिलाफ भ्रष्टाचार के आरोप में प्रधान मंत्री जी को ज्ञापन दिया। उसकी जांच हो रही थी। कोल कन्सल्टेंटिव कमेटी में भी उस इलाके के सभी माननीय सदस्यों ने इस सवाल को उठाने का काम किया था। यह कहा था कि भ्रष्टाचार के खिलाफ कार्यवाही करें, जांच करें। लेकिन जांच हो रही थी तब तक कोल इंडिया के चेयरमैन को सी.सी.एल. का सी.एम.डी. बनाने के लिए कोल मंत्रालय ने अनुशंसा कर दी, सी.वी.सी. से भी क्लीयर करवा लिया। वह इतना प्रभावशाली व्यक्ति है। अभी सी.बी.आई. ने उसके घर में, रांची, मद्रास और दूसरी जगह छापे मारे तो पांच लाख रुपये की विदेशी शराब मिली, सात लाख रुपये का सोना मिला, मद्रास में घर मिला और कुछ लोग कहते हैं कि बीस लाख रुपये नकद मिले, कुछ कहते हैं कि अट्ठाइस लाख रुपये नकद मिले। उस अफसर को आज तक नहीं हटाया गया, सैक नहीं किया गया। उसी अफसर को बनाने के लिए ये सब लोग कोशिश कर रहे हैं। उसे सबसे बड़ी ताकत देने वाले हैं। हम कहना चाहते हैं कि बड़े लोगों के खिलाफ अगर चार्ज हुआ तो उन्हें मुख्य मंत्री का पद भी छोड़ना पड़ा है लेकिन वह अफसर कितना प्रभावशाली है, कितना ताकतवर है। वह सी.एम.डी. आज मंत्री की भी परवाह नहीं करता है। आज यह परिस्थिति है। ऐसे अधिकारियों को लेकर अगर आप चाहते हैं कि बहुत बड़ी क्रान्ति कर देंगे, बहुत उन्नति करेंगे तो यह संभव नहीं है। व्यवधान रिपोर्ट है, जांच हुई है। कोकिंग कोल की बिक्री नॉन कोकिंग कोल करके करते हैं।

उसकी काफी रिपोर्ट पाई गई। ये सारे अधिकारी उस पर पालथी मारकर बैठे हुए हैं। ये जहां पर हैं, वहीं पर रहकर लूट कर रहे हैं और ये लोग चुपचाप हैं। हम लोग तो इस मामले को हाउस में लाएंगे। यह तो चूंकि बिल है, इसका लिमिटेड परपज है, लेकिन हम लोग हाउस में इस मामले को लाएंगे और बड़े से छोटे आदमी को हम लोग छोड़ने वाले नहीं हैं, चाहे हम इस पक्ष में रहें या उस पक्ष में रहें। इस सवाल को, भ्रष्टारियों को अगर कोई बचाने का काम करेगा तो हम लोग उसके खिलाफ लड़ने का काम करेंगे। भ्रष्टारियों के खिलाफ हम लोग दण्ड देने का काम करेंगे, जब तक कि हम लोगों की सारी नहीं चीज होगी। रघुवंश बाबू रॉयल्टी के बारे में कह रहे थे, हम लोगों ने जीवन भर इसके लिए आन्दोलन किया। इसमें रॉयल्टी मूल्य आधारित होनी चाहिए, टनेज पर अभी रॉयल्टी मिल रही है। झारखण्ड तो अभी 1-2 महीने

पहले अलग हुआ है, लेकिन हमारी रायल्टी का हिस्सा ये लोग तीन वॉ से मारकर बैठे हुए हैं, नहीं दे रहे हैं।

