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title: Mines and Minerals (Development And Regulation) Amendment Bill, 2015-Contd.

HON. SPEAKER: Now, there are amendments made by Rajya Sabha for consideration in the Mines and Minerals (Development and Regulation) Amendment Bill, 2015. Hon. Minister Shri Narendra Singh Tomar may move the amendments.

THE MINISTER OF MINES AND MINISTER OF STEEL (SHRI NARENDRA SINGH TOMAR): I beg to move:

"That the following amendments made by Rajya Sabha in the Bill further to amend the Mines and Minerals (Development and Regulation) Amendment Act, 1957, be taken into consideration:-"

Clause 9

	1.	That at page 4, for lines 31 to 35, the following be substituted , namely:-
40 of 1996.		"(4) The State Government while making rules under sub-sections (2) and (3) shall be guided by the provisions contained in article 244 read with Fifth and Sixth Schedule to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the administration of the Scheduled Areas and Tribal Areas and the Provisions of the Panchyats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
2 of 2007.		(5) The holder of a mining lease or a prospecting license-cum-mining lease granted on or after the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 shall, in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount which is equivalent to such percentage of the royalty paid in terms of the Second Schedule, not exceeding one-third of such royalty, as may be prescribed by the Central Government.
		(6) The holder of a mining lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount not exceeding the royalty paid in terms of the Second Schedule in such manner and subject to the categorisation of the mining leases and the amounts payable by the various categories of lease holders, as may be prescribed by the Central Government."

Clause 14

	2	That at page 8, line 35, for the word, bracket and figure "sub-section (4)", the words, brackets and figures "sub-sections (5) and (6)" be substituted .
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Clause 15

	3	That at page 9, line 18, after the words "shall work", the words "for the interest and benefit of persons and areas affected by mining" be inserted ."
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HON. SPEAKER: Motion moved:

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HON. SPEAKER: Shri N.K. Premachandran, are you moving your amendment No. 1 to Clause 15?

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

"for"for the interest"

substitute "exclusively for the interest"." (1)

Madam, I would like to support the amendments made by Rajya Sabha subject to certain minor reservations or minor amendments.

Madam, it is quite unfortunate and also strange that we, during the debate in Lok Sabha, have raised so many important amendments. More or less, similar amendments have been moved by us but unfortunately the Government has killed all those amendments without showing any mercy to us. Here, two amendments have been brought by Rajya Sabha.

The first Amendment is relating to Clause 9. At the time of initiating the debate, I had raised a point that this is affecting the constitutional rights of the tribal people which are provided under Article 244, Schedules V and VI. This right has been taken away by means of this legislation. That has to be taken care of. This was the point which I had made at the time of initiating the discussion in the Lok Sabha. Unfortunately, the Government did not care to hear the words from the Opposition. We have also moved amendments but they have not been carried out by the Government.

I do appreciate that, at least, in the elders' House, the Rajya Sabha, the Government has conceded to the demands of the elders. My submission to the hon. Minister as well as to the Government is that please consider to the harmless amendments that are being made from the Opposition side in Lok Sabha. That is my appeal to the Government.

The second amendment is regarding the 'District Mineral Foundation'. Madam, you may be remembering that I had moved an amendment in this respect that the nomenclature of 'District Mineral Foundation' has to be changed as the 'District Mining Welfare Foundation'. That was my amendment. My amendment was with a *bona fide* intention. My *bona fide* intention is that this Foundation should 'exclusively be for the benefit and interest' of the people who are affected by means of mining. That was the amendment. But unfortunately, it had not been taken care of.

Now, in Rajya Sabha, this amendment has come to Clause 15 of the Bill. You may kindly see this Clause. According to their wisdom, they have made an amendment to Clause 15, Clause 4, Sub-Clause (a), the manner in which the District Mineral Foundation shall work for the interest and benefit of persons and areas affected by mining. So, that has become more specific and clear.

