

[Shri Mulchand Dube]

industrialisation of the country and we should be able to make big machines so that they may make smaller machines. I am afraid that we may be landed in a position when we may not be able to find finances for the construction of big machines which are able to make small machines. The foreign exchange resources may be frittered away.

My submission, therefore, is that in dealing with this measure, the Finance Ministry should take special care to see that our foreign exchange reserves are not depleted to an extent that our industrialisation and the construction of big machines suffer.

Shri B. R. Bhagat: I have nothing more to add. This is an humble effort to save some foreign exchange. I have no dispute with him on the conservation of foreign exchange but I think it is not relevant to the subject now.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

MINES AND MINERALS (REGULATION AND DEVELOPMENT) BILL

The Minister of Mines and Oil (Shri K. D. Malaviya): Mr. Deputy-Speaker, I beg to move:

"That the Bill to provide for the regulation of mines and the development of minerals under the control of the Union be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely: Shri C. R. Pattabhi Raman, Shri T. N. Viswanatha Reddy, Shri Liladhar Kotoki, Shri Ghanashyam Lal Oza, Shri P. C. Bose, Shri Vidya Charan Shukla, Shri H. C. Heda, Shri K. G. Wodeyar, Dr. N. C. Samantsinhar, Shri Hem Raj, Shri Jaswantraj Mehta, Shri Keshava Deva Malaviya, Shri

Rup Narain, Shri Arun Chandra Guha, Shri Bibhuti Bhushan Das Gupta, Shri T. B. Vittal Rao, Shri Khushwaqt Rai, Shri Ignace Beck, Shri Shankarrao Khanderao Dige, Sardar Swaran Singh, and 10 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 9th December, 1957;

that in other respects the Rules of Procedure of this House relating to the Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

Shri Naushir Bharucha (East Khandesh): I rise on some points of order. My points of order are as follows.

First, in view of item 23 of the State List in the Seventh Schedule investing the State Legislature with residuary power for regulation of mines and mineral development, I want to know whether clause 14 of the Bill is not *ultra vires* in that it creates an artificial category of 'minor minerals' and unconstitutionally confines the legislative powers of the State Legislature to 'minor minerals' only.

Secondly, whether clause 17, delegating rule-making powers to the Government, in the matter of development of minerals is not *ultra vires* in that (a) the clause does not contain basic declaration of principles or policies on which development of minerals is to proceed; (b) it leaves

the policy also to be decided by the executive; and (c) it does not fix the legal principles which are to guide or control the delegated authority; and

(d) it renders the legislative supremacy of this House over the executive absolutely titular.

Thirdly, whether clause 13 (2) (g) does not also suffer from the above infirmities and defects.

Fourthly, whether clause 15(2) (c), in delegating the authority to the executive to determine the principles and manner of compensation, does not violate article 31 of the Constitution and also in enacting such a clause whether this House does not delegate its legislative powers under article 31 in favour of the executive

Fifthly, whether clause 15 it not *ultra vires* in that it transgresses the provision of article 31 of the Constitution

Mr. Deputy-Speaker: Is he putting questions whether they are not *ultra vires* of the Constitution? Who would answer? What is the position of the hon. Member himself? Is he in doubt or what?

Shri Naushir Bharucha: They are *ultra vires*. I am, therefore, putting it in that form so that you can give a ruling.

Sixthly, whether clause 31 preventing an individual from taking legal proceedings against a sentence passed is not *ultra vires* in that it restricts the power of the High Courts and the Supreme Court to issue prerogative writs under Articles 32, 226 and 227.

Seventhly, whether the memorandum regarding the delegated legislation does not contravene rule 70 of the Rules of Procedure in that in fact such rule-making powers are not normal nor is there the requisite statement that they are normal or exceptional.

Eighthly, whether the financial Memorandum does not contravene rule No. 69 of the Rules of Procedure

in that the Minister in charge of the Bill point-blank refuses to give any idea of the amount of expenditure in implementing the provisions of this Bill much less does he give any estimate classified as recurring and non-recurring expenditure involved in case the Bill is passed into law.

Two or three points require amplification and with your permission, I may amplify them. The first point is that in the State List, item 23; certain residuary powers of regulation of minerals and mineral development have been left to the State Government. If we look into clause 14, we will find that a sort of artificial classification is made, namely, specified minerals and minor minerals. Between the two, that is to say, the specified minerals and minor minerals, the entire universe of minerals is not exhausted. In other words, in the first schedule, certain types of 23 minerals are enumerated. Minor minerals have been defined as building stones, gravel, etc. But between them, they do not exhaust the universe of minerals. Therefore, what actually happens is that the State's right in respect of minerals other than the minor and the specified minerals is also restricted by clause 14. This House has no business to restrict the rights of the State legislatures which have been specifically given by item 23 of the State List. That is the meaning of point No. 1.

Mr. Deputy-Speaker: The hon. Member might just listen to me. Perhaps the position might be a little more clear, and then, if he wants to say something more, he might do it. He has taken objection to certain clauses—clauses 14, 17, 13, 15, 18 and 31. He says that these are *ultra vires* of certain provisions of the Constitution. May I enquire from him whether he contends that the whole subject which is the subject-matter of this Bill is out of the competence of this Parliament or he contends that these particular clauses cannot be enacted as they have been just proposed? If it is the position that these particular clauses are offensive, that they offend against the provisions of the Constitution, then certainly he can take up

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that objection when any particular clause is taken up for discussion here. In that case, he would be conceding that the general subject under consideration now in this Bill is within the competence of Parliament. Then we can proceed with it.

Ultimately, I might also bring to the notice of the House that whenever a question of legal competence or constitutionality of any provisions being *ultra vires* of the Constitution has arisen, ordinarily, the Chair has not taken up the responsibility to give a decision on that point. It has been left to the House to decide after the Members have listened to the objections that are taken up by individual Members. But that stage would come up later when the objection is taken

Here, if the hon. Member takes up the position that the whole law is outside the competence of this Parliament, then he may make other points that he wants to make. If he has objections to certain individual clauses in this whole Bill, then he might take objection to those clauses when they are taken up. Then, if the Chair thinks that a decision is necessary, the Chair, and House, will decide. Otherwise, he will leave it to the House to decide whether they want to enact those particular clauses or not.

Shri Naushir Bharucha: I see the force of your suggestion, Sir, but I do not say that the Bill as such, which is intended to regulate the development of minerals, is outside the purview of this House. But the point is this. If all these clauses as have been pointed out by me are held to be conflicting with Constitution and if they are removed, then there is nothing left in the Bill whatsoever, therefore, the criterion for decision is this. Assuming that the impugned clauses are cut out, the question is whether the House will still think it worthwhile to enact this law. My submission is this. After cutting out the clauses which are *ultra vires*, practically nothing remains of in the Bill. Therefore, the House may consider

whether they would like me to raise the objections at this stage. I think it is possible. But I am prepared to follow the Chair's suggestion.