अब हम लोग बहुत विनम्रतापूर्वक सरकार से, माननीय मंत्री जी से कहना चाहते हैं, मंत्री जी अभी आपका ट्रांसफर हेल्थ डिपार्टमेंट से कोयला डिपार्टमेंट में हुआ है। हेल्थ डिपार्टमेंट से आप कोयला विभाग में आये हैं तो जरा कोयले के मामले को ठीक करिये। जिस तरह से आपने हेल्थ को ठीक किया था, उस तरह से कोयले को ठीक मत करिये। आप इस काम को निष्ठापूर्वक करिये, हम लोग आपका समर्थन करेंगे। यह बिल तो चूंकि राज्य सभा से आया है, सुप्रीम कोर्ट के डायरेक्शन पर आया है तो हम लोग इसका समर्थन कर रहे हैं। धन्यवाद।

SHRI SUDIP BANDYOPADHYAY (CALCUTTA NORTH WEST): Sir, I rise to support the Bill with a few queries and reservations. The workers of the coal mines are under the threat of retrenchment and they are totally frustrated and disappointed.

Sir, through this Bill the Government proposes to transfer the assets of Coal India to its subsidiaries. I have a few queries on which I would like to be clarified. I would like to know if this is a step towards privatisation of the coal mines in India. We are for total modernisation but not for privatisation of the coal mines. I would like to know if the hon. Minister of Coal is proposing to tread the path of the Steel Authority of India Limited whereby he could have eight Board of Directors under this organisation. If that is what is being proposed, then the Government must have to have a very big and costly set up for which the Government would have to transfer more funds from its account. I would like to know if the Government is attempting to set up eight Board of Directors in this Institution of Coal India. I would like to be clarified on this point when the hon. Minister replies to the debate.

The workers of Coal India – be it the ECL, or the BCCL or CCL – are not getting any positive response from the Government in regard to their job security. This is because the import of coal from Australia and South Africa has gone up substantially. The very future of Coal India is now at stake. If the import of coal goes up so substantially, then the existence of Coal India would be in jeopardy. If the fate of such a public undertaking of the country is threatened to this extent, then I do not know how the Government would take a stand for the survival of this organisation.

Sir, if imported coal is allowed on such a large scale, the future of the Coal India Limited will be in jeopardy.

Mr. Chairman, Sir, in addition to this point, I would ask the hon. Minister a few other questions.

This organisation is the second largest employed organisation with 7.5 lakh permanent employees. So, it is to be looked into with priority.

Sir, we still remember that it was Shri Ajit Kumar Panja, the then Coal Minister who introduced the Pension Scheme for the coal workers. But now, the fate of the Pension Scheme for the coal workers has no existence either in this Bill or anywhere under the decision of this Ministry. So, this is another question which may kindly be looked into by the hon. Minister.

Sir, the Coal India Limited is passing through great difficulties. Shri Basu Deb Acharia is present here. I still remember that a dispute got promptly precipitated when Shri Ajit Kumar Panja was the Coal Minister. It was only the State Government of West Bengal which was levying dual taxes as cess and royalty on coal, and for which the Coal India had a maximum loss over this dispute. The case is still *sub judice* pending in the Supreme Court.

If the fate of the Coal India Limited reaches such an uncertainty level, then the fate of the coal workers from the 64 mines of this great organisation will be totally fully of uncertainties. The conditions of the coal workers are well known. They have no homes. They have no system by which they can go for proper education of their children. Everyday, they have to pass their days with great difficulties.

So far as the human rights of these workers are concerned, how is the Government protecting them? Merely passing of this Bill will not be enough. They will have to take some concrete steps. If they want to capture powers from the Parliament to reorganise different official set-up in the organisation, we are not hesitant to give them that power but *vis-à-vis* interests of the workers are to be protected at all costs.

You know, the public undertaking companies are already under threat. Even a few profit-making undertakings are also under threat. The Coal India being a positive public undertaking of this country should be given all sorts of protection. I reiterate that imported coal should not affect the future of the Coal India Limited, which is just at the verge of liquidation. The headquarters of the Coal India Limited being situated in my constituency, Calcutta North West, I am well aware of this organisation and their problems. I am also well aware with how much difficulties it is functioning.

Sir, the fate of a large section of the coal workers is in great dismay and full of uncertainties.