The amendment that I am moving is that the word 'exclusively' may also be added immediately after 'shall work'. I know that there is a difficulty in carrying out this amendment. Again it has to go to the Rajya Sabha. I know that. But, at least, for our personal satisfaction and for making it on record, we are moving this amendment. As per the amendment, it should come in such a way, 'the manner in which the District Mineral Foundation shall work 'exclusively' for the interest and benefits and areas affected by mining.' That is my amendment. It is also a harmless amendment. I am moving my amendment. Thank you very much for giving me this opportunity.

श्री मल्लिकार्जुन खड़गे (गुलबर्गा) : मैडम, मुझे इसमें ज्यादा कुछ नहीं बोलना है क्योंकि अगर हम ना भी कहेंगे तब भी पास होने वाला है, अगर हाँ भी कहेंगे तब भी पास होने वाला है। ... (व्यवधान) जेटली साहब उठ कर चले गए, वे आए तभी मैं जल्दी यहां पर आया। उन्होंने यहां पर एक बात बताई थी कि ऐसे जो बिल आ रहे हैं, उनको आप सदन में पास नहीं कर रहे हैं, एक ऑब्स्ट्रक्शन बने हैं यानि रूकावट बने हैं। इस पर मैं उनको याद दिलाना चाहता हूँ और नायडू साहब को तो जल्दी से याद आता है क्योंकि वे जल्दी रिएक्ट कर देते हैं।

Shri Arun Jaitley-ji on January, 13, 2011 in Ranchi said that 'obstruction in Parliament is not undemocratic.' He said: "Parliament's job is to conduct discussions but many times, Parliament is used to ignore issues; and in such situations, obstruction of Parliament is in favour of democracy. Therefore, parliamentary obstruction is not undemocratic.'

यह आपने ही कहा था। जब हमने उनके सामने रखा, तब उन्होंने कहा कि आप डिटेल्स के लिए ऑब्स्ट्रक्शन बने हैं। अगर आपने समय दिया तो मैं पढ़ता हूँ कि उन्होंने कितने बिलों का विशेष किया है और कितना टाईम उन्होंने खराब किया। हम फॉर्च्युनेट हैं कि आपके जमाने में कम से कम 125 पर्सेंट काम हो रहा है। उस वक्त तो आपने 30 पर्सेंट काम भी नहीं करने दिया, ऑब्स्ट्रक्शन बने। यह ऑब्स्ट्रक्शन करना आपका फंडामेंटल राइट है, हम वह छीनना नहीं चाहते हैं। We do not want to snatch that. जैसा कि धर्मसिद्ध हक है, वैसा ही यह है। इसीलिए हमने उसी वक्त बोला था कि जैसा कि प्रेमचंद जी ने कहा कि अगर आप यह स्टैंडिंग कमेटी को भेज देते तो यह अमेंडमेंट हो कर फिर सिर्फ दो-तीन दिन में पास हो जाता, लेकिन आपने नहीं सुना। वहां पर मैजोरिटी है, उन्होंने इस वॉलंज को, अमेंडमेंट्स की सूचना दी, तब आपने सिलेक्ट कमेटी को भेज कर, इस अमेंडमेंट को मान कर फिर से यहां से ला रहे हैं। पार्लियामेंट्री डैमोक्रेसी में अपोजिशन की तरफ से अगर कोई अच्छी सूचना आती है, तो आपको उसको सोच कर स्टैंडिंग कमेटी को भेजना चाहिए। कोल का हो, माइनिंग का हो या किसी का भी बिल हो। आपने कम से कम यह प्रोजेक्शन अगर फॉलो किया होता तो सबका वक्त भी बचता है और वक्त के ऊपर कानून भी पास होते हैं। मैडम, इसलिए मैं फिर से उनको याद दिलाना चाहता हूँ कि कम से कम आइंदा ऐसी गलती न करें।

