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Title: Need to constitute a special committee to look in to the work of elevated corridor project along CST-Panvel Corridor in Maharashtra.

SHRI RAHUL SHEWALE (MUMBAI SOUTH CENTRAL): Madam Speaker, thank you for allowing me to raise an important issue of my constituency, namely, Mumbai South Central.

I would like to draw the attention of the hon. Railway Minister towards a long pending issue of the Railway project, namely, the Elevated Corridor along the CST – Panvel Corridor. Sometime back the Railways envisioned this project as expansion of Suburban Railway in Mumbai region, as laying of additional tracks by the side of existing tracks is not feasible due to non-availability of required land strip for most length of the Corridor. As far as acquiring of the required land for the project is concerned, it is shown in the Government reports that almost 95 per cent land required for the elevated corridor is already in the possession of Government and only a small portion needs to be acquired.

My request to the Railway Ministry is to make concerted efforts to acquire the remaining land for the project as soon as possible.

Madam, I would like to inform the House that various Town Planning Agencies of the region like MMRDA, CIDCO, Navi Mumbai Airport Influence Notified Area (NAINA) have been working for the expansion of Navi Mumbai and the outskirts of Mumbai upto Khopoli, Pune and Konkan region. Therefore, this proposed Elevated CST-Panvel Corridor is of paramount importance in terms of infrastructure. It is envisaged that there is hope that at least ten times greater demand for residential and commercial projects will be coming up in these areas. In view of the development of Sewri-Nhava Sheva Trans Harbour Link, there is going to be exponential growth in terms of population in these areas and hence, the requirement of CST-Panvel Elevated Corridor needs to be taken up seriously.

Madam, my appeal to the hon. Railway Minister is to constitute a Special Committee to work out on the long pending project of the Elevated Corridor along the CST-Panvel Corridor

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Title: Need to release funds for medical college in Churu, Rajasthan.

श्री राहुल कर्वाण (चुरू) : अध्यक्ष महोदया, मैं शून्यकाल में अपने क्षेत्र के मेडिकल कॉलेज का मुद्दा उठाना चाहता हूँ। पिछले वर्ष 2 जुलाई, 2014 को भारत सरकार ने राजस्थान के अलवर, बाड़मेर, भरतपुर, चुरू व डूंगरपुर व 27 जुलाई, 2014 को भीलवाड़ा और पाली में मेडिकल कॉलेज खोलने के लिए राजस्थान सरकार के साथ अबुनंध किया था जिसके बाद राजस्थान सरकार की ओर से चुरू व डूंगरपुर का डीपीआर भी बनाकर भारत सरकार को भिजवाया गया है। राजस्थान सरकार ने अपने स्तर पर होने वाले सभी कार्य पूर्ण कर दिए हैं तथा चुरू मेडिकल कॉलेज के लिए भूमि का आवंटन भी कर चुकी है। भारत सरकार ने प्रत्येक मेडिकल कॉलेज के लिए 189 करोड़ रुपये की लागत निर्धारित की है जो बहुत ही कम है। राजस्थान सरकार ने इसकी लागत 263.4 करोड़ रुपये निर्धारित की है। भारत सरकार द्वारा अपना अंशदान जारी नहीं किया गया है।

महोदया, चुरू जैसे ही बहुत ज्यादा पिछड़ा हुआ क्षेत्र है। खेती, येजगार और उद्योगों की पहले से ही कमी है, ऊपर से स्वास्थ्य संबंधी समस्याएं भी बहुत हैं। मेडिकल कॉलेज क्षेत्र के लिए एक वरदान साबित होगा। इसलिए मेरा भारत सरकार से अनुरोध है कि मेडिकल कॉलेज की लागत 189 करोड़ रुपये से बढ़ाकर 263.4 करोड़ रुपये प्रति कॉलेज निर्धारित करते हुए चुरू के लिए अंशदान शीघ्र ही जारी किया जाए।

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Title: Need to provide adequate amount of funds to take up various rail projects in Andhra Pradesh.

SHRI RAM MOHAN NAIDU KINJARAPU (SRIKAKULAM): Madam Speaker, last week, hon. Railway Minister has presented the Railway Budget. It has been a very good Budget considering the passengers and the people of India. But, as per the Andhra Pradesh Reorganisation Act, a separate Zone for Andhra Pradesh have been promised for the people of Andhra Pradesh. I hope that in the near future, it will be announced. My only request to the Railway Minister is that the whole State of Andhra Pradesh should come under the new Zone. None of its part should be disintegrated from the new Zone with one end at Anantapur and the other end as Srikakulam. The whole State should come under this new Zone.

*t15

Title: Regarding shifting of a Toll Plaza at Hosur-Krishnagiri Section on Bangalore-Chennai Highway.

SHRI K. ASHOK KUMAR (KRISHNAGIRI): Madam Speaker, shifting of toll plaza located at 87.6 kilometres of NH-7 between Bangalore-Chennai which is a four laning road is taken up for a six laning road between Hosur-Krishnagiri section. The proposed toll plaza near the Collectorate building and also one of the famous Darga, would be a hindrance to free flow of vehicles and the visiting public to the Collectorate and the Dharga. Despite objections raised by the District Collector, local public, VIPs, elected representatives and various associations, the said toll was not shifted from the existing place.

As per rule 8 of the National Highway (Determination of rates and collection) Rules, 2008, there should not be any toll plaza within ten kilometres of the Municipality limit. But the present toll plaza was set up within 1.5 kilometres from the Krishnagiri Municipality limit which is a clear violation of the said rule.

Under the above circumstances, I request that the existing toll plaza located at 87.6 kilometres of NH-7 may kindly be shifted to a location far away from the Municipality limit to Bhandharapalli village or Polupalli village on Krishnagiri-Hosur, NH-7.

*t16

Title: Regarding steps taken to check Swine Flu in the country.

SHRIMATI KOTHAPALLI GEETHA (ARAKU): Madam Speaker, thank you for giving me an opportunity to raise an issue regarding the deadly disease, swine flu, in the 'Zero Hour'.

The swine flu has spread its wings across India, particularly in the States of Gujarat, Haryana, Rajasthan, Andhra Pradesh and Telangana. Madam, give me two minutes to express my views because I myself suffered from swine flu and I was treated in Visakhapatnam. There are certain problems regarding this swine flu.

As we all know, swine flu is a respiratory disease caused by the influenza virus, which affects the respiratory system of the human body. The symptoms are very normal. The patient gets headache, cough, and fever. They are very normal symptoms for which generally people do not go to hospitals. They take some paracetamol and just pass time. Awareness should be created through media publicity about the symptoms of swine flu. This disease spreads particularly when the climate is cold and during winter season. We have always been taking some temporary remedial measures instead of finding some permanent solution to this.

Many a time what is happening is that diagnosis itself takes three days. Diagnostic centres are not established across the country. Because of that the treatment starts late.

HON. SPEAKER: The Minister has replied very exhaustively on this issue.

SHRIMATI KOTHAPALLI GEETHA: Even today diagnostic centres are not available. By the time it is diagnosed, it becomes very chronic.

The second issue is regarding medicines. Medicines are not available across the country.

The virus spreads very fast. First 48 hours are very crucial. People are facing a lot of problems in places like Araku, and also in many areas in Rajasthan, and Gujarat. By the time they realise that they are suffering from swine flu, it becomes too late. It has claimed the lives of almost 1,000 people.

One more important issue that I wish to bring to the notice of the Government, through you, is that there is only one medicine which is available for swine flu. If they are infected once again they do not have any medicine to treat the patients and that results in death. So, it is a very serious issue that needs to be considered by the Ministry of Health and Family Welfare. I would like to bring to the notice of the House, through you, that remedial measures need to be taken in this regard. Thank you so much.

*t17

Title: Regarding promotion policy for labourers working in Bhilai Steel Plant.

श्री ताम्रध्वज साहू (दुर्ग) : अध्यक्ष जी, मेरा शून्यकाल का विषय इस प्रकार से है। भिलाई इस्पात संयंत्र और भिलाई की खदानों में काम कर करे आठ से दस हजार श्रमिक अधिकतम वेतनश्रेणी में पहुंच कर एक ही पद नाम से सेल नीति की अवहेलना झेल रहे हैं। भिलाई इस्पात संयंत्र द्वारा पक्षपातपूर्ण कार्यवाही के शिकार हो रहे हैं, जो श्रमिक उच्चतम वेतन ग्रेड में पहुंच गए हैं, उन्हें ई-1 ग्रेड में पुनर्शिक्षित पदोन्नति दिया जाना आवश्यक है। वर्ष 2010 में नॉन-एग्जिटिव से एग्जिटिव बनने के लिए 3600 कर्मियों ने आवेदन किया था, जिसमें से मात्र 370 श्रमिकों को प्रमोशन दिया गया। नियमानुसार हर दो वर्ष के अंतराल में 10 प्रतिशत श्रमिकों को प्रमोशन का अवसर दिया जाना है। यह प्रक्रिया वर्ष 2008 से रुका हुआ है। अवितांब कर्मचारी हित में आदेश जारी करना आवश्यक है। मैं विभागीय मंत्री जी से आग्रह करता हूं कि श्रमिक हित में तत्काल निर्णय ले कर आदेश दें।

माननीय अध्यक्ष : राजीव सातव जी, यह तो स्टेटमेंट है, इसे आप यहां क्यों उठा रहे हैं।

*t18

Title: Regarding law and order situation in Maharashtra.

श्री राजीव सातव : अध्यक्ष जी, यह मैटर मैं इसलिए उठाना चाह रहा हूं क्योंकि गृह मंत्री जी का इस बारे में वक्तव्य है, इस बारे में मेरी मांग थी। मैं जो यहां बात रखना चाह रहा हूं, महाराष्ट्र छत्तुपति शिवाजी, शाहू जी महाराज, बाबा अम्बेडकर और ज्योतिबा फुले की भूमि है। इस भूमि में जिस प्रकार से पिछले दिनों नरेन्द्र दामोदर जी की हत्या हुई, उस वक्त आई.बी. ने यह वार्निंग दी थी, ... (व्यवधान)।

कौशल विकास और उद्यमिता मंत्रालय के राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री राजीव प्रताप रूडी) : राज्य सरकारों के विषय को इस प्रकार से विमर्श करने लगे तो नहीं हो पाएगा। ... (व्यवधान)

माननीय अध्यक्ष : पहला वाक्य मेरा यही था, यह राज्य सरकार का विषय है।

श्री राजीव सातव : मेरी गृह मंत्री जी से निवेदन है कि नरेन्द्र दामोदर जी की जब हत्या हुई, उस समय आई.बी. ने वार्निंग दी थी कि अगला टारगेट कोल्हापुर से गोविन्द पनसारे जी हो सकते हैं। मेरा निवेदन है कि उस वक्त सरकार ने उन्हें सुरक्षा नहीं दी, उनकी हत्या हुई है। इसके बाद तीसरे टारगेट की महाराष्ट्र में चर्चा हो रही है। इसलिए तॉ एंड ऑर्डर का बड़ा सेन्सेटिव इश्यू है। गृह मंत्री जी की तरफ से गोविन्द पनसारे जी की हत्या के बारे में सदन में बयान हो, यह मेरी मांग है।

*t19

Title: Regarding Need to provide relief to farmers who lost their crops due to natural calamities in the country.

श्री ओम बिरला (कोटा) : माननीय अध्यक्ष महोदया, देश के उत्तर भारत सहित कई हिस्सों में पिछले तीन दिन से असामयिक तेज बारिश और आंधी के कारण किसान की खड़ी फसल चौपट हो गयी है। राजस्थान के तमाम इलाकों में गेहूं, धनिया, सरसों, चना, जौ, इसबगोल आदि फसलें कटने की स्थिति में थीं, लेकिन तेज बारिश के कारण वे चौपट हो गयीं। इस बार राजस्थान के कई हिस्सों में गेहूं की फसल का उत्पादन बहुत बड़ी मात्रा में होने वाला था, लेकिन तेज बारिश और अंधड़ के कारण किसान की लहलहाती फसल, जो कटने के लिए तैयार थी, उसके अलावा कई फसलें कटकर खेत में पड़ी हुई थीं, वे सब चौपट हो गयी हैं। आज वह किसान बर्बाद हो गया है।

माननीय अध्यक्ष महोदया, किसान की लागत का पैसा भी एनडीआरएफ और एसडीआरएफ, जो राष्ट्रीय आपदा कोष है, उससे नहीं मिल पाता है। केन्द्र सरकार ने अभी राज्य सरकार का अंशदान बढ़ाया है, इसलिए केन्द्र और राज्य सरकार, दोनों मिलकर किसानों की फसल का खेतवार सर्वे करवाये और उन्हें उनकी लागत का मुआवजा दे, ताकि किसान आत्महत्या के लिए मजबूर न हो।

मेरे संभाम कोटा, बूंदी, बारा झालावाड़ में गेहूं, धनिया और सरसों की फसल संपूर्ण चौपट हो गयी है। मेरी आपके माध्यम से माननीय गृह मंत्री जी से मांग है कि एक स्पेशल पैकेज देकर किसानों को राहत दी जाये, ताकि किसान ऋण से डूबने से बच सकें।

माननीय अध्यक्ष : जो बारिश हुई है, उस बारे में बहुत से सदस्यों ने निवेदन किया है। इसलिए मैं इसमें दो-तीन सदस्यों को बोलने के लिए एलाऊ कर रही हूं।

*m02

श्री दीपेन्द्र सिंह हुड्डा (रोहतक) : अध्यक्ष महोदया, मैं भी सम्मानित सदस्य ओम बिरला जी की बात से सहमत हूं। किसान के लिए वाकई ही बुरे दिन चल रहे हैं। एक के एक बाद, पहले खरीफ की फसल में किसान को पूरा भाव नहीं मिला। उसके बाद यूरिया में ... (व्यवधान)

कौशल विकास और उद्यमिता मंत्रालय के राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री राजीव प्रताप रूडी) : महोदया, इस तरह से नहीं होना चाहिए। यह अनुचित है। कल रात की

बारिश के बाद पूरे देश और मध्य भारत, राजस्थान, हरियाणा में ... (व्यवधान)

श्री दीपेन्द्र सिंह हुड्डा: अध्यक्ष महोदया, मैंने कोई आपत्तिजनक शब्द का प्रयोग नहीं किया है। ... (व्यवधान)

श्री राजीव प्रताप रूडी: इन्होंने विषय बदल कर चर्चा शुरू कर दी। अगर वे इससे सम्बद्ध हैं तो सीधे विषय पर आएं। यहां खरीफ की फसल के बारे में न बोलें, क्योंकि किसानों की चर्चा हो चुकी है, ... (व्यवधान)

श्री दीपेन्द्र सिंह हुड्डा: हम उसी विषय पर आ रहे हैं। ... (व्यवधान) मैं रूडी जी की बात का सम्मान करते हुए कहना चाहूंगा। ... (व्यवधान)

माननीय अध्यक्ष : आपको हमेशा विपक्ष में नहीं जाना चाहिए। जो समस्या है, उसे समस्या के रूप में उठाइये।

â€ (व्यवधान)

श्री दीपेन्द्र सिंह हुड्डा: अध्यक्ष महोदया, विपक्ष की बात नहीं है। यूरिया की दिक्कत रही, जो सत्वाई है। ... (व्यवधान) यूरिया की दिक्कत के बाद अब दो-तीन दिन से बारिश हो रही है। मैं समझता हूँ कि उत्तर भारत में इस तरह की बारिश, इस तरह का अनुमान लगाया जा रहा है कि कई शहरों में मार्च के महीने में एक दिन की बारिश का रिकार्ड कल टूटा है, जिसमें मेरठ, रोहतक, हिसार, राजस्थान, हरियाणा, उत्तर प्रदेश और पंजाब आदि कई शहर शामिल हैं। ... (व्यवधान)

माननीय अध्यक्ष : मध्य प्रदेश के कुछ इलाकों में भी बारिश हुई है। सब जगह बारिश हुई है।

â€ (व्यवधान)

श्री दीपेन्द्र सिंह हुड्डा: पूरे उत्तर भारत में बारिश हुई है। आप भी इस बात के लिए हमसे सहमत हैं। ... (व्यवधान)

माननीय अध्यक्ष : हाँ, सहमत हूँ।

श्री दीपेन्द्र सिंह हुड्डा: इस बारिश से होने वाला नुकसान हर फसल में है खास तौर पर सरसों और गेहूँ की खड़ी फसल में। मैं समझता हूँ कि सरकार को तुरंत इसे अति संवेदनशीलता से लेना चाहिए। हमने पिछले सत्र में भी मांग की थी कि एग्रीकल्चर क्राइसेज पर चर्चा हो। ... (व्यवधान)

माननीय अध्यक्ष : वह चर्चा तो बाद में होगी।

â€ (व्यवधान)

श्री दीपेन्द्र सिंह हुड्डा : इसे भी उसमें जोड़ लिया जाये, क्योंकि बिजनस एडवाइजरी कमेटी ने नियम 193 पर चर्चा ... (व्यवधान)

माननीय अध्यक्ष : आप अभी इस विषय पर बात कीजिए।

â€ (व्यवधान)

श्री दीपेन्द्र सिंह हुड्डा: इसे उसमें जोड़ा जाये और सरकार तुरंत गिरदावरी के निर्देश दे। हर खेत में कितना नुकसान हुआ है, उसका आंकलन किया जाये और मुआवजा मिले। ... (व्यवधान) किसान को पूरा मुआवजा मिले। ... (व्यवधान)

*m03

श्री जगदम्बिका पाल (डुमरियागंज): माननीय अध्यक्ष जी, आपने मुझे देश के किसानों से जुड़े हुए अत्यंत महत्वपूर्ण विषय के बारे में बोलने का मौका दिया, इसके लिए मैं आपका अत्यंत आभारी हूँ। यह विषय राजनीति का विषय नहीं है। आपने संवेदनशीलता दिखाई और कई माननीय सदस्यों को बोलने का मौका दिया। श्री ओम बिरला जी और अन्य माननीय सदस्यों ने जो कहा है, मैं उसे दोहराना नहीं चाहता हूँ। मैं कल इटावा औरिया में था, वहां 44 मि.मी. बारिश हुई। जहां फसलों का नुकसान हुआ, मैं वहां की तीन घटनाओं का उल्लेख करना चाहता हूँ। हमीरपुर के कुलहेटा गांव के इन्द्रपाल किसान ने बैंक से कर्ज लिया हुआ था, उनको उम्मीद थी कि अच्छी फसल होगी और वह बैंक की ईएमआई देंगे। जब बारिश हुई और वह अपने खेत पर गए, उनकी गेहूँ की फसल खेत में सो गई, टैट गई तो उन्होंने वहीं फांसी लगा ली। इसी तरह उत्तर प्रदेश में तीन घटनाएं हो गईं। उन्नाव और राजधाने में चांदगांव के वीरेंद्र सिंह ने आत्महत्या की। हमीरपुर के भगवा समेलपुर के पलहेटा गांव में राजा शैवा तिवारी जी खेत पर गए और जब वे वापस आए तो उनकी सड़ने से मौत हो गई। उत्तर भारत में शनिवार की रात से शुरू बारिश से शुरू हुई है, कहीं तो 22 मि.मी. है और कहीं 42 मि.मी. है। इससे किसानों की फसलों की बहुत क्षति हुई है। गेहूँ, सरसों, दलहन, तिलहन और आलू की क्षति हुई है। केंद्र से टीम जानी चाहिए और जिन राज्यों में असामयिक बारिश के कारण किसानों का जो नुकसान हुआ है, उसकी भरपाई होनी चाहिए। पूर्व उत्तर प्रदेश में सिद्धार्थ नगर और गोरखपुर में भी काफी नुकसान हुआ है।

माननीय अध्यक्ष:

*m04 डॉ. वीरेंद्र कुमार को श्री जगदम्बिका पाल द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

*m05

श्री सी.आर.चौधरी (नागौर) : माननीय अध्यक्ष जी, मैं माननीय बिरला जी और अन्य माननीय सदस्यों से सहमत हूँ। मैं भी कल अपनी कांस्टीट्यूएन्सी के भ्रमण पर था। वास्तविकता यह है कि जीरा, ईसबगोल और कमर्शियल फसलें पकने की स्थिति में थी, चौपट हो गई हैं। माननीय मुख्यमंत्री महोदया ने टेलीफोन पर कहा था कि स्थिति देखकर अवगत कराएं। मैंने उनसे भी निवेदन किया और

आज सदन के माध्यम से माननीय कृषि मंत्री और गृह मंत्री जी से निवेदन करता हूँ कि केंद्र से टीम भेजी जानी चाहिए जो उन राज्यों का आकलन कर ले जिन राज्यों में नुकसान हुआ है। किसानों को राहत मिलनी चाहिए क्योंकि ये बड़ी मेहनत से खेती करते हैं लेकिन प्राकृतिक आपदा के कारण फसलें चौपट हो जाती हैं। ऐसे समय में सरकार का कर्तव्य बनता है कि केंद्र से टीम भेजी जाए, जायजा लिया जाए और उसी के अनुरूप नुकसान का भुगतान किया जाए। कई बार ऐसा होता है कि नुकसान का भुगतान देर से होता है और बहुत कम एमाउंट होता है, इस कारण काशतकार संतुष्ट नहीं होते हैं। मेरा पुनः निवेदन है कि उनको कम से कम फसल का लागत मूल्य दिया जाए जिससे उनको रिलीफ मिल सके।

*m06

श्री दुष्यंत चौटाला (हिसार): माननीय अध्यक्ष जी, ओम बिरला जी ने इस चर्चा की शुरुआत है। नार्दन इंडिया में बारिश के कारण फसल की बर्बादी हुई है। हम किसान को अन्नदाता कहते हैं क्योंकि वे अपना पेट पालने से पहले हमारा पेट पालते हैं लेकिन आज वह अन्नदाता दुखी है। विशेषकर मिस्ट्रावरी, पूरे हरियाणा, आउटर दिल्ली, राजस्थान, पंजाब, मध्य प्रदेश, महाराष्ट्र, उत्तर प्रदेश और जहां फसल का नुकसान हुआ है, अन्नदाता की सुखबुध जानने के लिए मैं सभी सदस्यों से निवेदन करता हूँ कि माननीय कृषि मंत्री से मांग करें कि वह प्रदेश सरकारों को आज ही आदेश दें। पिछले साल सूखे का मुआवजा भी नहीं पहुंचा है। किसानों को कम से कम प्रति एकड़ 30,000 रुपए का मुआवजा दिलवाएं और तुरंत कार्यवाही करें।

13.00 hrs

*m07

श्री भैरों प्रसाद मिश्र (बांदा) : माननीय अध्यक्ष जी, जैसा कि माननीय सदस्यों ने कहा है, मेरे बुंदेलखंड क्षेत्र में स्थिति वैसे भी पहले से ही खराब रही है, कई सालों से यहाँ सूखे के कारण स्थिति खराब थी और अभी ओले पड़ने के कारण, बारिश तो बाद में हुई, लेकिन उसके पहले बहुत बड़ी मात्रा में ओला पड़ा है, उसके कारण वहाँ पर पूरी फसल नष्ट हो गयी है। उसके बाद लगातार दो दिनों तक हुई बारिश से स्थिति और अधिक विषम हो गई है। आपके माध्यम से मेरा सदन से अनुरोध है कि इस संबंध में ऐसा निर्देश दिया जाए कि राज्य सरकार से को-ऑर्डिनेट करके केन्द्र सरकार उस पर व्यापक व्यवस्था करे, जिससे उन किसानों को आत्महत्या के लिए मजबूर न होना पड़े।

माननीय अध्यक्ष : अब करीब-करीब सभी लोगों की बात पूरी हो गई, जिनको एसोसिएट करना है, वे अपने-अपने नाम लिखकर दे दें क्योंकि जहाँ-जहाँ नुकसान हुआ है, उससे सभी लोग चिन्तित होंगे, इसे मैं भी समझ रही हूँ।

â€¦(व्यवधान)

माननीय अध्यक्ष :

*m08 सर्वश्री भानु प्रताप सिंह वर्मा

*m09 लखन लाल साहु,

*m10 रमेश बिष्टूड़ी,

*m11 श्रीमती जयश्रीबेन पटेल,

*m12 श्रीमती दर्शना जरदोश,

*m13 श्रीमती कमला पाटले,

*m14 श्रीमती माता राज्यलक्ष्मी शाह,

*m15 सर्वश्री सुमेधानंद सरस्वती,

*m16 सुधीर गुप्ता,

*m17 राजकुमार सैनी,

*m18 राजेश कुमार दिवाकर,

*m19 पूरुललड सलंड डुल,

*m20 डुवखी डड. डुल,

*m21 शुरीडती संतुष अहलललल,

*m22 सरुवशुरी डडन डलशुरी,

*m23 शुरीरुंग आडुड डरुगु,

*m24 नरुगुडरुड डलखुडरुड डरुडडलडल,

*m25 शुरीडती खुरीतल डुरुवु,

*m26 सरुवशुरी हरुडओड सलंड सरुडुड,

*m27 डखुनुदुर सलंड शुरुखुडलल,

*m28 हरुशुड डीनल,

*m29 सरुहुल करुडलं,

*m30 नलनल डुलुलु ओरु

*m31 शुरी शरुड डलरुडरुडुी कुु शुरी ओड डलरुलल डुरलस उतरुड डरु डलषुड कुु सलथ संडुड करुनु कुु अनुडतल डुरुडलन कुु खलती डुै।

*m32

शुरी रलखीव डुरुतलड रुरुडी: डलननीड अधुडखुड डरुहुडरुडल, खलस डलषुड कुु शुरी ओड डलरुलल खी नुु उतरुडल डुै, उसकुु सलथ डुी शुरी सी.आर. कुुीधरी खी, खुु नलनुुुर, रलखरुथलन सुु डुै, शुरी डुीडनुदुर डुरुडल खी हरुडलललल सुु, शुरी खलनुडडलडकल डलल खी उतरुड डुरुडेश सुु, शुरी डुरुसुंत कुुीतरुलल खी ओरु शुरी डुैसुु डुरुसलड डलशुरी खी नुु डलस डलषुड कुु उतरुडल डुै। डड सललडुल अडुरुतुडलशलत रलख डुै, खलस डुरुकर सुु डलषुडुुु डुु डलनुुु सुु डुरुु उतरुड डुरुडलरुत डुै, खलसडुु डुरुडलललल, डलडलललललल डुरुडेश, खलतीसनुदुर, डधुड डुरुडेश तथल कुुल अनुड कुुेतुरुु डुै डुै डुैसल अडुरुतुडलशलत रुरु सुु डुरुडल डुै। **रुैरुै (लुडलखलन)** डलडरुड डुै अडुी डुरीसी डड रलख डुै। आड डलतल लडल लुीखलललल, डडलं अडुी डुैसल लुकसलन नरुडुी डुै। डुरुु डेश डुै खलस डुरुकर सुु डलस डलरुशल कुु कलरुग लुकसलन डुरुडल डुै, डड डडुत डुी अडुरुतुडलशलत रुरु सुु डलरुशल डुरुड डुै। **रुैरुै (लुडलखलन)**

डलननीड अधुडखुड : खरुडुु डरु डुी लुकसलन डुरुडल डुै।

शुरी रलखीव डुरुतलड रुरुडी : खलस अनुडलत डुै कलसलनुुु कल लुकसलन डुरुडल डुै, सुुडलस तुरीरु सुु रलखरुथलन ओरु हरुडललललल डुै खीस, सरुसुुु, डुैरुु डलरुडलललल डुरुडलललल कल लुकसलन डुरुडल डुै। **रुैरुै (लुडलखलन)**

डलननीड अधुडखुड : डधुड डुरुडेश कल नलडल लललल डुै।

रुैरुै (लुडलखलन)

शुरी रलखीव डुरुतलड रुरुडी : नलखलत रुरु सुु सरुकर खीखलत डुै ओरु डुरुु खीखंत रुरु सुु डडनुु डलस डलषुड कुु डलरु डुै कडल डुै। डलननीड सदरुसुुु डुरुडल उतरुडुु डलरु डलस डलषुड कुु डुै डलननीड कुरुषु डलनुुुी खी कुु संखलन डुै ललरुुुडल। कलसलनुुुु कुु डलषुड डुै, खलस डुरुकर कुु डुै ओरु खलस डुरुकर सुु डलस डुरुकर कुु डलरुडलरुुु डुै, डड डुरी तरुड सुु डलस डलरुडलललल कुु नलडलन कुु डललल कलरुडलरुुु करुनुुुu

*t20

Title: Need to construct an overbridge and approach road at Asiana railway station under West Central Railway.

श्री पृथ्वी सिंह पटेल (दमोह) : माननीय अध्यक्ष जी, मेरे संसदीय क्षेत्र में पश्चिम-मध्य रेलवे के अंतर्गत दमोह और सागर के बीच में एक स्टेशन असलाना है, अभी रेल मंत्री जी ने भी इस बात को स्वीकार किया था कि जो गांव रेलवे लाइन के उस पार है और सारी खेती इस पार है, सड़क के एप्रोच रोड के लिए भी रेलवे परमिशन नहीं देता है, जी.एम. स्तर पर भी यदि सांसद पचास बार कहे, तो भी दो-दो वर्ष तक परमिशन नहीं मिलती है। आप जानती हैं कि यदि जहाँ पर खेती दूसरी तरफ है, वहाँ न कोई ओवर ब्रिज है, न कोई अंडर ब्रिज है, गांव तक सड़क बना देने के लिए तैयार नहीं है, तो वे कैसे खेती करेंगे। ट्रैक्टर और ट्रॉलियों के निकलने के लिए कोई अंडर पास नहीं है। वहाँ पर इतनी श्यानक मुसीबत है कि दस-दस किलोमीटर तक घूमकर जाना पड़ता है। इसलिए आपके माध्यम से रेल मंत्री जी से प्रार्थना है कि ऐसे मामलों को, जिसका शिकार पूरा गांव है, यदि कोई एप्रोच रोड चाहिए और लोग अपने खर्च पर बनाने को तैयार हैं, तो कम से कम रेल विभाग उसका परमिशन दे और यह समयसीमा के भीतर दिया जाए, क्योंकि रेलवे की प्रक्रिया वर्षों तक घिसटते रहती है, इसलिए मैं चाहता हूँ कि असलाना गांव में उसके लिए रेल मंत्री जी.एम. को निर्देशित करें।

*t21

Title: Need to release funds for projects in Maival and Pune Parliamentary Constituencies under Pradhan mantri Gram Sadak Yojana.

श्री श्रीरंग आप्पा बारणे (मावल): माननीय अध्यक्ष महोदया, तत्कालीन प्रधानमंत्री श्री अटल बिहारी वाजपेयी जी ने प्रधानमंत्री ग्रामीण सड़क योजना दिसम्बर, 2000 में दुर्गम गांवों को सड़क से जोड़ने के लिए बनाई थी। इस योजना के अंतर्गत मौजूदा ग्रामीण सड़क विस्तार एवं नई सड़क बनाने सम्बन्धी योजना शामिल है। पिछले कई सालों से यह योजना देशभर के विभिन्न भागों में चल रही है, इससे देश के गांवों को शहरों से जोड़ने का काम भी पूर्णता पर चल रहा है। मेरे संसदीय क्षेत्र मावल और पूना जिले में भी इस योजना के तहत काम चल रहा है, लेकिन कुछ महीनों से मावल संसदीय क्षेत्र और पूना में यह काम अचानक बंद हो गया है। जब मैंने इस बात का पता किया तो मुझे बताया गया कि संबंधित विभाग द्वारा ठेकेदारों का पैसा समय पर नहीं देने के कारण यह काम बंद हुआ है।

अतः मैं आपके माध्यम से सरकार से निवेदन करूँगा कि सरकार इस संबंध में उचित निर्णय लेते हुए अतिशीघ्र प्रधानमंत्री ग्रामीण सड़क योजना के अंतर्गत केन्द्र से पूना और मावल संसदीय क्षेत्र के लिए धनराशि मंजूर की जाए ताकि ये काम पुनः शुरू हो सकें।

*t22

Title: Need for Presidential assent to the Plachimada Coca-Cola Victims Relief and Compensation Claim Tribunal Bill, 2011 as passed by Kerala Legislative Assembly.