The purpose of this Bill is very limited. We do not find an appropriate opportunity to come across with you, for which, I hope when you get this opportunity, you will kindly clarify all the points, so that a message can reach

everywhere, every section of the people that the Coal India Limited can be inspired, its 64 mines can be inspired and we can give a new light to these sections of people.

With these words, I once again support this Bill.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Mr. Chairman, Sir, I am thankful to you for giving me the opportunity to speak on this Bill. I will be very brief.

Sir, it is an important Bill which we have already passed in the Rajya Sabha. I remember that it was the great man of Tamil Nadu – Shri Mohan Kumaramangalam – who, under the leadership of Shrimati Indira Gandhi, nationalised the coal mines.

Again, it is another Minister from Tamil Nadu who is now heading the Ministry of Coal, possibly under pressure from the NDA to find ways and means to privatise and disinvest. The NDA Government is under the scrutiny of the nation at the moment as to what their designs in the various Departments are. The Minister of Finance is keeping quiet; Shri Arun Shourie is analysing the units one after another to finalise his views about disinvesting. Each Ministry is under tight control not to spell out the policy. Even during the Calling Attention on Maruti Udyog Limited we observed that the Minister did not categorically answer whether they have any design for disinvestment. We support the transfer of properties to subsidiaries and all these things. We support this Bill because we understand the compulsions of the hon. Minister. But can he categorically announce today in the House on behalf of the NDA Government that the Government has no design or plan during the entire tenure of the NDA Government to de-nationalise or remotely plan to privatise the coal sector of India? He has to answer this. He should not try to give an evasive reply.

The coal *mafias* are ruling the coal sector. Being a public man, I am sorry to admit that the coal *mafias* have a nexus with the coal bureaucracy and the politicians. It is the coal *mafias* that are ensuring the losses of the coal mines and the coal sector. It was found that the *mafias* rule this sector and not the workers who are actually risking their lives. Therefore, I want to know from the hon. Minister the specific measures that he is contemplating for protecting the coal mines from the hands of the *mafias*. I would not like to mention any names here; the hon. Minister knows them better. The list is too long. You may appoint anybody as Chairman of the Coal India Limited and we do not question that. We do not have any role in that because it goes to the Appointments Committee of the Cabinet. But please do not propose the name of any person under the scrutiny of the CBI under any kind of pressure of any lobby. If you do that, the Government would be under the cloud of a scam. Why are the official functionaries of the subsidiaries not appointed on a regular basis? Why are there only acting officials? Why could the Coal India Limited not find a Chairman till date? We have read in the newspapers that something is going on but please do not succumb to such pressures.

I was talking to the Secretary, Ministry of Coal the other day. I have got an interesting information. The Eastern Coalfields Limited is planning to float tenders in such a manner that a particular group is encouraged, a particular individual is encouraged to respond to the tender. Here, you have a subsidiary which is floating a tender. When you float a tender, you stipulate certain specifications or requirements. But to accommodate one or two particular groups, they are preparing the tender forms in such a manner that they do not show certain items as required. This is the corruption rooted in the subsidiaries. You will have to apply a strong hand to check this corruption. The losses that are shown by the Coal India Limited are not because of the workers' inefficiency – they toil – but it is because of the manipulations both by the coal bureaucracy and by the *mafias*. Trucks after trucks of coal go right from the coal fields right up to Bangladesh without proper arrangements. There is no check. There are the *mafias* that have a nexus with the police, the coal bureaucracy and also the Border Security Force personnel.

Since we have supported this Bill in the Rajya Sabha, we will support it here also. But I request the hon. Minister to clarify the three points that I have raised.

There is also the issue of how to reduce the import. I am thankful to Shri Basu Deb Acharia. This is the first time he has praised the Congress of the past days. During the Congress period, the import of coal was to the tune of seven million tonnes; now, it is 24 million tonnes. Why has there been this increase in the import of coal? Is it because of the fact that the private sector that is emerging in the power sector in India and the State Electricity Boards are complaining about the quality of coal and the poor arrangements in the washeries? Or, is it because of something else? You have got to analyse this because it is more important to check the drain of your resources.