Mr. Deputy-Speaker: Then he may wait. He could listen to the hon. Minister and afterwards, if he thinks that he should make all his points, then he would consider them, after seeing what opinions he could formulate.

Shri Naushir Bharucha: All right, Sir.

Shri K. D. Malaviya: Mr. Deputy Speaker, this Bill has been pending for sometime and it seems to me that it is overdue now for consideration by the House. There was a stage, sometime back, when we thought of issuing an ordinance because of the rapidly changing conditions in the country as a result of which the work of regulation and development of mining industry was suffering. Also, there was the fact that due to these changing conditions, there was a legitimate demand from the State Governments to increase the revenue from the royalties and also in other respects. Therefore, we thought that something should be done.

The other object with which this Bill has been introduced, mainly, is to separate the two mineral industries into two main groups—the petroleum industry and the other mineral industries. As the statement shows, a diversification is made between petroleum and other minerals and items 53 and 54 of the Union List have now rendered separate enactments for the two necessary.

The present Bill deals with the regulation and development of minerals other than petroleum. With regard to the petroleum industry, the Government proposes to bring forward another Bill for consideration by the House after sometime. But the main object, as I have said, is that with a view to make it come within law, the

diversification made under the Constitution has got to be justified by separate enactments for petroleum and other minerals.

Now that Bill is being introduced by the Government, I take this opportunity of putting forward certain other legislations, with a view (a) to take away most of the rights which the Government have so far been exercising under the rules and (b) to assure a rapid development and regulation of the mines in the interests of the industry and of the nation.

The Bill contains some new provisions and I shall briefly state those provisions. But before I briefly narrate those provisions which are mainly incorporated in the Bill and the objects thereof, I would like to state very briefly the background on which the mining industry is just now going in the country. As the House knows, there are three factors which govern the development of mining industry. A certificate of approval has to be issued by the State Governments, which entitles an individual or a group of individuals to take up the work of mining. The second is, the State Governments authorise that individual or the group of individuals to prospect for a particular mining industry. The third is after a prospecting licence has been issued and an investigation of the minerals is carried out by the individual or the group, then, a mining lease is issued by the State Government taking into account the fact that the party which has been given the prospecting licence has carry on the mining lease, and the party has to spend money and energy on the investigation of the minerals.

Now, most of the mining industry is in the hands of the private sector of the country. Latterly, sometime back, the Government reviewed the entire position of the mining industry and revised their policy, and issued a policy which is embodied in what is now known as the Industrial Policy

Resolution. In consonance with that Industrial Policy Resolution, certain important minerals were classified into one group and the others were left for the private sector to deal with. Those that were classified as Schedule A were strictly reserved for the Government, whether Central or State. The list is already there and this can come up for discussion, if the House so desires.

I will now come to the main provisions this Bill. Firstly, this Bill empowers the Central Government to undertake prospecting and mining operations in any land or in respect of any minerals which is the property of a State Government, in consultation with the State Government concerned. Here we are not encroaching upon the proprietary rights of the State Government. We are not questioning it and say that the proprietary right of the State Government ceases to exist if we carry on the prospecting or mining operations as agents in an efficient way, because the Central Government thinks that it is better equipped technologically and otherwise to carry on certain prospecting and mining operations on behalf of the State Government. A provision is now included in this Bill to assure that on behalf of the State Government, after consulting them, the Central Government may carry on the prospecting of minerals.

It prescribes a maximum limit of 50 sq. miles for prospecting licence for one mineral or group of minerals. The House might remember that so far the old Act and the mineral concession rules did not put any limit on the area that could be specified by a party or person for carrying on prospecting. That result was that in the last 100 years, certain parties developed such vast concessions that it was almost impossible for them to manage it. They became jagirdars, rulers or masters of big strips of land where the natural resources lay hidden, which could not be tackled by them and which could not also be sublet by them, because it was too big. This

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situation has continued for decades and decades. Ultimately Government gave consideration to it and under the existing mineral rules, we restricted the rights and wanted to limit the powers of such parties. Under clause 6 of the present Bill, we have prescribed a maximum limit of 50 square miles for prospecting licence for one mineral or a group of minerals. For mining leases also, the area has been limited, and there are specific clauses in this connection.

The third provision which we have made is that the Central Government can alter from time to time in consultation with the State Government the rates of royalty, subject to a maximum limit of 20 per cent. and also subject to the condition that it shall not alter the rate of royalty in respect of any mineral more than once in two years. Here too, the position was somewhat anomalous and inconsistent with the changed times. These rates were fixed as a result of certain agreements between the State Governments and the parties concerned and the rates were wholly inconsistent with the growing expanding value of the minerals and it was felt that a certain change was very desirable.

The existing Act did give authority to the Government through rules to modify the rates and the quantum of royalty that was to be charged by the State Government. We have taken this opportunity to put a maximum limit also. With regard to the time also, at that time there was no limit and it could not be changed so long as the agreement lasted. But now considering all the conditions that prevail these days, we thought that the Government should have the right to examine the whole structure of the rates of royalty and see whether it was desirable to introduce a change in the royalty by way of either an increase or a decrease. If it was considered desirable to increase it, the Government would recommend an increase. If it was desirable to reduce it, a reduction might be made.

Where more than one application is received on the same day, we have made some specific provisions under which the State Governments may take a decision as to know to select the party which is to be given the rights.

It permits conferring of powers and imposition of duties on State Governments or their officers. This is a very important provision which we have tried to introduce here, because so far the work of technological and scientific regulation and control of the mines was hopelessly neglected by the State Governments and the parties. For this a big organisation is needed. Technological fitness is also needed in order to control the mining operations of hundreds and thousands of mines that are spread all over the country. Therefore, we thought of conferring powers and imposition of duties on the State Governments and their representatives as well as the Central Government and their representatives with a view to assure the proper regulation and the scientific mining of our mineral resources in the country.

Certain rules were made under the 1948 Act which gave lot of power to the Government. We thought that it was better for the Government to carry on the administration through a proper Act and therefore, all those rights which were so far exercised by the Government through rules have all been transferred to the present Bill, so that Parliament might give due consideration to them and might become responsible for the administration and regulation of the mines directly. Rules 13 and 26 provide that no prospecting licence or mining lease will be granted to a person not possessing a certificate as provided there. Now, clause 4 (1) of the present Bill lays down:

"No person shall undertake any prospecting or mining operations in any area, except under and in accordance with the term and conditions of a prospecting licence or, as the case may be, a mining

lease, granted under this Act and the rules made thereunder."

The provisions of rules 32 and 40 regarding the maximum period for which a prospecting licence or a mining lease may be granted or renewed have also been replaced. Similarly, some other rules which conferred a lot of powers on the Central Government have been replaced.