SHRI N.K. PREMACHANDRAN (KOLLAM): Thank you very much, Madam Speaker. My submission is in respect of the legislative supremacy of the law-making bodies. The Kerala State Legislative Assembly has passed a Bill, the Plachimada Coca-Cola Victims Relief and Compensation Claims Tribunal Bill. That was passed on 24-02-2011 to provide for the establishment of a Special Tribunal for the expeditious adjudication of dispute and recovery of compensation for the victims from the Hindustan Coca-Cola Beverages Private Limited and matters connected thereto. The Government of Kerala has also conducted a study in respect of the compensation, and it is being determined that a sum of Rs.216 crore is required for paying compensation.

Madam, subsequently, on 29-03-2011 the Government had sent the Bill to the Government of India for getting the assent of the President. This is a very serious and an important issue as far as the legislative supremacy of the Legislature is concerned. I can understand that if the Bill is sent back to the State by the hon. President. But what happened is that the Home Ministry officials, without sending the Bill to His Excellency's Office, sent back the Bill to the Government of Kerala saying: "You should withdraw the Bill. You should drop the Bill."

Madam, my specific question is, who gives the legislative competence and authority to the Home Ministry officials to say that the Bill is valid or invalid. The President's Office has not seen the Bill also. This Bill has been dealt with in a very irregular manner by the Government of India.

So, I would like to seek a statement from the Home Ministry as to what is the legislative capacity of the Home Ministry officials. It is unjust, unfair, illegal and against all the principles of the legislative process in our country.

Madam, please give a direction to the Home Minister to make a statement before the House as far as this Bill is concerned.

*t23

Title: Need to develop 10 'Smart Cities in Tamil Nadu.

SHRI C. GOPALAKRISHNAN (NILGIRIS): Madam Speaker, the Centre has announced developing 100 cities as Smart Cities. I, on behalf of my leader, Puratchi Thalaivi Amma, would urge upon the Government to announce at least 10 cities in Tamil Nadu as Smart Cities without delay.

Hon. Prime Minister Narendra Modi ji's grand vision to build 100 Smart Cities will require a whopping Rs.7 lakh crore over the next 20 years, which works out to a whopping Rs.35,000 crore every year to put the requisite infrastructure in place.

These estimates have been compiled by the Ministry of Urban Development in a 'draft Concept Note on the Smart City Scheme'. The Union Finance Minister earmarked Rs.7,060 crore in this fiscal year to provide the necessary focus on the Scheme.

The Smart City Scheme, as of now, envisages only a 'viability gap funding' from the Government side, which is expected to be a small portion of the total investment and may not be a sufficient attraction. Besides, the State Governments and the urban local bodies are also expected to chip in for the viability gap funding and most of them are cash-strapped.

Tamil Nadu has urbanized population close to 50 per cent and because of various measures taken by our revered leader, Dr. Puratchi Thalaivi Amma, Tamil Nadu has been making strides in urbanization in developing IT for bettering the living standard of the people. As a reward for this enviable record of performance, at least 10 cities in Tamil Nadu apart from Chennai, Coimbatore, Madurai cities like my constituency, Ooty, the Nilgiris, which is the Queen of Hills, Salem, Tiruchi, Thoothukudi, Thanjavur, Cuddalore and Erode have the credential.

Hence, I would urge upon the Government to declare a minimum of 10 cities in Tamil Nadu as Smart Cities. I would appeal to the Government to declare the proposed cities in Tamil Nadu as Smart Cities without delay. Thank you.

*t24

Title: Regarding setting up of Fare Fixing Committee for Mumbai Metro.

डॉ. किरीट सोमैया (मुंबई उत्तर पूर्व) : अध्यक्ष महोदया, मुंबई मेट्रो-1 प्रकल्प के लिए राज्य सरकार ने नगर विकास मंत्रालय को फेयर-फिक्सिंग कमेटी नियुक्त करने के लिए अनुरोध किया है, मुंबई मेट्रो-1 का किराया दस रुपये से बढ़कर 40 रुपये हुआ। इस संबंध में मुंबई उच्च न्यायालय ने केन्द्र सरकार को निर्देश दिए हैं।

मैं आपके माध्यम से अनुरोध करूंगा कि फेयर-फिक्सिंग कमेटी जल्द से जल्द नियुक्त की जाए।

*t25

Title: Regarding bringing a legislation to empower Tripura Tribal Areas Autonomous District Council.

SHRI JITENDRA CHAUDHURY (TRIPURA EAST): Madam, as you are in the know that the provisions of the Sixth Schedule have been orchestrated in the Constitution for certain purpose to protect the land in the hand of the tribal communities and the marginalized group of the North-East. Initially, these provisions were meant only for Assam. Then gradually, they were extended to Tripura, Manipur, Meghalaya and some other States of the North-East.

Now, in the course of time, it has been found that these provisions of the Sixth Schedule are not adequate to address the aspirations and demands of the sections of the people in these Autonomous Councils. The Tripura Legislative Assembly and also the Tripura Tribal Areas Autonomous District

Council have, time and again, adopted unanimous resolution and sent it to the Government of India to amend the Constitution that TTAADC of Tripura and other Councils also be adequately empowered; and there must be some provisions for devolution of funds from the Central Ministries and the Planning Commission.

So, I would like to again urge upon this august House, particularly, the Ministry of Home Affairs to bring a legislation to empower TTAADC by amending the Constitution and also to bring a 3-tier structure similar to the 77th Amendment of the Constitution that the people TTAADC and other Councils also are benefited with more participation in the democratic and planning processes.

Madam, this is an important issue and I hope, it would be considered.

*t26

Title: Introduction of the Motor Vehicles (Amendment) Bill, 2015.

HON. SPEAKER: Now, Bills to be introduced, which could not be taken up earlier.

Shri P. Radhakrishnan.

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS AND MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI PON RADHAKRISHNAN): Madam, on behalf of my senior colleague, Shri Nitin Jairam Gadkari, I beg to move for leave to introduce a Bill further to amend the Motor Vehicles Act, 1988.

HON. SPEAKER: Prof. Saugata Roy – Not present

Is there some objections? No! Okay.

...(Interruptions)

HON. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Motor Vehicles Act, 1988. "\

The motion was adopted.

SHRI PON RADHAKRISHNAN: Madam, I introduce the Bill.

*t27

Title: Statement regarding Motor Vehicles (Amendment) Ordinance, 2015 (No.2 of 2015).

HON. SPEAKER: Item No. 7 -- Shri Radhakrishnan

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS AND MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI PON RADHAKRISHNAN): Madam, I beg to lay on the Table an explanatory Statement (Hindi and English versions) showing reasons for immediate legislation by promulgation of the Motor Vehicles (Amendment) Ordinance, 2015 (No. 2 of 2015).

*t28

Title: Introduction of the Coal Mines (Special Provisions) Bill, 2015.

HON. SPEAKER: Item No. 8 – Shri Piyush Goyal.

THE MINISTER OF STATE OF THE MINISTRY OF POWER, MINISTER OF STATE OF THE MINISTRY OF COAL AND MINISTER OF STATE OF THE MINISTRY OF NEW AND RENEWABLE ENERGY (SHRI PIYUSH GOYAL): Madam Speaker, I beg to move for leave to introduce a Bill to provide for allocation of coal mines and vesting of the right, title and interest in and over the land and mine infrastructure together with mining leases to successful bidders and allottees with a view to ensure continuity in coal mining operations and production of coal, and for promoting optimum utilization of coal resources consistent with the requirement of the country in national interest and for matters connected therewith or incidental thereto.

HON. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill to provide for allocation of coal mines and vesting of the right, title and interest in and over the land and mine infrastructure together with mining leases to successful bidders and allottees with a view to ensure continuity in coal mining operations and production of coal, and for promoting optimum utilization of coal resources consistent with the requirement of the country in national interest and for matters connected therewith or incidental thereto. "

Shri Bhartaruhari Mahtab, to raise objection, if any, in the introduction of this Bill.

*m02

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, I was just going through a news-item today published in *Hindu*, which describes the Nehru-Mavalankar Debate on Ordinances. In this news-item, the letter was written by the first Speaker of Lok Sabha on 25th November, 1950. Mavalankar said:

"The promulgation of Ordinances was inherently undemocratic whether an Ordinance is justifiable or not, the issue of a large number of Ordinances as psychologically a bad effect. The people carry an impression that Government is carried on by Ordinances. "

In his reply, Nehru on December 13, 1950 said:

"I think all of my colleagues will agree with you that the issue of Ordinances is normally not desirable and should be avoided except on special and urgent occasion"

I am quoting him.

"Parliamentary procedure is sufficient to give the fullest opportunities for consideration and debate and to check errors and mistakes creeping in. That is obviously desirable."

Madam, again on 17th July, 1954, Mavalankar wrote to Nehru.

"The issue of an Ordinance is undemocratic and cannot be justified except in case of extreme urgency or emergency." He said, "Unless the Ordinance was limited to "extreme and very urgent" cases, the result may be, in future, the Government may go on issuing Ordinances giving the Lok Sabha no option but to rubberstamp the Ordinances."

Mavalankar's warning is reiterated in the 1986 Supreme Court's judgement in the case of D. C. Wadhawa vs. State of Bihar where it said that the Ordinance *raj* cannot be permitted. I would say that in this case the Constitution Bench led by the then Chief Justice of India, P.N. Bhagwati dealt with the Bihar Government's practice of re-promulgating Ordinances on a massive scale from time to time without their provisions being enacted into Acts of the Legislature.

माननीय अध्यक्ष : आपका ऑब्जैक्शन क्या है, वह बताइए।

SHRI BHARTRUHARI MAHTAB: I have two lines to say here about what the Supreme Court had said.

"The power to promulgate an Ordinance is essentially a power to be used to meet an extra-ordinary situation and it cannot be allowed to be perverted to serve political ends."

This is the pronouncement of the Supreme Court. The Court also held: "It is contrary to all democratic norms that the Executive should have the power to make the law."

Madam, the Coal Mines (Special Provisions) Bill has one provision and that provision deals with clause 7. In clause 7, certain power is being taken up by the Executive, by the Government.

At the outset, I would mention here that we are not opposed to auctioning of coal mines. We want coal mines to be auctioned. We want all mines to be auctioned. But we are opposed to the manner in which certain subjective decisions are being taken by the Government arbitrarily. Our Chief Minister, Mr. Naveen Patnaik has written a letter to the Prime Minister also, and in that letter he has categorically stated about how they are going to select and how many blocks of a certain States are going to be decided as regulated sector and non-regulated sector. They are not taking any State Governments into confidence. Nobody is taking cognizance. They are not interacting with the State Government. There is a glaring case in case of Odisha. How many blocks are going to be decided? I am not actually debating the issue.

HON. SPEAKER: That is what I am saying. You are only objecting to a particular Section and not the whole introduction of the Bill.

SHRI BHARTRUHARI MAHTAB: That Section says: 'Before notifying the particulars of auction classifying mines identified for Schedule I coal mines as earmarked for the same class of specified end users'. I have to explain that issue.

माननीय अध्यक्ष : यह सब तो आप चर्चा के समय भी कह सकते हैं।

SHRI BHARTRUHARI MAHTAB: The Minister is competent enough to understand.

SHRI TATHAGATA SATPATHY (DHENKANAL): We oppose the introduction of the Bill.

SHRI BHARTRUHARI MAHTAB: Yes.

How do you decide about a regulated mine and a non-regulated mine? Nine blocks have been identified for auction in Odisha. Out of that, only one block is coming under non-regulated sector. The Prime Minister the other day had come out very openly saying that coal mines of about one lakh crore of rupees have been auctioned and we are sending it to the States.

HON. SPEAKER: Mahtab ji, at the time of discussion you can discuss these issues.

...(Interruptions)

SHRI BHARTRUHARI MAHTAB: That is why I am asking why we are opposed to it.

The unregulated sector mine is only one in case of Odisha and the rest is regulated. ...(Interruptions) What is happening is that in unregulated sector – where cement factories are there, steel factories are there, aluminum factories are there – you go as per a gradation. The more the money that auction is accepted. But in regulated sector, for power sector, the less the money is auctioned it is to be given to the bigger. In that respect Odisha is losing thousands of crores of rupees. A large number of mine blocks are being auctioned for power sector. So, this is the Clause which empowers the Government to decide subjectively. You pick and choose from which State you are going to give for power sector and which are the blocks you are going to give to the unregulated sector. This Bill empowers this Government and it goes against the States. That is why we are opposed to this introduction of this Bill.

SHRI TATHAGATA SATPATHY: This is not a cooperative federalism.

HON. SPEAKER: Prof. Saugata Roy – Not present. Now, Mr. Minister.

*m03

SHRI PIYUSH GOYAL: Thank you, Madam Speaker. Bhartruhari ji has raised two or three issues, I will address all of them. At the outset, he talked about the ordinances. I am sure he will appreciate the severe crisis and challenge before this Government when the hon. Supreme Court struck down the allocation of 204 coal blocks. Several of them, around 42 of them, were already producing or ready to produce. This Government had the Hobson's choice of letting them stop operation after 31st March. Thousands of people would have been jobless, some of them in his State also. There would have been a severe coal shortage which the country is already plagued off. Therefore, it was necessary to promulgate the Ordinance in the first instance.

The fact that the Bill could not be cleared in the Rajya Sabha because of continuous disruptions is a matter before all the hon. Members. His concerns for the State were also before the Centre and, therefore, the Government chose to promulgate the second Ordinance when it could not be cleared. In a way it also addresses Saugata Roy ji's question.

HON. SPEAKER: Mr. Minister, you only address to the points raised by Shri Mahtab.

SHRI PIYUSH GOYAL: So, when the House was disrupted repeatedly, it was necessary to promulgate the second Ordinance.

Madam Speaker, so far as Section 7 that the hon. Member has raised is concerned, it is a very important provision that is required for the Central Government and none of the actions under Section 7 has been done arbitrarily. Our Technical Committee comprising of inter-Departmental offices including the Department of Steel and DIPP, about which he has raised, has set together and decided it based on a defined criterion. This criterion was also put up before the hon. Court. The High Court is also ceased of this issue, which was agitated before the Court. After listening to all sides, in respect of two mines the hon. Court has certainly suggested that the Technical Committee may reassess it and those two are being reassessed by the Technical Committee. But other than that the hon. Court also appreciated it. This is a necessary provision to ensure that the large amount of shortages of coal in the power sector is quickly met. The power prices are kept at the lowest level possible and are not allowed to go into run away increases. Therefore, these mines have been allocated to the power sector which is a regulated sector and affects 125 crore Indians. To make sure that adequate coal and adequate power is available at affordable price to all the stakes, it was necessary to allocate them based on a defined

criterion.

I hope the Member appreciates that his State is going to be a large beneficiary as more and more mines get auctioned and allocated. In the initial period only those mines have been allotted and allocated which have already come into production or are getting ready. I think there are a lot more mines which will continue to be auctioned where his State will also gain a significant amount of revenue. It is the initial mines which had already opened...(*Interruptions*)

माननीय अध्यक्ष : अभी डिस्कशन नहीं हो रहा है।

SHRI PIYUSH GOYAL: The initial mines had already opened and were in production. It is unfortunate that Odisha did not have mines which were already in production. Therefore, it may seem that his State has got less mines. Going forward, there will be more and more mines coming out, but the technical committee, on defined criteria based on the requirements of different sectors - the regulated and the non-regulated - has done a sincere effort to protect the interest and requirement of all sectors.

If we had only continued with what was done in the past, the allegation would have been that we are a part of the continuing problems or the irregularities which the earlier Supreme Court judgement had struck down.

Thank you.

HON. SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for allocation of coal mines and vesting of the right, title and interest in and over the land and mine infrastructure together with mining leases to successful bidders and allottees with a view to ensure continuity in coal mining operations and production of coal, and for promoting optimum utilisation of coal resources consistent with the requirement of the country in national interest and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI PIYUSH GOYAL: Madam, I introduce the Bill.

*t29

Title: Statement regarding Coal Mines (Special Provisions) Second Ordinance, 2014 (No.7 of 2014).

THE MINISTER OF STATE OF THE MINISTRY OF POWER, MINISTER OF STATE OF THE MINISTRY OF COAL AND MINISTER OF STATE OF THE MINISTRY OF NEW AND RENEWABLE ENERGY (SHRI PIYUSH GOYAL: Madam, I beg to lay on the Table an explanatory Statement (Hindi and English versions) showing reasons for immediate legislation by promulgation of the Coal Mines (Special Provisions) Second Ordinance, 2014 (No.7 of 2014).

HON. SPEAKER: The House stands adjourned to meet again at 2.30 p.m.

13.27 hrs

The Lok Sabha then adjourned till Thirty Minutes past Fourteen of the Clock.

*t30

Title: Need to declare a loan-waiver scheme for debt-stricken farmers of Bundelkhand region of Uttar Pradesh and also provide welfare measures for them.

केंवर पुष्पेन्द्र सिंह चन्देल (हमीरपुर) : पिछले 10 वर्षों में बुन्देलखण्ड में खाद्यान्न उत्पादन में 55 फीसदी की कमी आई है। लगातार सूखा इसका प्रमुख कारण है। वर्तमान में बुन्देलखण्ड के सभी जिले सूखाग्रस्त घोषित हैं। बुन्देलखण्ड के किसानों के सभी कृषि ऋण माफ किए जाएँ। बैंकों द्वारा किसानों के उत्पीड़न व वसूली को रोका जाए। बुन्देलखण्ड के किसानों को वित्तीय आर्थिक सुदृढ़ता प्रदान कैसे हो, इस पर भी विचार किया जाए।

बुन्देलखण्ड में सूखे के चलते गाँव वालों के सामने अपने जरूरी खर्च पूरा करने के लिए नकदी की समस्या है। पढ़ाई और शादी जैसे कामों के लिए किसानों के पास क्रेडिट कार्ड का सहारा भी नहीं बचा है। ऐसे में उनके सामने निजी सूदखोरों के अलावा कोई विकल्प नहीं बचा है। प्रदेश भर में प्रचलित सूद के रेट 2 से 3 रुपये सैंकड़े के उतार बुन्देलखण्ड में सूदखोर किसानों को 10 रुपये सैंकड़े की ब्याज दर पर कर्ज दे रहे हैं। खेत के खेत गिरवी रख दिये गये हैं। जमींदार अब शहरों में चौकीदारी पर उतर आए हैं। गाँव के गाँव बुजुर्गों से भरे पड़े हैं। उनके जवान बेटे शहरों की तरफ पलायन कर गए हैं। एक किसान किन परिस्थितियों में अपनी खेती-किसानी छोड़ अनजान स्थानों की ओर पलायन करता है, इसका दर्द बस वह ही समझ सकता है।

*t31

Title: Need to provide adequate educational and medical facilities for women in Dausa Parliamentary Constituency, Rajasthan.

श्री हरीश मीना (दौसा) : मैं अपने संसदीय निर्वाचन क्षेत्र दौसा (राजस्थान) में महिलाओं की मौजूदा स्थिति के प्रति सरकार का ध्यान आकर्षित करना चाहता हूँ।

मेरा संसदीय क्षेत्र दौसा तीन राजस्व जिलों में फैला है- दौसा, अलवर और जयपुर। मेरे निर्वाचन क्षेत्र में मात्र एक महिला कॉलेज है जिस कारण काफी महिलाएं उच्च शिक्षा प्राप्त करने में असमर्थ हैं। 2011 की जनगणना के अनुसार, मेरे निर्वाचन क्षेत्र में औसत साक्षरता दर 68.16 प्रतिशत थी जिसमें पुरुष साक्षरता दर 82.98 प्रतिशत और स्त्री साक्षरता दर 51.93 प्रतिशत है। यह आँकड़े दर्शाते हैं कि महिलाएं शिक्षा के क्षेत्र में पिछड़ रही हैं। यह देखते हुए मैं केन्द्र और राज्य सरकार दोनों से दख्खारत करूँगा कि महिलाओं को पुरुषों के बराबर का दर्जा दिलाने के लिए महिलाओं की विशिष्ट कॉलेज और अन्य शिक्षा संस्थान की जरूरत को समझे और इस दिशा में जल्द कदम उठाये।

इसी तरह, महिलाओं के लिए विशेष चिकित्सा सुविधाएं होनी चाहिए। स्वास्थ्य देखभाल हर व्यक्ति का अधिकार है। मेरे निर्वाचन क्षेत्र में वर्तमान में अस्पतालों में महिला डॉक्टरों की संख्या काफी कम है और अस्पतालों में महिलाओं के लिए कोई विशेष सेवा जैसे स्पेशल वार्ड इत्यादि कोई चिकित्सा सुविधाएं नहीं हैं।

दौसा एक ग्रामीण क्षेत्र है और महिला डॉक्टरों के अभाव में महिलाएं पुरुष डॉक्टरों से खेद को अभिव्यक्त करने के लिए हिचकिचाती हैं। हम सभी जानते हैं कि भारत में अस्पतालों की कमी और चिकित्सा की जानकारी के अभाव में काफी महिलाएं घर में ही बच्चों को जन्म देती हैं और सही इलाज न मिलने के कारण जन्म देने के दौरान ही मर जाती हैं, यह चिंता का विषय है।

अतः मेरा केन्द्र सरकार से आग्रह है कि वे मेरे संसदीय क्षेत्र दौसा में महिलाओं के कल्याण के लिए उपयुक्त शैक्षिक और चिकित्सा सुविधा प्रदान करने के लिए जल्द से जल्द उपयुक्त कदम उठाए जाएं।

*t32

Title: Need to re-open Mica Mine Labour Welfare Hospital in Kodarma Parliamentary Constituency, Jharkhand.

श्री स्वीन्द्र कुमार राय (कोडरमा) : मेरे संसदीय क्षेत्र कोडरमा में अग्रक खान श्रमिक कल्याण केन्द्रीय चिकित्सा केन्द्र स्थित है। करोड़ों रुपये की लागत से बना अस्पताल परिसर जिससे सैंकड़ों

मजदूर लाभान्वित होते थे, वर्तमान समय में यह अस्पताल परिसर लगभग बीस वर्षों से उजाड़ की स्थिति में पड़ा है। यहाँ पर नाम मात्र के केवल तीन चिकित्सक लगभग 20 वर्षों से हैं। स्थानीय मजदूरों द्वारा यहाँ पर सुविधाएँ बढ़ाने हेतु कई बार धरना-प्रदर्शन भी किए जा चुके हैं। यह अस्पताल पूर्व में काफी प्रसिद्ध था, लेकिन आज इसका भवन खण्डहर जैसी स्थिति में है।

अतः मेरा माननीय श्रम एवं रोजगार मंत्री जी से अनुरोध है कि इस अस्पताल को इ.एस.आई. के अधीनस्थ करते हुए इसका नवीनीकरण व आवश्यक सुविधाएँ उपलब्ध करवाने की कृपा की जाए।

*t33

Title: Need to take steps for four-laning of National Highway No. 31 between Bakhtiyarpur and Khagaria in Bihar.

श्री. भोला सिंह (वेगूसराय) ○: बिहार में 4 लेन सड़कों का विकास राष्ट्रीय औसत से कम ही हुआ है। केन्द्रीय सरकार द्वारा एन.एच. 31 को 4 लेन में परिवर्तित करने के लिए एक विस्तृत योजना तैयार की गई, जिसमें प्रथम पाली में बख्तियारपुर से मोकामा, द्वितीय पाली में मोकामा से सिमरिया और तीसरी पाली में सिमरिया से खगड़िया चार लेन राष्ट्रीय उच्च पथ का निर्माण होना है, पर बिहार राज्य सरकार की भूमि अधिग्रहण के क्षेत्र में शिथिलता के कारण यह योजना ठण्डे बस्ते में पड़ी हुई है। इससे राष्ट्रीय क्षितिज पर बिहार का पिछड़ापन भी उजागर होता है।

अतः मेरा सड़क परिवहन एवं राजमार्ग मंत्री जी से आग्रह है कि बख्तियारपुर से खगड़िया तक 4 लेन की योजना के क्रियान्वयन की दिशा में अभिरूचि लेकर त्वरित कार्यवाही की जाए।

*t34

Title: Need to take suitable measure to make river Rohini originating from Nepal and flowing into Uttar Pradesh pollution-free.

योगी आदित्यनाथ (गोरखपुर) : जनपद गोरखपुर के अन्दर नेपाल से महासजगंज होते हुए एक सदानीस नदी रोहिणी आती है। यह कुछ समय पूर्व तक जनपद महासजगंज-गोरखपुर की अत्यन्त साफ एवं पवित्र नदी थी। सैकड़ों गांव इसी के तट पर बसे हैं तथा इस नदी के पवित्र जल का सेवन भी करते हैं। पशुधन के साथ-साथ खेतीबाड़ी में भी इस नदी की अत्यन्त महत्वपूर्ण भूमिका रही है। लेकिन पिछले कुछ समय से नेपाल के जनपद नवलपरासी में सोनवल चीनी मिल तथा अन्य उद्योगों का कचरा इस नदी में डालने के कारण रोहिणी नदी पूरी तरह प्रदूषित हो गई है। जलीय जीव मर रहे हैं। शीघ्र जल प्रदूषण से बंदू है। यह रोहिणी नदी गोरखपुर महानगर के डोमिनगढ़ के पास राप्ती नदी में मिल जाती है। इसके कारण राप्ती नदी भी प्रदूषित हो रही है। चूंकि इस नदी में प्रदूषण फैलाने वाली औद्योगिक इकाई तथा अन्य उद्योग नेपाल में स्थित हैं इसलिए स्थानीय प्रशासन इस सम्बन्ध में कुछ नहीं कर पा रहा है।

भारत सरकार इसका संज्ञान ले और नेपाल के औद्योगिक कचरे के कारण महासजगंज एवं गोरखपुर की पवित्र नदी रोहिणी को प्रदूषण से मुक्त करने के लिए नेपाल से बातचीत करके आवश्यक कार्यवाही करने का कष्ट करें और नेपाल के प्रदूषित जल का कचरा भारत की किसी भी नदी में न आने पाए, यह सुनिश्चित किया जाए।

*t35

Title: Need to compensate the farmers whose crops have been damaged by wild animals.

श्री राजकुमार सैनी (कुरुक्षेत्र) : मैं सरकार का ध्यान अपने देश के किसानों की समस्या की ओर दिलाना चाहता हूँ। किसान बड़ी मेहनत से मछें खेद एवं मछेंनी ढवाईयों से फसलों को पैदा करता है, परंतु आवास जंगली जानवरों विशेषकर नीलगायों द्वारा फसलों को कुचल व खाकर बर्बाद कर दिया जाता है जिससे किसानों की झलत दिन-प्रतिदिन खराब होती जा रही है जिससे वह आज खुदकुशी करने के लिए भी तैयार हैं। प्राकृतिक आपदाओं से क्षतिग्रस्त फसलों के लिए किसानों को मुआवजा मिल जाता है, परन्तु वह जंगली जानवरों से होने वाली फसलों की क्षति की भरपाई नहीं कर पाता।

अतः मेरा सरकार से आग्रह है कि जिस प्रकार प्राकृतिक आपदाओं से प्रभावित फसलों के लिए किसानों को मुआवजा दिया जाता है, ठीक उसी प्रकार किसानों की दशा में सुधार के लिए जंगली जानवरों द्वारा नष्ट हुई फसलों के लिए भी किसानों को मुआवजा उपलब्ध कराने की व्यवस्था की जाए।

*t36

Title: Need to ensure adequate water level in Rajsamand lake in Rajsamand Parliamentary Constituency, Rajasthan.

श्री हरिओम सिंह राठौड़ (राजसमन्द) : मेरे संसदीय क्षेत्र राजसमन्द में विश्व प्रसिद्ध मानव निर्मित ऐतिहासिक "राजसमन्द झील" स्थित है। विगत कई वर्षों से यह झील अपने भराव क्षमता के अनुरूप भर नहीं पाई है। इसकी वजह से इस झील का पर्यटक महत्व कम होता जा रहा है। इस झील की पाल का निर्माण मेवाड़ के प्रसिद्ध महाराणा राज सिंह जी द्वारा बड़े ही कलात्मक एवं ऐतिहासिक तथ्यों के आधार पर कराया गया है। इस पाल पर राज प्रशस्ति नामक ग्रंथ पत्थरों पर खुदा हुआ है।

अतः मेरा सरकार से आग्रह है कि इस ऐतिहासिक झील को इसकी पूर्ण क्षमतानुसार भराए जाने की व्यवस्था की जाए ताकि यह झील अधिक से अधिक पर्यटकों के आकर्षण का केन्द्र बन सके।

*t37

Title: Need to expedite construction of Missamari-Rangapara-Balipara road in Assam.

SHRI RAM PRASAD SARMAH (TEZPUR): I draw immediate attention of Government on the Missamari-Rangapara-Balipara road (23 km) which was taken over by Border Roads Organization (BRO), from the Public Works Department (PWD), Government of Assam for construction and maintenance purpose during 2011. From the defence point of view this road is shortest to reach Indo-China border at Arunachal Pradesh from Missamari, one of the largest Army Cantonment, converted into Divisional Head Quarters during 2011.

This road is in deplorable and devastated condition for last several years even after BRO had taken over it in 2011. The reason for not completing the road is best known to BRO only. The present condition of the road is completely unfit for smooth driving by any kind of vehicle and it gives immense trouble to the daily commuters. The road between Rangapara town and NH-52 at Balipara and Thelamara point is very important for the people of greater Ranagapara area that consists of more than 30 tea gardens, rural-remote villages and underprivileged areas upto Assam-Arunachal Border.

It is high time the Government should look into the matter and direct the concerned authorities of BRO to complete the construction of road any without further delay. Should the Border Road Organization refuse to construct the road, the Ministry of Road Transport & Highways may takeover the construction, as this road is of national importance from the defence point of view.

*t38

Title: Need to provide adequate funds to address drinking water problem in Rajasthan.

श्री गजेन्द्र सिंह शेखावत (जोधपुर) : जल संसाधन की कमी के मद्देनजर पेयजल की विकट स्थिति को देखते हुए राजस्थान राज्य को विशेष दर्जा देते हुए राष्ट्रीय कार्यक्रम के अंतर्गत अतिरिक्त धनराशि का आवंटन करने की मांग काफी समय से चल रही है। राज्य में दीर्घकालीन शहरी व ग्रामीण क्षेत्रों की पेयजल समस्या के निराकरण हेतु आगामी 10 वर्षों की अवधि में रुपये 1,50,000 करोड़ की आवश्यकता है, जो सामान्य रूप से रुपये 40,000 करोड़ स्टेट प्लान, एन.आर.डी.डब्ल्यू.पी., जे.एन.एन.यू.आर.एम., यू.आई.डी.एस.एस.एम.टी. एवं अन्य संस्थाओं से ऋण के रूप में उपलब्ध हो सकते हैं। इस तरह रुपये 1,10,000 करोड़ की विशेष सहायता आगामी 10 वर्षों में रुपये 11,000 करोड़ प्रतिवर्ष के हिसाब से आवश्यक होगी। माननीय मुख्यमंत्री, राजस्थान सरकार की माननीय केन्द्रीय मंत्री के साथ दिनांक 04.07.2014 को दिल्ली में आयोजित बैठक में ग्रामीण पेयजल योजनाओं हेतु राशि रुपये 72,750 करोड़ की कमी बतायी गयी, जिसके बावत विशेष सहायता आगामी 10 वर्षों में 7,275 करोड़ प्रतिवर्ष के हिसाब से एन.आर.डी.डब्ल्यू.पी. मद में आवश्यक होगी। इस बाबत तत्कालीन मुख्यमंत्री महोदय, राजस्थान सरकार द्वारा भी एक ज्ञापन 29.06.2009 से तत्कालीन माननीय प्रधानमंत्री महोदय को राजस्थान राज्य को विशेष दर्जा देने हेतु भेजा गया था, परंतु आज दिनांक तक भारत सरकार के स्तर पर निर्णय लम्बित है।

अतः मेरा माननीय पेयजल एवं स्वच्छता मंत्री से आग्रह है कि राजस्थान राज्य को विशेष दर्जा देते हुए राष्ट्रीय कार्यक्रम के अंतर्गत रुपये 7,275 करोड़ प्रतिवर्ष धनराशि देने की कृपा करें ताकि राजस्थान के ग्रामीण क्षेत्रों में रहने वाले लाखों लोगों को पीने का पानी मिल सके।

*t39

Title: Need to open Procurement Centres for cotton in Dharwad Parliamentary Constituency, Karnataka.