With these words, I conclude and again request the hon. Minister to categorically assure the House that there is no move to de-nationalise the coal mines and privatise any of the subsidiaries.

SHRI M.V.V.S. MURTHI (VISAKHAPATNAM): Mr. Chairman, Sir, I rise to support this Bill. Many hon. Members have said that decentralising this will help in stepping up production. Many hon. Members have also said that we should not rely only on imports. Indigenous production has to be stepped up. So, this is a right step to increase the indigenous production. At the same time, it would also improve quality. Mafia will be disintegrated. Since we are dependent on one channel, that channel is creating a lot of corruption. There should be an end to it. If you make the base wider, more people will be involved and more production will come. This is the right step to meet the country's energy needs. We should also depend on clean energy. Hydel energy is the clean energy which is being wasted in our country. If you do not use coal it would remain, but if you do not use water, it would go waste; and it would go into the sea. Hydel energy has to be developed. This is a very important factor. The other cleaner energy is nuclear energy. I do not know why we are not concentrating on nuclear power. In other countries, like France, ninety per cent of the energy needs are met by nuclear energy. We are using only thermal. For that you have to supply quality coal. For that, you should have washeries etc. Many power plants are suffering since the quality of coal is not good. Most of the times there are shutdowns due to non-availability of quality coal.

With these few words I fully support the hon. Minister for bringing this amendment and I would request him to do it as fast as possible.

श्री हरीभाऊ शंकर महाले (मालेगांव) : सभापति महोदय, आपने मुझे समय दिया, इसके लिए मैं आपका आभारी हूँ। मंत्री जी इस सदन में जो बिल लाए हैं, मैं इसका समर्थन करता हूँ। इस बिल पर दोनों तरफ से विचार होना चाहिए, लेकिन इस बिल पर एक ही तरफ से विचार हुआ है, दूसरी तरफ से नहीं हुआ। जमीन छीनने का काम करने के लिए विचार हो गया है, लेकिन जिसकी जमीन छीननी है उसके लिए क्या करने वाले हैं, इस पर विचार नहीं हुआ। मेरा यह कहना है कि उनको ज्यादा दाम देना जरूरी है और उनको नौकरी भी देनी चाहिए।

महोदय, देश खाली लक्ष्मी से, सरस्वती से नहीं चलता, इसके साथ-साथ श्रम भी चाहिए। जो व्यक्ति अपना पसीना बहाता है, उसके बारे में कभी किसी ने नहीं सोचा। इस बारे में भी सोचना चाहिए। मजदूर की स्थिति इतनी खराब है, मैंने खुद देखा है। महाराष्ट्र में ज्यादा से ज्यादा खदानें हैं, नागपुर में भी हैं। मजदूरों के ईलाज के लिए, शिक्षा और मकान आदि के लिए कोई सुविधा नहीं है। वे ऐसे ही पड़े रहते हैं, क्योंकि ये आदिम जाति के लोग हैं। सरकार हमेशा आदिम जाति का नाम लेती है, पानी पीते हैं तो आदिम जाति का नाम लेते हैं, हर जगह आदिम जाति का नाम लेते हैं, लेकिन इस प्रकार से कैसे चलेगा। यह बात ठीक नहीं है। दूसरी बात यह है कि कोयला तो रेवेन्यू देने वाला साधन है।

18.00 hrs.

हमारे महाराष्ट्र में थर्मल पावर भुसावल में है, परली में लेकिन वहां हमेशा खराब कोयला जाता है जिससे थर्मल पावर में खराबी आती है, इस पर ध्यान देना चाहिये। यही मुझे विनती करनी है। आपने मुझे समय दिया, इसके लिए धन्यवाद।

MR. CHAIRMAN : I hope the House agrees to extend the time of the House till this Bill is passed.

SEVERAL HON. MEMBERS: Yes, Sir.

