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Title: Combined discussion on motion for consideration of Statutory Resolution regarding Disapproval of Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 and Mines and Minerals (Development and Regulation) Amendment Bill, 2015 (Discussion Not Concluded).

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 12<sup>th</sup> 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.

**खान 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 20<sup>th</sup> 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 23<sup>rd</sup> 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 24<sup>th</sup> February, 2015. Amendments to the Bill could have been given notice by the Members on 24<sup>th</sup>, 25<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> February. The amendments received this morning are time barred for today.

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 कदूँगा।

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 12<sup>th</sup> January, 2015.

AND

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

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

महोदय, माइंस एंड मिनरल्स को किसी भी देश की अर्थव्यवस्था की रीढ़ 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 मैन्यूफैक्चरिंग सेक्टर के लिए रॉ मैटीरियल्स की उपलब्धता सुनिश्चित करने के लिए माइंस एंड मिनरल्स 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 प्रसंगिक होगा कि इस देश के युवाओं को एक सही दिशा देने के लिए, उनको रोजगार के अवसरों से जोड़ने के लिए, आदर्शपूर्ण प्रधानमंत्री जी के नेतृत्व में मैन्यूफैक्चरिंग सेक्टर को बढ़ावा देते हुए, "मेक इन इंडिया" और "स्मिल्ट 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 सेक्टर का जो महत्वपूर्ण योगदान है, की ओर आकर्षित करना चाहता हूँ। इस सेक्टर में लगभग 2.3 मिलियन लोग रोजगार प्राप्त करते हैं। देश की जी.डी.पी. में इस सेक्टर का योगदान 2 प्रतिशत से 2.5 प्रतिशत के आस-पास फ्लक्चुएट होता रहता है। इसके बावजूद भी माइनिंग सेक्टर का योगदान देश की जी.डी.पी. से पॉजिटिव को-रिलैटेड 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 बराइट्स 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 अमेरिका 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 रिफॉर्डेड माइनिंग की परमिशन वर्ष 1774 में वेस्ट बंगाल के रानीगंज क्षेत्र में ईस्ट इंडिया कंपनी ने एक ब्रिटिश कंपनी 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 सेक्टर के विकास में जो सबसे महत्वपूर्ण घटक है, वह हमारे माइनिंग के रिजॉसेज के एक्सप्लोरेशन का है। अभी आदर्शपूर्ण 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 संभावनायें 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 सेक्टर का योगदान 5.9 प्रतिशत है, और साथ ही 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 आदर्श 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 रेंटलटी आवोजित 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 सेक्टर पिछले कई सालों से नीतिगत अनिश्चिताओं का दंश झेल रहा था। प्रशासकीय विलंब इस सेक्टर 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, आदर्श मंत्री 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 आदर्श मंत्री सदस्य बता रहे थे कि कई ऐसे प्रावधान हैं जिनमें केन्द्र सरकार ने उन स्तरों को कम किया है। उदाहरण के लिए खनिज रियायतों के लिए पहले केन्द्र का पूर्ण अनुमोदन जरूरी था जिसे अब इस प्रावधान 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 पूर्ण में कराना अनिवार्य था। लेकिन इस बिल के माध्यम से यदि राज्य सरकार चाहे तो माइनिंग प्लान बनाकर उसका प्रमाणिकरण करके और मॉनीटरिंग 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 प्राकृतिक 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 रैफिसिल किए। 2जी स्पैक्ट्रम में 122 लाइसेंस रैफिसिल किए। वर्तमान सरकार और आदर्श मंत्री जी की पारदर्शी नीतियों एवं समयबद्ध कार्यप्रणाली के चलते हाल ही में पूरे देश ने देखा है कि उन 214 में से 18 कोल ब्लॉक्स की नीतामी 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 नीतामी 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 सेक्टर कानून के अप्रभावी सम्पादन की वजह से लगातार पेशानियों में घिसा हुआ था। सन् 2010 में तत्कालीन यूपी.ए. सरकार ने जस्टिस एम.बी.शाह कमीशन को इस देश में आयर्न ओर और मैंगनीज़ ओर के अवैध खनन की जांच करने के लिए स्थापित किया था। कमीशन की रिपोर्ट ने गोवा, ओड़िसा 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 कमियां बताई गई थीं, उनके अंदर अवैध खनन की परिभाषा, अपर्याप्त जुर्माना और दंड, उसके साथ डीड नवीनीकरण का प्रावधान, 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 प्रावधान 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 निपटारा हो सके, इसके लिए राज्य सरकारों को विशेष अदालत बनाने का प्रावधान 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 माइंस 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 ऑयर्न अयस्क का उत्पादन 212 मिलियन टन था, वह 2013-14 में घटकर 152 मिलियन टन आ चुका है। ऑयर्न अयस्क का निर्यात 68.90 मिलियन टन था वह अब घटकर 16.50 टन आ चुका है। इससे भारत के रॉ मेटेरियल सिक्कुरिटी 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, आयर्न अयस्क रिजर्व में तीसरे स्थान पर हैं, इसके अलावा तीन 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 आदर्श 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 मीनेरल फाउन्डेशन के नाम से बनाया गया है। जिसमें सालाना अधिकतम 33 प्रतिशत का डिस्ट्रीब्यूट मीनेरल फंड में जाएगा। इस डिस्ट्रीब्यूट मीनेरल फंड के माध्यम से उस क्षेत्र की अद्योसंरचना 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.

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 9<sup>th</sup> January, 2015 was issued by the Steel and Mines Department, which was published in the Extraordinary Odisha Gazette dated 12<sup>th</sup> January, 2015. On the very same day, that is, on 12<sup>th</sup> 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 9<sup>th</sup> January, 2015 published in the Extraordinary Odisha Gazette on 12<sup>th</sup> January, 2015. Ironically, the Ordinance No.3 of 2015 came into effect on 12<sup>th</sup> 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.

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 31<sup>st</sup> March 2030 and merchant miners till 31<sup>st</sup> 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 Kulakkanatham 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.

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 4<sup>th</sup> 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. VENKAIAH 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 24<sup>th</sup> February. From 24<sup>th</sup> to 28<sup>th</sup> 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. VENKAIAH 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 20<sup>th</sup> 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 5<sup>th</sup> March, which was a working day, should be declared a holiday. If you recall, you had made a request that 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup>, 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 5<sup>th</sup> 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 minerally 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.

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 sad 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 8<sup>th</sup> 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.

**श्री विनायक भाऊराव राऊत (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 अनियमितताएँ 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 शंकाएँ हैं, सुझाव हैं। मैं माननीय मंत्री महोदय से विनती करना चाहूँगा 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 प्रदान करने के लिए आगे जो प्रोजेक्टर इम्प्लीमेंट करने वाली है, उसमें पारदर्शिता के लिए वह एक टेंडर सिस्टम लाने की कोशिश कर रही है। मेरा कहना है कि पर्यावरण की रक्षा के लिए जिस जिले को ईको सेंसिटिव कहा गया, वहाँ 67 माइन्स डिवलेयर कर दीं। इसमें कई माइन्स हैं, जिनका एरिया एक ही आदमी को अलग-अलग जगह दिया गया है। दौड़ा मार्ग में कलन्वै माइनिंग \* को दी गई। दौड़ा मार्ग सावंतवाड़ी में सटैल्ती 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 राऊत:** महोदय, एरिया लोकेट कौन करेगा? आइडेंटिफिकेशन कौन करेगा? जो भी प्रइवेट 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 डिस्चरिज 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 सटैली 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 पृष्ठ 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, वैलफेयर 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 यूटीलाइज 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।

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 3<sup>rd</sup> 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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