With regard to the separation of the petroleum industry from other minerals, I have already mentioned. It has, therefore, become necessary to enact separate legislation to cover petroleum and other minerals, because of their separation through the Act. Opportunity has also been taken to put forward legislation for other minerals through this Act.

Clause 31 of the draft Bill has been introduced for validating all action taken so far after the commencement of the Constitution in pursuance of the declaration in section 2 of the existing 1948 Act, which says that it extends to the whole of India, etc. This declaration was made by the Dominion Legislature and it is now being replaced by a Parliament declaration, in conformity with the provisions of the Constitution. All those acts which are being validated have been clearly prescribed in the draft Bill in clause 31.

There is nothing more which I need mention at this stage except to point out that this question of minor minerals has always remained with the State Government and the definition of minor minerals has from time to time been amended after consultation with the State Governments. There is a separate list of minor minerals as distinct from the major minerals which require a lot of technical knowledge, financial investment. A separate pattern of rules must govern the major minerals. For instance, we cannot put building material with iron ore or copper ore coal. Therefore, there is necessity to divide them into two groups—major minerals and

minor minerals. Unless this is done, the whole purpose of this Bill will be undone because we cannot conceive of a similar pattern of regulation and development for both major and minor minerals. I hope my proposal will be accepted by the House.

Mr. Deputy-Speaker: The motion to refer the Bill to the Joint Committee is now before the House.

Shri Naushir Bharucha: Mr. Deputy-Speaker, this Bill is designed not to regulate and develop minerals but, in fact, as I shall presently show, to throttle the development of mines and minerals. There is very little in the Bill to develop or regulate them. When the position obtaining in other countries is taken into account in a legislation of this character, we must appreciate the fact that totally different conditions prevail here.

In the first place, we have got a huge territory extending over a million and a quarter square miles. If we restrict prospecting of mines and minerals to certain bodies, if we prescribe procedures which are difficult to negotiate, we are virtually not regulating prospecting but restricting it. Whatever may be the position in other countries, where mining has developed to such an extent and where technological capacity is available to such an extent that they may reach round all their areas, in India the position is totally different. We require something totally different from what is prescribed in the Bill.

Let us now go into the scheme of the Bill. The minerals are artificially divided into specified minerals and minor minerals. But, between these two, they do not exhaust what I call the universe of minerals. I shall refer to them later on. There are a large number of minerals, far more than specified, and they will continue to remain unregulated.

Then there is a blanket restriction on prospecting of minerals. The hon. Minister in charge has been at pains to tell us that mining operations are of a very technical and complicated

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nature. I agree. But not necessarily prospecting. It is true that a certain amount of technique is also involved in prospecting minerals. But the distinction must be borne in mind.

Then I come to permission for prospecting and permission for operating mines. Some clause in the Bill prescribes the maximum area which can be allotted to an applicant, the conditions for taking up the lease, scope of royalty etc. The procedure for a prospecting licence is laid down and the State Government is asked to make rules and confine its rule-making power only to minor minerals.

One point in this Bill which I appreciate particularly is the power to modify leases granted before 25th October 1949. That is in the interests of the country undoubtedly. All I wish to say in that respect is that the provision should be fool-proof and knave-proof, so that it may not be set aside by the Supreme Court and thereby people get away with it

If you refer to clause 17, it deals with mineral development. But, if you pursue it closely, there is not one word in it about mineral development. It says:

"It shall be the duty of the Central Government to take all such steps as may be necessary for the conservation and development of minerals in India...."

It means nothing.

"...and for that purpose the Central Government may, by notification in the Official Gazette, make such rules as it thinks fit."

You will see that the hon. Minister in-charge himself does not know what exactly he wants the executive to do. He wants the whole subject of mineral development to be shoved on to the executive. Let us be clear about it that it is the right and privilege of

this House to lay down the principles and policies with regard to mineral development. I shall speak about it a little later.

Now, let us see what are the defects in the Bill. Firstly, when you define or specify minerals, as outlined in schedule I, the minor minerals are nothing but building stone and gravel. That leaves out so many other minerals. Take, for instance, thorium, cobalt, cadmium, antimony, tungsten, bismuth, potassium, chromium, iridium, tantalum. None of these are provided for. We do not know the policy of the Government. Probably, the Government itself does not know its policy on these minerals.

I should also like to know the policy of the Government with regard to prospecting of radio-active minerals. So far as I am aware, there is no legislation whatsoever for guiding and regulating the prospecting of minerals of the more dangerous type like the radio-active minerals. Nothing has been said about them in this Bill. I do not know whether it is the intention of the Government to take these minerals out of the purview of this Bill. So you will see how the Bill is defective. It provides for gravel and building stones, but not for minerals of the more important type. This is not the only defect. If you see Schedule I, item 15, it refers to "Pitchblende and other uranium ores". Pitchblende is a product from which you get radium. It also refers to "other uranium ores". What is the meaning of "other uranium ores"? I cannot understand that. Uranium ore is uranium ore. What are the other uranium ores? Does the hon. Minister contemplate other radio-active minerals?

There is a confusion in the mind of the Government with regard to the plan of the Bill itself. The Government does not know whether it wants to legislate on radio-active minerals or not. Partly, it seems to want to legislate because one item is included

in it. But the other items are left out. Therefore, the Bill is defective in that respect. It creates an artificial classification of specified and minor minerals, leaving out of the universe of minerals scores and scores of other minerals. I, therefore, say that the Bill is incomplete and it ought to be completed.

Clauses 4 and 5 are the basic operative clauses in this Bill. May I point out to the hon. Minister in-charge that countries far more advanced than ourselves technically like the United States of America and Russia have not restricted prospecting at all? They encourage students of geology and other subjects to go out with geiger counters on trips for the purpose of prospecting radio-active minerals. Just see the difference between the policy adopted by an advanced country like the United States and the policy adopted by us. In Russia during college vacations parties of students are asked to ramble over areas and prospect for radio-active minerals. They do not have to apply, pay licence fees, comply with hundred and one conditions, comply with the rules and regulations and do whatever the executive might say. I may say that prospecting can be done easily. It is being done by the United States over its vast area. Russia has one-sixth of the total land surface of the world. Now, if you restrict prospecting and say that it will be done only through Government, then you are virtually impeding prospecting. What is our need today? Our need is to find out more and more the minerals exist. Therefore, I submit that clauses 4 and 5 are bad in policy; they ought to go. There should be no restriction, excepting perhaps making an application saying that a party wants to prospect in this place or that place. Even that may be dispensed with, because I am of the opinion that if prospecting were left free and unrestricted by any rules and regulations numerous agencies might crop up. And what does Government lose? Government loses nothing. Prospecting may involve

exploratory borings and things like that, for which some form may be prescribed, but for mere mineral-hunting there should be no restriction. These are major defects in the Bill which ought to be removed.