शहरी विकास मंत्री, आवास और शहरी गरीबी उपशमन मंत्री तथा संसदीय कार्य मंत्री (श्री एम. वैकुण्ठा नायडू) : मैडम स्पीकर, खड़गे जी बहुत अनुभवी हैं। हम जरूर उनसे सीखेंगे। उन्होंने जो पुरानी परंपरा सदन के सामने रखी है, वह सब हमको याद है। जरूरत पड़ी और जब अवसर आएगा तब याद दिलाएंगे मगर मैं उनको आश्वासन दे रहा हूँ कि जो अच्छा सुझाव आएगा, हम हमेशा उसको स्वीकार करेंगे। दूसरे सदन का भी महत्व है, दोनों सदन मिल कर पार्लियामेंट होती है, इसलिए वहां विवेक के आधार पर लोगों ने सजेस्ट किया तो हमने स्वीकार किया। ... (व्यवधान)

SHRI K.C. VENUGOPAL (ALAPPUZHA): You should not have taken us for granted

SHRI M. VENKAIAH NAIDU: Lok Sabha and Rajya Sabha both are important. There is no question of taking anybody for granted. Everything is decided by voting only.

SHRI K.N. RAMACHANDRAN (SRIPERUMBUDUR): Hon. Madam Speaker, we wholeheartedly support this Bill.

In a vast country like ours, several minerals are available. They are widely spread in several parts of the country. The Mines and Minerals Act of 1957 has vested with Centre to bring in measures for developing the mines. The present amendments seek to give more say to the State Governments both in granting approvals and in carrying out mining operations. This had become necessary because of innumerable litigations that had come in the

way of using the potential of our minerals' wealth at an optimum level.

Our people's leader Amma and our party, AIADMK strongly believe in Cooperative Federalism. We have no hesitation – certainly, we have no hesitation – to support this Bill in accommodating the latest amendments inserted as new Sections 9B and 9C with regard to the District Mineral Foundation.

Madam, certainly, we support this Bill. Thank you.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam Speaker, at times, one gets confused saying that perhaps the end justifies the means. But always sensible people believe that it is the means which justified the end. Our Father of the Nation believed in that philosophy and I request this Government that believe in the means that justifies the end. At least good sense has prevailed and the suggestions that were propounded when this Bill was under consideration in this House has been corrected before the Government went to the Rajya Sabha and our suggestion was incorporated as an amendment to the amendments and subsequently, a select Committee was formed. The Select Committee suggested certain suggestions and those suggestions unanimously have been accepted in Rajya Sabha. Therefore, it has come back again to us for consideration and passing. I would only say when we are dealing with Scheduled areas which are demarcated by the Constitution Schedule V and Schedule VI, it is a sensitive area and a sensitive issue. In that respect, I would again reiterate Madam, let us not rush through certain Bills and certain amendments in such a manner because of the majoritarian outlook. We may trip and fall. It is a bicameral system in our country of Parliamentary democracy, it has been corrected. I would thank this Government that in their wisdom, they have corrected the mistake that was being committed, and all mineral bearing States, by these amendments are going to be benefited tremendously especially those people who reside in Schedule V and Schedule VI areas. I would only ask Madam that in this District Mineral Foundation and how they are going to function, how that money is going to pass on for the area development of those mineral where the mining is going to take place. That needs to be monitored.

I think the Government of India would take the State Government into confidence and they should frame rules or make certain methods available so that the poor people who will be working in the mines maximum, who will be displaced for mining, their development should be taken care of. With this, I would say I support the amendments that have been moved by the Government.

श्री मोहम्मद सलीम (शयबंज) : महोदया , हमारे संविधान में जो संसदीय व्यवस्था है, इसमें जो दो चैंबरस का महत्व है, वह आज फिर स्थापित हो रहा है; हम समझते हैं कि द्रैज़री बेंच के सदस्य इससे सबक लेंगे, शिक्षा लेंगे। कहा जाता है कि 'elders are wiser'. Advani ji will also support me. कम से कम एल्डर्स के हाउस में जाकर the Governmet has become wiser.