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI N.T. SHANMUGAM): I am thankful to the hon. Members who have participated in the debate and gave valuable and good suggestions. In all, 12 Members have participated in the discussion. They are: Sarvshri Sontosh Mohan Dev, Girdhari Lal Bhargava, Basu Deb Acharia, B.B. Ramaiah, Wadiyar, P.R. Khunte, Raghunath Prasad Singh, Raghunath Jha, Sudip Bandyopadhyay, P.R. Dasmunsi, M.V.S. Murthy and Hari Shankar Mohale.

Shri Sontosh Mohan Dev wanted to know which Court case has compelled the Government to bring in this Bill. I may inform the hon. Member that in August, 1990, in the context of what the Supreme Court has said in the BCCL vs State of Bihar, it was decided to bring this Bill. Shri Dev also talked about the need for modernisation and protecting the interest of the State Government. The hon. Member also felt that vacancies in Coal India need to be filled up and corruption to be checked. The purpose of the Coal Mines Nationalisation (Amendment) Bill, 2000 is not to allow privatisation of Coal India but to allow any Indian company, maybe also private company, to do non-captive coal mining. Its purpose is not to reduce the role of the Coal India or its subsidiaries.

Shri Girdhari Lal Bhargava while supporting the Bill said that the Bill has been brought to correct the lacuna in the statute. He also requested the Government to improve the workers' welfare and ensure that the loss made to the State Government is set right. He also requested the Government to improve administration in Coal India.

Shri Acharia talked about the history of the Bill. He also talked about the pre and post-nationalisation scenario in the Coal industry. The hon. Member wanted the Coal India to be structured in the fashion of the Steel Authority of India. His concern is about the BCCL, CCL, etc. There are a number of underground mines. He believes that a large number of work force has caused loss to the industry. He also talked about the import of coking coal. I would like to tell the hon. Member that coking coal is being imported because it is in shortage in our country. The hon. Member has also referred to the shortage of CMDs....(Interruptions)

SHRI BASU DEB ACHARIA : We have abundant reserves....(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Do you have any reason to support the shortage?...(*Interruptions*)

SHRI N.T. SHANMUGAM: Coking coal is in short supply in India.

श्री रघुनाथ झा : सभापति जी, कमी कहाँ है, कोकिंग कोल को तो ये नॉन-कोकिंग कोल करके बेचते हैं।

MR. CHAIRMAN: Let him reply.

SHRI N.T. SHANMUGAM: Sir, the hon. Member has referred that there is a shortage of CMD.

Very soon PSEB is going to conduct the selection.

SHRI PRIYA RANJAN DASMUNSI : Sir, what the Minister is replying? Is there dearth of talent in this country?

SHRI N.T. SHANMUGAM: He referred to the shortage of CMDs in coal companies. But soon PSEB is going to conduct the selection in this regard. He also referred to corruption in the Coal India. He also said that the heavy earth machines are not being utilised properly. He also referred to the strike of the coal workers. Sir, the Coal India has already started negotiations with the workers. I can assure you that definitely it will be settled as early as possible. I have also given the direction to settle issues of the workers. This Bill is not really for the privatisation.

SHRI BASU DEB ACHARIA : Mr. Minister, I do not know whether you have the information or not that the first negotiations failed.

SHRI N.T. SHANMUGAM: The negotiations are still continuing. He has spoken about the release of the royalty. We are also thinking that the royalty should be on the *ad valorem* basis. It will be settled very soon. It will give a boost to the States also. The Coal India management is already holding discussions with the unions to settle the wage issue. The Government will settle the issue as early as possible.

Hon. Member, Dr. B.B. Ramaiah, supported the Bill. He wanted the Government to certify that the Coal India shall continue to play an important role in the industry. He felt that pit-head washeries should be set up by Coal India to improve the quality of the coal. He also made a mention about the import of coal and coal mafia. He has also said that the Coal India is having 100 per cent share capital of subsidiary companies. Therefore, the Coal India is not diluted by transferring these properties to the subsidiaries.