SHRI PRALHAD JOSHI (DHARWAD): Dharwad District, Karnataka in my constituency is one of the largest cotton growing regions in the country. This season, market has received cotton of all grades in large scale especially from Kundagol, Kalaghatagi, Navalagund, Dharwad, Hubli Taluks, and process of procurement by cotton society of India in Hubli is in progress. But the prices at which cooperative societies are purchasing is not profitable to the farmer and in the open market, prices have reached the bottom. The farmers who have grown cotton this year are facing hardships. The Cotton Society of India has opened Purchasing Centre at Hubli only and as a result a large quantity of cotton bales are lying and farmers are pressing for opening more purchase centres by Cotton Society of India to ease out the piled up stock early. Therefore, I urge the Government to instruct CSI to open new purchase centres at Kalaghatagi, Annigeri, Dharwad, Navalagund with competitive prices to be given to farmers. Now in our region, all grades of cotton are being purchased at Rs 3800-4000 which is not satisfactory and this needs upward revision.

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Title: Need to set up an Advanced Training Institute at Chengannur and a Regional Vocational Training Institute at Ettumanoor in Kerala.

SHRI KODIKUNNIL SURESH (MAVELIKKARA): May I invite the kind attention of the Government about the inadequacy of Trainers Training institutes in Kerala for training the teachers of Industrial Training Institutes (ITI) from the State. The Government of India has given major thrust for skill development programmes from 2007 onwards during UPA-I and is in the process of setting up more ITI's under skill development initiative. Kerala produces educated and trained manpower. Kerala is not only supplying labour force within the country, but globally. When we are competing within the world, our trained manpower should also be of world class. Hence we should have world class training facilities, trainers, apprenticeship, etc. Training the huge work force and enabling them to tap their potential is a massive task. We have to train a lot of trainers, establish training institutes, etc. In order to give special focus on the skill, training and development of women, DGE&T under Ministry of Labour and Employment needs to set up facilities exclusively for women through a network of NVTI and RVTIs that aim at promoting participation of women in skill training. In order to boost the initiatives of State Government, Government of India has decided to set up one Advanced Training Institute (ATI) at Chengannur and one RVTI at Ettumanur during 2013. But so far, no action has been taken to start these centres. I submit that Ministry of Labour and Employment may be directed to start the ATI at Chengannur and RVTI at Ettumanoor immediately.

*t41

Title: Need to reconsider the applications of students belonging to minority communities in Kerala whose Merit-cum-Means scholarship have been rejected due to minor technical error.

SHRI ANTO ANTONY (PATHANAMTHITTA): I request the Government to kindly redress the grievance of 2000 students in the State of Kerala whose applications for the Merit-cum-means scholarship have been rejected due to small technical mistake. It is learnt that each applicant will lose Rs. 30,000 this year. This means a loss of Rs. 6 crore to the Minority students in Kerala. This is against the spirit and intention of the Means-cum-Merit scholarship. The State Government of Kerala has requested the Central Government also to help these students. Therefore, I humbly request the Government to consider the case of these students on humanitarian grounds and do the needful so that they avail the Means-cum-Merit scholarship.

*t42

Title: Need to upgrade railway stations at Viluppuram and Tindivanam and construct road over bridges at level crossings at Kandamangalam, Katpadi and

Arakanallur in Tamil Nadu.

SHRI S. RAJENDRAN (VILUPPURAM): Major Trains of Southern Railway pass through Viluppuram junction and this junction handles more passengers at par with other major railway stations in South India. When it comes to amenities, Viluppuram junction is lagging behind in many ways causing inconvenience. Viluppuram junction may be upgraded giving adequate facelift. So is the case of Tindivanam railway station which links Tamil Nadu with the neighbouring Union territory of Puducherry. Apart from that, Kandamangalam level crossing on the Viluppuram-Puducherry Road and Arakanallur level crossing on Viluppuram-Thirukovilur line have to be replaced with Road Over Bridges to avoid traffic congestion and enormous sufferings faced by the general public.

Hence, I urge upon the Government and the Ministry of Railways along with Ministry of Road Transport and Highways to take up this coordinated measure to attend to the needs of the railway passengers and the highway users.

*t43

Title: Need to strengthen security measures in and around important defence establishments in Balasore Parliamentary constituency, Odisha.

SHRI RABINDRA KUMAR JENA (BALASORE): There has been a constant threat to the various defence establishments of national importance like Proof & Interim Test Range ITR in my Balasore Parliament constituency, Odisha for lack of adequate security measures.

Recently, the Odisha Police has arrested a person who was providing sensitive information to the foreign agencies. The matter is a serious breach of security and proves hollowness in the present security arrangement. The information that might have passed on to enemy hands may prove threatening to the very establishments and thousands of people living in the coastal belt surrounding the defence institutions.

Balasore has a vast coastline which is porous and instances of infiltration by foreign elements have been recorded in number of occasions. The security arrangement provided along this vast coastal border is inadequate and inefficient, posing a constant threat to the lives of innocent citizens, compromising the safety and security to the National Defence institutions.

Hence, I would like the Union Government to take up adequate proactive and security measures near the important Defence establishments located in my Constituency, Balasore and save people from imminent threats arising out of such breaches.

*t44

Title: Need to expedite finalization of modification of policy guidelines for implementation of Slum Rehabilitation Scheme in Coastal Regulation Zone-II areas in Greater Mumbai, Maharashtra.

SHRI RAHUL SHEWALE (MUMBAI SOUTH CENTRAL): I would like to draw the attention of Hon'ble Minister of Environment & Forests with regard to modification of policy guidelines for implementation of Slum Rehabilitation Schemes in CRZ-II areas.

The Ministry of Environment & Forests issued a notification on 6th January, 2011 regarding Guidelines to increase the permissible FSI in CRZ-II areas for Slum Rehabilitation Schemes of Greater Mumbai. But till date, no proposal has come out in this respect. The predecessor State Government has failed to pursue this matter properly with the Central Government.

It is well known that Slum areas in CRZ-II areas face all natural calamities. To rehabilitate Slum Dwellers of CRZ-II areas, a comprehensive proposal has been submitted to the Ministry of Environment and Forests. It was suggested that the Slum Rehabilitation Schemes in CRZ-II areas be allowed increase in permissible FSI at par with those in non-CRZ areas and as per prevailing DCR. The proposals for modification of Guidelines for implementation of Slum Rehabilitation Schemes in CRZ-II areas have been submitted on 27-8-2013, 23-12-2013, and 8-7-2014 for approval of the Union Ministry of Environment & Forests.

I request to Hon'ble Minister of Environment & Forests to kindly look into the pending matters and issue orders for finalization of Modification of Policy Guidelines by the Ministry for implementation of Slum Rehabilitation Scheme in CRZ-II areas in Greater Mumbai at the earliest.

*t45

Title: Need to initiate the process of delimitation of constituencies in

Telangana by Election Commission of India.

SHRI B. VINOD KUMAR (KARIMNAGAR): The section 26(1) of Andhra Pradesh State Re-organisation Act, 2014 states "subject to the provisions contained in the article 170 of the Constitution and without prejudice to section 15 of this Act, the number of seats in the Legislative Assembly of the successor states of Andhra Pradesh and Telangana shall be increased from 175 and 119 to 225 and 153 respectively and Delimitation of the constituencies may be determined by the Election Commission".

The Election Commission of India has not initiated the process of delimitation even after lapse of one year after the State Re-organisation Bill was passed.

The Government of Telangana is intending to form new districts in the State, for which the delimitation of Assembly Constituencies is to be completed at the earliest so as to see that the jurisdiction of an assembly segment should remain within the District.

I request the Ministry of Home Affairs, Government of India to initiate and intervene on the issue necessary and proper directions should be issued to the Election Commission of India to take up the delimitation of constituencies in the States of Telangana and Andhra Pradesh.

*t46

Title: Need to extend National Waterway No. 3 from Kottappuram to Killam upto Kulachal in Kanyakumari district of Tamil Nadu.

DR. A. SAMPATH (ATTINGAL): Water resources are considered to be the most precious natural resource in the world. The Indian sub continent is blessed with a number of good rivers which are either navigable or can be made navigable. Kerala is having 44 rivers with very good flow of water. At present there is only one national waterway declared in Kerala. The National waterway No. 3 is only from Kottappuram to Kollam. The extension of waterway from Kollam to Kulachal in Kanyakumari district of Tamil Nadu, is highly necessary to ease the ever-increasing traffic congestion on the roads of Kerala and Tamil Nadu especially the traffic of bulk carriers and bulk oversized goods as well as hazardous goods. The canals of the erstwhile Thiruvananthapuram-Shoranur canal are still waiting for development and modernisation.

Hence, I urge upon the Government of India to declare the said portion also as National Waterways and to undertake development activities by the Inland Waterways of India.

*t47

Title: Public Premises (Eviction Of Unauthorised Occupants) Amendment Bill, 2014 (*Amendments Made By Rajya Sabha*).

HON. DEPUTY SPEAKER: Now, we are taking Item No. 11, the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2014. Shri Venkaiah Naidu.

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Deputy-Speaker, Sir, through you, I would like to take the House into confidence. It is a very simple Bill.

The hon. Members may recall that we had discussed this Bill in the last Session of Parliament in 2014 and passed it, and then it went to the Rajya Sabha. We had passed it in 2014; it went to the Rajya Sabha and in 2015; it was approved by that House. So, I have to make two amendments. One is that instead of sixty-fifth, sixty-sixth, that is, after Republic formation it is the sixty-sixth year. Second one is in Clause 1 at page 1, line 4 for the figure 2014, the figure 2015 be substituted. So, these are merely consequential amendments because of change of year.

I beg to move :

"That the following amendments made by Rajya Sabha in the Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, be taken into consideration:"

ENACTING FORMULA

1. That at page 1, line 1, *for* the word "Sixty-fifth", the word "Sixty-sixth" be *substituted*.

CLAUSE 1

2. That at page 1, line 4, *for* the figure "2014", the figure "2015" be *substituted*."

HON. DEPUTY SPEAKER: It is already discussed. Therefore, we only have to amend it.

The question is:

"That the following amendments made by Rajya Sabha in the Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, be taken into consideration:"

ENACTING FORMULA

1. That at page 1, line 1, *for* the word "Sixty-fifth", the word "Sixty-sixth" be *substituted*.

CLAUSE 1

2. That at page 1, line 4, *for* the figure "2014", the figure "2015" be *substituted*."

The motion was adopted.

HON. DEPUTY SPEAKER: We shall now take up amendments made by Rajya Sabha. I shall now put Amendment Nos. 1 and 2 made by Rajya Sabha together to the vote of the House.

The question is:

ENACTING FORMULA

1. That at page 1, line 1, *for* the word "Sixty-fifth", the word "Sixty-sixth" be *substituted*.

CLAUSE 1

2. That at page 1, line 4, *for* the figure "2014", the figure "2015" be *substituted*."

The motion was adopted.

HON. DEPUTY SPEAKER: The Minister may now move that the amendments made by Rajya Sabha in the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2014, as passed by Lok Sabha, be agreed to.

SHRI M. VENKAIAH NAIDU : I beg to move:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

HON. DEPUTY SPEAKER: The question is:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

SHRI M. VENKAIAH NAIDU : Sir, I am thankful to the House.

HON. DEPUTY SPEAKER: Thank you very much.

*t48

Title: Statutory Resolution regarding Disapproval of Citizenship (Amendment) Ordinance, 2015 and Citizenship (Amendment) Bill, 2015.

HON. DEPUTY SPEAKER: Now, we take up Items 12 and 13. Shri N. K. Premachandran.

SHRI N.K. PREMACHANDRAN (KOLLAM): I beg to move the following resolution:

"That this House disapproves of the Citizenship (Amendment) Ordinance, 2015 (No.1 of 2015) promulgated by the President on 6th January, 2015 "

Sir, first of all, I would like to state that I am in full agreement with the various provisions of the Bill but I strongly oppose the manner in which the Bill is being brought before this august House. Even at the time of introduction of this Bill, I have made these objections. Sir, you may be aware that this is the ninth Ordinance promulgated by the Government. This is the ninth ordinance promulgated by the Government within the seven months. Today also, the hon. Member Mahtab Ji has already stated in the morning that under article 123 of the Constitution, an Ordinance is promulgated only in extra-ordinary circumstance which necessitates to have an immediate intervention or immediate action. As far as the Citizenship Bill of 2014 or Ordinance is concerned, there is no such urgency and there is no such immediate action which is required. What is the reason which is being stated by the hon. Minister in issuing such an ordinance? You may kindly see that the hon. Prime Minister made the announcement during his visit to USA in October, 2014 and to Australia in November, 2014 in regard to the merger of the Overseas Citizens of India Card and the Persons of Indian Origin Card by 7th January, 2015. The matter was of urgent importance and could not wait till the next Session of the Parliament, hence the promulgation of the Citizenship Ordinance.

Sir, my humble question to the hon. Minister is that the Prime Minister has made the announcement in Madison Square, New York, that is in October, 2014 and subsequently, he has made the same announcement in Australia in November, 2014. Suppose the Government is so much interested in honouring the commitments made by the hon. Prime Minister, they could have very well brought the Bill before the House during the Winter Session.

Another constitutional question I would like to raise is that whether a Statement made by the Prime Minister necessitates legislation or not. That is the important question which I would like to seek answer from the hon. Minister. Yes, the Prime Minister has made a Statement in Madison Square as well as in Australia. Is that be considered as an emergent provision so as to promulgate the Ordinance according to article 123 of the Constitution? No, Sir, never. So many assurances and so many things will be made outside the Parliament or inside the Parliament also, that shall never give a constitutional right to promulgate an Ordinance. Here the promulgation of the ordinance is only on the basis of an assurance made by the Prime Minister that before 7th January, 2015, the Overseas Citizen of India Cardholder and Person of Indian Origin will be merged together. That is a statement of the hon. Prime Minister. That cannot be a substantive reason for promulgation of Ordinance.

On 23rd December, 2014, a Bill is introduced i.e. Citizenship (Amendment) Bill, 2014 is introduced before the House. That is the day in which the House adjourned *sine die*. On 6th January, 2015, Ordinance is promulgated. On 26th February, 2014, the Bill was withdrawn.

Mr. Deputy Speaker Sir, you may kindly see the Bill which is introduced in 23rd December, 2014 and the Ordinance promulgated on 6th January, 2015 do not contain the provision or the amendment which is being incorporated in the 2015 Bill.

The main intention of the Bill is to give the status of a citizen or some facilities to the Overseas Indian Citizen (OIC) cardholders, for which that definition is required. Mr. Deputy-Speaker, Sir, the 2014 Bill as also the subsequent Ordinance promulgated on 6th January do not contain a definition of an OIC cardholder. The callous manner in which the Bill is drafted needs to be looked at.

I would like to state another defect in the Bill, at the introduction stage itself I raised this, and that is the amendment has not been explained in the Statement of Objects and Reasons of the 2015 Bill also. What is the amendment? A new definition is incorporated as Section 2(1)(ee). The former definition is substituted by a new definition but the new definition has not been explained in the Statement of Objects and Reasons. That is why I was saying at the time of introduction that it is an imperfect Bill and a disabled Bill. The Statement of Objects and Reasons of the Bill does not state the reasons for making such an amendment. The Bill and the Ordinance do not contain the provisions. My point is that the Parliament is taken for granted and there is no urgency in making such legislation. What does this indicate? The legislative supremacy or the law-making power of the Parliament is taken away by the Executive, by the Government, without stating any reasons as stipulated in the Constitution of India under article 123. That is the strong objection which I would like to make.

I now come to some provisions of the Bill also since we are discussing these two together and even the Agenda Paper says that. Except

making some observations and seeking some clarifications, I fully support the Bill. This has been a long pending demand of the Indian diaspora in the world. The aspirations, feelings and sentiments of the Indian diaspora have to be respected. We have to appreciate the wonderful service being rendered by them to the nation building process of our country. We should definitely recognise them and utilise their skills and resources in making India a powerful country in the world. Their aspirations have to be respected. So, I fully support the Bill.

I would like to make a point regarding Non Resident Indians also. Non Resident Indians also contribute a lot to the country. Especially in terms of foreign exchange earnings, tremendous contribution is being made by NRIs. However, it is unfortunate that even the Budget presented day before yesterday does not contain any provisions for the welfare of NRIs in the *pravasi* country. We hold Pravasi Bharatiya Divas every year, we give away awards, etc. But unfortunately the demands for rehabilitation and welfare activities of *pravasis* are not given adequate consideration by the government. I suggest the Government to take care of that.

Coming to amendment to Section 5, I have a doubt and I would like the hon. Minister to clarify. As per Section 5 of the amendment, an overseas citizen, a person of Indian origin, or an Indian national married to a foreign national, is entitled to register as a citizen of India. As per the existing law, after a continuous stay of 12 months in the country, a 30-day relaxation is given. That is well and good. It means that we are registering an Overseas Citizen of India as a citizen of India. I have a doubt in this regard and I may be wrong. And that is, what is the role of dual citizenship? Overseas Citizenship of India Card Holder means he is having a citizenship of another country, and if he is having 5 years OCI Card and also if he is having a continuous stay of 12 months in our country before making the application, definitely he is entitled to register as a citizen of India. That means he is getting two citizenships. I would like to seek the clarification from the hon. Minister as to what is the dual citizenship and what is the procedure?

Sir, because we are all going abroad and meeting Indian diaspora, I fully agree with the provision which is being made in the section 7(a) of Amendment, that is, merging Person of Indian Origin and OCI Card Holder because there is utter confusion. As far as the Person of Indian Origin is concerned, he is entitled to 15 years of visa. As far as OCI Card Holder is concerned, he is entitled for having lifelong visa. So, it is a very welcome step in clubbing these two together and giving more amenities and facilities to OCI Card Holders.

Finally, I would like to cite certain apprehension regarding amended provision in section 7A(3). I would like to quote; "Notwithstanding anything contained in sub-section 1, the Central Government may, if it is satisfied that special circumstances exist, after recording the circumstances in writing, register a person as an Overseas Citizen of India Card Holder." This is a very important point which I would like to highlight before the hon. Minister as well as the Government. It is an unfettered right being cast upon or being devolved upon the Government to declare any person as an Overseas Citizen of India Card Holder. How can that be? In the Wednesday judgement by the Delhi High Court notices were issued in the case of illegal passport to foreigners and Indians without taking into consideration the genuine reasons and causes. On the basis of false and fabricated reports, so many persons were given passports. Notice has been issued to the Home Ministry, Government of India also. So, this provision is arbitrary. Suppose, if the Government and the officials of the bureaucracy want to give some person OCI Card, only by giving reasons in writing the OCI Card can be issued to any person according to whims and fancies of the Government. This is arbitrary and this is an unfettered right which is conferred upon the Executive or the Government. So, I have moved an amendment. Unfortunately, today I could only move the amendment but it has not come on the file. I would like to urge upon the Government to kindly review the provision of section 7 clause 3 as it is arbitrary and again the principles of natural justice. That is to be reviewed.

Once again I strongly oppose the ordinance route of legislation and fully support the contents of the Bill. With these words I conclude.

HON. DEPUTY SPEAKER: Hon. Minister, do you want to make any speech or reply to it, otherwise you can do it in the end.

*m02

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU): We can reply in the end because you are clubbing the two together.

SHRI MALLIKARJUN KHARGE (GULBARGA): There can be a discussion.

HON. DEPUTY SPEAKER: Both the statutory resolution and the legislation are clubbed together. You moved the resolution, he spoke on that. If the Minister is willing, he can reply now, otherwise he can reply at the end. That is what I want to know.

SHRI MALLIKARJUN KHARGE: He can reply in the end.

HON. DEPUTY SPEAKER: That is all right.

*m03

श्री. संजय जायसवाल (पश्चिम चम्पारण) : उपाध्यक्ष महोदय, मुझे सिटिजेनशिप (अमेंडमेंट) बिल, 2015 पर अपनी बात रखने का जो आपने मौका दिया है, उसके लिए मैं आपका बेहद आभारी हूँ। मैं मनानीय प्रधान मंत्री जी का भी आभारी हूँ कि प्रधान मंत्री बनने के बाद उन्होंने अपनी पहली अमेरिकी यात्रा में जो वायदा अपवासी भाई-बहनों से किया था कि वे पूवासी भारतीय दिवस से पहले ओ.सी.आई. और पी.आई.ओ. को एक साथ मर्ज कर देंगे, उसके लिए उन्होंने संजीदगी दिखाई है, उसके लिए मैं धन्यवाद देता हूँ। प्रेमचन्दन जी बार-बार इसके लिए ऑब्जेक्शन कर रहे थे कि इसके लिए इतनी जल्दी क्यों है? उसके लिए मैं उनका बहुत ही आभारी हूँ। हमारे दल में एक बात जरूर होती है कि इस देश का प्रधान मंत्री कोई बात कहता है और अगर हम उसका पालन नहीं कर सकते, तो यह हमारे लिए अफ़सोस की बात होती है। पर, यह हमारे लिए गर्व की बात है कि हमारे प्रधान मंत्री ने कुछ कहा और उसका पालन हम लोगों ने 7 जनवरी से पहले करके दिखा दिया। प्रेमचन्दन जी को यह बात इसलिए समझ में नहीं आ रही है कि हम लोगों ने पिछली लोक सभा में देखा कि माननीय मनमोहन सिंह जी यहाँ कुछ वक्तव्य देते थे और एक माननीय सांसद, जो उस समय पार्टी

के उपाध्यक्ष भी थे, वे अपने पार्टी ऑफिस में जाकर बिल फाड़ दिया करते थे। उनको यह समझ में नहीं आता है कि प्रधानमंत्री की किसी बात का क्या महत्व होता है, लेकिन हम अपने प्रधानमंत्री की बात का महत्व समझते हैं। प्रधानमंत्री का कुछ भी कहा हुआ, हमारे लिए एक ऐसी लकीर है, जिसे काटा नहीं जा सकता है। मैं बहुत अच्छी तरह से इसे समझता हूँ, क्योंकि वहाँ हमेशा से ड्यूटी पॉवर की बात रही है, इसलिए वे यह बात नहीं समझ सकते हैं।

जब इस बिल को दोबारा इंट्रोड्यूस किया गया, तो प्रो0 सौगत राय जी ने इस बिल के इंट्रोडक्शन का विशेष किया था और उन्होंने यह कोट किया था :

"This is a new style which the Government is having that within 15 days of introducing a Bill it brings an Ordinance and then it wants to replace the original Bill. This is bad governance."

अगर किसी बिल में कोई गड़बड़ी है और उसे सुधार लिया जाता है, तो यह बैड गवर्नेंस का क्या एग्जाम्पल है, यह हम लोगों की समझ से परे है। हमारे प्रधानमंत्री जी ने भी राष्ट्रपति जी के अभिभाषण के धन्यवाद प्रस्ताव पर कहा था, इस बिल के नहीं, दूसरे बिल के सन्दर्भ में, कि अगर आज भी हमें कोई बताए कि इस बिल में क्या सुधार की जरूरत है, तो हम उसे करने को तैयार हैं। अगर बिल को वापस रखते सुधार लिया गया तो इसके लिए अपोजीशन को हमें धन्यवाद देना चाहिए, न कि इसका विशेष करना चाहिए।

बैड गवर्नेंस की जो बात सांसद कहते हैं, उनको यह बात समझ में नहीं आएगी, क्योंकि हम लोग एक ऐसा प्रदेश देखा रहे हैं, जहाँ हर हफ्ते या तो कोई सांसद या कोई मंत्री जेल चला जाता है। यहाँ तक कि कोई मुख्यमंत्री के साथ विदेश यात्रा करता है और आने के बाद वह भी जेल चला जाता है। उसको बचाने के लिए मुख्यमंत्री रोड पर मार्च करती हैं और उसे करेक्टर सर्टिफिकेट देती हैं कि यह बहुत अच्छा है, इस तरह की चीजों को बैड गवर्नेंस कहते हैं, बिल सुधारने को बैड गवर्नेंस हरमिज नहीं कहते हैं।

सिटिजनशिप एक्ट में चार मुख्य बातें कही गई हैं। प्रेमचन्दन जी का आभासी हूँ कि उन चारों का उन्होंने सपोर्ट किया है। पहली बात तो यह है कि भारतीय मूल के विदेशी नागरिकों को जो पर्सन ऑफ इंडियन ओरिजिन और ओवरसीज सिटिजन ऑफ इंडिया करके दो भाग दिया जाता था और पर्सन ऑफ इंडियन ओरिजिन को 15 साल के ऊपर के वीजा का सपोर्ट नहीं मिलता था और 6 महीने बाद हर 15 दिन में थाने जाना पड़ता था, इन दोनों को मर्ज करके ओवरसीज सिटिजन ऑफ इंडिया कार्ड होल्डर करके एक कार्ड दिया गया और उनकी पूरे परिवार और बच्चों को जो ओ.सी.आई.सी. कार्ड देने का प्रावधान किया गया है, उसके चलते मैं इन्हें धन्यवाद देता हूँ। इसके चलते वे लोग भी यहाँ पर पूर्णतः खरीद सकते हैं, इन्वेस्टमेंट कर सकते हैं, जो कि एक बहुत अच्छा कदम है।

प्रेमचन्दन जी ऑब्जेक्ट कर रहे थे, लेकिन यह एक अच्छी धारा है कि अगर मुख्य एक्ट की धारा 7(1) में ओवरसीज सिटिजन ऑफ इंडियन कार्ड होल्डर की पत्नी अथवा पति दूसरे मूल का है, तो उसे बार-बार वीजा के लिए अलग से जाना पड़े, यह एक बहुत बड़ी प्रॉब्लम है। अगर ब्यूरोक्रेट विलयेंस नहीं देगा तो क्या पॉलिटिकल पर्सन विलयेंस देंगे या रोड पर चलने वाला आदमी विलयेंस देगा, उसे विलयेंस हमारे यहाँ देंगे या कोई भी सक्षम ब्यूरोक्रेट ही देगा, इसलिए यह एक अच्छी चीज है। कम से कम आगे उनके विदेशी मूल के पति या पत्नी को दिक्कत नहीं होगी।

तीसरा, मूल अधिनियम की धारा 5 की उपधारा (1) में है कि ओ.सी.आई.सी. का कोई नागरिक भारत का नागरिक बनना चाहता है तो एक साल के बदले उसे तीस दिनों का लिबरल व्यू दिया गया है, लेकिन उसे लिखित कारण के साथ दिया गया है। अगर गवर्नमेंट किसी से संतुष्ट है, कोई दो-चार बार चला गया, उसका कोई इंपोर्टेंट काम है, तो उसके चलते भी उसे इंडियन सिटिजनशिप मिल पाएगी। यह भी एक बहुत अच्छा धारा है।

चौथा, अगर ओ.सी.आई.सी. का कोई आदमी खुद अपना सरेंडर करता है तो उसकी वाइफ और माइनर बच्चों का भी सरेंडर हो जाता है। ये चारों धारों अच्छी हैं और मैं इनका समर्थन करता हूँ। हमारे यू.पी.ए. के माननीय साथी ने भी समर्थन किया है, इसके लिए मैं उन्हें धन्यवाद देता हूँ। इससे एक बहुत ही मिलता-जुलता बिल, सिटिजनशिप अमेंडमेंट बिल, 2011 यू.पी.ए. गवर्नमेंट ने भी इंट्रोड्यूस किया था। जैसा कि यू.पी.ए. गवर्नमेंट के समय हर बिल का हज़ू होता था, वैसे ही वह बिल भी पास नहीं हो पाया। उस बिल को स्टैंडिंग कमेटी में भेजा गया था। स्टैंडिंग कमेटी के चेयरमैन हमारे आज के वर्तमान पार्लियामेन्ट्री अफेयर्स मिनिस्टर श्री एम. वैकेंर्या नायडू थे। आज जब इस बिल पर डिस्कशन हो रहा है, तो मैं उस स्टैंडिंग कमेटी की रिक्मेंडेशंस को जरूर कोट करना चाहूँगा :

"The Committee is concerned to note that the West Pakistani refugees who came to India could become citizens of the country but without any right to vote to the State Legislative Assembly elections. Their children cannot get admission in certain government educational institutions and they also cannot get any employment in the State Government of Jammu and Kashmir. This is a very unfortunate status. The Committee is given to understand that an assurance had been given by the then Prime Minister to solve the issue – it was an assurance by the then Prime Minister – but nothing has emerged till now."

"The Committee recommends that the Government may take up the matter with the J&K Government and a permanent solution may be found at the earliest."

The Committee also recommends that the issue of Chakma refugees, who migrated from Bangladesh to Tripura, may also be examined and an early solution may be found.

The Committee also desires that the issue of Riang tribals may also be examined. Further discussion may be held with the Governments of Mizoram and Tripura and the problem to be resolved at the earliest."

ये सब स्टैंडिंग कमेटी के रिक्मेंडेशन्स थीं और उसके चेयरमैन, आज के हमारे माननीय पार्लियामेन्ट्री अफेयर्स मिनिस्टर थे। हम चाहेंगे कि गवर्नमेंट उनकी बातों पर भी ध्यान दे। इतना ही नहीं वर्ष 2003 में, जब श्री लाल कृष्ण आडवाणी जी सिटिजनशिप अमेंडमेंट बिल, 2003 राज्य सभा में लाये थे, तब विपक्ष के नेता श्री मनमोहन सिंह जी ने जो कहा था, मैं उसे भी कोट करना चाहूँगा। This was said with regard to the Bill on Indian Diaspora and I quote:

"While I am on this subject, Madam, I would like to say something about the treatment of refugees. After partition of our country, the minorities in countries like Bangladesh have faced persecution and it is our moral obligation that if circumstances force people, these unfortunate people, to seek refuge in our country, our approach to granting citizenship to these unfortunate persons should be more liberal. I sincerely hope that the hon. Deputy Prime Minister (Shri Advani was the Deputy Prime Minister at that

time) will bear this in mind in charting out the future course of action with regard to the Citizenship Act.

THE DEPUTY CHAIRMAN: Mr. Advani, the minorities in Pakistan are also suffering. They have to be taken care of too.

SHRI L.K. ADVANI: Madam, I fully endorse that view."

आज जब यह चर्चा हो रही है कि हम अप्रवासी भारतीयों को बहुत विशेष सुविधाएँ दे रहे हैं तो मेरा आपसे यह भी अनुरोध रहेगा कि जम्मू कश्मीर से लेकर नॉर्थ ईस्ट तक के जो भाई परेशान हैं, उनके बारे में भी हमारी सरकार को जरूर सोचना चाहिए और उनके लिए भी एक सिटिजनशिप अमेंडमेंट बिल जरूर आना चाहिए।

इन्हीं शब्दों के साथ मैं सिटिजनशिप बिल, 2015 को फुल्ली एन्डोर्स करता हूँ, उसका पूर्ण समर्थन करता हूँ। धन्यवाद।

SHRI M.I. SHANAVAS (WAYANAD): Thank you, Deputy Speaker, Sir. First of all, I would like to say that the Citizenship (Amendment) Bill, 2015 is a very necessary Bill but I have got reservations with regard to some of its provisions.

Firstly, I would like to point out the objections raised by my hon. friend, Shri Premachandran with respect to the Ordinance route which was taken by this Government. I do not want to repeat what Shri Premachandran has spoken.

I would also like to say that the merging of POI and OCI schemes is not a new idea. My hon. friend from the BJP has himself said that an idea of this nature was initiated by the UPA Government last time. It was passed in the Rajya Sabha. It was moved by the then hon. Minister, Shri Sushil Kumar Shinde and then by Shri Mullapally Ramachandran when he was the Home Minister. They had tabled the Bill in the Lok Sabha in December last year but it could not be debated.