दूसरी बात यह है कि संख्या के आगे हम गुण को सैक्रेफाइस नहीं कर सकते। जब यहाँ अमेंडमेंट सजैस्ट किए गए थे, तर्क के साथ बताया गए थे, लेकिन मैं द्रैज़री बेंच के जो हमारे आदर्शपूर्ण माननीय सदस्य हैं, उनसे कह रहा हूँ कि सिर्फ संख्या के जोर पर अगर आप सिर्फ हाँ में हाँ मिला देंगे तो हमें इस तरह से ठोकरें खानी पड़ेंगी। कहते हैं कि -

"रंग ताती है हिना पत्थरों में पिस जाने के बाद

सुर्ख रूढ़ होते हैं इंसानों के खाने के बाद।"

माननीय अध्यक्ष : बहुत अच्छा कहा।

श्री मोहम्मद सलीम: हमारी संसद में जो विधेयक पास करने की परंपरा और तरीका है, यह बहुत इंपॉर्टेंट है। चूंकि राज्य सभा काउंसिल ऑफ स्टेट्स है, तो स्टेट्स के इंटरस्ट लेकर वे लड़े। लेकिन हम भी हाउस ऑफ पीपल हैं। हमें जनता की जो महता है, उनका जो स्वार्थ है, उसका भी ध्यान रखना पड़ता है। इसलिए यह बोलकर कि हम केवल विरोधी पक्ष हैं और गलत बात कह रहे हैं, ऐसी बात तो नहीं है। इस बात को थोड़ा समझ लेना चाहिए। मैं समझता हूँ कि हमारी जो कमेटीज़ हैं, सैलेक्ट कमेटीज़ हैं, स्टैंडिंग कमेटी हैं, जो हमारे बुजुर्गों ने और हमने बनाई हैं, उनके प्रति हमें थोड़ा सम्मान रखना चाहिए। सरकार से हम कहना चाहेंगे कि इस तरह से रण नहीं करके बिल पर थोड़ा समय लेकर करने से हमें इस मामले को फिर से खोलना नहीं पड़ता। धन्यवाद।

SHRI ANANDRAO ADSUL (AMRAVATI): Madam, this Bill was discussed at length in Lok Sabha and it was passed with certain amendments. But in Rajya Sabha some amendments were suggested, and accordingly, the Government has accepted them. I, on my own behalf and on behalf of my Party, support this Bill with all those new amendments. Thank you.

खान मंत्री तथा इस्पात मंत्री (श्री नरेन्द्र सिंह तोमर): माननीय अध्यक्ष महोदया, जब लोक सभा से यह बिल पारित होकर राज्य सभा में गया तो राज्य सभा ने इस पर बहुत लम्बे समय तक विचार-विमर्श किया और उसके बाद राज्य सभा ने यह तय किया कि इसे पुरर समिति के पास भेजा जाए। पुरर समिति ने बहुत ही संक्षिप्त समय लिया, इस पर गंभीर और व्यापक विचार-विमर्श किया

और सात दिनों के भीतर अपनी रिपोर्ट राज्य सभा को दे दी। मुझे प्रसन्नता है कि प्रार सभिति ने जो विचार-विमर्श किया, उसमें उन्होंने कुछ संशोधन भी सुझाए और संशोधन में किसी प्रावधान को बदला नहीं है, बल्कि यह किसी प्रावधान को जोड़ने वाला मामला है। सरकार ने इस पर अपनी सहमति प्रदान की, क्योंकि वे अच्छे प्रावधान हैं और उन्हें स्वीकार करने में सरकार को पहले भी कभी कोई हिवक नहीं थी और आज भी नहीं है। आज राज्य सभा ने उसे पारित करके यहां भेजा है।

आज माननीय सदस्य प्रेमचन्द्र जी ने इसमें एक संशोधन प्रस्तुत किया है, मैं उनसे आग्रह करना चाहता हूं कि सिर्फ 'केवल' शब्द जोड़ देने से इसमें कोई बहुत वज़न नहीं आ जाएगा। उनकी जो भावना है, वह पूरी तरह इसके प्रावधान में और कानून में निहित है।