Hon. Member, Shri Wadiyar, shown his apprehension that the Bill may be misused for transfer of tribal land to non-tribals and also the exploitation of the same by multinationals. He had also shown concern about the stamp duty losses to the States. He wanted that the electricity should be produced for agriculture and rural sectors by using coal. Hon. Member, Shri P.R. Khunte, supported the Bill.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, he is not replying. He is only narrating what the Members spoke. He should respond to the points raised. It is not a Vote of Thanks.

SHRI N.T. SHANMUGAM: Sir, I will respond to that. He also wanted that the quality of the coal should be improved by setting up the washeries. He also felt that it will provide employment in the surrounding area. Sir, steps will be taken to produce diesel from coal. He asked about the steps taken by the Government to curtail the corruption in the Coal India.

Hon. Member, Shri Raghuvansh Prasad Singh, reflected on corruption and coal mafia. He felt that the coal workers are being exploited. He felt that the dependence on the thermal power should be reduced. He said that the quality of coal should be improved. He had also spoken about the increase in royalty. He has shown concern about the royalty not being given for the first three years.

Hon. Member, Shri Raghunath Jha, supported the Bill. He said that the displaced people should be provided relief. He wanted that the corruption and coal theft should be stopped.

The Member wanted implementation of the recommendations of the R.N. Mishra Committee Report. He said that the recommendations of the proposed Coal India Chairman was incorrect.

Hon. Member Shri Sudip Bandyopadhyay welcomed the Bill. He wanted modernisation and said that the workers' problem be settled, pension be paid to the workers and other interests of the workers be protected. He also said that importing of coal should not affect CIL. About the bad condition of the cistern coal mines which are loss making, he wanted the Government to pay immediate attention.

Shri Priya Ranjan Dasmunshi said that the Bill is meant to protect the coal sector. The Member wanted

investigation into coal mafia activities and corruption to be controlled. He also spoke about the import of coal. In this context I would like to say that the import duty originally was 15 per cent. To reduce the import, we have increased it to 25 per cent. The rail freight concession of 10 per cent which was given earlier has now been withdrawn to promote our indigenous coal.

Shri M.V.V.S Murthi wanted that the quality of coal be improved. He supported the Bill and wanted promotion of hydel energy and other forms of clean energy such as nuclear energy. He also said that corruption should be curtailed.

Shri Haribhau Shankar Mahale supported the Bill and wanted welfare of the tribal people be taken into account. He also wanted improvement in the quality of coal.

I have carefully listened to the debate on the Coal India (Regulation of Transfers and Validation) Bill, 2000 in the House and the points raised by hon. Members during the course of the debate. Apprehensions have been raised that the Bill shall lead to privatisation or shall change the role of CIL as a holding company. Mention has also been made about loss of State's share in stamp duty or authority in grant of mining lease. Now I would like to address the important issues raised during the debate.

I may point out that the absence of formal legal title to the land, coke oven plant, mining rights and other properties in the subsidiary companies of CIL has exposed them to litigation and other legal infirmities. This matter was examined before the Committee on Public Undertakings. The Committee had directed that the transfer of rights in and over land and properties in favour of subsidiary companies, which are *de facto* managing the mines and properties vested in CIL, should be effected without any further delay. The two former Attorney-Generals had also advised that this situation should be rectified through appropriate legislative measures.

The Standing Committee on Industry also undertook a comprehensive examination of many of the issues raised during the course of the debate in the House. The Report of the Standing Committee, which was laid in the Lok Sabha on 27th July 2000 deals with these issues at length and, therefore, it may not be necessary for me to go into these again. The Committee has recommended adoption of the Bill.

It has been pointed out whether the same objective could have been achieved by effecting suitable amendments in the Coal Mines (Nationalisation) Act, 1973, instead of introducing a fresh legislation. It needs to be appreciated that lands, mining rights and other properties have been acquired by CIL through different modes and statutes namely, Coal Mines (Nationalisation) Acts of 1972 and 1973, the Coal Bearing Areas (Acquisition and Development) Act, 1957, and Land Acquisition Act, 1894, and through direct negotiations etc. Amendment to the Coal Mines (Nationalisation) Act would not have covered the lands and properties acquired through other statutes and modes. Hence, the need for a separate law.