Then, Sir, until any mineral is struck Government ought not to step in, excepting for the purpose of helping the prospecting parties. They are not doing that. They are laying down restrictions and so many rules and regulations, so that the average free-lancer in this particular field may be deterred totally. There should be no incompatibility between the plan that I have suggested and the plan which the Government want to enforce, namely regulated prospecting. The areas could be separated. So much hide-bound this Bill is that it even prescribes in clause 12 that registers shall not be open to everybody, even to persons who want to prospect. Why should it not be open to any citizen who wants to undertake prospecting, who wants to see what prior efforts have been made and who does not want to cover the same ground again.

Clause 17 of the Bill, as I said, talks of Government's duties to develop minerals. But where are the principles which Government want to lay down along which development of minerals must proceed. Will the hon. Minister point out a single principle with regard to the development of minerals?

For instance, just now this House discussed the question of Industrial Finance Corporation. Does the Government desire that by notification they would create a Mining Finance Corporation? Is it not a question of policy whether the Government will create a Mining Finance Corporation or not? Has Government got any view about this thing? What does Government want to do with regard to the regulation of export of minerals? Have you no views on the subject? What about priorities in the matter of development of mines, minerals and metals? What about creating a Corporation for Scientific

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Research in mineral smelting, processing or manufactures? What about construction of refineries? Have you no principles, no policies to lay down in this Bill—a Bill for the purpose of developing mining and minerals?

Sir, I submit apart from the technical objections to which I shall refer, the point remains that Government wants to develop mining and minerals without laying down a single principle. They have no mind on the subject. They leave it to the Executive to do whatever it likes. Why not leave everything to the Executive? We may have an atomic energy Bill and say that the Executive shall make the necessary rules for the development of radio-active minerals. Leave everything to them. Has this House no mind? Has the House no right to express its opinion on the principles and policies? What are we doing, if we leave everything to the Executive? That I submit is abandonment of the privilege of this House, surrender to the Executive, which I do not want to do.

Government must express its mind clearly and say what it is going to do. I would prefer to wait until the Bill emerges from the Committee. The only redeeming feature in the whole speech of the hon. Minister was that this Bill is going to a Joint Committee. That is the only redeeming feature. I have mentioned these points in the hope that the Joint Committee will take note of this point of view and make this Bill truly a Bill for regulating and developing mines and minerals.

Shri Tangamani (Madurai): Mr. Deputy-Speaker, Sir, I must first of all thank the hon. Minister for bringing a motion for referring the Bill to a Joint Committee. When the Bill was first circulated the impression that was created was that this Bill would be taken into consideration here. In view of the importance of this Bill, which the hon. Member who preceded me, mentioned it is but fair that this Bill is referred to a Joint Committee.

The point that I would like to make I shall briefly mention. The hon. Minister himself mentioned that because of items 53 and 54 of the Union List, two separate pieces of legislation have to be brought. This legislation is only for the purpose of regulation of mines and minerals—"regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest." This is only for mines and mineral development. Item 53 of the Union List deals with "Regulation and development of oil fields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable." We were assured that a separate legislation is going to be brought for the regulation and development of petroleum.

I do not see any reason why a clause like 30 is included which seeks to amend Act LIII of 1948 and certain specified items mentioned in Schedule III. When separate legislation is going to be brought this type of amendment by a Schedule will create more confusion rather than clarify the position which the hon. Minister wants to do.

The second point that I would like to mention is about Schedule No. I which gives the specified minerals. Mr. Bharucha has pointed out that the minerals listed are not exhaustive. I would like to mention one mineral, namely magnezite. Magnezite mining operations have been going on in Madras State in the district of Salem for the past sixty years. Over an area of nearly 4,000 acres is covered by Magnezite. From 1899 onwards the Magnezite Syndicate has been carrying on mining operations over an area of 1,500 acres. Magnezite is considered to be a very valuable mineral. I am informed that the Magnezite Syndicate which has been operating these mines has made enormous profits and today the value

of 2 shilling share is nearly 150 shillings. I am only pointing out this fact to show that an important mineral like magnesite which is producing so much of profit to a private concern has been left out under Schedule I. In the First Schedule I submit magnesite must be included because of the increasing demand for magnesite chloride and certain magnaluminium and other alloys with aluminium are very much in demand today. So, if the present regulations are accepted and the mining rules are restrictly enforced then there is greater scope for developing magnesite in that area. I am informed it is not only 4,000 acres; in nearly 10,000 acres in that area mining operations could be carried on.

14 hrs.

The next point I would like to submit is about the Second Schedule which deals with royalties. The hon. Minister pointed out that at no place will the royalties be more than 20 per cent. of the price at the pitch-head. Because of the several items mentioned in the Second Schedule we would like to have memoranda or representations from those who are dealing with these mines, as only then we will be in a position to fix the royalties. Otherwise, the royalties that are fixed will be only arbitrary.

Then, clauses 6 and 7 deal with the maximum area and maximum period. The maximum area according to clause 6 is fixed at 50 square miles for prospecting and 10 square miles for mining operations, with the liberty to the Government to increase it. There is no limit fixed for increasing it. My submission is that in the first instance the maximum area for prospecting should be 30 square miles and for mining 10 square miles, and at the outer limit it should not exceed 50 square miles for prospecting and 10 square miles for mining operations.

The period that is fixed in clause 7 is 30 years. My suggestion is that it should be reduced to 20 years for prospecting, and to ten years in the case of mining operations. There is

a specific reason for mentioning this, because I find in the case of magnesite to which I referred earlier, the lease period was 30 years in the first instance, then it was extended by another 30 years; and last year with only one year's lease period still outstanding, it was sought to be sold for £100,000. That kind of selling the lease period is also likely if a longer period is given, and there is a chance of a person who purchases the lease getting the lease for the next period. So, I submit this period must be restricted so that the Centre will be in a better position to control and conduct these mining operations.

The last point, which I consider is also an important point, is about clause 16 which authorises the Central Government to take up prospecting and mining operations but that is only in cases where the particular plot of land to be taken up for mining operations is not under lease. If the Government is really serious about developing these mines, then there are certain mines which are not conforming to any of the mining rules, and although the lease is pending with the State Government, power must be taken by the Central Government in consultation with the State Government to take over those mines for better development of minerals, because the purpose of the Bill is to explore and get the maximum benefit out of these mining operations. If a certain lessee is not willing to develop the mining operations to the best interests of the country, then there must be power under clause 16 for the Central Government in consultation with the State Government to take over such mines also.

I conclude with these brief observations because this Bill is going to the Select Committee, and I shall reserve whatever I have to say till such time as the Bill comes back from the Select Committee.