As has been the practice of the NDA regime, which has come into power nine months back, this Government is always repeating what the Congress has been doing in the past five or ten years. So, I would like to point out to my BJP friends that the move to merge the two cards had been opposed by various Diaspora, especially the overseas friends of BJP which is called OFBJP.

15.00 hrs

They were apprehensive of the merging of the two cards and they were against this merger.

With respect to the Ordinance, they could have waited. Mr. Premachandran spoke in detail about the Ordinance route. The reasons stated for withdrawal of Citizenship (Amendment) Bill, 2014, were the announcements made by the hon. Prime Minister during his visits to the United States of America in 2014 and Australia in 2014. The Prime Minister makes a speech in the United States and because of his speech, the Government is committed to seek the Ordinance route.

Article 123 of the Constitution enables the President of India to promulgate an Ordinance if neither House of Parliament is in Session and circumstances exist which render it necessary for him to take immediate action. I would like to ask the hon. Minister whether a speech given by the Prime Minister in a foreign country is the sole reason for promulgating an Ordinance. Is it a good custom or is it going to be a good convention?

Dr. B.R. Ambedkar, the Father of the Constitution, had overruled the argument that Ordinance making powers are necessary since an existing law might be deficient and some immediate issue may arise. According to Dr. B.R. Ambedkar, the power to promulgate a law will enable the Executive to deal with that particular situation because it cannot resort to the ordinary process of law. Still, I support various provisions of this Bill because it is a necessity.

A vast majority of Indian Diaspora want these two cards to be amalgamated into one. At present, the Overseas Indian Card holders who travel into India are advised to carry passports containing 'U' visa sticker and Overseas Citizen of India card to avoid problems of immigration at various check points. It means, Mr. Minister, that if your passport with 'U' visa sticker has expired and a fresh passport is used, you need to carry the old one so as to validate the Overseas Citizen of India status. I think this route is very bad. At a time when biometric passports are a necessity in various parts of the world, the Overseas Citizen of India card holders should not be subjected to such an inconvenience. I would suggest the hon. Minister to take steps to use technologies to automate the transfer of Overseas Citizen of India status. This is important since the OCI cardholder is entitled for a life-long visa for hassle-free travel to India and to avoid needless problems at the Immigration Counters at various airports.

Let us now look at specific clauses. Section 7D says:

"The Central Government may, by order, cancel the registration granted under sub-section (1) of section 7A, if it is satisfied that -â€¦"

(b) the Overseas Citizen of India Cardholder has shown disaffection towards the Constitution, as by law established;â€¦"

I do agree with the principle. But who will decide that the person has caused disaffection to the Constitution? Who is the authority to decide it? Another provision in the same Section is the marriage of an overseas citizen of India cardholder who has obtained such a card under clause (d) of sub-Section 7(a) has been dissolved by a competent court of law otherwise. The hon. Minister may kindly look into these two aspects. Dissolution of marriage is a condition where the card can be cancelled, where the registration can be cancelled. Dissolution of marriage and subsequent repudiation of OCA status is an issue that demands redressal by this Government. How the dissolution of marriage is a ground to repudiate a NRI of his privileges? Under which personal law does the marriage comes? Is it a Muslim law? Is it a Christian law? Or, is it a Hindu law? So, the hon. Minister may kindly look into this matter and repudiation of marriage, according to my humble opinion, cannot be a ground for cancelling the registration.

The next point is about the disaffection to the Constitution. We all respect the Constitution. We are the vanguards of the Constitution. We love our Constitution and we pledge by our Constitution. We breathe by our Constitution. I asked this question earlier as to who will decide about this disaffection to the Constitution. Gentlemen of the House, we are looking at a scenario where a policeman or an investigating officer could direct an unsuspecting Non-Resident Indian who is visiting India to be detained and arrested on charges of sedition and attempting to wage war against the nation.

I would like to draw the attention of this august House to the incident where the officials and the clergies of the Vatican, when they wanted to visit India, were not given visa. They wanted to come here not for reasons of any conspiracy against India. They wanted to come here to attend a conference of Catholic Bishops. They were not allowed to enter this country. So, who will decide? The attitude of the Government is the paramount factor in which this aspect of sedition is looked into. Hon. Members may kindly remember the incident of how a Human Right activist like Dr. Binayak Sen was incarcerated by drummed up charges. One should realise what dangerous levels of harm is being intended by bringing in such clauses in the Bill. Dr. Binayak Sen asked the court as to what was sedition. The judge after thinking for a while kept quiet and then said it is '*Rajyadroh*'. It can

happen to anybody. So, this clause may be looked into. It is necessary to do so in the interest and sovereignty of India. This clause may be deleted.

I have seen the schedule of the hon. Prime Minister. Our Prime Minister is the most travelling Prime Minister, but thank God he has not visited the Middle East so far. So, he is not much aware of about the aspect of citizenship. There are millions of Indians toiling in the Middle East and they do not have anything. They give 20 billion dollars every year for the economy of this country. They do not have proper livelihood; they do not have proper earnings. So, this aspect may kindly be looked into by the Government. I would ask the Government to take steps for their welfare. The diaspora coming from Western countries, from United States, from Britain and from Canada are all very good but consider the case of the poor workers in the Middle East. Their case also may be taken into consideration not only with respect to citizenship but their future as well. I hope that this Government will take suitable steps.

I would draw the attention of the hon. Minister towards the right to service. The Embassies are not giving good service to the migrants and our citizens. So, right to service may be compulsorily established.

Before concluding my speech, I would like to draw the attention of the hon. Minister and the Cabinet to a few dozens of people of my constituency who are unfortunately Pakistani citizens. In the 1950s, they had gone to Pakistan for doing some small business like tea shop business, etc. and they have got the Pakistani citizenship. When some war breaks out in Kargil, they will be rounded up in our frontier. These people cannot move around; they cannot walk around. They are rounded up, sent to the boundaries and Pakistani officials arrest them and then they toil in the Pakistan jails.

So, the hon. Minister may kindly take these people into consideration. The grievances of these people who are in their 80s may also be met. In these circumstances, I appreciate the Government's stand to follow the footsteps of the UPA Government to combine the two cards.

PROF. SAUGATA ROY (DUM DUM): Sir, I am on a point of personal explanation. Under Rule 367, I have to offer the following personal explanation. Sir, it is relevant here. Please listen to me.

HON. DEPUTY SPEAKER: Is it related to the subject? You give it in writing and then I will call you afterwards personally.

*m05

SHRI P.R. SENTHILNATHAN (SIVAGANGA): Hon. Deputy Speaker Sir, I thank you for this opportunity to speak on this debate on the Citizenship (Amendment) Bill.

Since this Bill is related to our people visiting foreign countries and returning to India, I would like to welcome the return of Father Alexis Prem Kumar of my constituency, Sivaganga. I heartily thank the efforts made by our beloved leader, *Puratchi Thalaivi Amma*, the Prime Minister and the External Affairs Minister also for ensuring his safe return from Afghanistan.

Now, coming to the Bill, let me say a few words. We have two kinds of cards, namely, People of Indian Origin (PIO) cards and Overseas Citizen of India (OCI) cards.

The PIO card holders are eligible to get full Indian citizenship after a stay of one year continuously in India. The PIO card holders were given periodical visas to visit India whereas OCI card holders have lifelong multi-entry visa.

Now, through this amendment Bill, the continuous stay for one year is not required. The PIO card holders can stay with breaks and can total up the stay to 12 months to apply for citizenship.

This Bill also seeks to merge both PIO cards and OCI cards to give a new card renamed as Indian Overseas Card holder (IOC). The continuous stay is exempted for the reason that the increased globalisation requires people to visit abroad due to economic and social needs.

There is always a problem in getting visas or OCI cards for minor children. Even when both the parents or one parent happens to be an Indian citizen living abroad, minor children always have a problem in getting valid travel documents. Now, through Section 7A of this Amendment Bill, grant of OCI registration for minor children will be simplified.

I fail to understand as to why the people of Indian origin from Pakistan, Bangladesh, Sri Lanka, Bhutan, Afghanistan and Nepal are not given the PIO cards, whereas the OCI card was given to foreign nationals eligible to become a citizen of India on our first Republic Day. What will be the travel document required for people from the neighbouring countries when we merge these two cards?

I also want to know whether Aadhar cards will also be linked with this. We need clarification and streamlining of this process.

I can understand the care taken by the Government in the case of people from Pakistan, China and Bangladesh. But I fail to understand why the people of Indian origin especially the Tamils of Sri Lanka are treated as second class citizens. I think our external affairs policy in this regard must be revisited.

We find the Union Government arranging to send back all the Sri Lankan Tamil refugees. Even children who were born in India to such Tamil refugees after 1983 have to go back with their parents now. The Government of Tamil Nadu guided by our leader, Amma wants that these refugees should not be sent back immediately and we must wait till a conducive atmosphere is created there.

I urge upon the Union Government to consider the request made by our Government of Tamil Nadu.

Recently, the Citizenship and Immigration Minister of Canada called on our hon. Chief Minister of Tamil Nadu. The Canadian Minister stated that he

had made it a point to visit important States like Tamil Nadu which is already known well for being an investor friendly State.

He appreciated the significant achievement made by the Government of Tamil Nadu in the economic and social sectors under the dynamic leadership of Puratchi Thalaivi Amma. When our Prime Minister visited USA and Australia recently, he promised NRIs and PIOs that their visit to India will not be a problem for them. To fulfil that promise, this Government is bringing this Amendment Bill which was mooted by the previous UPA Government. I hope this is not a hasty move.

Most of our Indians go to foreign countries as technocrats, skilled labours and IT professionals. Most of our Tamil youths go to many parts of the world. All these people must be given the same treatment given to the business community.

I would like to highlight the point that right from the ancient times, people from the region of Sivagangai have always been visiting foreign countries, like Myanmar, Malaysia, Singapore and Sri Lanka apart from other South-East Asian countries. They also must get the same treatment as is being given to the business class because all are equal before law.

With this I conclude. Thank you.

HON. DEPUTY-SPEAKER: Prof. Saugata Roy, your party Member is going to speak now. Let her mention this in her speech.

...(Interruptions)

HON. DEPUTY-SPEAKER: Regarding what? Is this something to do with this subject being discussed?

...(Interruptions)

PROF. SAUGATA ROY : â€*

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): I want to make a submission....(Interruptions)

HON. DEPUPTY-SPEAKER: You made your point. Please sit down.

...(Interruptions)

SHRI RAJIV PRATAP RUDY: It is not a question of raising a point. Please listen to me. My only submission here is this. Prof. Saugata Roy was telling something just now. Possible, when Dr. Sanjay Jaiswal was speaking, he was not present in the House. You can check it from the records. All of us were listening to what Dr. Sanjay Jaiswal was speaking.

PROF. SAUGATA ROY: What was he speaking?... (Interruptions)

SHRI RAJIV PRATAP RUDY: You were not present in the House then. ... (Interruptions) Let me speak.

Sir, the hon. Member was raising an issue. He was not even present in the House when Dr. Sanjay Jaiswal was speaking. All of us were hearing the statement being made by Dr. Sanjay Jaiswal. It is all in the proceedings of the House. I do not recall and none of us recall the issue which is being raised by Prof. Saugata Roy. That issue has not at all figured in the conversation. So, my submission is that his statement is absolutely incorrect. He should be present in the House. I believe this can be checked from the records of the House. Dr. Sanjay Jaiswal has not made any reference whatsoever at all to Professor Saugata Roy.â€ (Interruptions)

HON. DEPUTY-SPEAKER: Please take your seat. Nothing will go on record.

(Interruptions) â€*

HON. DEPUTY-SPEAKER: Prof. Saugata Roy, whenever any hon. Member is speaking, if you are present at that time, you can raise whatever objection you have. If at all you want to raise it because your name is involved, you have to give notice for that.

PROF. SAUGATA ROY: I have given notice.

HON. DEPUTY-SPEAKER: This is not the notice. You have to give the notice before Ten of the Clock in the morning.

PROF. SAUGATA ROY: You tell me whether I have given the notice or not.

HON. DEPUTY-SPEAKER: This is not the notice. The notice has to be given before Ten of the Clock. Then, it will be taken up.

PROF. SAUGATA ROY: I am ready to observe the rules....(Interruptions)

HON. DEPUTY-SPEAKER: Please take your seat. I am giving the ruling. Why are you repeating?

...(Interruptions)

HON. DEPUTY-SPEAKER: If you want to raise anything, you have to give notice before Ten of the Clock. You cannot do like this. You cannot give notice as you like and go on raising the point. This is not a point. Whatever you raised cannot be taken into consideration.

Now, Dr. Ratna De (Nag) to speak.

...(Interruptions)

HON. DEPUTY-SPEAKER: Nothing will go on record. I tell you I gave the ruling. Professor Saugata Roy, you are a senior Member. Please take your seat.

(Interruptions)*

HON. DEPUTY-SPEAKER: He is a senior Member. He knows the rules and procedure. At the time of making the speech, he can raise objections, Point of Order, etc. Afterwards, if he has any objection, he can go through the records and give notice before 10 o' clock. At that time, he can give explanation. That is the procedure. Whatever you have raised now will not go on record.

*m06

DR. RATNA DE (NAG) (HOOGHLY): Sir, I would like to thank the Chair for giving me an opportunity to speak on The Citizenship (Amendment) Bill, 2015. The Citizenship Act, which is being amended through the Bill, is important as it provides for acquisition and determination of Indian citizenship.

Before, I go into the details of the Bill, I would like to state here that this Bill was necessitated because the Government promulgated the Citizenship Ordinance on 6th January, 2015, which was aimed at fulfilling the assurance made by Shri Narendra Modi, the hon. Prime Minister in New York to Indian Diaspora when he announced grant of lifetime visa to Persons of Indian Origin (PIOs). The Ordinance was promulgated on 6th January, 2015 as hon. Prime Minister was to inaugurate Pravasi Bharatiya Divas in Gujarat on 9th January, 2015.

The proposed amendment is warranted as certain lacunae came to the fore. In specific, amendment is expected to replace in Section 5 of the Citizenship Act words 'has been residing in India for one year' with 'is ordinarily resident in India for 12 months'. Likewise, 'overseas citizen of India' would be substituted by 'Overseas Citizen of India Cardholder'.

Removing the word 'Origin' from 'Persons of Indian Origin Cardholder' and replacing it with 'Overseas Citizen of India Cardholder' is timely as it attempts to remove something which is not at all required. The objective of the Bill and the amendment Bill brought before this august House is laudable as it removes the aberrations in the Citizenship Act of 1955.

I welcome the merging of two Cards, People of Indian Origin and Overseas Citizens of Indian Cardholder. But I would like to place my objection to the Bill which was brought to the House through Ordinance. I object the Ordinance route adopted by the Government. Thank you, Sir.

PROF. SAUGATA ROY: I raised the Point of Order. क्या आपने पूरा एक्सपोज कर दिया? â€ (Interruptions) I will given notice. ...(Interruptions)

HON. DEPUTY SPEAKER: You said that you have given notice, which cannot be taken up, and whatever you have stated cannot be recorded. That is what I have said.

...(Interruptions)

*m07

SHRI BHARTRUHARI MAHTAB (CUTTACK): Sir, I stand here to participate in the Citizenship (Amendment) Bill, 2015, and this happens to be the first Ordinance of 2015 (No.1). The Ordinance route was taken. I had given my objection for taking the Ordinance route. In the morning, while the Coal Mines (Amendment) Bill was being introduced, I had in detail mentioned as to what had transpired in 1950 and 1954 between the then hon. Speaker, Mr. Mavalankar, and the then Prime Minister, Mr. Jawaharlal Nehru. I had quoted the letters written by the first Speaker of Lok Sabha where he had mentioned that this Lok Sabha has to standardize the manner in which Ordinance is to be promulgated.

I have also submitted a Private Member Bill, whenever it would come for discussion, I think, a number of Members of our House will also take part in the discussion. The discussion is regarding abolition of provision of Ordinance from our Constitution. While going through the history of parliamentary democracy, I wanted to find out as to which are those parliamentary democracies which have this Ordinance provision. I would like to be educated by the hon. Minister of Home Affairs. Is it true that Ordinance provision is only in the Constitution of Bangladesh, Pakistan and India? Or is this special provision also prevalent in many other parliamentary democracies? If those countries do not face much trouble of promulgating law without taking recourse to Ordinance, then, why should we carry the baggage of colonial mindset in our Constitution? Since the last many years, since the beginning of our Independence in 1947 or after our Constitution came into being in 1950, why should we carry this baggage that Executive would determine what the law would be, and subsequently, Parliament will just be a rubber stamp to accept? This needs to be discussed.

15.30 hrs (Shri Hukum Singh *in the Chair*)

Sir, On that premise, I would say that the Biju Janata Dal is opposed to this Ordinance route of promulgating the law....(व्यवधान) इसलिए करते हैं क्योंकि वह है। That is why a correction is needed in the Constitution; that is why every State should also be barred from promulgating law through Ordinance. It is demeaning the Parliament of the country; it is demeaning the public mandate of the country. Why should the Executive take on itself of framing the law? It is the elected mandate which should frame the law of the country. It does not happen in any other country as far as I understand but I would like to be educated by our hon. Minister of Home Affairs.

Here, Mr. Premachandran, my good friend, has already mentioned about the urgency of promulgating this Ordinance. I do not agree with him on one count. That is, once the Prime Minister comes out with a Statement wherever, it may be in Madison Square or in Australia, that is the intent of the Government. If that is the intent of the Government, the Government will follow it up either through an Ordinance, which they have done, or through a Bill. But here what has happened? The intent of the Government was pronounced by the Prime Minister in Madison Square, and subsequently in Australia. But that intent of the Government was not carried out, if the Government thought that it is so urgent because this Ordinance came much after the Winter Session was prorogued. The Statement of the Prime Minister was in October, 2014. Subsequently, it was in Australia, much before the Winter Session commenced. This is not such a complicated Bill where you needed much time and deliberation. Earlier, a Bill also was before this House. Already the Standing Committee of Home Affairs had also deliberated on this Bill. So in that respect, I think, taking the intent of the Prime Minister and the Government in view, a Bill could have come in the Winter Session. It would have been blocked in Rajya Sabha, that is a different matter. But it could have come, and therefore, the Ordinance would have been avoided. But here, the Ordinance route has been taken, and the Bill is before us. Why it took so long to introduce the Bill? That needs explanation.

The second point which I would like to mention here is, there is a wording in amendment of Section 5, clause 2, sub-section 1(a) where it is mentioned - that is part of the Citizenship Act - the clause (f) for the words 'has been residing in India for one year' are substituted with the words, 'is ordinarily resident in India for twelve months'. Here, 'ordinarily resident', I would say, "has a definite meaning". In this Bill, the period for residing in India is being restricted to one year.

HON. CHAIRPERSON: I am sorry to interrupt you. I think we have to take up another Bill also today and so the time for each speaker will be restricted to five to seven minutes. Kindly cooperate.

SHRI BHARTRUHARI MAHTAB: Dealing with the Bill, further a maximum of 30 days which may be in different breaks should be up to the satisfaction of the Government. This is also being substituted. So what we do here is, 'ordinarily resident' is being confined to one year, this one year is further amended 'to the satisfaction of the Government' and 'satisfaction of the Government' is also coming down to 30 days in different breaks. That means कुछ खास आदमियों के लिए यह छो रखा है। Some specific people are in your consideration. Why is this distinction being made? It may not happen during your Government. But when a law is being implemented, it is a law for all times to come till it is amended. It may be misused subsequently when you are not in power. Here, there is a tremendous amount of discretion which is coming to the hands of the Executive or to the person who will be deciding as to whom to give, whom not to give, whom to give within 30 days, whom to give in different breaks if he goes out and comes back etc.

HON. CHAIRPERSON: Kindly conclude now.

SHRI BHARTRUHARI MAHTAB: This is my apprehension. I would be happy if my apprehension is cleared.

Sir, I have one more issue which is very close to my heart. I think those Members who are sitting on the other side of the House also carry the same feeling. I would like to read out the concerned provision. It says:

"Provided further that no person who is or had been a citizen of Pakistan, Bangladesh or such other countries as the Central Government may, by notification in the Official Gazette, specify shall be eligible for registration as Overseas Citizens of India Card holder."

No person will be eligible if he is a citizen of Pakistan or Bangladesh. This is a denial to those persons who are residents of Pakistan and Bangladesh. Where does this clause emanate from? It emanates from an agreement between the then Prime Minister of India Jawaharlal Nehru and the then Prime Minister of Pakistan Liaqat Ali. When there was tremendous bloodshed in this Sub-Continent and a large number of People were moving from this country to the other side and from the other side to this country, during that time both the Prime Ministers had come to an agreement that we would restrain our population moving from one place to another because they belong to a specific religion. So, that got reflected in the Constitution. The agreement was made in 1948. Subsequently in 1950 it got reflected in the Constitution. I would request the BJP-led Government to take up this issue. Today, not only in some southern part of the country, but even in Rajasthan where from Mr. Meghwal is elected and in Gujarat, a large number of people have been forced to flee Pakistan because they believe in one religion.

They have been persecuted because of their religion....(*Interruptions*)

HON. CHAIRPERSON: Now, I call the next speaker; please conclude.

SHRI BHARTRUHARI MAHTAB: Sir, I would like to understand from this Government as to why they do not delete this provision. A large number of people are staying here, who are earning their livelihood, are protected. This country gives protection to whatever religion is being practised. If they come to us for help, for succour, they are provided shelter. Can we not give them the citizenship? We have diluted the citizenship charter, the citizenship law, to a great extent, by doing this. But those people, because of their religion, are being persecuted in other countries, either in Bangladesh or in Pakistan. Can we not give them citizenship? It is high time this had been deliberated and deleted from the Constitution.

With these words, I conclude.

*m08

SHRI JAYADEV GALLA (GUNTUR): Thank you, Sir. I thank the hon. Prime Minister for taking the personal initiative after his assurance at the Madison Square Garden about the merger of the PIO and OCI Cards. The emotional gesture of the Prime Minister towards overseas citizens has created a huge response to get the OCI Cards now in countries all over the world. Through this Bill, he is fulfilling that assurance and I welcome it.

Sir, there are an estimated 25 million NRIs, PIOs and OCIs spread across more than 200 countries. Cumulatively, they contributed about 70 billion dollars in remittances to India just in 2013-14 alone.

I would like to just point out that I myself was an NRI for many years, for the first half of my life though I moved back to India 20 years ago. I understand the alienation of an NRI. I also understand that the love for mother India is always there and will always continue to be there regardless of how many years they may be spending abroad.

Among the NRIs in America, one of the maximum numbers comes from my State, Andhra Pradesh. In my State of Andhra Pradesh, one of the largest numbers comes from my constituency of Guntur. Today, any village, any street you go in any of the urban centres, almost every house will have an NRI living abroad and every one of them will be sending money back to their families and for the betterment of the State and the country. During the recent crisis of Hudhud and also the drive to raise resources to build our new capital, a lot of money has been contributed by NRIs living all over the world for these purposes. So, the engagement with the Indian diaspora is very beneficial to our country. We have some of the most talented diaspora in the world and we should engage them as much as possible.

The Government's objective should be to have a continuous engagement with this diaspora. We should make them feel that we care for them; we want to make them stakeholders in India's future so that they can contribute whatever they can to the growth story of our country. And, we should not take the steps which alienate them from us. Rather, we should create an atmosphere which attracts them so that they show their inclination towards not only investments but also love for their motherland.

Coming to dual citizenship, I really don't understand why we do not permit dual citizenship which would solve most of the problems. Many countries around the world do provide this. We would not be alone if we decide to do so. Let us leave aside the rhetoric of patriotism, etc. Indians living abroad are no less patriotic than Indians here in our country. So, this argument does not carry any hold. I know that our Constitution does not allow for dual citizenship. But it is a matter of an amendment to change the Constitution.

Indians living in other countries have been demanding for dual citizenship for many years. Even the former Prime Minister, Shri Atal Bihari Vajpayee, in 2003, advocated for dual citizenship to Indians staying abroad. The proposed Overseas Citizenship Card falls well short of their demand of getting dual citizenship with full political, economic, public service and other rights at par with the rights enjoyed by the Indian citizens.

Sir, under the Bill, Indians staying abroad have been debarred under Sections 3, 4, 5, 5A, and 6 and public service under Section 16 of the Representation of the People Act, 1950 to become a voter. When we are giving them almost all the rights and facilities, I personally feel that there is nothing wrong in giving them voting and other rights under the Representation of the People Act and dual citizenship.

There are some countries which are giving voting rights to foreign citizens, if not in the national elections, at least in the local elections. But, here, we are debarring them from obtaining voter card resulting in prohibiting them even to vote in local elections.

Under Section 7A, OCIs have equal rights as NRIs have in the areas of economic, finance and education. But, as per S.O. 542 (E), dated 11th April, 2005, published in the Gazette of India Extraordinary Part-II Section 3(ii), dated 11.4.2005, OCIs cannot acquire agricultural or plantation properties. I fail to understand the justification and rationale behind this. I request the hon. Minister to ponder over this and withdraw this notification.

There is an apprehension among Indian diaspora over the OCI Card. Members of the Indian diaspora and the Global Organisation of People of India Origin have an apprehension that introduction of another card will create a great deal of confusion not only among Indians but also among the Indian immigration authorities such as embassies and missions and ports of entry in India. There is no doubt that the mandatory requirement of registering with Foreign Regional Registration Office or Foreign Registration Office has been done away with.

The Bill also proposes exemption from appearing before the local police station on every visit. But, in spite of these, still there are apprehensions. I request the hon. Minister to allay their fears and send a message that OCI Card will be issued through a simple and easy process.

As per the existing Section 5 of the Principal Act, one year continuous stay in India is mandatory for getting Indian citizenship. Now it is proposed to relax this period to 30 days. ...(*Interruptions*) I am just concluding, Sir. But here, the problem is that it is done at the discretion of the Government of India. You would relax only after satisfying with 'special circumstances'. But the Bill has not mentioned as to what those 'special circumstances' are that the Government has to be satisfied with in order to relax the period of one year. So, this has to be mentioned clearly in the proposed legislation itself or under subordinate legislation. If it is not mentioned under the rules, it again creates confusion and frustration among the Indian diaspora. So, it needs to be clarified at the earliest.

It is another welcome move of the Government in pursuance of the announcement made by the Prime Minister. If one would look at the 2005 Amendment, only up to grandchildren are allowed to register themselves as OCI Cardholders. But now the Government is allowing even great grandchildren which I am sure will cover all those people who were citizens of India as of 1947.

With these observations, I once again support the Bill moved by the hon. Minister and request him to seriously look into the issues raised by me which will not only fulfil the demands of the Indian diaspora but also help in investments and foreign remittances.

Thank you, Sir.

शहरी विकास मंत्री, आवास और शहरी गरीबी उपशमन मंत्री तथा संसदीय कार्य मंत्री (श्री एम. वेंकटरया नायडू) : महोदय, मैं केवल इतना ही याद दिलाना चाह रहा हूँ कि बिजनेस एडवाइजरी कमेटी में इसके लिए एक घंटे का समय तय हुआ था। मुझे इसमें कोई आपत्ति नहीं है कि डिस्कशन लम्बा चले, लेकिन इसके बाद माइंस एंड मिनस्ट्स बिल के लिए चार घंटे का समय निर्धारित है, आज ही बैठकर उसे विलयर करना है। कल दो कानून हैं, परसों दो कानून हैं, जो समय तय हुआ है, उससे दस-पन्द्रह मिनट इधर-उधर हो गया तो कोई प्रॉब्लम नहीं है। मैं आप सबसे अनुरोध करना चाहता हूँ कि आप सब इसे सपोर्ट कर रहे हैं तो थोड़ा संक्षिप्त में अपनी बात रखें। मेरी आपसे सिर्फ यही रिक्वेस्ट है कि अगर समय कम लेंगे तो अच्छा रहेगा, बाद में देर होगी, शाम को आठ, साढ़े आठ बजे तक भी बैठना पड़ेगा। कृपया, इस बारे में सोचकर सब लोग सहयोग कीजिए। मेरी आपसे सिर्फ इतनी ही प्रार्थना है।

प्रो. सौमन राय : बी.ए.सी. में इस सिटिजनशिप एक्ट के लिए दो घंटा और और माइंस एंड मिनस्ट्स के लिए चार घंटे का समय निर्धारित हुआ था।

कई माननीय सदस्य : एक घंटा तय हुआ था।

HON. CHAIRPERSON: You have already spoken. Let him speak.

...(Interruptions)

HON. CHAIRPERSON: Let him speak now.

*m09

SHRI A.P. JITHENDER REDDY (MAHABUBNAGAR): Hon. Chairperson, Sir, I welcome the contents of the Citizenship (Amendment) Bill, that is, merger of OCI card with PIO card.

I am happy to see that this is the first time quick action has been taken by the Government, and the promise of the Prime Minister has been kept. His promise has been promulgated into an Ordinance and now this Bill has been brought before the House.

Sir, I was there for 25 years abroad as an NRI. Many Ministers used to visit those countries, and we used to be the host for them. They used to enjoy all dinners and parties which we used to give. They used to promise heaven to all the NRIs who are there. We used to give them very good parties. But when we come back to our country with a small problem, they used to see NRIs as 'Not Required Indians'. Now, at least the Government is giving them the citizenship card. They come and try to stay here, and this really belongs to the Indians who are staying in the United States.

I would like to ask about the NRIs who are staying in the Gulf countries. Most of the people who have gone from this country to these Gulf countries are working as labourers. They are from Karimnagar, Mahabubnagar, Nizambagh, Warangal and the other backward areas from Telangana. They are struggling in those countries. They send back each and every rupee that they earn to India. As a true citizen, they see that the foreign currency is sent back here and they feel that a day will come when they will have to return to this country. But, Sir, what we see here is that when we buy properties here, some *mafia* people try to really hold those properties by putting *kabza*. These people come back to India on a long holiday and try to solve their problem. They are not even allowed into any police station. No officer in the Secretariat or no Minister meets them when they go them for any help.

So, my request to the Government of India is that as you have given some facilities to the Indians who are staying in the United States – you are giving them a citizenship card so that they can stay here for 12 months – the NRIs also should be provided with a special card, and with that card these people can really come and approach any officer or any Minister in the Government when they come on a 30-day visit here. आज जाते हैं तो कहते हैं कि वह आफिसर नहीं है। कल जाते हैं तो कहते हैं कि कोई दूसरा आफिसर नहीं है। ऐसा करते-करते तीस दिन की छुट्टी निकल जाती है। He goes away without anything. He is really bothered about his family, about the property which he has purchased and about the hard earned money through sweat which he has sent back to India. So, my request to the Government of India is that NRIs who are staying in the Gulf countries should be given a recognized card, and when they can come and show that card to our officers in the Government, their problems can be immediately attended to.

With these words, I would extend my support to this Bill.

Thank you.

*m10

DR. A. SAMPATH (ATTINGAL): Hon. Chairman, Sir, I would like to support many views expressed by my learned friend, Shri A.P. Jithender Reddy just now.

Sir, with your permission, may I know how many types of citizenship that we have in India? Sir, Part II of the Constitution of India says about citizenship, and articles 5, 6, 7, 8, 9, 10 and 11 are regarding citizenship of India. We are discussing about various types of citizenship. Anyway, I agree with the hon. Minister; I also agree with the intention of the Government regarding one matter. The intention, what I understand, is that the Government seeks to merge the Person of India Origin (PIO) and the Overseas Citizenship of India (OCI) together. That would be nice. It is because one set of people will be having life long visas and the other set of people will be having only 15 years visa. Anyway we are merging these two together. Moreover they would not be forced to go to a police station, stand in a queue and converse with the police official. We know, how the

policeman thinks that he is the master and he will decide regarding your stay, travel and your future. I am happy that it is being done away with.