महोदया, मैं आपके माध्यम से माननीय सदस्य को और सदन को बताना चाहता हूं कि कानून का अपना स्थान होता है, लेकिन कानून के क्रियान्वयन में सरकारों की दृढ़ इच्छा-शक्ति का महत्वपूर्ण योगदान होता है। आज जो परिस्थिति है, वह परिस्थिति बदली हुई है। भारतीय जनता पार्टी के नेतृत्व वाली सरकार आज केन्द्र में है और यह सरकार राज्यों को अधिक अधिकार देना चाहती है, उनकी जवाबदेही सुनिश्चित करना चाहती है और वह राज्य सरकारों पर विश्वास कर रही है कि राज्य सरकारें अधिक जवाबदेही के साथ काम करें। अगर हमने डिस्ट्रिक्ट मिनरल फाउंडेशन बनाया है और उसमें माइनिंग से प्रभावित व्यक्ति या क्षेत्र के लिए उसकी राशि खर्च होने वाली है तो मैं समझता हूं कि हमें राज्य सरकार पर भरोसा रखना चाहिए। राज्य सरकार को जो दिशा-निर्देश देना चाहिए, वह कानून में भी दिए गए हैं और अगर आगे भी इसकी आवश्यकता पड़ेगी तो राज्य सरकारों से आग्रह किया जाएगा। इसलिए मैं प्रेमचन्द्र जी को कहना चाहता हूं कि आपका जो संशोधन है और उस संशोधन के पीछे जो भाव है, वह कानून के प्रावधान में निहित है। इसलिए कृपा करके वे अपना संशोधन वापस ले लें।

माननीय अध्यक्ष महोदया, मैं आपके माध्यम से सदन के और भी माननीय सदस्यों को कहना चाहता हूं कि यह बात आसी है कि अगर लोक सभा में यह बात ध्यान में आ जाती तो फिर राज्य सभा में इस प्रकार की परिस्थिति नहीं बनती। मैं आपके माध्यम से सदन को कहना चाहता हूं कि भारतीय जनता पार्टी लोकतांत्रिक परंपराओं में भरोसा करने वाली पार्टी है। बहुमत के बल पर हम किसी को भी दबाना नहीं चाहते, न ही हमने कभी किसी को दबाने का प्रयत्न किया है। उस दिन भी सदन में इस पर बहुत लम्बे तक बहस हुई। सभी माननीय सदस्यों के विचार आए। हमने उन विचारों का स्वागत किया और हमने कहा था कि आपके विचार योग्य हैं और हम जो यह संशोधन प्रस्तुत कर रहे हैं, यह संशोधन आखिरी नहीं है। इसके बावजूद भी बहुत सारे संशोधनों की गुंजाइश बनी रहेगी। जब भी विषय आएगा, जब भी रूट्स बनाने की बात आएगी, तो हम आपकी सारी सलाह को मानने की कोशिश करेंगे। उस दिन जो परिस्थिति बनी, यह एक अलग पक्ष है। लेकिन, राज्य सभा अपर हाउस है। राज्य सभा ने प्रार सभिति को भेजना तय किया। निश्चित समय में प्रार सभिति की रिपोर्ट आ गयी और आज अमेंडमेंट लेकर वह बिल आप सब के समक्ष आ गया।

माननीय अध्यक्ष महोदया, मैं आपके माध्यम से सदन से प्रार्थना करना चाहता हूं कि यह जो अमेंडमेंट बिल है, जो राज्य सभा से संशोधनों के साथ परिमार्जित होकर आया है, यह बिल माइनिंग के क्षेत्र में निश्चित रूप से एक क्रांतिकारी बदलाव लाने वाला है, माइनिंग के क्षेत्र को प्रोत्साहित करने वाला है, देश में रोजगार को सृजित करने वाला है, निवेश को बढ़ाने वाला है, माइनिंग आक्ट में श्रुटाचार को समाप्त करने वाला है, पारदर्शिता को बढ़ाने वाला है। आप सभी की सहमति इन संशोधनों को मिले, ऐसी मेरी प्रार्थना है।