पंडित डाकूर दास भागवत (हिसार) :
जनाब डिप्टी स्पीकर साहब, इस माहान्व ऐंड

[Pandit Thakur Das Bhargava]

मिनरल्स रेगुलेशन ऐंड डेवेलपमेंट बिल का जो सबजेक्ट है वह दरभस्तल बढ़ा ही दकीक है और तथा भी है। मेरे जैसे मेम्बर के व स्ते जो कि इस के ग्रन्दरूनी मामलों से या इस के प्रास ऐंड कान्स से कोई वास्ता नहीं रखता है, इस बिल पर कोई टेकनिकल बहुस करना मुश्किल है। लेकिन जब यह बिल मेरे सामने आया और मैं ने उस को देखा तो मेरे नोटिस में यह आया कि इसको सिलेक्ट कमेटी के सुपुंठ करना चाहिये। इस की वजह यह थी कि जो इस के प्राविजन्स ह वह एक दूसरे से कंफ्लिटिंग हैं, वेग, कंपयजिंग और इंडे-फिनिट हैं। अगर यह बिल पास हुआ तो यह निगेशन आफ दि बिल होगा बजाय इस के कि कोई बिल पास हो।

सब बात तो यह है कि जैसा मैं ने पहले ही बताया और अपनी इनएबिलिटी जाहिर की, मैं समझता हूँ, शायद ही इस हाउस में चन्द मेम्बर ऐसे होंगे जो इस बिल के ग्रन्दर पूरी तरह से कंदिब्यूट कर सकेंगे। मैं तो यह उम्मीद करता था कि हमारे ग्रानरेबिल मिनिस्टर साहब इस पर कुछ रोशनी डालेंगे लेकिन ऐसा नहीं हो सका। सब बात तो यह है कि मुझे इस महकमे में एक उन की शस्सियत ही रे आफ होप दिखलाई देती है। सारे देश में माइनिंग अपरेशन्स बहुत थोड़े स्कूल पर होते हैं और साथ ही हम भी इस में ज्यादा इंटरेस्ट नहीं लेते हैं। इलाक़े के इलाक़े ऐसे भरे पड़े हैं जहाँ मिनरल वेल्थ भरी है। अगर राजस्थान का जिक्र किसी के मुह से सुनिये तो ऐसी कहानी सुनाई पड़ती है जैसे अकेले राजस्थान की वेल्थ ही सारे हिन्दुस्तान को मालामाल कर सकती है। जब हम पेट्रो-लियम और ज्वालामुखी और दूसरी चीजों का जिक्र सुनते हैं तो हमारे मुंह में पानी आता है कि कब हिन्दुस्तान ऐसा बनेगा जिस में इतना पेट्रो-लियम होगा और हमारे मुल्क की दीलत बढ़ेगी। जब कभी हम प्रसबारी, को पढ़ते हैं, अभी हम ने कलकत्ता की अपने

ग्रानरेबिल मिनिस्टर साहब की स्पीच पढ़ी आप ने भी पढ़ी होगी, उस से हमें एन्सुजि-ग्रान्ज होता है कि दरभस्तल एक दिन हिन्दु-स्तान वैसा बनेगा। मैं जानता हूँ कि जहाँ तक हमारे मिनिस्टर साहब का तात्लुक है, जब तक वह इस महकमे में हैं, इस महकमे में पूरी सीरियसनेस से काम होगा।

लेकिन जब हम इस बिल की तरफ देखते हैं, जो कि इस को रेगुलेट करने का तरीका है, तो हमें डिसऐप्वाइंटमेंट होता है मैं चन्द प्राविजन्स की तरफ तवज्जह दिला-जंगा जिन से मालूम होगा कि इस में क्या खामियां हैं। शायद इस तरह का बिल बनाना मुश्किल होगा। मैं यह तो समझ सकता हूँ कि जिन्होंने इस बिल को बनाया है वह इस बिल में कोई चीज डेफिनिट नहीं दे सके, और जो दे सके वह भी क्रेडिट को बात है। लेकिन जिन प्राविजन्स की तरफ मैं तवज्जह दिलाऊंगा उन पर अगर जनाब खयाल फर-मायेंगे तो पता चलेगा कि दरभस्तल यह जो बिल है वह निगेशन आफ दि बिल है। मैं सब से पहले दफा २८ की तरफ तवज्जह दिलाना चातहा हूँ :

"If the Central Government is of opinion that it is expedient in the public interest so to do, it may, by order, in writing giving reasons for such opinion, direct that all or any of the provisions of this Act or the rules made thereunder shall not apply or shall apply only with such modifications or subject to such conditions, restrictions or limitations as may be specified in the order, to, or in relation to, the granting of any prospecting licence or mining lease or the working of any mine."

अगर इस को दूसरी लेंगेज में कहा जाय तो इस के सीधे माने वह है कि यहाँ यह बिल पास हुआ या न हुआ, दोनों बराबर हैं। गवर्नमेंट जो चाहे करे, ऐम्बोस्यूट पावर लेना चाहे तो ले ले। अगर इस तरह का कोई बिल यहाँ आता और इस तरह का कोई प्राविजन्

यहाँ होता तो मैं उस पर जरूर सवाल कर देता बशर्ते वह यह कहते कि मिनिस्टर या कांग्रेसी सरकार जरूर पांच वर्ष तक इस महकमे की इनचार्ज रहगी। यह तो उन में हमारे विश्वास की बात है। लेकिन सेक्शन २८ के रहते हुये मेरी समझ में नहीं आता कैसे ठीक काम हो सकेगा। माइनिंग के काम के अन्दर अगर कोई मुझे दिक करना चाहेगा तो कैसे माइनिंग एग्जाइन्स बल सकते है, क्या प्रास्पेक्टिंग होगा या क्या दूसरा काम होगा। कसी भी अफसर के डिस्क्रिप्शन पर हमारे सारे हुकूक एक मिनट में खत्म किये जा सकते है। यह सेक्शन २८ ऐसा है क.की ी तीके से एक मिनट के अन्दर, की कलाज ो ो.ड आई कर दे, रेस्ट्रिक्ट कर दे, लि मट कर द, कुछ कर द। मेरी बहुत अदब से गुजारण है क यह ो विजन है वह खुद इस बल पर सब से बी कमेटी है।

श्री के० बे० भाल्वाय : हम को भी डर लगता है।

पंडित ठाहूर दास भार्गव . इस के अलावा दूसी विजन्स की तरफ आता है। मैं सिर्फ एक लायर के प्वाइन् वाफ वू मे अर्ज करता हं। मैं जनाब को तब यह दफा ११ की तरफ दिलाना चाहता हूं जो एक किस्म से उन आदमियों के मुताल्लिक है जिन्हें कि लाइसेंस मिलेगा, जिन को दबर्न-स्ते होगी। किन शायत पर लाइसेंस दिया जायगा इस उमूल को भी मैं मानता हूं कि जिस को प्रास्पेक्टिंग लाइसेंस दिया जाय उस का फर्दर काम के लिये भी खास लिहाज रक्खा जाय। दफा ११ में लिखा है :

“(1) Where a prospecting licence has been granted in respect of any land, the licensee shall have a preferential right for obtaining a mining lease in respect of that land over any other person:

Provided that the State Government is satisfied that the licensee

has not committed any breach of the terms and conditions of the prospecting licence and is otherwise a fit person for being granted the mining lease.”