But, Sir, there are certain apprehensions, which I would like to bring to the notice of the hon. Minister. I would invite the attention of the hon. Minister to Clause 4, page 2. My friends including Mr. Premachandran, have raised certain issues during the discussion today. Actually, I was also a person, who has moved the amendments. But on Saturday, it was the Budget Day. After the Budget presentation, everybody was busy in pondering over what were the promises showered in the Budget and what were the new taxes proposed. Then, yesterday was the holiday. Today, we are taking up two Bills for discussion. The hon. Minister is also in a hurry. He wants to ensure that after this Bill is over, the next Bill also comes up for discussion.

Sir, I would, now, invite the attention of the hon. Minister to Clause 4, page 2. It says:

"The Central Government may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, register as an Overseas Citizen of India Cardholder—"

(a) any person of full age and capacity, --

(i) who is a citizen of another country, but was a citizen of India at the time of, or at any time after the commencement of the Constitution;

or

(ii) who is a citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; "

Here, I would like to invite the attention of the hon. Minister to line 26, Clause 4(7A) (1) (a)(iv). It says:

"(iv) who is a child or grand child or a great grand child of such a citizen. "

I want to know from the hon. Minister whether other nations also have such a clause. It is a valid point to know. If other nations in the world do not adhere to this principle, why should we alone adhere to such a principle?

I would, now, go to Clause 4(7A)(d), which is also very important. It says:

"Spouse of foreign origin of a citizen of India or spouse of foreign origin of an Overseas Citizen of India Cardholder registered under Section 7A and whose marriage has been registered and subsisted for a continuous period of not less than two years immediately preceding the presentation of the application under this section."

This means that wife or husband – spouse – may not be able to get the card. But even before getting that card, the child or children may be getting the card. So, this point needs to be clarified from the hon. Minister.

Now, I would touch upon Clause 4(7B)(2). It says:

"An Overseas Citizen of India Cardholder shall not be entitled to the rights conferred on a citizen of India-- "

Sir, here nine points have been enumerated concerning election as President, Vice-President, Judge of the Supreme Court, Judge of the High Court, etc. But apart from this, there are many other positions which these persons can hold. What about a person becoming an office-bearer of a political party? What about a person becoming the President of the Chamber of Commerce? So, all these things need clarification.

Then, Sir, the last line of Clause 4 says:

"(ii) has not been dissolved but, during the subsistence of such marriage, he has solemnized marriage with any other person. "

Sir, here my contention is that the word 'he' should be replaced by the word 'the said Overseas Citizen of India Cardholder.'

Sir, before concluding, it is a matter of our brothers and sisters who are working abroad. It is regarding five million Indian people who are working abroad. This Bill should not be contemplated just because of the people of United States. There is a joke ABCD that we all know and we all share regarding those who are going abroad. It is American Bound Confused Desi, ABCD. It should not be like that. It should be applicable to other persons also, including those who are working in the Gulf countries. Their plight should also be addressed. With these words, I am concluding. Thank you, Sir.

16.00 hrs

*m11

SHRIMATI KOTHAPALLI GEETHA (ARAKU): Thank you hon. Chairman, Sir, for giving me this opportunity to debate on the Citizenship (Amendment) Bill, 2015, which was promulgated as a Citizenship Ordinance, 2015 by the President of India on 7th January.

This is a very important Bill for us. All of us are aware and we are a witness to the huge applause received from the NRIs when our hon. Prime Minister had made an announcement of such enactment to be brought in when he addressed the huge gathering in Madison Square, USA and also during his visit to Australia. This Bill provides for the merger of POI and OCI cardholders. Previously, there were certain problems that the POI cardholders had to face. During their extended stay, they were asked to go and apprise the police station for their extended stay. All such hurdles have been removed. The benefits that they used to get, when compared to the OCI, were lesser and hence this Bill provides for the merger of POI and OCI cardholders, which is a welcome move by the Government, and it will enable equal benefits to all the cardholders.

Through this Bill, the period of stay in India for a complete period of one year has been relaxed and they are entitled to travel 30 days outside the country. This definition has been expanded to include minor children of Indian citizens, spouses of Indian citizens, spouses of OCI and POI cardholders and great grand children of Indian origin citizens, which is a very welcome move by the Government because every Indian, though generations pass by, would like to settle in their home country. After commencement of the Indian Constitution, such people, who are away from the country, are welcome back to the country. Hence, the Government has determined to simplify the registration process of the OCI cardholders, which is a very welcome move for the NRIs. The terms are laid down for the cancellation of OCIs, which was never there in the previous Act that was there, and the citizenship of the people, who have obtained the membership through this Act, if they get divorced or get divorced through the court, may be cancelled. So, this also enables the people not to misuse the facility that has been granted to them through this Citizenship Act.

Through this Act, the OCI cardholders will be given a life time Visa which will be convenient to them, and through this, though they will not have the right to vote and contest for elections and they cannot hold any Constitutional posts, the OCI cardholders will be given a lot of convenience. They will be allowed to stay in the country for a longer period of time and spend with their kith and kin. It also gives encouragement to travel often to India and they can extend their period of stay.

I agree with my colleague Shri Jayadev Garu who said that many Indians who are settled abroad door to door would like to invest in their homeland and they will be sending their share of earnings to their family in India. So, this is a welcome move for them. This Act does not provide for the OCI cardholders to acquire agricultural land and plantations but it permits them to make investments in economical, financial and educational fields like the other NRIs. Thus, this Act also encourages investment from the people of Indian origin around the world to invest in their homeland. This Act is not only an administrative convenience for the Government but also avoids red-tapism by ensuring convenience to millions of Indians who are settled abroad.

HON. CHAIRPERSON: Please conclude now.

SHRIMATI KOTHAPALLI GEETHA : Hence, with these few words, I rise to support this Citizenship (Amendment) Bill, 2015 and wish that this law would make a big leap in providing necessary comfort. I also thank the hon. Prime Minister for his initiative in enacting such laws. It will be of convenience to millions of Indian nationals staying abroad. Thank you so much, Sir.

*m12

श्री गजेन्द्र सिंह शेखावत: महोदय, मैं आपको धन्यवाद देता हूँ कि आपने मुझे इस महत्वपूर्ण बिल पर अपनी बात कहने का अवसर प्रदान किया।

दुनिया में ऐसा कोई भी देश नहीं होगा, जहाँ भारत का कोई न कोई व्यक्ति मौजूद न हो। भारत देश के लोग जहाँ-कहाँ भी दुनिया में गए हैं, उन्होंने विश्व में जिस किसी भी संस्कृति में जाकर काम किया है, उन्होंने उस संस्कृति के साथ में अपने आपको आत्मसात किया है। उस व्यवस्था के साथ अपने-आप को आत्मसात् किया है और वहाँ जाकर केवल अपने-आप को ही सिद्ध नहीं किया है, अपितु इस महान भारत देश का नाम भी सभी जगह रौशन किया है। अनायास ही हमारे देश के जो लोग विश्व भर में निवास करते हैं, उन लोगों ने इस महान संस्कृति के ब्रान्ड एम्बेस्डर के रूप में दुनिया भर में काम किया है।

जिन लोगों के माता-पिता या दादा-परदादा अनेकों वर्ष पहले इस देश को छोड़ कर चले गए थे और व्यावसायिक, व्यापारिक कारणों से या अन्य किन्हीं अन्य कारणों से दुनिया के अन्य देशों में जाकर उन लोगों ने वहाँ की नागरिकता ग्रहण कर ली थी। वयूँकि उनकी सांस्कृतिक आत्मा आज भी भारत के साथ जुड़ी हुई है, इसलिए वे भारत के साथ सम्बन्ध रखना चाहते हैं। इस संस्कृति के साथ अपने सम्बन्ध को अक्षुण्ण बनाये रखना चाहते हैं, इसलिए उस सम्पर्क को जीवित रखने के लिए लगातार इस देश में बार-बार यात्रायें करते हैं और बच्चों को भी इस संस्कृति के साथ सम्बद्ध रखने के लिए, बार-बार इस देश की यात्रा करने का मानस रखते हैं। जिस तरह के हर्ट्स इस देश के लोगों के साथ हैं, भारतवंश के लोग जो विदेश में रहते हैं, वे बार-बार वहाँ वीजा लेने के लिए आते थे, जिस तरह से उनको वलीवैजनेज लेनी पड़ती थी, भारत में अधिक समय तक रहना है तो उन्हें थाने में रजिस्ट्रेशन कराना पड़ता था, जिस कारण से उनको जो तकलीफ होती थी उनको दूर करने के लिए हमारी सरकार जो बिल लायी है, मैं उस बिल का समर्थन करता हूँ।

माननीय गृह मंत्री जी यहां बैठे हैं, मैं उनके ध्यान में एक विषय लाना चाहता हूँ। देश का जो दुर्भाग्यपूर्ण विभाजन हुआ, जिसकी चर्चा अनेक लोगों ने की है, उस विभाजन के समय हमारे जो हिन्दू भाई पाकिस्तान में रह गए थे, करोड़ों की संख्या में जो हिन्दू पाकिस्तान में थे, बांग्लादेश में थे, जिस तरह का दर्द उन्होंने सहा है और वे लोग लगातार अत्याचार और अनाचार सह रहे हैं, उसके कारण कई लोगों को बलात् धर्म परिवर्तन करना पड़ा। उन लोगों की सम्पत्ति का अतिक्रमण तो बहुत साधारण-सी चीज है। वहाँ उन लोगों की बहु-बेटियों की इज्जत भी सुरक्षित नहीं है, इस दर्द से दुःखी हो कर वे भारत में आते हैं। जो लोग अवैधानिक रूप से भारत में आते हैं, वे न जाने कैसे-कैसे तरीके अपनाकर देश की नागरिकता और देश की नागरिकता से जुड़े हुए सारे दस्तावेज हासिल कर लेते हैं, लेकिन, जो लोग पाकिस्तान से भारत आते हैं, मैं उन गरीब विस्थापितों का दर्द आपके साथ बांटना चाहता हूँ। वे लोग जो अपना सब कुछ छोड़कर पाकिस्तान से भारत में आते हैं। मैं जिस संसदीय क्षेत्र से चुन कर आया हूँ, उसके पड़ोस में ऐसा रेलवे स्टेशन है जो पाकिस्तान से भारत को जोड़ता है। जब हम उन रेलवे स्टेशनों पर आते हैं, यदि भारत का कोई आदमी विदेश से यहां आता है, दुनिया के किसी भी एयरपोर्ट पर आता है तो उसको बहुत सारी सुविधायें मिलती हैं, उसके लिए कोई सर्जन नॉर्मर्स हैं कि वह इतने मूल्य की सम्पत्ति, जो अपने साथ में पहना हुआ गहना आदि लेकर यहां आ सकता है, लेकिन जब रेलवे स्टेशन पर वे गरीब दुःखी होकर, अत्याचार और अनाचार को सहकर हिन्दुस्तान में आते हैं तब कस्टम के लोग उनकी महिलाओं का पहना हुआ सोना भी उतरवा देते हैं, उनको भी जब्त कर लिया जाता है। वे जब हिन्दुस्तान में आते हैं तो उनको सात साल तक हिन्दुस्तान की नागरिकता नहीं प्रदान की जाती है। सात साल तक उनके पास में कोई भी आइडेंटिटी पूफ भी नहीं होता है। सात साल तक वे किसी भी तरह की सम्पत्ति यहां अधिग्रहित नहीं कर सकते हैं। वे सात साल तक बिना आइडेंटिटी पूफ के कहीं भी जाकर नौकरी नहीं कर सकते हैं। वे सात साल तक दर-दर की लोकरे खाने को मजबूर रहते हैं।... (व्यवधान)

माननीय सभापति : कृपया अपनी बात को समाप्त करें।

श्री गजेन्द्र सिंह शेखावत : माननीय सभापति महोदय, मैं सिर्फ दो मिनट में अपनी बात समाप्त करना चाहता हूँ। मैं आपके साथ डेढ़-दो लाख लोगों के दर्द को आपके साथ बांट रहा हूँ। वे सात साल तक इस देश में कोई काम नहीं कर सकते हैं। उनकी आजीविका का कोई साधन नहीं है। उनके बच्चों को भीख मांगकर खाना खाने को मजबूर होना पड़ता है। ऐसे में भी सबसे कूर स्थिति उस समय होती है, जब उनके सात साल पूरे होने के बाद, उन्हें नागरिकता के लिए आवेदन करने का समय आता है। पहले उसके लिए मात्र 500 रुपये फीस हुआ करती थी, जो वे बड़ी मुश्किल से इकट्ठा

कर पाते थे।

माननीय सभापति महोदय, अब 10,000 रुपये से लेकर 15,000 रुपये तक विभिन्न आयटम्स में फीस लागू कर दी गयी है। मैं सदन का ध्यान इस ओर दिलाना चाहता हूँ, आप जय कल्पना कीजिए कि ऐसे व्यक्ति जो सात साल तक दर-दर की लोकरे खाने को मजबूर हैं, जिनके पास आजीविका का कोई भी साधन नहीं है, जिनके पास सर्दी, गर्मी और बरसात में अपने बच्चों के साथ सिर छुपाने के लिए छत नहीं है। ऐसे व्यक्तियों को रजिस्ट्रेशन के नाम पर 15,000 रुपये फीस देनी पड़ती है। ... (व्यवधान) वह दस लोगों का परिवार लेकर आता है, ... (व्यवधान) जब उससे डेढ़ लाख रुपये फीस मांगी जाती है तो वह उसका जुगाड़ नहीं कर पाता।

यहां माननीय गृह मंत्री जी विराजमान हैं। उनके सामने भी अनेक अवसरों पर इस बारे में रिप्रेजेंटेशन दिया गया। जब वे जोधपुर पधारे थे, तब भी दो-ढाई हजार लोगों ने उनके सामने यह बात रखी थी, ... (व्यवधान) मैं निवेदन करना चाहता हूँ कि सरकार को इसी बिल के साथ उन लोगों के लिए भी तुरंत प्रावधान करना चाहिए और फीस को कम करने की व्यवस्था करनी चाहिए। उन्हें तुरंत सिटिजनशिप मिलानी चाहिए। अटल जी की सरकार के समय वर्ष 2005 में जिस तरह कलैक्टर्स को पावर दी गई थी, उसी तरह की व्यवस्था इस बार फिर लागू की जाए।

मैं आपका ध्यान आकृष्ट करना चाहता हूँ कि हिन्दुस्तान ही एकमात्र ऐसी जगह है जो दुनिया में कहीं भी रहने वाले हिन्दुओं के लिए नैसर्गिक मदरलैंड है। यदि इस नैसर्गिक मदरलैंड में उसे इस तरह का कष्ट भोगना पड़ता है तो यह उचित नहीं है।

आपने मुझे बोलने का अवसर दिया, इसके लिए बहुत-बहुत धन्यवाद।

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श्री राजीव सातव (हिंगोली) : सभापति जी, आपने मुझे बोलने का मौका दिया, इसके लिए बहुत-बहुत धन्यवाद। पिछले नौ महीने से इस देश में अध्यादेशों का राज चालू है। हम अध्यादेश पर बहस कर रहे हैं। यहां आदरणीय गृह मंत्री जी बैठे हुए हैं जो हमारे वरिष्ठ नेता हैं। उन्होंने अध्यादेश के बारे में पिछले सदन में बात रखी कि एक्सट्रा आर्डिनरी सिचुएशन होनी चाहिए, अर्जेंट नैसेसिटी होनी चाहिए और अगर इमर्जीएंट एक्शन रिवायर्ड है तभी अध्यादेश निकाल सकते हैं। यह सरकार पिछले नौ महीने से काम कर रही है। आप नौ महीने से इस दुख और दर्द के बारे में बात कर रहे हैं। यह तीसरा सेशन है, आपको तीसरे सेशन में आर्डिनंस और बिल लाने की जरूरत क्यों पड़ी? आप इसे पहले सेशन में ला सकते थे, दूसरे सेशन में भी ला सकते थे। आदरणीय प्रधान मंत्री जी ने कहा था तो उसके तुरंत बाद विंटर सेशन में भी ला सकते थे, लेकिन नहीं लाए।

अभी संजय जी ने बात रखी, हमारे भाई साहब ने बात रखी। इन सब बातों का अध्ययन स्टैंडिंग कमेटी की रिपोर्ट में हुआ है। हमारे वरिष्ठ नेता, सदन के संसदीय कार्य मंत्री की अध्यक्षता में स्टैंडिंग कमेटी की रिपोर्ट बनी है। आप सबने जो बात रखी, उसके बारे में रिपोर्ट में मENTION है। हमारा सरकार से आग्रह है कि आप ये बातें लाए, बहुत अच्छा है। लेकिन अभी जो मENTION हो रहा है, क्या उसके बारे में कुछ बात हो रही है। वैकेंस्या नायडू जी ने सिटिजनशिप के बारे में यहां जो रिपोर्ट दी थी, मिनिस्ट्री और वैकेंस्या नायडू जी की अध्यक्षता वाली कमेटी ने कहा था कि सिटिजनस वर्ड नहीं होना चाहिए। क्या आज आप वैकेंस्या नायडू जी से भी सहमत नहीं हैं? अगर आप रिपोर्ट में देखेंगे तो वैस्ट पाकिस्तानी हिन्दुओं के बारे में कहा गया है कि वैस्ट पाकिस्तानी हिन्दु माइग्रेटेड फ्रॉम पाकिस्तान को सरकार को जिस तरह की मदद करनी चाहिए, वह नहीं मिली। इस बारे में इस बिल में कोई मENTION नहीं है। चकमा रिपब्लिकी, जो बंगलादेश से माइग्रेट हुए हैं, हमें अपेक्षा थी कि आप उनके बारे में कोई प्रोविजन इस बिल में लेकर आएं। रियाज दाइबल्स जो मिजोरम के हैं, वे अपने स्टेट वापिस आए, लेकिन उन्हें अभी तक वोटिंग राइट नहीं मिला है। इतना महत्वपूर्ण मामला है, लेकिन इस बारे में भी बिल में टूट-टूट कर कोई मENTION नहीं है। राज्य सभा के सदस्य श्री शांता राम नायक गोवर्धन पुर्तगीज को राइट देने के बारे में बिल लाए थे। उसके बारे में भी इस बिल में न कोई प्रोविजन है और न कोई बात हो रही है। गृह राज्य मंत्री जी का नाता अरुणाचल प्रदेश से है। जिस प्रकार अरुणाचल प्रदेश के स्टैपल चीज़ की बात होती है, उस बारे में यह सरकार क्या सोचती है, इस बारे में भी बिल में कुछ नहीं कहा गया है। नार्थ-ईस्ट में बंगलादेशी इमिग्रेंट्स के बारे में भी इस बिल में कोई मENTION नहीं है।

मैं एक प्वाइंट रैज करना चाहूंगा कि यू.पी.ए. के समय हमारी पार्टी के वरिष्ठ नेता वायलार रवि जी को ओवरसीज़ मिनिस्ट्री की जिम्मेदारी दी गई थी। हमें अपेक्षा थी कि आपकी पार्टी के वरिष्ठ नेता ओवरसीज़ मिनिस्ट्री को हैंड करेंगे। अगर मुरली मनोहर जोशी जी ओवरसीज़ मिनिस्ट्री को देखते तो लोगों को बहुत मदद मिलती। इसलिए ओवरसीज़ मिनिस्ट्री को आपने अंडरग्रेड किया, डाउनग्रेड किया। यह अच्छी बात नहीं है। मेरा आपसे आग्रह है कि ओवरसीज़ मिनिस्ट्री की ओर फिर से ध्यान देने की जरूरत है। जो प्रोसेस आप इसमें यूज़ करना चाह रहे हैं, उस प्रोसेस के संप्रतिफिकेशन के बारे में भी आपने कोई चर्चा नहीं की है। यहां पर कहा है कि spouse shall be subjected to prior security clearance from a competent authority in India. यह कितने दिन में देगा, एक महीने में देगा, छह महीने में देगा, साल भर में देगा, इस बारे में भी बिल में कोई विलयर गाइडेंस नहीं है। आपके माध्यम से आग्रह है कि आप रूल्स बनाइए, लेकिन उसे एक निश्चित टाइम फ्रेम दीजिए, पांच दिन में या 10 दिन में उनको न्याय मिलाना चाहिए। जो इश्यूज मैंने यहां पर रैज किए हैं, उनके बारे में भी आपको सोचने की जरूरत है। दो-तीन प्वाइंट्स डालकर आप बिल नहीं ला सकते हैं, इससे जुड़ी कई सारी बातों पर भी आपको ध्यान देना चाहिए।

*m14

गृह मंत्री (श्री राजनाथ सिंह) : सभापति महोदय, सम्मानीय सदस्यों ने सिटिजनशिप अमेंडमेंट बिल पर चर्चा के दौरान हिस्सा लिया, इस पर कन्वल्सिंग रिमावर्स हमारे सहयोगी श्री किरण रिज्जु द्वारा होगा, लेकिन इस बीच मैं इतना ही इंटरवीन करने के लिए खाड़ा हुआ हूँ कि कई सम्मानीय सदस्यों ने विचार करते समय बिल पर यह कहा है कि इसे ऑर्डिनंस के रूप में लाने की जरूरत क्यों पड़ी। यदि इसे बिल के रूप में लाया गया होता तो संसद के दोनों सदन में इस पर चर्चा हुई होती। इसके पहले भी मैं बता चुका हूँ कि प्रधानमंत्री जी का एक कमिंटमेंट था, जब वह यू.एस. और आस्ट्रेलिया गए थे, उसके कारण यह किया गया है। ऐसा नहीं है कि प्रधानमंत्री जी ने आर्बिट्ररी इसे कह दिया हो या मनमाने तरीके से बोल दिया हो, बल्कि एक ऐतिहासिक तिथि को ध्यान में रखते हुए यह बात कही गई थी। सम्मानीय सदस्यों को इस बात की जानकारी होगी कि महात्मा गांधी एक ऐतिहासिक महापुरुष थे। तबे समय तक दुनिया के भिन्न-भिन्न देशों में रहते हुए सर्वाधिक समय उन्होंने साउथ अफ्रीका में गुजारा था। 9 जनवरी, 1914 को वे भारत लौटे थे, वे भी एक प्रकार से प्रवासी भारतीय थे। इसके 9 जनवरी, 2015 को 100 साल पूरे हो रहे थे, इसलिए प्रधानमंत्री जी ने घोषणा की थी कि अगला प्रवासी भारतीय दिवस जब भी भारत में होगा, उस अवसर पर जो ओ.सी.आई. और पी.आई.ओ. दोनों को मर्ज करने की मांग है, सभी को ओ.सी.आई. कार्ड होल्डर बनाया जाना चाहिए, यह सुविधा आपको मुक्तकमल तौर पर उपलब्ध करा दी जाएगी। गांधीनगर में प्रवासी भारतीय दिवस 7/8 और 9 जनवरी को हुआ। 9 जनवरी को ही महात्मा गांधी के भारत लौटने के 100 वर्ष पूरे हो रहे थे। 9 जनवरी, 1914 को भारत आने के बाद उन्होंने स्वतंत्रता संग्राम में अग्रणी भूमिका निभाई। जितने भी माननीय सदस्य यहां बैठे हुए हैं, इसे सड़क रूप से स्वीकार करेंगे। श्री डम स्ट्रॉल को भारत की राजनीति में एक नया डाइमेंशन देने का यदि किसी ने काम किया था तो वह राष्ट्रपिता महात्मा गांधी ने किया था, इसीलिए उस तिथि का वयन किया गया। एक माननीय सदस्य ने कहा था कि नई सरकार का तीसरा सत्र चल रहा है, पहले में वर्यो नहीं लाए, दूसरे में वर्यो नहीं लाए, पहले सत्र में लाने का सवाल नहीं था, वर्योकि सत्र बहुत छोटा था, इसके साथ बजट भी पेश करना था। दूसरे में वर्यो नहीं लाए। यह दूसरे सत्र में ही दिसम्बर में लाया गया था, लेकिन समझाव होने के कारण यह पारित नहीं हो पाया। इस सदन का यह तीसरा सत्र प्रारंभ हुआ है, उसमें यह लाया गया है, आर्डिनंस जारी करने की जरूरत इसीलिए पड़ी। चूंकि यह कहा जा चुका था कि महात्मा गांधी के साउथ अफ्रीका से भारत आने के 100 वर्ष पूरे होने के अवसर पर आपको यह सुविधा उपलब्ध करा दी जाएगी। तब सदन का सत्र नहीं चल रहा था, इसलिए आर्डिनंस जारी करने की आवश्यकता पड़ी, मुझे इतना ही अनुरोध करना था।

*m15

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU): Sir, first of all, I would like to extend my gratitude to all the hon. Members who have participated in this very important Bill of Citizenship (Amendment) Bill, 2015. Without going into the debate on the issues related to the question raised by some of the hon. Members with regard to promulgation of the Ordinance as well the withdrawal of the earlier Bill which hon. Home Minister Rajnath Singh Ji has already clarified, I would like to highlight some of the few important points which are forming part of the provisions of this Amendment Bill and I would not be able to respond to all the queries of all the hon. Members which will take much time. So, I will touch upon some of the basic points so that it can clarify as well as satisfy the apprehensions raised by some of the hon. Members.

First of all, Deputy Speaker Sir, there are various processes for acquisition of Indian Citizenship status. It can be by birth under Section 3 of the Citizenship Act or it can be by descent under Section 4 or by registration under Section 5 or by naturalization under Section 6 of the Citizenship Act, 1955. India does not have the provisions of dual citizenship. But most of the countries, as all the hon. Members are aware, are towards the direction of providing dual citizenship status but India has not gone to that direction yet. It has been mentioned here that the contribution of the Persons of Indian Origins across the globe have made tremendous contribution to the growth of this country. We cannot undermine that.

Today, Indian diaspora is the second largest in the world, next to the Chinese diaspora. The remittance which we receive from this diaspora is the highest and it is 70 billion dollar, as hon. Member Ratna De has mentioned. You can imagine how much it means to the growth and wealth of this nation. Whenever we see the tri-colour flying outside any part of the world, on any of the occasions, whether it is a culture event, sports, whatever, we feel proud. We can admit that we have not been fully justified in giving a proper status to every Person of Indian Origin living across in more than 200 countries. This is a step towards giving and fulfilling the dreams which were set up Atal Bihari Vajpayee in 1999 that we will give all kind of status to the people having Indian Origin and here, I would like to mention that we may not be giving them a complete status of citizenship but it is very close to giving the citizenship status excepting they do not have the right of political, they do not have right to hold any official position and they can acquire properties excepting large areas of plantation and agriculture land which it has a reason which I would not like to dwell in detail here.

Some of the important matters were raised here. One was about the question why we have the discrimination against the Pakistanis and Bangladeshis? Now, this is an issue we are dealing separately. I would like to inform the hon. House that that there is a special task force which has been constituted in September itself to deal with a large numbers of migrants especially the minorities who come from Pakistan, Bangladesh. There is no discrimination towards Sri Lanka. One hon. Member has raised that why the Persons of Indian Origin in Sri Lanka were being discriminated upon. There is no discrimination in the Citizenship status. It is with regard to OCI cardholder only.

Regarding the main objective of this Bill, I can divide it into two. The first is related to the acquisition of Citizenship and the second is regarding the Overseas Citizen of India Cardholder. Now, under the Citizenship Act, 1955, there were lacuna which were found out and we have tried to meet all those lacuna and all those short comings whatever were there. But the points which were raised in this House by the hon. Members is something which is not found yet because we are not doing any kind of discrimination in the process of enacting this amendment Act.

Firstly, I would like to mention the process of registration. We have given relaxation in the provision especially after maximum of 30 days which may be in different breaks. This is a very globalized world. Anybody who stays 7 years continuously, and in the last one year, if the person has to travel to another country for any purpose, then he becomes disqualified. We have relaxed that and we have given 30 days of exemption where he can travel abroad and then he can still claim for citizenship status.

There is a process of naturalization. This process also has relaxation for a period of another 12 months again. I would like to inform the hon. House that we are making the provisions so easy that those who are entitled to become citizens of India will become but some hon. Members have raised the question of discretion. The discretion is something we are not inserting new here. This discretion is already there in the provision. In the old PIO also, this discretion was there. When the country feels that a person of extraordinary character can be given status of citizenship waiving all the provisions, it was already there. It is not that the Government will just pick up anybody and grant special citizenship status by-passing all the provisions. This is not the case. So, this provision was already available there. We are just extending it to the merged provisions of the PIO with OCI.

Some of the Sections which were there in which we are inserting new words is Overseas Citizen of India with the words 'Card Holder'. There are various provisions and I am sure hon. Members must have gone through the provisions. So, I would not like to read out the whole provisions. It involves a lot of sections.

One Section I would like to mention is that the merger of PIO with OCI was necessary because there were some of the provisions which were there in PIO were not included in OCI and some of the provisions of OCI were not part of the PIO. That is why we have merged them. Now it is known as Overseas Citizen of India Card Holder.

I would like to point out three differences. The first one was under PIO, it was up to grandchildren. Now we have included great grandchildren. Under PIO, the foreigner spouse was allowed to apply for the OCI Card. Under OCI, it was not eligible earlier. Now, it has been made eligible and the validity for 15 years has been made lifelong.

Beyond that point, I would like to make my speech very short by mentioning just 2-3 important points. There is a process for acquisition of this citizenship as well as right for application for the OCI Card holder and there is a provision for disqualification also. Any foreigner spouse, any foreigner who is married to an Indian who is an OCI Card holder, will cease to be OCI Card Holder if the principal person is disqualified or he voluntarily renounces himself to be OCI Card Holder. There are enabling provisions also.

As I have stated, all the hon. Members have raised various points. We have taken note of all the points very carefully. We are very open-minded to ensure that in implementing the provisions of this Act, there will be no case of harassment, there will be no case of unnecessarily putting to trouble our brothers and sisters of Indian origin who are living across the globe.

With that, I thank all the hon. Members who have broadly supported the provisions in this Amendment Bill without making any obstacles in passing the Bill, besides raising some of the clarifications, which I believe, with the intervention of the Home Minister and myself, I am sure, they must be satisfied. I thank the hon. House for supporting this Bill. Hereby, I seek your leave and ask the House to support in considering and passing this Bill.

16.31 hrs (Hon. Deputy Speaker *in the Chair*)

SHRI N.K. PREMACHANDRAN (KOLLAM): Thank you very much, Deputy-Speaker, Sir.

The hon. Home Minister has replied. I am not going into the details of the reply. Absolutely there was ample time so that the Bill could be introduced in the House and got passed during the Winter Session.

I am only seeking one clarification from the hon. Minister. That is a constitutional question which I have raised, that too for academic interest. I want to know this from the Government. The new amendment which is brought in is 2 (e) (e). Overseas Citizen of India Cardholder means a person registered as an Overseas Citizen of India Cardholder by the Central Government under section 7 (A). So, 'Overseas Citizen of India Cardholder' is well defined in section 7 (A). Under section 7 (A), an Overseas Citizen of India Cardholder is any person of full age and capacity; but under sub-clause 1 he is a citizen of another country. By virtue of section 5, such an OCI Cardholder can apply for registering as a citizen. My humble question to the hon. Minister is this. Please clarify to the House – because we are making a law – whether dual citizenship is permitted. To my information and knowledge, during the last UPA Government this was elaborately discussed in the Ministry and found that even the Overseas Citizen of India itself is a misnomer.

As per the Constitution of India, if a citizen acquires the citizenship of another foreign country, his citizenship lapses. That is the mandatory provision in Article 9 – person voluntarily acquiring citizenship of a foreign state not to be a citizen. The clarification which I am seeking from the hon. Minister is this. As per section 5, if an Overseas Citizen of India Cardholder is entitled to get citizenship but the Overseas Citizen of India is a citizen of another country, whether dual citizenship is permitted. If that be the case, how will that matter be answered constitutionally? This is the only specific clarification I am seeking from the hon. Minister.