Apprehensions have been expressed by some State Governments that adoption of this Bill may infringe upon the Constitutional rights of the State Governments, particularly in respect to grant of mining lease, collection of stamp duty and registration fee etc.

May I reiterate that after the nationalisation of the coal mines in terms of the provisions of the Coal Mines (Nationalisation) Act, the Central Government became the deemed lessee of the State Government. When the Central Government, in turn, vested these coal mines in Coal India Ltd, the CIL became a deemed lessee of the State Government. The deemed leases are purported to be contractual leases granted under the Mines and Mineral Development and Regulation Act, 1957, read with the Mineral Concession Rules, 1960. Similar arrangement exists under the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957, in relation to land and mining rights acquired under the said Act. Therefore, these statutes leave no scope of discretion with the State Governments in regard to grant of mining leases where the land and mining rights have been acquired under the aforesaid statutes.

In so far as the question of collection of stamp duty and registration fee is concerned, I may state again that the Bill, *inter alia*, seeks to validate, with retrospective effect, the transfers of properties from Coal India Limited to its subsidiary companies, as these transactions are not covered under the existing provisions of the Coal Mines Nationalisation Act and the Coal Bearing Areas Act. Transfer of such nature cannot be validated through the Transfer of Property Act or the Companies Act, 1956, as they also do not allow retrospective measures. Therefore, no duty or fee is leviable on such transfers.

Moreover, the properties in question are national properties and in the national interest, their transfer should be exempted from the payment of stamp duty. The Standing Committee has also reached the same conclusion and endorsed the view that the proposed enactment would override the Acts of State Legislatures because it flows from the Coal Mines (Nationalisation) Act and Section 28 of the said Act has an overriding effect notwithstanding anything inconsistent therewith in any other law for the time being in force.

Some hon. Members have expressed an apprehension that the Bill would facilitate privatisation of Coal India. Let me reassure the hon. Members that there is no ground for the same. The Bill merely seeks to legalise ownership of the coal mines being managed and operated by the coal producing subsidiaries of Coal India Limited. (Interruptions)

SHRI PRIYA RANJAN DASMUNSI : This is a step towards privatisation.

SHRI N.T. SHANMUGAM: It is not so.

SHRI PRIYA RANJAN DASMUNSI : You may just tell us whether it is the policy of the Government or any policy pending to denationalise or privatise Coal India Limited. You may just answer to this point.

SHRI N.T. SHANMUGAM: There is no idea to privatise Coal India....(Interruptions)

SHRI BASU DEB ACHARIA : Then why have you introduced a Bill in the Rajya Sabha? ...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : I am talking about the Government policy now. Can you assure the House that there will be no such action? ...(Interruptions)

MR. CHAIRMAN : Kindly allow him to reply first.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Can you assure the House that there will be no attempt to denationalise or privatise Coal India? ...(Interruptions)

SHRI BASU DEB ACHARIA : Why have you introduced Coal Mines Nationalisation (Amendment) Bill in Rajya Sabha? For what purpose have you introduced it there? If you have no intention to privatise Coal India, then why have you introduced it in Rajya Sabha? If that is so, then you withdraw the Bill.....(Interruptions) Sir, he is misleading the House. He cannot be allowed to mislead the House....(Interruptions) Sir, the same Minister had introduced a Bill in Rajya Sabha to denationalise the Coal India....(Interruptions)

MR. CHAIRMAN: You may allow him to reply. Let him complete his reply.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, you must protect the Member. A Member has put a question to the Minister. Will he categorically say that there is no design to privatise or to denationalise Coal India? It is a simple question.

MR. CHAIRMAN: Please wait for the completion of his reply.

...(Interruptions)

MR. CHAIRMAN: You allow the Minister to complete the reply.