मेरी यहा सब से बडी मुश्किल आती है। मैं किसी को फिट पर्सन नहीं समझता। भले ही उस ने सारे टर्म्स पूरे किये हैं, प्रास्पेक्टिंग के। किसी कायदे का भी वायोलेशन नहीं किया, फिर भी लिखा है कि फिट पर्सन को दिया जाये। यह डिस्क्रिप्शन है। मैं पूछता हू कि किस चीज के लिये फिट देखा जाये। जनाब दफा ३ का मुलाहजा फरमाये। उस में कुछ क्वालिफिकेशन्स दी गई है कि फिटनेस किस किस्म की हो। वह सब की सब एग्जहास्टिव नहीं है। पर फिट पर्सन कौन है? हमारी मुखालिफ पार्टी वाले कहेंगे कि इसका मतलब यह है कि ही मस्ट नाट बि ल टु एरी अबर पर्टिकुलर पार्टी। लेकिन इसमें फिट की कोई डेफिनिशन नहीं है। बिल यह भी नहीं कहता कि फला अफिट पर्सन है। मैं अर्ज करूंगा कि जब तक यह नहीं कहा जाता कि अफिटनेस क्या है, तब तक फिट पर्सन नहीं रक्खा जाना चाहिये था। बाकी जो चीजें कंसिडरेशन की हैं उन को कंसिडर किया जाता। इस के बाद जो बात मेरी समझ में नहीं आती वह यह है :

“11(2) Subject to the provisions of sub-section (1), where two or more persons have applied for a prospecting licence or a mining lease in respect of the same land, then applicant whose application was received earlier shall have a preferential right for the grant of the licence or lease, as the case may be, over an applicant whose application was received later.”

मैं इस के माने बिल्कुल नहीं समझा। मेरे जैसे आदमी के खयाल से तो एक तारीख मुकरर कर ली जाय। जब यह लागू होगा उस तारीख से पहले २५ आदमी ऐप्लाई कर दें तो उनको सब को कंसिडर किया जाये। यह क्या है कि जिस आदमी ने पहले ऐप्लाई

[पंडित ठाकुरदास भार्गव]

किया है उस को ही कंसीडर किया जाये। मान लीजिये कि महीने की ३१ तारीख को फंसला होना है तो उसके पहले की जितनी ऐप्लीकेशनस हो सब पर एक तरह से गौर करना चाहिये और जो सब से मौजू हो उसको ही मौका देना चाहिये। Date of application has no bearing whatsoever.

फिर आगे देखिये। यह इससे भी ज्यादा ताज्जुब की बात है।

"Provided that where any such applications are received on the same day, the State Government, after taking into consideration the matters specified in sub-section (3) and obtaining the previous approval of the Central Government, may grant the prospecting licence or mining lease, as the case may be, to such one of the applicants as it may deem fit."

अगर उसी दिन का खयाल रखना है तो क्यों नहीं एक घंटे या दो घंटे पहले दरख्वास्त देने वाले का भी खयाल रखा जाए? क्यों न एक या दो मिनट पहले का खयाल रखा जाए? अगर टाइम का लिहाज करना है तो वह तो इस पर भी ऐप्लाइ होता है। फिर अगर वक्त का लिहाज रखा भी जाता है तो यह भी तो देखना होगा कि दूसरी कंडिशनस भी पूरी होती हैं या नहीं। दफा ११ (३) में लिखा हुआ है :

"The matters referred to in sub-section (2) are the following:

- (a) any special knowledge of, or experience in prospecting operations or mining operations, as the case may be, possessed by the applicant;
- (b) the financial resources of the applicant;
- (c) the nature and quality of the technical staff employed

or to be employed by the applicant;

(d) such other matters as may be prescribed.

में अर्ज करना चाहता हूँ कि अगर किसी अफसर को डिस्क्रिप्शन देना है और उसको किसी आदमी को रखना है तो वह ऐसे आदमी को रखे जो कि काम को पूरा कर देने के लिये फिट पर्सन हो। मैं तो फिट पर्सन उसे ही समझता हूँ जो कि जिस काम के लिये ऐप्लीकेशन मांगी जाये उसको पूरा करने की काबिलियत रखता हो। आप उसके लिये जरूरी चीजें रखें, लेकिन यह वैसे ही ऐप्लाइ करता है उस आदमी को जो करीब एक महीने पहले ऐप्लाइ करता है। मैं तो कहता हूँ कि जिस दिन लाइसेंस देना है उससे पहले किसी भी दिन कोई ऐप्लाइ कर दे और सब कंडिशनस को पूरा कर दे उसको जरूर मौका दिया जाना चाहिये, उस आदमी के मुकाबले में जिसने पहले तो ऐप्लाइ किया है लेकिन कंडिशनस पूरी नहीं करता। जेनरल स्टाफ के बारे में तो मैं इसको ठीक समझ सकता हूँ जिसके लिये बहुत ज्यादा क्वालिफिकेशनस की जरूरत नहीं होती। क्योंकि अगर किसी वक्त पर यह मालूम होता है कि वह स्टाफ ठीक नहीं है तो उसको तब्दील किया जा सकता है। फिर हो सकता है कि उसको काम करने की ताकत न हो लेकिन वह सुपरवाइज तो कर सकता है टेकनिकल स्टाफ एम्प्लाय तो कर सकता है। लेकिन टेकनिकल स्टाफ के साथ यह चीज नहीं हो सकती। अगर वह काम नहीं कर सकता तो उस में बड़ी मुश्किल होगी। आप को देखना होगा कि उसमें जो चीजें चाहियें उनके मुताबिक वह फिट है या नहीं।

इसमें यह लिखा है :

"such other matters which may be prescribed."