*m17

SHRI KIREN RIJJU: The matter raised by the hon. Member is very clear. There is no dual citizenship provision according to our law. Anybody who is an overseas citizen of India cardholder and who wants to acquire Indian citizenship has to first renounce his status of citizenship of that another country. That is why we have inserted this status of 'cardholder' to close to being citizen but not exactly full citizen. So, to acquire citizenship we have rules laid down clearly in the Citizenship Act. For instance, he has to stay for seven years; then, the last 12 years and relaxation of 30 days; and the provision is detailed. I am sure, the hon. Member must be satisfied with that. ...(*Interruptions*)

HON. DEPUTY SPEAKER: Are you withdrawing your Resolution? Or, do you want to put it to vote?

SHRI N.K. PREMACHANDRAN: It could be put to vote. My Resolution in respect of disapproval of the Ordinance route of legislation. ...(*Interruptions*)

HON. DEPUTY SPEAKER: It is not the Ordinance. We are now talking about the Bill.

...(*Interruptions*)

HON. DEPUTY SPEAKER: The question is:

"That this House disapproves of the Citizenship (Amendment) Ordinance, 2015 (No.1 of 2015) promulgated by the President on 6th January, 2015."

The motion was negatived.

HON. DEPUTY SPEAKER: The Minister may now move that the Bill be taken into consideration.

The question is:

"That the Bill further to amend the Citizenship Act, 1955, be taken into consideration."

The motion was adopted.

HON. DEPUTY SPEAKER: Now, we shall take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 to 7 stand part of the Bill."

The motion was adopted.

Clauses 2 to 7 were added to the Bill.

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

SHRI KIREN RIJJU: I beg to move:

"That the Bill be passed."

HON. DEPUTY SPEAKER:: The question is:

"That the Bill be passed."

The motion was adopted.

*t49

Title: Statutory Resolution Regarding Disapproval of Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 and Mines and Minerals (Development and Regulation) Amendment Bill, 2015.

HON. DEPUTY SPEAKER: Now we will take up Item Nos. 14 and 15 together.

Shri C.N. Jayadevan – not present.

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, I beg to move:

"That this House disapproves of the Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 (No.3 of 2015) promulgated by the President on 12th January, 2015."

SHRI MALLIKARJUN KHARGE (GULBARGA): Sir, I want to bring to your kind notice that just like the earlier Bill, these two should not be taken up together. They should be taken up separately.

HON. DEPUTY SPEAKER: They have to be taken up together.

*m02

स्वान मंत्री तथा इस्पात मंत्री (श्री नरेन्द्र सिंह तोमर): उपाध्यक्ष महोदय, माइनिंग क्षेत्र में गति बढ़ाने के लिए, खनिज आवंटन की प्रक्रिया में पारदर्शिता लाने के लिए, खनिज कार्य को गति देने के लिए और प्रक्रिया को सरल बनाने के लिए मैं प्रस्ताव करता हूँ :

"कि खान और खनिज (विकास और विनियमन) अधिनियम, 1957 का और संशोधन करने वाले विधेयक पर विचार किया जाए, "

PROF. SAUGATA ROY (DUM DUM): Sir, I just want to raise a procedural question. Earlier, we had in the Business Advisory Committee allotted four hours for the discussion and passing of the Bill along with statutory resolution. A little earlier, the Minister of Parliamentary Affairs was saying that we must complete it today. It would neither be prudent nor possible. All the Members have come after Sunday. So, all I want to say is that let this debate start and we should adjourn by 6 o'clock and take up the Bill again tomorrow. There is no such dying compulsion of passing it today. So, I bring to your notice that the House should not continue beyond 6 o'clock.

HON. DEPUTY SPEAKER: We will decide it at 6 o'clock.

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): We can decide it at 6 o'clock but my humble plea to the House is that we have six legislations to be approved by both the Houses of Parliament before a particular date. The first part of the Session is coming to an end on 20th March. We need to discuss the Budget, Railway Budget and other issues also. Some Members have given notices on different matters. Keeping that in mind, if the Members want to have more time to discuss, they should also have patience to sit for long and complete the business. That is my request.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Two Bills have been passed today with the cooperation of the House. Two Bills have been introduced

today with the cooperation of the House. The Bills that are listed for tomorrow, as far as I understand, can be taken up tomorrow. This is a very an important Bill and every Member should get ample time to speak on this. We should not rush it through. It is because this is an Ordinance which has come in the form of a Bill covering a large area of this country. Therefore, it is for your consideration and for the consideration of the House. We are prepared for discussion.

PROF. SAUGATA ROY : As has been mentioned by the hon. Minister for Parliamentary Affairs is that the only compulsion for an Ordinance is that unless an alternate Bill is presented within six weeks of the Parliament sitting from the time of its issuance, it will deem to have lapsed. The Parliament has started on 23rd February. So, we have time till the first week of April for the six weeks to be completed. The other hurry that the Parliamentary Affairs Minister mentioned is all in his mind. Of course, we will have to discuss the Railway Budget; of course, we will have to discuss the General Budget with adequate time. Again I am saying that let today's sitting not go beyond six o'clock.

HON. DEPUTY-SPEAKER: The hon. Members may decide about it at six o'clock. We will get the sense of the House at six o'clock. Now let the debate go on.

SHRI K.C. VENUGOPAL (ALAPPUZHA): Sir, yesterday was a holiday and Members were not in a position to give amendments. At least 24 hours prior notice should be there for giving amendments. Therefore, if the Members have to be given a chance to submit their amendments, then the Bill has to be deferred till tomorrow.

HON. DEPUTY-SPEAKER: We will see at six o'clock. Let the debate start now.

SHRI TATHAGATA SATPATHY (DHENKANAL): Sir, the problem is that yesterday was a holiday. The day before yesterday there was a sitting of the House. So, let the discussion continue so that our amendments can come today.

HON. DEPUTY-SPEAKER: I cannot say anything at this stage now. At six o'clock you can say whatever you want. The House will take a decision at that time. Therefore, let the hon. Member speak now.

DR. A. SAMPATH (ATTINGAL): Sir, we have already given certain amendments this morning. It is not on account of our fault that amendments were not circulated amongst Members of the House. We have important amendments. Many of us have given amendments. But the amendments now are in the air. Nobody has got the copy of the amendments. Without the amendments it is just like bulldozing the interest of the Members. Let us have a genuine discussion in the House. We have tried our best to give certain amendments. We have given these amendments with a *bona fide* belief in this House. Take us into confidence.

HON. DEPUTY-SPEAKER: The amendments received this morning are time barred.

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): The Members had enough time to give their notices.

HON. DEPUTY-SPEAKER: The Bill was introduced on 24th February, 2015. Amendments to the Bill could have been given notice by the Members on 24th, 25th, 27th and 28th February. The amendments received this morning are time barred for today.

*m03

SHRI N.K. PREMACHANDRAN : Sir, that is why we are suggesting that for today it is time barred but if it is passed tomorrow, then our amendments will be coming...(*Interruptions*)

SHRI RAJIV PRATAP RUDY: There is no use wasting time discussing this...(*Interruptions*)

SHRI N.K. PREMACHANDRAN: Mr. Parliamentary Affairs Minister, please do not use the word 'wasting time'. I am not wasting time...(*Interruptions*)

SHRI N.K. PREMACHANDRAN: Sir, this is a very comprehensive Bill, a drastic legislation in respect of mines and minerals. This Bill seeks to have structural changes in respect of the mining sector. My first submission is that such a comprehensive legislation should never have come to the House by way of an Ordinance. It should have first come to the Parliament so that the first scrutiny should have been done by the Parliament regarding the validity and content of the Bill. That is my first submission.

This Bill is also regarding the allocation of the minerals and mining leases, classification of minerals, devolution of powers vested with the Central Government to the State Governments, simplification of procedure, formalities and regulations and also creation of two main institutions or organisations. One is the District Mineral Foundation and the other is National Mineral Exploration Trust.

Policy matters are also highlighted in the Bill. Such an important Bill having drastic effect in the mining sector should not be brought in the form of an Ordinance. It should have first come to the House so as to scrutinise the Bill regarding its validity and contents. So, we, the entire Opposition, strongly disapprove the Ordinance promulgated by the Government through His Excellency, the President of India.

Coming to the Bill, India is enriched with large mineral resources especially iron ore, bauxite, limestone and other metals but due to lack of adequate survey and exploration activities, full potential of these deposits are not known to us. You may kindly find that even now, the Government of India does not have proper statistics of the mineral deposits in the country.

I am having my own experience in my constituency, that is, in the coastal area of Kollam District and Alleppey District of Kerala. Sir, 127

million metric tonnes of heavy minerals are deposited on the coastal shore of Kerala. The valuation which is being done comes to Rs. 4, 52,250 crore. So, the value is Rs. 4,52,250 crore and 127 million metric tonnes of heavy minerals are deposited in the coastal shore of Kerala and Tamil Nadu. But, unfortunately, we are not able to explore it and not able to utilise it also. This is the statistics given by the Atomic Mineral Division of the Department of Atomic Energy which is coming directly under the Prime Minister. The portfolio of Atomic Energy comes under the hon. Prime Minister directly.

So, my submission is as follows. The State of Kerala and the Union of India are facing financial constraints. I think this is the best means to get rid of the financial stringency as huge mineral deposits are found there.

When we are having abundant resources of minerals in the coastal areas as well as parts of Odisha, Rajasthan, Andhra Pradesh and Karnataka, we are not able to explore them but, at the same time, unfortunately, illegal mining is taking place in a smooth way. Illegal mining is going on without any control and check.

Honourable Supreme Court has appointed M.B. Shah Panel so as to find out illegal mining and its repercussions. The Panel has reported that mineral wealth worth Rs. 50,000 crore have been illegally mined from the State of Odisha alone. From one State alone, minerals worth Rs. 50,000 crore have been taken away by means of illegal mining. In my State also, you may be aware of the situation. A big controversy has come up in Kanyakumari District. I do not want to name the company. From our State also, huge amounts of sand and minerals are being illegally mined and transported to the State of Tamil Nadu and they are being enriched. That company is also in big trouble.

The Government of India is not able to utilise and explore our mineral wealth. Illegal mining is going on and the mining mafia is taking advantage of all this position.

Natural resources belong to the nation and they are the national assets of the country. They are being looted by the mining mafia and they are making undue profit. In States like Goa, Karnataka and particularly Andhra Pradesh, these mining lobbies are making super normal profits and they are having high stakes in the political affairs also. Nowadays, almost all the mafias are having high stake in our political system. Democratic system is also being unduly influenced by these forces.

My point is, illegal mining has to be stopped at any cost. Secondly, uncontrolled mining is going on without giving any regard and respect to the environmental aspects, social impact assessment, without having sustainability of our environment and growth. Uncontrolled mining and illegal mining has to be contained at any cost. So, when that is the position, let us discuss whether the Mines and Minerals (Development and Regulation) Amendment Bill, 2015 and the Ordinance promulgated by His Excellency the President for and on behalf of the Government of India, is aiming to meet the ends of justice and other main issues which I have stated.

The first point in respect of the Bill is, it intends to de-regularise and liberalise the mining sector in order to encourage privatisation. That is my first opposition to the Bill. The Bill actually originates on the basis of the recommendations of the Committee constituted under Shri Anwarul Hoda, the then Planning Commission Member. A High Level Committee was constituted to review the National Mineral Policy of 1993, to review the functioning of the MMDR Act, 1957, and also to see how the procedures and formalities could be simplified to ensure smooth functioning of mining activities. These are the terms of reference of the High Level Committee headed by Shri Anwarul Hoda, the then Planning Commission Member. He had submitted the Report also. Most of the recommendations of the Hoda Committee are also in favour of privatising the mining sector, ignoring the public sector. That was the sum and substance of the recommendations of the Hoda Committee.

The National Mineral Policy was also enunciated in the year 2008, based on the recommendations of the Hoda Committee. So, in our country, you are well aware, the ownership of the minerals lies with the State. However, the Central Government is still having the control over almost all the minerals. So, the Government has promoted privatisation through all these periods, especially during the neo-liberal economic period. The private entities and private companies are given undue advantage out of the National Mineral Policy of 2008. Even the captive mines, like the iron ore and bauxite mines, are also given to most of the multi-national corporate companies, including the indigenous ones. Of course, I am not mentioning the name of any company.

According to a recent Report, which is a shocking one – prepared by the industry and not by the Government, to be specific prepared by Ernst and Young, a highly reputed firm – of the 4.9 lakh hectares of land given out in mining lease in 23 States by the end of 2009, 95 per cent of the lease, comprising 70 per cent of the land are being given to private companies. See the mining scenario in our country! The public sector undertakings are totally ignored. This is the impact of the National Mineral Policy of 2008. These are the Hoda Committee recommendations. Who is being benefited? This Bill intends to de-regularise and privatise it in a better way. That is the intention of this Bill. That is my major objection.

Coming to the profits, till recently – of course, now it has been changed, the policy on royalty has been changed – the royalty for one tonne of iron ore which was fixed by the Central Government was just Rs. 26; the extraction cost was just Rs. 250 to Rs. 300 per tonne, but the market price was Rs. 7,000, which was too high. So, the royalty was just Rs. 26 per tonne; the extraction cost was just Rs. 250 to Rs. 300; but the market price of iron ore per tonne was Rs. 7,000. Just imagine the huge profit or the abnormal profit being made by the private companies out of these mining activities. So, the very purpose of this Bill is to further de-regularise and liberalise the mining sector so that the private companies can flourish further with huge profits. That is why I strongly oppose this Bill.

Secondly, the major defect of this Mining (Amendment) Bill is that all the rights of the tribal community are not taken care of. In most of the mining areas, the interest of the people who are living there like the downtrodden, toiling masses of this country, especially the tribal community living in the mining areas, the interest of the affected people is not given any importance. In this Bill also, there is no scope for proper consultation, Nothing is being stated.

As far as the tribal community is concerned, a constitutional safeguard is given to the tribal communities. Nothing like proper consultation in respect of the stakeholders is there. Also, it is the same case in respect of the project-affected people. Really, the tribal communities are the real owners of the land. They should be recognised as the owners of the land as per the constitutional provision itself. The relevant provision in this Bill is an

onslaught on the constitutional rights of the tribal communities, in particular that of the Fifth Schedule Areas. In the Fifth Schedule Areas, in particular, the Constitution is providing the right to the tribal communities to own the land and to have a stake in the minerals. But, unfortunately, it is not being taken into consideration when you draft such a comprehensive legislation in respect of the mining sector. I am not sure and I am not an expert in respect of mining activities because I am totally unaware of it; it is strange as far as I am concerned.

When I go through the 2011 Bill, - there was a Bill at the time of the UPA Government – I find that it mandates all companies have to share 26 per cent of their net profit towards the welfare of the local people and the non-coal miners shall shell out money equivalent to the royalty. That sharing of profit with the project-affected people, for environmental sustainability, all should be taken care of but it is missing in this Bill. I am only seeking a clarification. I am not absolutely sure about it.

When the UPA Government was there, when the 26 per cent profit had to be shared with the project-affected people for the mining welfare area, then most of the industries were stringently opposing that idea. It had come to a standstill. I am very proud to say that at that time, the Chairman of Coal India had unequivocally stated that this is the Government decision and they are ready and willing to share the profit of Coal India Limited. That is the importance and significance of a public sector undertaking. In the case of mining, when it is being allowed to the public sector company or any undertaking, definitely the companies are bound by the decision of the Government. They are having social purpose. Their activities also must be based on the national interest and social perspective, not for huge profit motive alone. That is the observation the Chairman, Coal India made at that time. What happened to that decision? It is not being seen in this Bill. That is my third objection which I would like to highlight before this House.

Coming to the various provisions of the Bill, I would like to come first to the allocation of the mines. I do fully support the Government in this regard. Even if it is private or public, I do agree with the Government there is only one mode of allocation of the mining areas and that will be the auction mode. I fully agree and fully support the Government because it will definitely bring transparency. Nowadays, discretion is there. It is according to the whims and fancies of the Executive, bureaucracy or the Ministry concerned. It is not in respect of the coal block but it is in respect of the mining blocks. So, definitely allocation of mines through auction will definitely bring transparency. I do support the provision that allocation of mine must be through auction.

The strong objection I would like to take is regarding the tenure of the mining lease which is being increased from 30 years to 50 years. I have seen so many amendments to this Bill. What is the logic? What is the substantive reason so as to enhance the period of lease from 30 years to 50 years? There is no justification for that. The period of 30 years is absolutely sufficient, whether it is minor mineral or major mineral. The existing law is for 30 years of mining lease. But here it is going to be enhanced to 50 years. That is absolutely unnecessary. We are all moving the amendments. I would like to urge upon the Government of India to reconsider the position of having 50 years of lease. It means you are giving undue profit and undue benefit to the mining lease holders. So, that has to be reviewed. That is my submission before the government.

Finally, I will confine my speech to two or three points. The other point is about the District Mineral Foundation. A new organisation is going to be constituted by virtue of the new amendment.

17.00 hrs

There is a provision to establish the District Mineral Foundation to safeguard the interests of mining-affected people. It is a very good idea. Even in our area, there is a Mining Area Welfare Board and a Fund is there. My suggestion is, local people should be benefited out of the mining.

We know in beach sand mineral mining, the biggest problem we are facing is from the local population, especially from the fishermen because in the coastal areas, it is very difficult to indulge in mining as it involves many social issues. First of all, we have to satisfy the demands of the local people who are being affected by mining. So, my suggestion to the District Mineral Foundation is that this word has to be changed. Why? Because it leads to many interpretations.

What is the intention of establishment of District Mineral Foundation? I would like to suggest – why not we have a Mineral Mining Area Welfare Foundation? If it is a Mining Area Welfare Foundation, definitely, even the name of the organisation will give a message that this Foundation or the Trust or the Body is formed for the purpose of providing benefit to the poor people who are being affected by mining. This is giving many connotations. This is not going to be harmful. If the intention of the Government, if the motive of the Government is to provide benefits to the poor people who are being affected by the process of mining, my suggestion is, it may be 'Mining Area Welfare Foundation'.

Another suggestion is that during my prior discussions which have taken place in various places, it is being stated that this Foundation or the Body have mostly bureaucrats. Public Representatives should be given adequate representation in these bodies, and also those people who are affected by means of mining, they should be represented in these bodies so that their interests are protected.

Another institutional organisation is the National Mineral Exploration Fund. Here, two per cent of the royalty is being provided to the National Mineral Exploration Fund but the aims and objectives of the National Mineral Exploration Fund are not well established in the Act. I am also not aware. I am seeking clarification from the hon. Minister so that we will be educated by what is meant by the National Mineral Exploration Fund. Only two per cent of royalty is given from this National Mineral Exploration Fund. As for the District Mineral Foundation, there is a stipulation that it shall not exceed one-third of the royalty which is being given to the Government by the mining leaseholders. So, my suggestion is, it should be increased. The most affected people are the area people. If you want to safeguard the interests of those affected people, more benefits have to be given. Instead of giving huge profit and benefit to these multinational corporates in our country, why do we not give more benefits to these poor people? It should not be exceeding 50 per cent of the royalty when two per cent of royalty is given to the National Mineral Exploration Fund.

Also, I do approve the procedures in which the Central Government's approval is not required as far as mining of certain minerals are concerned.

I would like to state that mining plan should be prepared by the State Government. Here, there is devolution of powers from the Central to the State Governments. Formerly, by the existing Act, the entire responsibility and authority were vested with the Government of India. There are many difficulties in providing mining leases. First of all, we have to get the permission of the Indian Bureau of Mining for which a mining plan has to be

prepared by the Indian Bureau of Mining. The mining plan with the necessary requirements have to come from the Government of India. Then, only the State Government is able to provide mining lease according to the Mines and Minerals Development Regulation Act of 1957. The entire and absolute right is still vested with the State Government. To issue mining lease, that is not changed. I fully endorse the view.

Devolving powers upon the State Government is also correct. My apprehension is, whether the State Governments are competent to provide mining plan and whether they are competent to do all these aspects at a time by means of this immediate legislation. That is the only apprehension because this is absolutely a technical matter. It is being done by the Indian Bureau of Mining. Many procedural formalities are there. So, is it possible? Are they competent to do it? Otherwise, some other device or mechanism has to be evolved so that the State can perform well in simplifying the procedural formalities. I do appreciate that illegal mining is being made serious offence now with imprisonment up to five years. It is a good thing.

Coming to the last point in the Bill in respect of new Section 20A (i), I would like to read Clause 18 of the Bill and the amended Section 20A which states:

"Notwithstanding anything contained in this Act, the Central Government may issue such directions to the State Governments as may be required for the conservation of mineral resources or any policy matter in the national interest and for the scientific and sustainable development and exploration of mineral resources."

By means of this amendment, the Government of India is giving powers to State Governments for giving mining leases for private mining companies. But a reading of this Section makes it clear that by the right hand the Central Government is providing rights to State Governments, but by the left hand they are taking away all these rights.

My apprehension is in respect of the policy direction which can be given by the Central Government. I will cite one example and conclude. The Government of Kerala is having a Mining Policy. That Mining Policy is especially in respect of beach sand minerals, whether it is the LDF Government or the UDF Government, there is no political difference on this. Our Mining Policy is that mining leases will be given only to public sector companies. According to this Section, a policy direction can also be given by the Central Government. As far as the Mineral Policy of the Government of India is concerned, even 74 per cent foreign equity is being allowed. In the case of heavy minerals, Foreign Direct Investment is possible and privatization is possible in Tamil Nadu, in Odisha and everywhere.

As far as beach sand minerals are concerned, private entities are there and privatization is there and there is no problem. But we are not providing mining lease to private companies in Kerala and we are holding this right only by means of the Mines and Minerals (Development and Regulation) Act, 1957. That is why, Indian Rare Earths Limited, Kerala Minerals and Metals Limited, Travancore Titanium Products, all these are public sector companies. Their survival is linked to this and the interest of thousands of workers is being protected. Suppose this amendment is accepted by the passing of this Bill, I have an apprehension that the Government of India may direct State Governments to change their policy and this is against the principle of cooperative federalism which is being enunciated by the hon. Prime Minister Narendra Damodardas Modi. So, my humble submission is, this may also be looked into so as to protect the sovereign interests of the State of Kerala. They should be allowed to have their own policy so that the mining leases can be given to public sector enterprises.

With these words, I thank you very much and I stand by my Statutory Resolution disapproving this Ordinance. With these observations I conclude.

HON. DEPUTY SPEAKER: Hon. Minister, do you want to say anything with regard to the Statutory Resolution now or do you want to cover this along with the reply?

श्री नरेन्द्र सिंह तोमर : माननीय उपाध्यक्ष महोदय, मेरा अनुरोध है कि आप चर्चा प्रारम्भ रखें, जब मैं उतर दूँगा तो इसके बारे में अपनी बात कहूँगा।

HON. DEPUTY SPEAKER: Motions moved:

"That this House disapproves of the Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 (No.3 of 2015) promulgated by the President on 12th January, 2015.

AND

That the Bill further to amend the Mines and Minerals (Development and Regulation) Act, 1957, be taken into consideration."

*m04

श्री अभिषेक सिंह (राजन्दगांव) : महोदय, आपने मुझे आज माइंस एंड मिनेरल्स डेवलपमेंट एंड रेग्युलेशन अमेंडमेंट बिल, 2015 पर चर्चा का मौका दिया है, इसके लिए मैं आपको धन्यवाद देता हूँ।

महोदय, माइंस एंड मिनेरल्स को किसी भी देश की अर्थव्यवस्था की शिढ़ की हड्डी के रूप में देखा जाता है। उद्योगों के विकास की बात हो या अवसंरचना के निर्माण की बात हो या फिर देश के लिए महत्वपूर्ण सामरिक विषयों के लिए निर्माण की बात हो, देश में मैनुफैक्चरिंग सेक्टर के लिए रें मैटीरियल्स की उपलब्धता सुनिश्चित करने के लिए माइंस एंड मिनेरल्स सेक्टर एक बेहद महत्वपूर्ण भूमिका अदा करता है। आज की यह चर्चा निश्चित रूप में खनिज संसाधनों के रूप में हो रही है, लेकिन मैं सदन का ध्यान थोड़ी देर के लिए मानव संसाधन की तरफ भी आकर्षित करना चाहता हूँ। आज हमारा देश दुनिया का सबसे युवा देश है। इस देश की 50 प्रतिशत आबादी की उम्र 25 वर्ष से कम है और यह कहना भी प्रासंगिक होगा कि इस देश के युवाओं को एक सही दिशा देने के लिए, उनको रोजगार के अवसरों से जोड़ने के लिए, आदरणीय प्रधानमंत्री जी के नेतृत्व में मैनुफैक्चरिंग सेक्टर को बढ़ावा देने हुए, "मेक इन इंडिया" और "स्किल इंडिया" के माध्यम से हमारे युवाओं को रोजगार और स्वरोजगार की दिशा से जोड़ा जा रहा है।

महोदय, मैं कुछ आंकड़ों के माध्यम से आपका और सदन का ध्यान इस देश की अर्थव्यवस्था पर माइनिंग और मैन्यूफैक्चरिंग सैक्टर का जो महत्वपूर्ण योगदान है, की ओर आकर्षित करना चाहता हूँ। इस सैक्टर में लगभग 2.3 मिलियन लोग रोजगार प्राप्त करते हैं। देश की जी.डी.पी. में इस सैक्टर का योगदान 2 प्रतिशत से 2.5 प्रतिशत के आस-पास फ्लक्चुएट होता रहता है। इसके बावजूद भी माइनिंग सैक्टर का योगदान देश की जी.डी.पी. से पॉजिटिवली को-रिलेटेड है। For each incremental growth in this sector of one per cent, there is an incremental growth in the GDP of our nation of 0.3 per cent.

खनिजों के उत्पादन में भी हमारे देश को पूरे विश्व में एक विशेष स्थान मिला है। हम खनिजों के उत्पादन में ब्राइड्स टॉक और स्टेलाइट के उत्पादन में दूसरे स्थान पर हैं। हम कोल लिग्नाइट, क्रोमाइट और जिंक के उत्पादन में पूरे विश्व में तीसरे स्थान पर हैं। हम आयरन ओर के उत्पादन में चौथे स्थान पर हैं, हम मैंगनीज और बॉक्साइट ओर के उत्पादन में छठे स्थान पर हैं।

मैं आज इस चर्चा के दौरान इस सदन का ध्यान इतिहास की ओर भी ले जाना चाहता हूँ। विश्व में प्रथम ऑयल वेल ड्रिलिंग, यूनाइटेड स्टेट्स ऑफ अमेरीका में पेनिसिलवेनिया स्टेट में सन् 1859 में हुई थी। उसके मात्र 7 सालों के बाद असम क्षेत्र के डिम्बोई में भारत में पहली ऑयल वेल ड्रिल की शुरुआत हुई थी। उसके साथ-साथ हमारे देश में पहली रिफ़ाइनरी माइनिंग की परमिशन वर्ष 1774 में वेस्ट बंगाल के रानीगंज क्षेत्र में ईस्ट इंडिया कम्पनी ने एक ब्रिटिश कम्पनी को दी थी। इन आंकड़ों पर नजर डालने से यह तो स्पष्ट हो जाता है कि हमारे देश में प्रचुर मात्रा में खनिज संसाधन उपलब्ध हैं लेकिन यदि हम वर्तमान स्थिति की ओर ध्यान दें तो हमें यह समझ में आता है कि निश्चित रूप से वर्तमान स्थिति संतोषजनक नहीं कही जा सकती है।

इस सैक्टर के विकास में जो सबसे महत्वपूर्ण घटक है, वह हमारे माइनिंग के रिजॉसेज के एक्सप्लोरेशन का है। अभी आदरणीय सदस्य जी ने इस विषय पर सदन का ध्यान आकर्षित किया था। मैं इस सदन का ध्यान कुछ और आंकड़ों की तरफ आकर्षित करना चाहता हूँ। अभी तक, इस देश के हार्ड रॉक क्षेत्र का मात्र 10 प्रतिशत क्षेत्र का एक्सप्लोरेशन हुआ है। यदि हम अन्य खनिज प्रधान देशों से अपने देश की तुलना करें और यह देखें कि अन्य खनिज प्रधान देश एक्सप्लोरेशन में कितना खर्च करते हैं, विज ए विज भारत देश में खनिज के एक्सप्लोरेशन पर अभी तक कितना खर्च होता आया है। यदि हम आस्ट्रेलिया की बात करते हैं तो वह प्रति वर्ग किलोमीटर एक्सप्लोरेशन पर 124 यू.एस. डालर्स खर्च करता है। यदि हम कनाडा की बात करें तो वह प्रति वर्ग किलोमीटर एक्सप्लोरेशन पर 118 यू.एस. डालर्स खर्च करता है। अगर हम भारतवर्ष की उनसे तुलना करें तो हम मात्र 09 यू.एस. डालर्स खर्च करते हैं, इसका मतलब हम उनसे 10 गुना से भी कम खर्च करते हैं। उनके और हमारे खर्च में एक बड़ा अंतर है। कहीं न कहीं यह अंतर हम सबको बताता है कि हमारी संभावनाएँ अभी बहुत बाकी हैं। इस दिशा में मजबूत और ठोस प्रयास निश्चित रूप से होने चाहिए।

इसके साथ-साथ यदि हम खनिज की खपत को अन्य खनिज प्रभावित देशों से तुलना करें तो हम देखेंगे कि आस्ट्रेलिया में जी.डी.पी. में माइनिंग सैक्टर का योगदान 5.9 प्रतिशत है, और साउथ अफ्रीका वह में 5.03 प्रतिशत है, चिली में वह 6 प्रतिशत है, लेकिन, भारत में वह 2.6 प्रतिशत है। प्रति व्यक्ति खनिज खपत में हम बिस्व देशों की तुलना में भी सबसे पीछे हैं। अन्य देशों की तुलना के बारे में बात करना, अभी ठीक नहीं होगा।

मैं सरकार और आदरणीय मंत्री जी को बधाई देना चाहता हूँ जिन्होंने इस महत्वपूर्ण विषय को ध्यान में रखते हुए बिल में एक संशोधन किया है जिसमें नैशनल मिनेरल एक्सप्लोरेशन ट्रस्ट की स्थापना करके इस देश में एक्सप्लोरेशन एक्टिविटी को बढ़ाने का एक ठोस और मजबूत प्रयास किया है। इस ट्रस्ट में 2 प्रतिशत की रॉयल्टी आवंटित की जाएगी जिससे आने वाले समय में हम इस देश को एक्सप्लोरेशन की दिशा में तेजी से आगे बढ़ा सकें। इसके साथ-साथ एक्सप्लोरेशन को और आगे बढ़ाने के लिए बिना लाइसेंस के एक्सप्लोरेशन हो सके, उसके लिए केन्द्र सरकार कुछ संस्थाओं को अधिसूचित कर सके, ऐसा अधिकार केन्द्र सरकार ने इस बिल के माध्यम से रखा है।

यह सैक्टर पिछले कई सालों से नीतिगत अनिश्चिताओं का दंश झेल रहा था। प्रशासकीय विलंब इस सैक्टर की एक पहचान बन चुका था। यदि मैं सदन के सामने इसका एक ज्वलंत उदाहरण रखना चाहूँ तो अक्टूबर, 2014 का एक आंकड़ा आपके सामने रखना चाहता हूँ। लगभग 62 हजार आवेदन अलग-अलग राज्य सरकारों के पास किसी न किसी स्तर पर लंबित थे। जब से एन.डी.ए. सरकार ने अपना कार्यकाल संभाला है, आदरणीय नरेन्द्र मेदी जी के नेतृत्व में ट्रांसपैरेंसी, एकाउंटेबिलिटी और टाइमली डिस्मिशन मेंकिंग को मूल मंत्र बनाकर हम आगे चल रहे हैं। इसी को आधार बनाकर इस बिल में इन सिद्धान्तों की कई झलकें मिलती हैं। जैसे अभी आदरणीय सदस्य बता रहे थे कि कई ऐसे प्रवधान हैं जिनमें केन्द्र सरकार ने उन स्तरों को कम किया है। उदाहरण के लिए खनिज रियायतों के लिए पहले केन्द्र का पूर्व अनुमोदन जरूरी था जिसे अब इस प्रवधान से हटा दिया गया है। इसके साथ-साथ यह सारी प्रक्रिया एक निश्चित और डिफाइंड समय-सीमा के साथ आगे बढ़े, इसके लिए हर स्तर पर आवेदन की प्रक्रिया का निर्धारण करने के लिए एक तय समय-सीमा भी निश्चित की गई है। इसके साथ-साथ पहले माइनिंग प्लान का अनुमोदन केन्द्र सरकार द्वारा पूर्व में करना अनिवार्य था। लेकिन इस बिल के माध्यम से यदि राज्य सरकार चाहे तो माइनिंग प्लान बनाकर उसका प्रमाणिकरण करके और मौनीटरिंग की उचित व्यवस्था बनाकर यदि एक बार केन्द्र सरकार से अनुमोदन ले लेती है, उसके बाद उस राज्य में होने वाली माइनिंग उन मापदंडों के आधार पर चलती है तो इस प्रक्रिया में भी एक बहुत बड़ी छूट राज्य सरकार को केन्द्र सरकार ने दी है।

पिछले कुछ वर्षों में उत्तम न्यायालय ने प्रकृतिक संसाधनों के आवंटन पर कुछ बेहद महत्वपूर्ण फैसले किए हैं। उदाहरण के लिए 2जी स्पैक्ट्रम, सेंदूर और कोल ब्लॉक एलोकेशन। उत्तम न्यायालय ने प्रमुख रूप से फर्स्ट कम् फर्स्ट सर्व की नीति को संविधान की धारा 14 के अनुरूप न मानते हुए 218 में से 214 कोल ब्लॉक एलोकेशन रैजिल किए। 2जी स्पैक्ट्रम में 122 लाइसेंस रैजिल किए। वर्तमान सरकार और आदरणीय प्रधान मंत्री जी की पारदर्शी नीतियों एवं समयबद्ध कार्यपूराती के चलते हाल ही में पूरे देश में देखा है कि उन 214 में से 18 कोल ब्लॉक्स की नीलामी हुई है जिससे पूरे देश को आने वाले 30 सालों में एक लाख करोड़ से भी अधिक के राजस्व की प्राप्ति होगी।

इस बिल में भी इन्हीं सिद्धान्तों का पालन करते हुए यह सुनिश्चित किया गया है कि आवंटन की एकमात्र विधि नीलामी ही होगी। मैं उम्मीद करता हूँ कि सदन के सभी सदस्य इस विधि से निश्चित रूप से सहमत होंगे। मैं इस सदन के सामने 2जी का सुप्रीम कोर्ट का एक जजमेंट पढ़ना चाहता हूँ जिसमें सुप्रीम कोर्ट ने कहा था --

It says:

"In our view, a duly publicized auction conducted fairly and impartially is perhaps the best method for discharging this burden and the methods like first-come-first-served when used for alienation of natural resources/public property are likely to be misused by unscrupulous people who are only interested in gaining maximum financial benefit and have no respect for constitutional ethos or values."