...(Interruptions)

SHRI N.T. SHANMUGAM: The Bill merely seeks to legalise the ownership of the coal mines being managed and operated by the coal producing subsidiaries of the Coal India Limited. The Bill has no such provisions as would facilitate privatisation of coal mines....(Interruptions) For any disinvestment of equity or sale/transfer of coal mines to private parties, the subsidiary companies will have to obtain approval from not only CIL but the Central Government as well....(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : I am not talking about this Bill. I am talking about the policy of the Government....(Interruptions)

MR. CHAIRMAN : Shri Basu Deb Achaira, Shri Dasmunsi and Shri Athawale, please sit down. Please allow the hon. Minister to reply. Let him complete it.

...(Interruptions)

SHRI N.T. SHANMUGAM: Questions were also raised on whether this Bill will affect the status of CIL as a holding company. Here again, I may re-assure the august House that as far as control of CIL as a holding company is concerned, that is in no way diluted, because the Articles of Association of Coal India clearly stipulate that a subsidiary company, before it can transfer any substantial interest in its property, has to take the approval of Coal India....(Interruptions)

SHRI BASU DEB ACHARIA : What will be the role of Coal India Limited?...(*Interruptions*)

MR. CHAIRMAN: Shri Acharia, this is not the way of doing things.

SHRI N.T. SHANMUGAM: In any case, 100 per cent of the paid up capital of the subsidiaries is owned by CIL. It further stipulates that even for mobilising foreign loans or entering into joint ventures, a subsidiary company has to go "in and through" CIL only....(*Interruptions*)

SHRI BASU DEB ACHARIA : What is the policy of the Government? ...(*Interruptions*)

MR. CHAIRMAN: You cannot dictate to the hon. Ministers as to how they have to answer.

SHRI N.T. SHANMUGAM: I have attempted to clarify the position on all major issues of concern raised by the hon. Members. The Bill essentially seeks to plug a lacuna in the statute. This measure will facilitate a clear delineation and consolidation of lands and assets of various subsidiary companies of Coal India Limited. This will avoid litigation and also enable the coal companies to mobilise resources from other sources....(*Interruptions*)

SHRI BASU DEB ACHARIA : What is the policy of the Government?

MR. CHAIRMAN: You cannot cross-examine a Minister. You cannot prevent a Minister from replying. Please do not disturb the hon. Minister.

...(*Interruptions*)

SHRI N.T. SHANMUGAM: I am thankful to the hon. Members for their participation in the debate, which illuminated various aspects of the Bill. The Rajya Sabha has already passed the Bill. May I now request the august House also to pass the Bill?

SHRI PRIYA RANJAN DASMUNSI : Sir, with your permission, I want to seek only one clarification. Mr. Minister, can you assure the House that your Government has no plan to disinvest coal India and privatise coal India? I want only that assurance....(*Interruptions*)

MR. CHAIRMAN: Shri Dasmunsi and Shri Achairia, he has already answered that point.

SHRI PRIYA RANJAN DASMUNSI : He has not answered it. I am sorry that this is not the way of conducting the business....(*Interruptions*)

MR. CHAIRMAN: The question is:

"That the Bill to empower the Central Government to direct the transfer of the land, or of the rights in or over land or of the right, title and interest in relation to a coal mine, coking coal mine or coke oven plant, vested in the Coal India Limited or in a subsidiary company to any subsidiary company of Coal India Limited or any other subsidiary company and to validate certain transfers of such land or rights, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House will now take up clause by clause consideration of the Bill. The question is:

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1, the Enacting Formula and the long Title were added to the Bill.

SHRI N.T. SHANMUGAM: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

SHRI BASU DEB ACHARIA : Since the hon. Minister has not clarified the position, in protest, we walk out.

18.23 hours

*(At this stage, Shri Basu Deb Chaira and some other
hon. Members left the House.)*

MR. CHAIRMAN: The House stands adjourned to meet tomorrow, 30th November, 2000 at 11 a.m.

18.24 hours

The Lok Sabha then adjourned till Eleven of the Clock on
Thursday, November 30, 2000/Agrahayan 9, 1922 (saka).

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