तो मेरी गुजारिश यह है कि इसके अन्दर गवर्नमेंट को यह चाहिये था कि यह लिखती

फलां दिन तक सब दर्खास्तों प्रायेंगी उसके बाद हमारा काइटेरियन है। तब तो ठीक होता, वरना मैं इस चीज को ठीक नहीं समझता। मुझे उम्मीद है कि भ्रानरेबल मिनिस्टर साहब इस पर रोशनी डालेंगे। और अगर इस में कोई दिक्कत नहीं होगी तो इसको तरमीम कर देंगे। क्योंकि यह बड़ी बेसिक प्राविजन है जिस पर जो लोग दर्खास्त देंगे उनकी किस्मत का फैसला होगा।

उपाध्यक्ष महोदय : पंडित जी, इसका यह मतलब तो नहीं हो सकता, मुझे नहीं मालूम कि सरकार के दिल में क्या है। एक जगह है। एक आदमी का खयाल है कि यहां माइन्स है। दूसरे आदमी को भी खयाल आता है कि यहां प्रास्पेक्टिंग होनी जरूरी है। तो वह दर्खास्त देते हैं। जिसे पहले खयाल आया और जिसने पहले उसकी निस्बत दर्खास्त दी थी, उसे प्रिफरेंशल राइट चाहिये। यह तो नहीं कि गवर्नमेंट कहे कि फला तारीख तक फला टुकड़े के निये दर्खास्त दी जायें। आया ऐसी बात तो नहीं है।

पंडित ठाकुर दास भांडा : मैं भ्रदब से भ्रजं करूंगा कि जिनको प्रास्पेक्टिंग लाइसेंस दिये जायेंगे उनमें से ही कुछ लोगों को लीज दी जायेगी। अब अगर गवर्नमेंट ने पांच छः आदमियों को प्रास्पेक्टिंग लाइसेंस दे दिये तो गवर्नमेंट को यह फैसला करना होगा कि किस को कितना एरिया दिया जाये या सारा एरिया एक ही आदमी को दिया जाये। आप उसकी फिटनेस देखने के लिए चार पांच बातें देखेंगे। पर यह सवाल नहीं उठता कि किसको पहले खयाल आया और किसको पीछे खयाल आया। बहुत से आदमी ऐसे भी हो सकते हैं जिनको खयाल तो पहले आया हो पर जिन्होंने दरखास्त पीछे दी हो। मैं भ्रदब से भ्रजं करूंगा कि गवर्नमेंट को लीज देने में सिर्फ इस बात का ध्यान रखना चाहिए कि कौन आदमी इस माइन को ठीक से वर्क कर सकेगा।

इसके अलावा एक चीज मैं यह नहीं देखता कि किन भूतों में गवर्नमेंट लाइसेंस को कैंसिल कर सकती है। अभी प्रोजीशन के एक बोर्ड में इस तरफ तबज्जह दिलाई कि हो सकता है कि कोई शस्स लीज तो ले ले लेकिन प्रापर तरीके से एक्सप्लोएट न कर रहा हो। अगर कोई शस्स लीज लेने के बाद गवर्नमेंट को राय में उसको इस तरह चलाना है कि जिसमें देश का भला नहीं होता तो गवर्नमेंट को यह पावर होनी चाहिए कि या तो उसको खुद एक्वायर कर ले या उस आदमी को कह सके कि अगर वह उसकी ठीक से एक्सप्लोएट नहीं करेगा तो उसका लाइसेंस वापस ले लिया जायेगा। इस तरह का प्रोजीशन में इस बिल में नहीं देखता जो कि बहुत जरूरी है।

इसके अलावा इसमें यह नहीं दिया गया है कि किस तरह में और कितना एरिया दिया जायेगा। पर इसके वास्ते में हाउम का वक्त नहीं लेना चाहता।

मैं हाउम की तबज्जह दफात ७ और ८ की तरफ दिलाना चाहता हूँ। रिन्युअल के बारे में दफा बहुत बेग है। यहां कोई ऐसा प्राविजन नहीं है जिस में मालूम हो कि किन शर्तों पर लाइसेंस दिया जायेगा और क्यों इतना ही एरिया दिया जाये। एक मेश्वर साहब ने कहा कि ३० मील होना चाहिये कहा दिया गया है कि ५० मील होना चाहिये में जानना चाहता हूँ कि क्या सब के एरिया बराबर होंगे। ऐसे मिनरल भी हो सकते हैं कि जिनके एरिया मुस्तलिफ हो। फिर यह वाइड पावर्स दी हुई हैं कि गवर्नमेंट चा तो डबल या ट्रिबल भी कर दे या और ३० साल का लीज दे दे। इतनी बेग और इनडेफीनेट पावर दी गई है। इसमें दरवाजा खुला रखा गया है कि अगर कोई भ्रफसर चाहे तो किसी भी चीज को खूब भ्रच्छी तरह से एक्सप्लोइट कर सके और कोई उससे कुछ कह न सके। इन कन्स के बनाने का मंशा तो

[पंच ठाकुर दास भार्गव]

यह है कि अफसर की पावर्स पर कोई कर्ब लगाया जाय। लेकिन यहां जो पावर्स दी गयी हैं उनमें से छोकर तो कोच और फोर-पास हो सकते हैं। इन पावर्स से तो करप्शन को ज्यादा जगह मिल सकती है।

इसके अलावा में एक और एस्पेक्ट की तरफ तबज्जह दिलाना चाहता हूँ। वह यह है कि जो लाइसेंस मन् १९४९ के बाद के हैं उनके लिए गवर्नमेंट ने यह शर्त रखी है कि गवर्नमेंट चाहे तो टर्मस वगैरह तो नबंदील कर दे। इसके बारे में मैं बहुत अदब के साथ अर्ज करना चाहता हूँ कि हमारे मुल्क में अभी माइनिंग अच्छी तरह से डेवलप नहीं हुआ है। ज्यादातर काम अभी प्राइवेट आदमियों के पास है, गवर्नमेंट के पास बहुत थोड़ा काम है। इसलिए प्राइवेट आदमियों को जितना प्रोत्साहन दिया जा सकता है दिया जाना चाहिए। और जो उनकी टर्मस और कंडीशन्स हैं उनको तबदील करने के स्पेसिफिक रूल्स होने चाहिए। गवर्नमेंट को यह पावर नहीं होनी चाहिए कि जिस तरह से चाहे उनकी टर्मस को तबदील करदे। पुराने मुआहिदों के बारे में गवर्नमेंट को किस तरह की पावर्स हो इसके लिए डिफिनेट रूल्स होने चाहिए। यह प्रावीजन होना चाहिए कि अगर किसी आदमी का ज्यादा नुकसान होता हो तो वह कोर्ट में जाकर अपने राइट हासिल कर सके। जब दो पार्टिज में कोई मामला हो तो उसमें फाइनल आरबिटर कोर्ट होना चाहिए। जो पावर्स दफा १५ में दी हुई है, मैं समझता हूँ कि वे जरूरत से ज्यादा हैं और उनके ऊपर कोई न कोई कर्ब होना चाहिए।

इस तरह से मैं दफा १८ की तरफ आपकी तबज्जह दिलाना चाहता हूँ। उसमें दिया गया है :

"Any prospecting licence or mining lease granted, renewed or acquired in contravention of the

provisions of this Act or any rules or orders made thereunder shall be void and of no effect".

इसकी इतनी ज्यादा जरूरत नहीं थी क्योंकि जो लीज इसके मुताबिक नहीं हूंगो वह वाजिब नहीं समझी जायेगी। फिर इसके बाद आप एक्मप्लेनेशन पर और फरमायें। वह इस तरह है :

"Where a person has acquired more than one prospecting licence or mining lease in any State and the aggregate area covered by such licences or leases, as the case may be, exceeds the maximum area permissible under section 6, only that prospecting licence or mining lease the acquisition of which has resulted in such maximum area being exceeded shall be deemed to be void".