इस क्षेत्र की एक और महत्वपूर्ण कमजोरी पर मैं इस सदन का ध्यान आकर्षित करना चाहता हूँ। यह सैक्टर कानून के अप्रभावी सम्पादन की वजह से लगातार परेशानियों में घिरा हुआ था। सन् 2010 में तत्कालीन यू.पी.ए. सरकार ने जस्टिस एम.बी.शाह कमीशन को इस देश में आयरन ओर और मैंगनीज ओर के अवैध खनन की जांच करने के लिए स्थापित किया था। कमीशन की रिपोर्ट ने गोवा, ओडिशा और झारखंड में अवैध खनन के कई मामलों पर देश के सामने प्रकाश डाला। इस रिपोर्ट में पर्यावरणीय नियमों के उल्लंघन, अवैध निर्यात, कर चोरी, पट्टों का अवैध हस्तांतरण और विशेष रूप से एमएमडीआर एक्ट की कई कमियों के ऊपर इस कमीशन की रिपोर्ट ने प्रकाश डाला था। एमएमडीआर की जो कमियाँ बताई गई थीं, उनके अंदर अवैध खनन की परिभाषा, अपर्याप्त जुर्माना और दंड, उसके साथ डीमड नवीनीकरण का प्रवधान, राज्यों में अवैध खनन को रोकने पर विशेष बल दिया गया था। मैं माननीय सदस्य की विंता से सहमत हूँ कि राज्यों को अवैध खनन रोकने के लिए विशेष प्रयास करना चाहिए। इसी बात को ध्यान में रखते हुए इस बिल में विशेष प्रवधान किया गया है, जिसमें अवैध खनन को दंडित करने के लिए पांच साल का कठोर कारावास और अर्धदंड पांच लाख प्रति हेक्टेयर कर दिया गया है। अवैध खनन के मामले का शीघ्र निपटान हो सके, इसके लिए राज्य सरकारों को विशेष अदालत बनाने का प्रवधान भी इस बिल में किया गया है।

कमीशन की रिपोर्ट के आधार पर उस समय कई न्यायालयों ने माइनिंग के ऊपर बैन लगा दिया था। जब इसके ऊपर बैन लगा, तब उन माइन्स में काम करने वाले लाखों लोगों के ऊपर बेरोजगारी का संकट आ गया। इससे न सिर्फ बेरोजगारी बल्कि यदि मिनेरल्स की तुलना करें तो सन 2008 में हमारे आयरन अयस्क का उत्पादन 212 मिलियन टन था, वह 2013-14 में घटकर 152

मिलियन टन आ चुका है। ऑयलन अयस्क का निर्यात 68.90 मिलियन टन था वह अब घटकर 16.50 टन आ चुका है। इससे भारत के रैं मेटेरियल सिक्यूरिटी पर असर पड़ा, बल्कि कच्चे अकाउंट डेफिसिट पर भी विपरीत प्रभाव पड़ा है। इस बिल के नए प्रावधानों से आने वाले समय में हमारे देश में अवैध खनन पर निश्चित रूप से रोक लगेगी। महोदय, मैं छत्तीसगढ़ से आता हूँ। उसकी पहचान एक खनिज संसाधनों से युक्त राज्य के रूप में होती है। हम पूरे देश में कोल उत्पादन में प्रथम हैं, आयरन अयस्क रिजर्व में तीसरे स्थान पर हैं, इसके अलावा टीन अयस्क के सिंगल प्रोड्यूसर हैं, खनन प्रभावित क्षेत्र और खनन से प्रभावित क्षेत्रों की पीड़ा को ध्यान में रखते हुए इस बिल में एक विशेष प्रावधान किया गया है। हमेशा यह बात उठती है कि विकास में स्थानीय समाज की भागीदारी को सुनिश्चित करना चाहिए। मैं आदर्शपूर्ण मंत्री जी को बधाई देना चाहता हूँ जिन्होंने प्रभावित क्षेत्र के लोगों की अपेक्षाओं को ध्यान में रखते हुए एक क्रांतिकारी कदम उठाया है, डिस्ट्रीब्यूट मीनरल फाउण्डेशन के नाम से बनाया गया है। जिसमें रायल्टी अधिकतम 33 प्रतिशत का डिस्ट्रीब्यूट मीनरल फंड में जाएगा। इस डिस्ट्रीब्यूट मीनरल फंड के माध्यम से उस क्षेत्र की अघोसंरचना के विकास में और उस क्षेत्र में जो प्रभावित लोग हैं, उनकी शिक्षा, स्वास्थ्य और उनकी जरूरतों के हिसाब से हम ठोस काम कर पाएंगे। इस पूरी चर्चा के दौरान कई अलग-अलग विषय आएंगे, अंत में, मैं कहना चाहता हूँ कि यह पूरा बिल भारत सरकार की सोच, इच्छा शक्ति और संवेदनशीलता का एक बहुत सुन्दर सम्मिश्रण है। सेक्टर की चुनौतियों और समस्याओं के समाधान, पारदर्शिता, जवाबदेही और अभिनव सोच के साथ सरकार के इस बिल का स्वागत करता हूँ। मुझे पूरा विश्वास है कि सदन के सदस्य इस ईमानदार प्रयास को सपोर्ट करेंगे और सकारात्मक एवं महत्वपूर्ण सुझावों से अपना अमूल्य सहयोग देंगे। इससे देश की प्रगति को तेज गति से आगे बढ़ने में सहायता मिलेगी। जय हिन्द।

SHRI RAJIV PRATAP RUDY: Sir, it was the maiden speech of the hon. Member, Shri Abhisekh Singh. It was a real maiden speech. He has spoken very well.

HON. DEPUTY-SPEAKER: Very good.

*m05

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Sir, I rise to dwell on the legislation named after the Mines and Minerals (Development and Regulation) Amendment Bill, 2015 preceded by an Ordinance, which has been opposed tooth and nail by my colleagues.

Actually, this Government has not let us read the Ordinances. As life cannot sustain without oxygen, the NDA Government cannot sustain without Ordinance. This has become the reality of the NDA Government.

Sir, first of all, I would like to draw the attention of the hon. Minister and also the House, through you, to this issue that this Ordinance is very much contrary to the established practice of any Parliamentary democracy. We do not know why the Government was in tearing hurry to bring this Ordinance without substantiating any valid rhyme or reason.

Apart from it, Sir, you will be perplexed to note that the Government of Odisha issued a Press Brief purporting to be the enunciation of the policy governing the mineral sector. A Resolution dated 9th January, 2015 was issued by the Steel and Mines Department, which was published in the Extraordinary Odisha Gazette dated 12th January, 2015. On the very same day, that is, on 12th January, 2015—just mark this date—the Government of India in the Ministry of Law and Justice promulgated the Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015, indicating that it shall come into force at once.

The consequence of decision making events is really intriguing and perplexing. The Mines and Minerals (Development and Regulation) Act, 1957 was a subsisting statute in exercise of powers under Entry 54 of List I to Schedule VII of the Constitution of India. In view of this, the power of the State Legislature under Entry 23 of List II to Schedule VII was a legislative field occupied by the Union Parliament and was no more available to the State Legislature. As per Article 152, subject to the provision of the Constitution, the executive power of a State shall extend to the matters with respect to which the Legislature of the State has power to make laws. The legislative field covered by the MMDR Act 1957, therefore, is not available to the State Legislature. Subsequently, the executive power of the State was also not available in the same sphere. The State Executive was, thus, bereft of any power to issue instruction in the manner it did vide its Resolution of 9th January, 2015 published in the Extraordinary Odisha Gazette on 12th January, 2015. Ironically, the Ordinance No.3 of 2015 came into effect on 12th January, 2015 making the exercise in the hands of the State Government futile and nugatory.

The above deserved analysis is a sample case to test whether we are functioning under a system of good governance because the expressions emanating from the State Government and the Central Government do not indicate any coordination, coherence or true decisional participatory deliberation. This is the glaring example of co-operative federalism propounded by the NDA Government.

Sir, in our country at least 23 States are involved in the mining sector. First of all, we have to see what the benefits are being accrued by these amendments through Ordinance. Earlier also during UPA regime a plethora of progressive and dynamic measures were incorporated in the Mines and Minerals Development Bill. In the year 2011, 26 per cent of mineral profit was earmarked for the welfare of tribals and displaced persons in the Bill that was referred to by my eminent friend Mr. Ramchandran at the behest of our beloved leader Sonia Gandhi ji. She has proposed the 26 per cent profit of mineral development to be given to the welfare and benefit of the people of catchment areas especially the tribals and displaced people.

Sir, we know that the auction that has been proposed in this legislation was the outcome of the Supreme Court verdict. So, the Government should not appropriate the credit of transparency by invoking the auction route because it was in pursuance of the Supreme Court that the Government has found no alternative but to adopt the auction route.

We are not against privatisation; we are not against FDI inflow in mineral sector because still a large swathe of our country, where we have mineral resources, are left untapped. We believe that after agriculture mineral sector could provide a great number of jobs. We need adequate resources; we need modern technology; and we need modern extraction prowess to develop the mineral sector. But the auction route, which is decided on the basis of mineralization instead of fully explored resources, as recommended by Huda Committee, will lead to distortion of the whole process with serious consequences to the Government and the buyer because the mineral market is always experiencing the wild fluctuation and the prices of minerals are always linked with the global market unlike the coal which is a banned product where prices are fixed. So, there is a wide difference between the prices of minerals and the prices of coal. Therefore, Sir, given the wild fluctuation of global prices auction will always be viewed with

suspicion.

Sir, even great mineral major of our country has termed the auction route as a retrograde step that has not been adopted anywhere in the world. Auction of prospective licence, particularly of deep seated minerals without reconnaissance is unthinkable.

Sir, you know that in this legislation, Prospecting Licence and Mineral Licence have been incorporated. Therefore, I would like to ask the hon. Minister what their planning is about reconnaissance because without having adequate data or reconnaissance, you cannot attract private investor. Without having the adequate data and survey report about the potentiality, the private investor would not come into this arena voluntarily. So, the Government should devise a way for intensified reconnaissance before going in for the auction route. There are two categories of mineral – notified and unnotified. Some minerals are found on the surface of the earth itself. They have been already included in the Fourth Schedule. I think, auction route could be more viable if you were able to provide adequate data. The Geological Survey of India and Mineral Exploration Corporation of India are having their own survey report, but no provision has been made for reconnaissance which leads to discovery of mineral deposits because India is such a country that has been bestowed with huge mineral endowments by the nature. If we are able to extract those resources optimally, then only our country could prosper.

I do not know why the public sector undertakings have been excluded from participating in the auction. We also want to see that our public sector undertakings are equally competent to the private sector.

Sir, I would like to put my suggestions before the hon. Minister. The right of first refusal should be given to the existing lessees. On transfer of mineral concessions, the ordinance states that the holders of a mining lease or prospecting licence-cum-mining lease may transfer the lease to any eligible person, with the approval of the State Government, and as specified by the Central Government. Also, so far as the lease period is concerned, mining lease was granted for a maximum of 30 years and a minimum of 20 years, but under the ordinance, the lease period for coal and lignite remains unchanged. For all minerals other than coal, lignite and atomic minerals, mining leases shall be granted for a period of 50 years. All mining leases granted for such minerals before the ordinance shall be valid for 50 years. On expiry of a lease, instead of being renewed, the lease shall be put up for auction. On the particular issue of auction, the right of first refusal should be given to the existing lessees.

I would also like to draw the attention of the hon. Minister to one thing that the Society of Geoscientists and Allied Technologies, a mining lobby body, has said that the introduction of Prospecting Licence-cum-Mining Leases, PL-cum-ML, provision in the new ordinance is meaningless without assessment of mineral deposits, to which I referred earlier. Introduction of a new concession as PL-cum-ML does not serve any useful purpose. The existing system of PL and ML is good enough. These are the comments of an Expert Committee also.

A potential mineral-bearing area was first granted for the purpose of establishing mineral contents and to assess reserve in the form of PL. Then the licence holder was eligible to get a mining lease for the said area. In the Mining Ordinance, the new provision says that henceforth PL-cum-ML will be auctioned, which will be a two-stage concession -- you have contrived this idea -- contained in one single approval. The area for PL-cum-ML will be identified by the State Government. But the problem is that the State Government does not have the resources to assess the accurate proven reserve. Hence, private players will not be interested to take part in the auction process in case of virgin mines.

Secondly, even your friendly Goa Government plans to approach the Centre on the recently notified Mining and Minerals Development and Regulation (MMDR) Amendment Ordinance. While the Ordinance has paved the way for mineral excavations after two years of no activity, State officials say it is silent on the 20 million tonnes of mineral output limit set up by the Government in April 2014.

So, here the problem is that a number of States are going against you. Even your friendly States like Goa, Karnataka, etc. are all taking exception to the various provisions incorporated in the legislation. It is even alleged by the Odisha CM that the Ordinance and the Amendment has been an infringement upon the authority of the State Government. It has been amply proved by two sections of your legislation, which I would like to read. It reads as follows :

"After section 20 of the principal Act, the following section shall be inserted, namely:-- "20A. (1) Notwithstanding anything contained in this Act, the Central Government may issue such directions to the State Governments, as may be required for the conservation of mineral resources, or on any policy matter in the national interest, and for the scientific and sustainable development and exploitation of mineral resources. (2) In particular, and without prejudice to the generality of the foregoing powers, the Central Government may also issue directions in respect of the following matters, namely:â€" (i) improvement in procedure for grant of mineral concessions â€"!"

Further, it is stated that :

"For section 30 of the principal Act, the following section shall be substituted, namely:-- "30. The Central Government may, of its own motion or on an application made within the prescribed time by an aggrieved party, â€" (a) revise any order made by a State Government or other authority in exercise of the powers conferred on it by or under this Act with respect to any mineral other than a minor mineral â€"!"

Sir, we know that this particular sector has been inflicted by looting, by plundering, and by mafia raj. So, we need to be very much circumspect because still the memory of Bellary Brothers has been haunting us. Those who are the blue-eyed boys of your Minister have virtually plundered the entire mineral resources in Karnataka. Hence, you should be very much cautious of, especially, this sector so that your legislation could not be mis-utilized by any unscrupulous elements who are sometimes allied with this Government and your Leaders. Thank you.

*m06

SHRI R.P. MARUTHARAJAA (PERAMBALUR): Hon. Deputy-Speaker, Sir, I thank the Chair for this opportunity to participate in this discussion on the

Mines and Minerals (Development and Regulation) Bill. This Bill seeks to replace the Ordinance issued by the Government. There is an urgent need to pass this Ordinance in order to address problems like decline in production affecting the manufacturing sector.

The Government states in the Statement of Objects and Reasons that improving transparency in the allocation of mineral resources will be ensured. In these two months, no auction has taken place. This Bill makes it clear that there will not be any renewal and lease in existence will be over at a specified period, and it will now be done in auction mode. If that is the case, whether it was really necessary to go in for an Ordinance at all is a natural question that comes to our mind.

The present legal framework of the MMDR Act of 1957 does not permit auctioning of mineral concessions. Now, the times have changed. The private players with new technologies are coming in. It is felt that auctioning of mineral concessions would improve transparency in allocation. The Government may also get an increased share in the value of mineral resources. Due to some provisions in the original Act, renewal of mineral concessions was delayed and the process was found wanting. As the industrial production depends on raw material provided by the mining sector, the delays led to the slowdown of our economy.

The Bill before us seeks to eliminate discretion, improve transparency, simplify procedures, eliminate delay, enhance Government's share in the value of mineral resources and attract private investment with latest technology.

The MMDR Act of 1957 has been amended several times over the years, that is, in 1972, 1986, 1994 and 1999. A comprehensive amendment Bill was introduced in Lok Sabha in 2011. The draft finalization involved extensive consultations. Even then, it was sent to the Standing Committee on Coal and Steel, which went for intense scrutiny. The Standing Committee Report came in May, 2013. Still, it could not be passed during the term of the Fifteenth Lok Sabha, and that comprehensive Bill lapsed. I mention this because we have got to be careful before enacting this law relating to mines and minerals.

The aim of this Bill is to switch over to auction method instead of renewing the licenses, but still, we have to honour the existing mining leases. So, existing lessees of captive mines will have extension up to 31st March 2030 and merchant miners till 31st March 2020. The new auctions will give a mining right for fifty years. This in a way is giving an extension of 20 years when we seek to put an end to extension regime. There is a provision in this Bill to establish District Mineral Foundation in the district affected by mining-related activities. I urge upon the Union Government to set up such foundation in districts like Perambalur that has a vast mineral potential and a negligible minor mining activity. I wish this potential is also given its due importance.

National Mineral Exploration Trust is to be created out of the contributions from the mining lease holders. The patta land holders of mining areas are now asked to apply for lease in the lease regime. This will also change to auction regime. I urge upon the Government to still consider the special status of the land owners before its being taken over and given in auction to others. There is also a question whether the mining lease holders contributing to the National Mineral Exploration Trust will try to seek either priority or exemptions in obtaining mining rights.

This Bill talks about the simplification of procedures when it comes to grant of mineral concessions in case of important minerals like iron ore, bauxite and manganese. This Bill also states that State Governments will devise a system for filling of a mining plant. At this juncture, I would like to point out the need to convert some of the major mineral mines to minor mineral mines. For instance, the limestone minerals are abundant in Perambalur district and Ariyalur district in the neighbourhood of my constituency. This needs to be converted from the major minerals category to minor minerals category.

The Central Government also has revision powers, in case State Governments fail to decide issues within the prescribed time. I urge the Union Government to see that in a cooperative federalism, we must resort to help one another and should not take away the rights.

The penal provisions for checking illegal mining is to be made stringent with a higher penalty upto 5 lakh rupees per hectare and imprisonment upto five years. It has also been stated that the State Governments will now be able to set up special courts for trial of offences under the Act.

I would like to know whether this would be given retrospective effect to strengthen the hands of States like Tamil Nadu. We already face some problems like illegal mining activities of the accomplices of the previous Government.

When mining activities are to be permitted in many parts of the country, the Government must take care to preserve invaluable fossil rocks. In our area, both in Perambalur and Ariyalur areas, we find cretaceous rocks in plenty. For the sake of preserving the heritage and the available proof of the ancient civilisation, the preservation of fossils and exhibiting them for the future generation is necessary. Our visionary leader, *Puratchi Thaliavi, Amma* has allocated Rs. 2 crore to set up a Fossil Museum in Ariyalur so that the fossil samples like petrified wood, Oottathur potatoes are exhibited for the benefit of future generation.

Karai, Therani and Kulakkantham in Perambalur district is rich in fossils and has been declared to be 'National Protected Area'. Hence, I urge upon the Centre to set up a Fossil Museum in Perambalur.

Impressing upon the Government to take care to see that our natural resources become our national wealth in reality as directed by our hon. Supreme Court, I conclude.

*m07

PROF. SAUGATA ROY (DUM DUM): Hon. Deputy Speaker, Sir, we oppose the Mines and Minerals (Development and Regulation) Bill that has been brought. Mr. Premachandran has dealt in details with his objections. I am also a signatory to the Statutory Resolution disapproving the Ordinance.

I feel the Government is actually playing with the process of legislation. First, the law was brought in 2011, then it was referred to the Standing Committee. The Standing Committee submitted its report. At that time, the Bill could not be passed because the Parliament was dissolved.

Now this Government introduced the Bill. Without any necessity, they passed an ordinance. After the ordinance, they have again come up with this Bill. I thought that this Bill which affects a large number of people in the country should be taken more seriously.

I shall point out just 3 things. In mines and minerals, there is an old Act, the 1957 Act in which there are 3 Schedules. In the first Schedule, Part-I is coal and lignite, Part-II is atomic minerals and Part-III deals with all the mines and minerals-asbestos, bauxite, chrome, copper ore, gold, iron ore, zinc, precious stones, manganese etc. In this current amendment, a new Schedule has been brought, the 4th Schedule which has taken out some of the minerals into a different consideration. They have said bauxite, iron and limestone and manganese ore are notified minerals. I want to point out that mines and minerals are very sensitive areas. The Member from Congress mentioned Bellary imbroglio in which the present ruling party was involved. The Bellary looting of iron ore caused the imprisonment of one Chief Minister of the ruling party.

SHRI RAJIV PRATAP RUDY: Sir, what does he mean by 'the ruling party was involved?' Do you permit that such statement should be made by the hon. Member without the reference and the facts? Can he clarify this? I think this should be expunged. How can he make a reference to the ruling party?

PROF. SAUGATA ROY: Nothing should be expunged. I am talking of *â€¦* who was a Minister in the Karnataka Government headed by the BJP *...(Interruptions)*. Which party did *â€¦* belong to?

SHRI RAJIV PRATAP RUDY: My only submission is, how can the hon. Member make an allegation that the ruling party was involved?

SHRI RAJIV PRATAP RUDY: Tomorrow someone can say his party is involved. So, it needs to be expunged.

PROF. SAUGATA ROY : Sir, are these manners observed in this House? The Minister stands up and starts speaking even while a Member has not finished. I am naming *â€¦* who was a BJP Minister in Karnataka, who was imprisoned and who recently got bail. So, it is a very sensitive issue. I do not want to further say which top BJP leader the *â€¦* had given hospitality during those days. I do not want to go into that. *(Interruptions)* *â€¦* What wrong have I said. Hon. Deputy Speaker Sir, you are from Tamil Nadu. You know what happened at Bellary.

HON. DEPUTY SPEAKER: When you are mentioning a particular person involved in this kind of thing, you have to substantiate it. That person is not a Member of this House. If you make any allegation against the Government, you have to give the notice on what basis you want to substantiate. Only then we will allow it, otherwise everybody will start making allegations.

PROF. SAUGATA ROY : Sir, you are very wise. All I am trying to say is, I starting by saying 'the BJP Minister' and they started shouting.

18.00 hrs

So, I named the BJP Minister. If you want, I will withdraw his name. I have not mentioned the name of the top BJP leader who enjoyed his hospitality. *...(Interruptions)*

HON. DEPUTY SPEAKER: That is another question. You have mentioned the name of one Minister. That is a different issue. If you say that some person enjoyed hospitality, that cannot be taken into consideration.

...(Interruptions)

PROF. SAUGATA ROY : I am saying this because the loot of Bellary took place. *...(Interruptions)*

HON. DEPUTY SPEAKER: Now, it is six o'clock. I want to seek the sense of the House.

...(Interruptions)

HON. DEPUTY SPEAKER: Please listen to what I say; afterwards, you can say what you want. If this House accepts the suggestion that the debate be continued further, we can continue.

...(Interruptions)

SHRI M. VENKAIAH NAIDU: Sir, I have made a request earlier. I am once again making a request. The entire country is watching us. This is a very important piece of legislation. It needs a thorough debate. Let the debate continue and let the House take a final view. In view of what I have explained earlier also, there are important legislations. We need to pass all those legislations. There is a constitutional obligation also. Keeping it in mind, I earnestly appeal to the entire House to continue the debate and complete it today. *...(Interruptions)*

HON. DEPUTY SPEAKER: Please take your seat. I will call each one.

...(Interruptions)

SHRI MALLIKARJUN KHARGE (GULBARGA): We have already passed two Bills without any interruption, without disturbing them, very calmly and quietly. Even the Parliamentary Affairs Minister is very happy because he got passed those two Bills. Today, all hon. Members are requesting him because a number of Members of Parliament have come only today. They have given notices amendments. Even if you do not co-operate, four hours' time has been given. I think, many hon. Members want to speak. You have to use your discretion to extend the time for discussion on the Bill.

HON. DEPUTY SPEAKER: Extension of time for discussion on the Bill is different; extending the time of the House is what we are considering now.

...(Interruptions)

SHRI MALLIKARJUN KHARGE: That is why I would request you to continue the debate tomorrow. Anyway, this Bill is going to be passed with your majority; whatever we want to say, we will say. Therefore, I request you humbly to adjourn the House. We will continue the discussion tomorrow. *...(Interruptions)*

SHRI P. KARUNAKARAN (KASARGOD): We are ready to co-operate with the Government to discuss the Bill. At the same time, we want to get sufficient time to give notice of amendments. As you know very well that yesterday was a holiday and day before yesterday was the Budget presentation day. ...(*Interruptions*) It is true that many of the hon. Members who were not ready may not be able to give notice of amendments. We are ready to co-operate with the Government but the Government also has to take into consideration that this Bill should be discussed in detail. ...(*Interruptions*) So, we want to get time to give notices of amendments. Otherwise, of course, we are forced to press the amendments and it will take till up to 11 o'clock. ...(*Interruptions*)

SHRI BHARTRUHARI MAHTAB (CUTTACK): Deputy-Speaker, Sir, this is a very important Bill. Its importance is magnified by the sense that the original Act is of 1957. An attempt was made by the previous Government in 2011 when a new Bill was introduced. It was sent to the Standing Committee. The Standing Committee, after deliberation, submitted its Report. ...(*Interruptions*)

HON. DEPUTY SPEAKER: What do you want? Tell us whether you want to extend. Come to the point; otherwise, the discussion can continue.

...(*Interruptions*)

HON. DEPUTY SPEAKER: It is simple; there is only one point. I want to seek the sense of the House whether we want to extend the time, as the Parliamentary Affairs Minister is requesting.

...(*Interruptions*)

SHRI BHARTRUHARI MAHTAB: We leave it to your discretion.

HON. DEPUTY SPEAKER: No speech please; I do not want any speech.

...(*Interruptions*)

SHRI BHARTRUHARI MAHTAB: Eight amendments are there, moved by Prof. Saugata Roy. ...(*Interruptions*)

HON. DEPUTY SPEAKER: That is not a discussion. Come to the point. The hon. Parliamentary Affairs Minister has requested. Since you have raised it, I am giving an opportunity.

...(*Interruptions*)

SHRI BHARTRUHARI MAHTAB: That is what I am saying. I am coming to the point. ...(*Interruptions*)

Important legislations are to be made during this Budget Sessions. This is one of the major and important legislations, which is under consideration now.

Prof. Saugata Roy has moved eight amendments. I have moved around 18 amendments and there is another amendment raised by our comrade Badaruddoza Khan....(*Interruptions*) Those are not admitted yet but these are the admitted amendments. I leave it to your discretion.

HON. DEPUTY SPEAKER: I cannot exercise my discretion. Do not embarrass me. You just tell what you want.

SHRI BHARTRUHARI MAHTAB: The Business Advisory Committee has allotted four hours for its deliberation. Every amendment will be moved separately. How much time we should give for the deliberation? The allotted four hours will be over by 8.30 p.m. If we deduct the time to be taken for moving the amendments then we will be left with little time. If we extend it beyond four hours then the House may go up to 10.30 p.m. I have a suggestion for your consideration. I will be moving my amendments individually for every clause. That will take time. This is besides whatever points the hon. Members may like to make.

HON. DEPUTY SPEAKER: You have explained your position. Now, do you want to extend the time of the House to continue with the debate?

SHRI BHARTRUHARI MAHTAB: The whole country is watching. The Press Gallery is more or less empty. I would expect if it is taken up tomorrow it will be better.

HON. DEPUTY SPEAKER: That is all I want to know.

SHRI M. VENKAI AH NAIDU: Sir, we are not making it any prestige issue. My humble submission again is, for the sake of record as well as for the sake of Members, this was not brought all of a sudden. It was, as was rightly said by the hon. Deputy Speaker, introduced on 24th February. From 24th to 28th February, we had enough time to go through it and suggest amendments. That being the case, there cannot be any reason for further postponing it.

SHRI BHARTRUHARI MAHTAB: There are 37 amendments.

SHRI M. VENKAI AH NAIDU: I am not denying it. You are not going to withdraw amendments by my requesting you. You have got every right to move your amendments as per the rules and as the Chairman permits. My only request is that there is a heavy legislative agenda. There is a constitutional obligation. Before 20th we have to get it through in the Rajya Sabha. Please understand the importance of the Bills and the need for discussion. Please cooperate and continue with the discussion. That is my plea.

HON. DEPUTY SPEAKER: What do you have to say?

SHRI MALLIKARJUN KHARGE : I would request, through you, the Parliamentary Affairs Minister – when you are repeatedly asking Members from all the Parties – to continue with the discussion tomorrow. Heavens is not going to fall.

Today, we have already passed two Bills without interruptions. The Bill piloted by the Minister of Parliamentary Affairs was passed very quickly without any discussion. Even the Citizenship (Amendment) Bill was passed. So, you can give time to this. If you do not give time the Members may agitate. So, it is better to take it tomorrow.

SHRI RAJIV PRATAP RUDY: Sir, earlier when we had the Business Advisory Committee meeting, the entire issue was discussed. Hon. Members from West Bengal made a very fervent plea to the hon. Speaker, that 5th March, which was a working day, should be declared a holiday. If you recall, you had made a request that 5th March should be declared a holiday. It was agreed too. In that case, when we are going to cut short the Session by one day we should agree to continue the sitting beyond 6.00 o'clock and complete the Business. This was agreed to in the BAC. Kharge ji was not there but Shri Scindia was there and he agreed in principle to work till late to complete the business. That is how we agreed to declare 5th March a holiday. So it was a very obvious and clear statement that it was in agreement by the House what we are asking today. It is a very important legislation and this was agreed upon. I was trying to remind what was agreed upon in the Business Advisory Committee.