बहुत-बहुत धन्यवाद।

HON. SPEAKER: The question is:

"That the following amendments made by Rajya Sabha in the Bill further to amend the Mines and Minerals (Development and Regulation) Amendment Act, 1957, be taken into consideration:-

Clause 9

	1.	That at page 4, for lines 31 to 35, the following be substituted , namely:-
40 of 1996.		"(4) The State Government while making rules under sub-sections (2) and (3) shall be guided by the provisions contained in article 244 read with Fifth and Sixth Schedule to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the administration of the Scheduled Areas and Tribal Areas and the Provisions of the Panchyats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
2 of 2007.		(5) The holder of a mining lease or a prospecting license-cum-mining lease granted on or after the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 shall, in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount which is equivalent to such percentage of the royalty paid in terms of the Second Schedule, not exceeding one-third of such royalty, as may be prescribed by the Central Government.
		(6) The holder of a mining lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount not exceeding the royalty paid in terms of the Second Schedule in such manner and subject to the categorisation of the mining leases and the amounts payable by the various categories of lease holders, as may be prescribed by the Central Government."

Clause 14

2	That at page 8, line 35, for the word, bracket and figure "sub-section (4)", the words, brackets and figures "sub-sections (5) and (6)" be substituted .
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Clause 15

3	That at page 9, line 18, after the words "shall work", the words "for the interest and benefit of persons and areas affected by mining" be inserted ."
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The motion was adopted.

HON. SPEAKER: We shall now take up the amendments made by Rajya Sabha.

I shall now put the Amendment Nos. 1 and 2 made by Rajya Sabha together to the vote of the House. The question is:

Clause 9

1.	That at page 4, for lines 31 to 35, the following be substituted , namely:-
40 of 1996.	"(4) The State Government while making rules under sub-sections (2) and (3) shall be guided by the provisions contained in article 244 read with Fifth and Sixth Schedule to the Constitution relating to administration of the Scheduled Areas and Tribal Areas and the administration of the Scheduled Areas and Tribal Areas and the Provisions of the Panchyats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
2 of 2007.	(5) The holder of a mining lease or a prospecting license-cum-mining lease granted on or after the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 shall, in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount which is equivalent to such percentage of the royalty paid in terms of the Second Schedule, not exceeding one-third of such royalty, as may be prescribed by the Central Government.
	(6) The holder of a mining lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall in addition to the royalty, pay to the District Mineral Foundation of the district in which the mining operations are carried on, an amount not exceeding the royalty paid in terms of the Second Schedule in such manner and subject to the categorisation of the mining leases and the amounts payable by the various categories of lease holders, as may be prescribed by the Central Government."

Clause 14

2	That at page 8, line 35, for the word, bracket and figure "sub-section (4)", the words, brackets and figures "sub-sections (5) and (6)" be substituted .
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The motion was adopted.

HON. SPEAKER: I shall now put the Amendment No.1 to Amendment No. 3 to Clause 15 moved by Shri N.K. Premachandran to the vote of the House.

The Amendment was put and negatived.

HON. SPEAKER: I shall now put Amendment No. 3 made by Rajya Sabha to the vote of the House.

The question is:

	3	That at page 9, line 18, after the words "shall work", the words "for the interest and benefit of persons and areas affected by mining" be inserted .
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The motion was adopted.

HON. SPEAKER: The Minister may now move that the amendment made by Rajya Sabha in the Mines and Minerals (Development and Regulation) Amendment Bill, 2015, as passed by Lok Sabha, be agreed to.

श्री नरेन्द्र सिंह तोमर : मैं प्रस्ताव करता हूँ :

"कि राज्य सभा द्वारा विधेयक में किए गए संशोधनों को मान लिया जाए।"

HON. SPEAKER: The question is:

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

The motion was adopted.

15.37 hrs