Sir, you will have to take a view. It was done in front of the Speaker...(Interruptions). How can you go back on your own words? We declared a holiday for you. You want a holiday on 5th March and you do not want to work beyond 6 o'clock, how will the country accept it? On your request, Madam Speaker declared a holiday on 5th for this very purpose. Now you are saying that it is not correct. आपने खुद ही छुट्टी के लिए कहा था...(व्यवधान)

श्री एम. वेंकैया नायडू : महोदय, 5 तारीख को छुट्टी नहीं चाहिए तो ठीक है, हम लोग इसके बारे में सोच सकते हैं। If there is no need for a holiday on 5th, then we can think.

HON. DEPUTY SPEAKER: It is already announced.

SHRI M. VENKAIAH NAIDU: Two days were announced for this Bill also. Sir, I leave it to the wisdom of the House.

PROF. SAUGATA ROY: The Speaker is above the Minister for Parliamentary Affairs.

SHRI RAJIV PRATAP RUDY: Sir, how can the House be misguided again? The Speaker had agreed to declare 5th a holiday only on the submission that we would complete this business. How can he misguide the House?...(Interruptions). It was a decision of the Speaker...(Interruptions). Sir, we should continue...(Interruptions)

HON. DEPUTY SPEAKER: Please take your seat. I want to make one suggestion. We can find out some via media. I have my suggestion and it is left to you. We can continue our discussion for one more hour and afterwards we can decide. If you want to adjourn, we can adjourn at 7 o'clock. So, we can have discussion for one hour today and continue it tomorrow.

SHRI MALLIKARJUN KHARGE : Sir, in this House we sat up to 11 and even up to 12 o'clock. We also agreed to work on some other Saturday. Have we not agreed to sit on Saturday for presentation of Budget? We are also going to agree to sit some other Saturday.

SHRI M. VENKAIAH NAIDU: Normally people want more time to participate in debate and discussion. The Government is willing to sit late. What is the guarantee that tomorrow this Bill and the other two Bills will be approved? If they can agree for that, I have no problem.

HON. DEPUTY SPEAKER: I want to make one point clear. Four hours have been allotted for discussion. Now we have already discussed it for one and a half hours. If we insist on discussing it tomorrow only, then we cannot discuss it for more than two and a half hours. Within that time, all the Members have to finish. Otherwise, we can discuss it today for some more time and we can pass it tomorrow.

...(Interruptions)

HON. DEPUTY SPEAKER: I am giving a suggestion. If we have to finish it in two and a half hours, there will be a problem of accommodating all the Members who want to speak.

SHRI M. VENKAIAH NAIDU: Tomorrow, we can sit up to 9 o'clock for completing all the business. Let us now adjourn the House if it is the agreement.

You can continue up to seven o'clock, or you can adjourn it now. But tomorrow this Bill along with two other Bills have to be approved by the House. If the Members then have to sit up to seven o'clock, it is agreeable; if they have to sit up to eight o'clock, it is agreeable; if they have to sit up to nine o'clock, it is agreeable; if they have to sit up to ten o'clock, it is agreeable. The Parliament is meant to work for the people. My humble suggestion is that there are Bills and Members should give more importance to the Bills and spare their time. There are instances when the House sat till late in the night...(Interruptions)

HON. DEPUTY-SPEAKER: So, what is the sense of the House? Should we adjourn now and take up all the Bills tomorrow?

SHRI MALLIKARJUN KHARGE: Sir, can you take guarantee of the other two Bills being passed by sitting up to ten or eleven o'clock tomorrow? It is because this Parliament is meant for discussion and not for bulldozing...(Interruptions)

SHRI M. VENKAIAH NAIDU: With all your experience you must know that this Parliament is meant for debate and discussion, not to adjourn and go away and then cite some rules saying that it is six o'clock and we are all tired and things like that.

I also have come.

SHRI MALLIKARJUN KHARGE: I never said that you did not come. I have at 9.30 a.m. There was a meeting in the Central Hall. I am here since morning. I have to learn so many things from senior Members and Ministers. But at least you give sufficient time for discussion. Our only appeal is that you give sufficient time to Members. There are a number of new Members also and they are contributing a lot.

SHRI M. VENKAIAH NAIDU: Let the discussion go on. I have no problem. Let them be given enough time.

SHRI MALLIKARJUN KHARGE: Sir, it is left to you. I do not want to argue.

HON. DEPUTY-SPEAKER: It is embarrassing to me. I cannot take a decision. I have to take only the sense of the House. Generally, after six o'clock, the Chair has taken the sense of the House and the discussion continued beyond six o'clock for Zero Hour and things like that. The House has sat up to seven o'clock, eight o'clock etc. Therefore, what I suggested, whether you accept it or not, was that the time of the House can be extended for one more hour and some hon. Members can make their submissions and then tomorrow we will see. That is what I am suggesting. Tomorrow we must not rush it through. So, we can extend it for one hour to discuss the Bill.

So, the sense of the House is that Members are agreeing to extend it by one hour.

Prof. Saugata Roy, you may continue.

PROF. SAUGATA ROY: Sir, ultimately the decision of the Chair is final. I bow to your decision much against my reservation. But now I will speak on the Bill.

Sir, as I was saying, I mentioned the Bellary loot. Let me also mention the Niyamgiri incident. Niyamgiri is a hill in Odisha worshipped by the tribals. The Vedanta group wanted to set up a bauxite plant and it wanted to take the Niyamgiri hills.

HON. DEPUTY-SPEAKER: Order please. When you all have agreed for the extension of the House, you should have order in the House.

PROF. SAUGATA ROY: Exploration of mineral resources is a big public issue anywhere. As it happened in Karnataka, similarly it happened in the Niyamgiri hills in Odisha. Similarly, iron ore mining by Chowgule group and others was stopped due to the orders from the Supreme Court in Goa.

Sir, I would like to point out another point to the new Minister. The other day I want to point out that our mineral resources are in those areas where the people are the poorest. They are mostly in forest and hilly areas which are inhabited by tribals and the tribals are the poorest. So, when we are going to exploit mineral resources, we have to remember the tribals.

I was just looking at the Constitution. The tribal areas are called Schedule V areas. Most of the mineral resources are in Schedule V areas and you cannot take land in Schedule V areas without the consent of the Gram Sabhas of the tribals.

Lastly, one has to remember that the multinationals are out to exploit India's mineral wealth. They are targeting the tribal areas which is leading to conflict. The Maoist problem in Chhattisgarh, in parts of Madhya Pradesh, Maharashtra and Odisha is due to the attempt by the multinationals to take their areas for mineral exploration. So, when I look at this law, I do not look at it as a mere piece of legislation. I look at it from the point of view of the socio economic and cultural impact on the life of these poorest people.

The strange thing is that when places are mineral rich, people there are abysmally poor. No exploration and no exploitation should be allowed which does not improve the condition of the people living in those mineral areas. This should be the bedrock of all our policies on mineral exploration.

Now, let us see what the hon. Minister in this law is actually doing. There are some very dangerous elements.

One such thing is captive mines. Who owns the captive mines, particularly the iron ore mines? The Tatas own the captive mines. By this law, they are saying that the lease of those who have captive mines will be extended to 2030. The lease of merchant miners will be extended to 2020. Now, you are saying that all new leases will be fixed by auction. The leases of the Tatas, the big owners, would continue without any auction till 2030. This is what the Chief Minister of Odisha has protested against. He said to end the leases and to have free auction from the day the law is passed and nobody will object to that. So, this is something to which we object to.

The second thing which they are saying is – I have given an amendment in this regard – that all the leases fixed by auction will be for 50 years. It was always 30 years earlier. Suddenly, in order to entice multinationals into the auction process, they are saying to get the auction, and then their lease will be for 50 years. I totally oppose it. No lease should be beyond 30 years as was previously in the law.

There are some good points in the law. For instance, they have spoken of a District Mineral Board in order to look after the welfare of the people staying in the mining areas. It is a good idea. If the District Mineral Boards are truly constituted and they get a part of the royalty, then some work will be done. They have another proposal. There will be a National Mineral Exploration Board and two per cent of the royalty will be given to this. This is nothing new.

Mineral exploration has been going on scientifically in this country for more than 100 years. You know a geologist called, Pramathnath Bose, who first discovered land where the Tata Steel Plant in Jamshedpur is situated today. He founded the best iron ore mines next to it. Now, we have the Mineral Exploration Corporation of India, a public sector undertaking; we have the Indian Bureau of Mines, a Government organisation; and we have got the Geological Survey of India, which has been doing mining and prospecting for more than 150 years. So, it is not that no exploration has been done. You are suddenly saying that you are setting up a new Investment Board which will explore minerals. So, while suddenly opening up this whole sector to Indian and foreign multi-nationals, one has to keep in mind the economic aspect, the interests of the tribals and the aspect of ecology and environment as was pointed out in the case of Niyamgiri.

This law tends to make the punishment for illegal mining very strict. I fully support that. Doing illegal mining, without the approval of the Government, is a wrong thing. At the same time, the Central Government has actually not followed cooperative federalism in this law. That is why Shri Naveen Patnaik is very angry.

I will end by quoting Shri Naveen Patnaik.

HON. DEPUTY-SPEAKER: Already you have quoted it.

PROF. SAUGATA ROY: He referred to the proposed amendment to Section 30, which allows the Centre to pass an order where no order has been

made by the State within the stipulated time period. Odisha which accounts for 50 to 70 per cent of the country's production of iron ore, bauxite and chrome, is not the only State wary of this introduction of this new clause.

So, I would like to point out to the Minister that his law is a complicated piece of law. Instead of bringing an amendment law, the Minister should have brought a law afresh so that you need not have to refer to the original law every time. So, please remove this law and bring a fresh one. Let it be a comprehensive one. Let it come before the Parliament. Take care of the interests of the State, take care of the interests of the problem of the exploitation of tribals and poor people. We will all support the Bill. Thank you.

*m08

SHRI TATHAGATA SATPATHY (DHENKANAL): Mr. Deputy-Speaker, thank you. I speak on this Mines and Minerals (Development and Regulation) Amendment Bill, 2015. I start off by vehemently and strongly opposing this Bill that is totally undemocratic and goes against the interests of all the States where mines are situated.

As you know, Odisha is very rich State in terms of minerals. Probably no other State will be as badly affected as Odisha would be by this draconian MMDR Bill that has been brought forth by the NDA Government. For the information of this House, Odisha has got about a third of India's iron ore; half of bauxite; and nearly all of chromite reserves, but it has been able to explore only 13 per cent in case of iron ore and chrome ore, while for bauxite the rate of exploitation has only been a meagre three per cent. My constituency is Dhenkanal. Dhenkanal and Angul are the two districts where you find chrome and on our borders you have iron ore too because it borders Keonjhar. We have a lot of mineral-based industries operating in these two districts. I am very said to say and to admit that we have not been able to protect the interests of the people when miners and mining-based industries have moved into areas primarily dominated by tribals and the poor. They have managed to take away the lands. They have managed to take away the homestead land, agricultural land. They have pushed our people into complete penury which one has to only see to believe it. While on the one hand they promise employment, on the other hand, it is a truth that everybody is aware that employment in mining is extremely scarce and the negative impact as far as environment and health of the population goes, the index is extremely poor. The mine owners become super-rich. We have information that within a period commencing from 2001 till 2010, in-between the Beijing Olympics took place, the miners from certain Northern States of India who have been operating in Odisha amassed wealth. These are like individuals or small families. I do not wish to take their names but they are small families and individuals. They have amassed wealth which goes up to something like Rs.70,000 crore! These are individuals. The amazing fact is that all of us are aware that all this wealth that has gone to individuals actually belongs to the nation, actually belongs to those very poor people who do not have homes, who do not even have drinking water or basic medical care available to them. While working in this kind of an atmosphere, we see that this Government is in a tearing hurry and promulgating Ordinance after Ordinance. I would not like to utter more about Ordinance because a few of our hon. Leaders in this House have already spoken enough about Ordinances and how wrong that path is in the democratic process of any Parliamentary Democracy.

This Bill deals with auction of mines which, anyway, is not going to happen any time in the near future. There was no real hurry for this Ordinance. This Bill mandates proven mineralization before putting the mines up for auction. But what I understand from my State Government's Mining Department is that these provisions will prove to be detrimental as the Government says that they would not be able to have auctions for the next 2-3 years just to prove the mineralization of the mines. I very clearly understand and support the need for auctions. We have seen how coal and spectrum were not auctioned but were apportioned off and given away to favourites by the earlier Government for which they have had to change the side! Now, this Government is probably planning that like Robinhood: - "Steal from "A." and give it to "B". So, Sir, if we see this Bill in the form of amendments that has been brought forward, they are not changing the whole Bill but they are changing portions of it.

This Bill is seemingly very motivated and its intentions are definitely suspect. We would again insist that the auction process is a very good process and we support it. Yet, if seen in the context of Section IX of the Bill, the Central Government, it seems, has held on to all the powers and will describe all the parameters of the auction. This Section says that the Central Government-controlled National Mineral Exploration Trust will be exploring new mining areas. If the Central Government dictates how auctions are to be held, the State Government eventually will become a mere lease-approval authority or a simple rubber-stamp and they will take all the decisions.

A Bill that overhauls the entire framework of how we handle the mines and minerals which are vital, natural and national resources should have ideally gone through a fresh phase of negotiations and consultations with all the stakeholders, especially the State Governments. Sadly, this Government has failed to consult anybody, and it has not consulted my State Government in Odisha, which is the prime stakeholder. They talk about, like our hon. colleague has said, in big words. We are only hearing talks. At a certain point of time, I had a problem with talks. There is always a talk about cooperative federalism. We have a hon. Prime Minister, who has formerly been a three time Chief Minister, a commendable achievement; we have seen the Gujarat model, which is a great thing; and they are very happy with that. We commend it. The Chief Minister turned Prime Minister talks about cooperative federalism because as a Chief Minister he has seen the predicaments. The hon. Member has also been a Chief Minister; you have seen the predicament. The predicaments faced by a Chief Minister in running a State has to be understood by the Central authorities, which although speeches are galore, but in implementation it has failed like no one can imagine.

They are also saying that this lease extension has to be immediate because otherwise steel industries and other mines-based industries would shut shop. If that be the case, then, there is no need, as our senior colleague from the TMC said, to extend mines till 2020 or 2030 or for the next 50 years. You could have given a lease extension for six months, one year or two years or a set time frame for the State Governments to complete their base work to have auctions within that particular period of time.

The bigger question that comes to everybody's mind is the phrase of 'national interest'. What does it imply? National interest primarily has to consider the plight of the people getting directly affected by this legislation. Unless you deal with that first, then what could happen is, the phrase

`national interest' and `public good', you would be putting them at loggerheads, and it would imply that if you opt for one, you neglect the other. That should not be the mindset by which the Union Government should function.

I would also like to state that it is strange that while other countries are putting a cap on their mineral exploration, we, in India, are going all out with our mineral exploitation. We surely are not the last generation of Indians. It is said that people borrow today from their children's tomorrow. So, it is not incumbent upon us to take away every wealth hidden under the earth given by Mother Earth, given by the *Parmeshwar* to this country to steal it, to rob it and to give it over to a few individuals who are handpicked.

What prompts you to safeguard the interest of some families and, in certain cases, even individuals albeit filthy rich who have amassed huge fortunes simply by mining natural reserves that belong to the nation is not difficult to imagine? These people have purposefully neglected, oppressed and overlooked the local communities and environmental issues that have also not been addressed in this piece of legislation. I will give you one example. There are 18 mines which are pending renewal in Odisha alone and this is stuck in some judicial procedures. If the Government of Odisha could auction them, the State Exchequer, on a conservative estimate, could get something more than Rs. 5,000 crore this year. These funds can be utilised to fulfil the pressing needs of my State like providing drinking water and building pucca houses for the people.

Sir, as far as I know, our Chief Minister Shri Naveen Patnaik is probably the only Chief Minister who has been arguing, right from the beginning, that mines should be auctioned instead of increasing their lease period. On 8th February, at the meeting of the NITI Ayog, our Chief Minister urged the Centre not to extend validity of mining leases which have completed 50 years. Half-a-century of lease has been given to one individual or one individual family. This is what we have done in this country. A 50-year lease or extension is benefiting only a handful of miners who are already rich and are high income tax payers. Those who have mining leases for 50 years should share at least 30 per cent of their profit with the State. This is a demand I am making which should be a part of the Bill. That is surely a fair thing to ask for keeping the interest of the local population in mind. The Central Government should rather ask mine owners to share profits with the State.

The Bill does not cover anything on the issue of imposing cess. Should we presume that there is no change? Cess or the right to levy mineral cess is something that has gone to State Governments. Are you leaving it untouched? I am asking this question because under the Seventh Schedule of the State Subjects List in the Constitution, States are empowered to impose a cess and surcharge on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development. I would like to seek a clarification from the Government whether there is a change in this regard as Odisha has various minerals contributing to the revenue of the State in the form of cess and royalties on minerals like chromite, iron ore, manganese and bauxite. An assurance from the Minister would be welcome in this regard.

The Central Government also says that it can increase the permitted area for mining if it so requires. That means, you are not giving a level playing field. One can also be given a thousand hectares to prospect and to start mining and the Bill says that this can be done in the interest of the development of any mineral or industry. Why should you include industry? Are these captive mines or merchant mines that we are talking about? There is no clarity on that.

There is, in this Bill, a dangerous clause that says that if the State Government does not convey its approval for transfer of mining leases within a period of 90 days, it shall be considered that the State Government has no objection to such transfer. On the contrary, such clauses should rather read as, 'if the State Government does not adhere to the time limit set in the Bill, it should naturally mean that there is an objection to such transfer'.

Sir, there are very few good things which must also be mentioning in passing. The good thing about the Bill – and the only good thing unfortunately – is that the original Act of 1957 did not give any time limit for clearing applications. This Bill, in Clause 4, promotes efficiency by making it time-bound. This is appreciated. However, since the onus of clearing applications is on the State, timely non-compliance must indicate rejection and definitely not acceptance.

They have floated a National Mineral Exploration Trust. I do not know what is the motive behind this Trust. If they want to collect two per cent cess from the miners, it means apart from paying cess and royalties to the State Government, the miners have to come to their doorstep to have some sort of negotiation with the Union Government.

HON. DEPUTY SPEAKER: Kindly conclude.

SHRI TATHAGATA SATPATHY: Sir, I would seek your indulgence to give me two more minutes.

Sir, the miners have to come to Delhi and fall at their feet to pay their two per cent tax. Instead, the National Mineral Exploration Trust could be made into a not for profit Government company. The two per cent tax that they expect from the miners should be given to the State Government which can collect the two per cent tax from all the miners, deposit it in the company and the State Government will have a Director in this company not below the rank of a Director of Mines. The share of the State Government will be this 2 per cent which can be considered by the Government.

Coming back to problems, this House should be amused to note that in this country, amongst the top 10 income taxpayers, 3 are from the district of Keonjhar alone. They are the top three taxpayers. These people are not locals. They have no industry, no other business except a few mines in Keonjhar and they are the biggest taxpayers in this country. One individual's advance tax in 2010-11 was Rs. 50 crore and the total demand was Rs. 90 crore.

Keonjhar is primarily a tribal dominated district. It has no roads; it has no drinking water. It is probably one of the most backward districts of the State. Yet, you have this anachronism, this difference that some of the highest taxpayers are from that area.

Sir, ours is the only State – I wish to reiterate – which is opposing the extension of the lease while States like Goa renewed 88 mining leases before the Ordinance came into effect on January 12 this year. So they must have that prior information. By promulgating this MMDR Ordinance, the Union Government has crippled the State Government's efforts to cancel these licences resulting in a huge revenue loss to the State.

At the end, to wind up, this Bill has a lot of loopholes and ambiguities which need to be straightened out. The fact that this Government chose to introduce this Bill as an Ordinance first and then bring it to the Parliament also

speaks of how much this Government believes in cooperative federalism. Just devolution of funds to States does not indicate that you are adhering to federalism in its true spirit. When we are looking at Centre-State relationship, we should look at local issues and larger issues of national interest separately. When it involves consultation with local communities, issues should be left to the States. This Bill does not do that. Therefore, I strongly oppose this Bill.

Thank you, Sir.

*m09

श्री विनायक भाऊराव राजत (रत्नागिरी-सिंधुदुर्ग) : उपाध्यक्ष महोदय, मैं खान और खनिज संशोधन विधेयक, 2015 का समर्थन करने के लिए खड़ा हुआ हूँ। खनिज धरती माता की एक देन है, लेकिन दुर्भाग्य से देश के कई लोगों ने इस देन को खाने की कोशिश की, जिसका दुष्परिणाम धरती माता के बाकी लोगों पर होने लगा। इस कारण कई अनियमितताएं हुईं और जो अनियमित काम थे, उनमें सरलता लाने की कोशिश केन्द्र सरकार इस विधेयक के माध्यम से कर रही है।

खान और खनिज विधेयक के माध्यम से सरकार छः अलग-अलग तरह के निर्बंध और सुझाव लाने की कोशिश कर रही है और वे आवश्यक भी हैं। लेकिन यह विधेयक मंजूर करना जितना आवश्यक है, इसमें उतनी ही कई शंकाएं हैं, सुझाव हैं। मैं माननीय मंत्री महोदय से विनती करना चाहूंगा कि वे इसका स्पष्टीकरण भी अपने उत्तर में देने की कोशिश करें। केन्द्र सरकार ने विवेकाधिकार के उन्मूलन के माध्यम से अपनी भूमिका स्पष्ट की है कि वह खनिज और खान की रियासत पदान करने के लिए आगे जो प्रोसीजर इम्प्लीमेंट करने वाली है, उसमें पारदर्शिता के लिए वह एक टैंडर सिस्टम लाने की कोशिश कर रही है। मेरा कहना है कि पर्यावरण की रक्षा के लिए जिस जिले को ईको सेंसिटिव कहा गया, वहां 67 माइन्स डिवलेयर कर दीं। इसमें कई माइन्स हैं, जिनका एरिया एक ही आदमी को अलग-अलग जगह दिया गया है। दौड़ा मार्ग में कलन्ने माइनिंग * को दी गई। दौड़ा मार्ग सावंतवाड़ी में सटैल्टी माइन भी * को दे चुके हैं, रेड़ी माइनिंग बहुत बड़े एरिया में है, इसे भी * को दे चुके हैं, एक ही आदमी को वर्षों से सारी माइनिंग दी गई है, इस पर किसी का कंट्रोल नहीं है।

HON. DEPUTY SPEAKER: Whatever names mentioned by the hon. Member must be expunged.

श्री विनायक भाऊराव राजत: महोदय, एरिया लोकेट कौन करेगा? आइडेंटिफिकेशन कौन करेगा? जो भी प्रोसेच्यूर पार्टी आने आती है, वह सही तरीके से लोकेट हो रहा है या नहीं, इसे सर्टिफाई कौन करेगा? माइन का एरिया डिवलेयर करने के लिए पब्लिक हियरिंग होनी चाहिए, जनता की सुनवाई होनी चाहिए कि कौन सा एरिया, कितना एरिया, कितने वर्षों के लिए दिया जाना चाहिए। इस बिल में 50 वर्षों का टाइम फ्रेम किया गया है। मैं पूछना चाहता हूँ कि जो एरिया डिवलेयर किया जाए, आइडेंटिफाई किया जाए, अगर 10 या 15 वर्ष में ही माइन में एक्सप्लोर करने की ही कैपिसिटी हुई तो वह अगले साल क्या करेगा? सावंतवाड़ी में सटैल्टी माइन के लिए जितना एरिया सरकार ने दिया है, उससे भी आगे जाकर लोगों की जमीन लेने की कोशिश की जाती है। लोग कोर्ट में न जाएं, इसलिए एडवांस में ही उनको रोकने की कोशिश की जाती है। मैं बहुत ही गंभीर पूछना सामने ला रहा हूँ, इसलिए मुझे बोलने के लिए थोड़ा वक्त और दिया जाए।

तीसरा मुद्दा प्रभावित व्यक्तियों के हितों के लिए सुरक्षा उपाय का है। बिल में खनन संबंधी कार्यकलापों से प्रभावित जिलों में खनन, स्थापन करने का प्रावधान है। दुर्भाग्य से महाराष्ट्र के जिले भी जिले माइनिंग से प्रभावित हैं, लोगों को समस्या और परेशानी के बारे में किसी को कम्प्लेंट करने के लिए नागपुर जाना पड़ता है। मेरा सुझाव है कि जिस एरिया में माइनिंग होती है, वहां डिपार्टमेंट का कार्यालय होना चाहिए, ताकि वहां के लोग समस्या के संबंध में उनके पास जा सकें। इसमें एक अच्छी बात दी गई है कि जिला खनन स्थापन के बाद माइनिंग के माध्यम से जो भी निधि मिलेगी, उसका इस्तेमाल जिले के लिए हो सकता है, चैलेंज के लिए इस्तेमाल हो सकता है। सिंधुदुर्ग में आठ या दस माइन्स हैं, आयरन और बॉक्साइट माइन्स हैं, लेकिन माइन्स के माध्यम से जो सी.एस.आर. फंड मिलता है, वह जिले के लिए कितना खर्च हुआ, कितना फंड जमा हुआ, किस आइटम पर खर्च हुआ, इसके बारे में आज तक कुछ पता नहीं है। कुछ लोग आस पास के इलाकों में जाकर नोटबुक बांटते हैं, छतरी बांटते हैं और फंड को सूटीलाइज करके कलैक्टर के पास रिपोर्ट सबमिट करते हैं। मेरा माननीय मंत्री जी से निवेदन है कि इसकी मानिट्रिंग के लिए जो भी जिला कमेटी तैयार की जाए, उसमें वहां के सांसद को भी नियुक्त किया जाए, ताकि मानिट्रिंग सही हो सके।

मैं एक अंतिम बात बताना चाहता हूँ। भविष्य में चाहे आयरन-ओर की माइनिंग हो या बॉक्साइट की माइनिंग हो, सरकार जब किसी को देखने के लिए जाएगी तो उसकी प्रक्रिया पूरी तरह से पारदर्शी होनी चाहिए। इसके पहले जैसे एक ही व्यक्ति को अलग-अलग माइन दी गयी है, उनको रिवोक करना चाहिए और ऑक्शन के माध्यम से भविष्य में माइनिंग से संबंधित एलॉटमेंट होनी चाहिए, यह मैं विनती करता हूँ और साथ ही मैं इस विधेयक का अनुमोदन करता हूँ।

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SHRI MUTHAMSETTI SRINIVASA RAO (AVANTHI) (ANAKAPALLI): Thank you, hon. Deputy-Speaker, Sir, for giving me this opportunity to speak in this august House.

I rise here to support the Mines and Minerals (Development and Regulation) Amendment Bill, 2015. The NDA Government has taken appropriate steps to promulgate an Ordinance on this issue.

Sir, this Bill is designed to put in place mechanism for (i) improved transparency in the allocation of mineral resources; (ii) obtaining for the Government its fair share of the value of such resources; (iii) attractive private investment and the latest technology; and (iv) eliminating delay in administration, so as to enable expeditious and optimum development of the mineral resources of this country

India is well endowed in terms of most minerals. The country produces as many as 87 minerals including four fuel minerals, 10 metallic minerals, 47 non-metallic minerals, three atomic minerals and 23 minor minerals including building and other materials. The mining sector, therefore, is one of the important sectors in India's economy and contributes about two per cent to our GDP. However over the years, the Indian Mines and Mineral Industry is passing through a critical phase by witness a negative growth.

The Mines and Minerals (Development and Regulation) Act, 1957 regulates the mining sector in India and specifies the requirement for obtaining and granting mining leases for mining operations.

To address the emerging problems in the mining industry, the Government has promulgated an Ordinance. Although the Mines and Minerals (Development and Regulation) Act, 1957 has been amended several times to bring transparency and high efficiency in the field of mining sector yet several scams were witnessed. In the last few years, a large number of new mining leases granted in the country, have fallen substantially. Along side, second and subsequent renewals have also been affected by the court judgments, which led to depend upon import of minerals.

The present Bill brings the transparency in mining sector through auction method. The Bill also intends to remove discretion in grant of mineral concessions. All mineral concessions are granted by the respective State Governments. They will continue to do so but all grant of mineral concessions would be through auctions, thereby, bringing in greater transparency and removing of discretion, which is laudable.

The Bill also proposes to set up a National Mineral Exploration Trust created out of contributions from the mining leaseholders in order to have a dedicated fund for encouraging exploration in the country. So, I would urge upon the hon. Minister to clarify as to how much fund will be created for this purpose.

In this context, I wish to bring it to the notice of the hon. Minister that we have a steel plant in Visakhapatnam District and for this plant, we are getting mines on par with the private mine leaseholders. As this is a public sector company, I would request the hon. Minister to please provide the required captive mines to the Vizag Steel Plant with a reasonable price.

19.00 hrs

Recently, the Government has opened the bidding for the initial lot of 21 coal mines. I am happy to note that the offers have already crossed Rs.80,000 crore. The bulk of it will be going to the six key coal-bearing States of Madhya Pradesh, Chhattisgarh, West Bengal, Odisha, Maharashtra and Jharkhand. The rest of the money will come as royalty over the life time of these mines. ...(*Interruptions*) So, the States need funds. This money has come to the States as a blessing.

When the C&AG predicted that the Government had lost huge revenue on account of allotting coal blocks according to the whims and fancies of the UPA Government, my friends in the Opposition had criticized him. When the bids received more than Rs.80,000 crore, Mr. Vinod Rai has had the last laugh.

I congratulate the entire Government for taking this transparent and innovative step. The NDA Government is committed to eradicating corruption. In a way, coal scam is also one of the reasons for the UPA Government to lose power in the last elections.

Our friends were speaking about the mining Mafia. Mining Mafia is not only in the State of Karnataka but it is everywhere. It is in Andhra Pradesh, Bihar, Chhattisgarh everywhere it is there. Only in this country people are earning Rs.1 lakh crore assets within a span of five years or 10 years. That has happened in Andhra Pradesh. In Andhra Pradesh, many of our great leaders were jailed for that. That is why, I appeal to all the Parties to keep this in mind that this is a national asset. This is nobody's asset. Of course, sometimes this side may rule; sometimes that side may rule. I request this august House that it is our responsibility to protect the national assets for the future generations. I also request that we should have a long-term plan, and not only short-term plans. Our learned friends have already told the House that at least we should reserve some mines for our future generations. So, we should not give permission to loot everything in the whole country. Even for that matter, we can learn lessons from China. Even though China is having a lot of mines, they have banned the exploration of mines and they are importing from other countries like India. But unfortunately, in our country in the 10 years of one Government's rule, they had given the permission...(*Interruptions*) Everybody knows that. They are responsible for losing national assets worth lakhs of crores of rupees. At least, the NDA Government should not repeat the same mistake.

Of course, our Chandrababu Naidu's Telugu Desam Party is not against privatization. But we have both advantage and disadvantage of privatization, globalization and liberalization. I would request the NDA Government to please try to minimize privatization and encourage Public Sector Undertakings/Companies and protect our national assets for the future generation because when development is required, welfare is also required. In any Government, we have to balance both the things. Then only our future generation will be safe.

Anyhow, since nine months the NDA Government has been doing extremely good without any corruption. I request the hon. Prime Minister and other Ministers to please continue the same even in the coming days, in the future, so that the nation will appreciate us. People will have some respect and confidence in the democratic and political system. We should eradicate corruption. Every Member of this House should take a strict oath to eradicate corruption.

I also urge upon the Government to please bring in stringent rules against those who are illegally excavating minerals and mines. They are simply going to jail for 3-4 years and then they are coming back. Then, they are enjoying the power. They are having their own Parties. They are having their own media and they are also teaching moral lessons to all of us. At least, we should also make a law against all these criminals so that they should not be eligible to contest either Parliament or Assembly elections. Then only we can stop corruption. I thank you Sir for giving me this opportunity.

HON. DEPUTY SPEAKER: The House stands adjourned to meet tomorrow, the 3rd March, 2015 at 11 a.m.

19.05 hrs

The Lok Sabha then adjourned till Eleven of the Clock

on Tuesday, March 3, 2015/Phalguna 12, 1936 (Saka).

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