बावजूद बहुत तबज्जह देने के मैं इस का पूरा मतलब नहीं समझ सका। इस में यह दिया हुआ है कि अगर किसी आदमी के पास एक से ज्यादा प्रास्पेकिंग लीजेज़ हैं और उन का मिला हुआ एरिया सेवगन ६ में दी हुई परमिसिबिल लिमिट से ज्यादा हो जाता है तो उस लीज को खत्म कर दिया जायेगा जिस की वजह से परमिसिबिल एरिया बढ़ गया है। मैं समझता हूँ कि इस में यह प्रावीजन होना चाहिये कि ऐसी सूरत में आखिरी लीज को खत्म किया जाये। लेकिन इस में यह नहीं दिया गया है कि किस लीज को खत्म किया जाये। इसलिये किसी भी लीज को खत्म किया जा सकता है। जैसे कि ७५ और २५ के मिलने से १०० होता है। तो १०० से कम करने के लिये ७५ को भी खत्म किया जा सकता है और २५ को भी। इस में यह बीज वेग है। मैं इस को नहीं समझ सका।

इसी तरह से दफा ६(२) में दिया गया है कि अगर कोई शख्स लीज लेता है और किसी

के नाम से तो वह उसी की लीज समझी जायेगी यह चीज भी साफ नहीं है। इस में लिखा है :

"For the purposes of this section, a person acquiring a prospecting licence or mining lease by, or in the name of, another person shall be deemed to be acquiring it himself".

एक आदमी एक प्रास्पेक्टिंग लीज लेता है। एक दूसरे आदमी ने एक और प्रास्पेक्टिंग लीज ले ली। गवर्नमेंट यह कैसे साबित करेगी कि उस ने दूसरे आदमी की तरफ से लीज ली है। इसमें सिर्फ इतना लिखा है कि :

"For the purposes of this section, a person acquiring a prospecting licence or mining lease by, or in the name of, another person shall be deemed to be acquiring it himself".

अगर इस में कुछ भी दर्ज नहीं है तो कोई दूसरा शस्त्र ले लेगा और गवर्नमेंट कह देगी कि तुम्हारे वास्ते लिया है। चलिये आप खत्म हुए। यह चीज बिल्कुल इनडेफिनेट है और इस से आयन्दा प्रेक्टिस में बहुत मुश्किलत आयेंगी।

इसी तरह से दफा ५ में सरटिफिकेट आफ एप्रुवल होने पर लीज देने का प्रावोजन है। यह मामला जरा टेक्नीकल है जो कि में नहीं जानता। लेकिन मैं एक बात पूछना चाहता हूँ। अगर उस की ऐप्लीकेशन आफ रिन्यूअल मंजूर नहीं भी होती है तो बूक उस के पास सरटिफिकेट आफ एप्रुवल है उस को दूसरी लीज मिल जायेगी। फिर क्या आप उस को खारिज कीजियेगा। यह लीगली और लाजिकली वाइज प्रावोजन नहीं है। इस को वाजेह कर देना चाहिये कि दर असल मामला क्या है ताकि लोगों को ठीक बात मालूम हो सके।

इस के अलावा जहां तक कि गवर्नमेंट आफ इंडिया के राइट्स का सवाल है, मैं अब से भ्रज करूंगा कि मैं चाहता था कि ये

राइट्स और भी ज्यादा हों। इस को वजह यह है कि गवर्नमेंट आफ इंडिया ही इस देश के अन्दर डेवेलपमेंट आफ मिनरल्स का काम ज्यादातर करती है। ये जो अखित्यारात हैं अगर वे ज्यादा बसीह होते तो अच्छा था। मैं चाहता हूँ कि सिलेक्ट कमेटी इस तरफ तबज्जह दे और गवर्नमेंट को यह राइट दे कि प्रापर केस में गवर्नमेंट एक्वीजीशन भी कर सके और देश का फायदा कर सके।

इस के अलावा श्री भरूचा साहब ने दफा १७ की तरफ तबज्जह दिलाई है। मैं इस दफा को देख कर हैरान रह गया क्योंकि इस में कोई चीज स्पेसिफिक दर्ज नहीं है। कोई रूल नहीं है। इस में लिखा है :

Government shall take all steps, do everything, make such rules as are proper; as a matter of fact, do whatever is possible under the heavens, and to this end utilise all their powers to reach that optimum. That is all.

मैं भ्रज करना चाहता हूँ कि इस के मानी यह हैं कि दरअसल यह सब चीज इस तरह की हैं कि इस में हम को काफी तजुर्बा नहीं है। आप को पता नहीं है कि क्या रूल्स आप बनाने जा रहे हैं। मैं भ्रज करता हूँ कि दूसरे मुल्कों का मसला आप के सामने था और उन से आप को मदद ले लेनी चाहिये थी। अगर आप यह नहीं करना चाहते ये तो आप को चाहिये था कि आप चुपचाप बैठे रहते। इस का नतीजा तो यह होगा कि एक बैकुम क्रियेट हो जायेगा और आप को पता नहीं चलेगा कि क्या होना है और क्या नहीं होना है। इस से बेहतर तो यह था कि आप इस बिल को ही न लाते। जिस तरह से आप चाहते, करते आते। आज तक भी तो आप करते ही रहे हैं। और प्रागे भी आप करते रह सकते थे। मैं ज्वाइंट कमेटी में दरखास्त करूंगा कि वह इस कानून को ऐसा बनावे जिस से यह डेफिनिट और सर्टेन मालूम हो और सब के राइट्स की डिफाइजत इस के जरिये से हो सके। हम डिपार्टमेंट्स के लोगों के राइट्स के साथ खेलने की इजाजत नहीं दे

[पं० ठाहुर दास भार्गव]

सकते और न ऐसा करना ही ठीक होगा। मैं चाहता हूँ कि प्राइवेट परसंस के जो राइट्स हैं उन को ठीक तरह से कायम रखा जाये और साथ ही साथ गवर्नमेंट आफ इंडिया को पूरी पावर्स दी जायें। मैं चाहता हूँ कि रूल्स इस तरह से बनाये जायें कि वे फूलप्रूफ हों, इंटेलिजेंट हों और इस तरह के न हों जिस तरह के कि इस के अन्दर दिये हुए हैं।

Shri Kasliwal (Kotah): I welcome this Bill and I am glad that the hon. Minister has agreed to refer it to a Joint Committee because I feel that this is indeed a very important Bill.

But while the Bill is being referred to a Joint Committee, I would like to make certain suggestions with regard to certain clauses of the Bill as well as in respect of certain lacunae in the First Schedule.

Attention has been drawn to clause 16. I welcome this clause. But I am in agreement with my hon. friend on the other side who has drawn attention to certain defects in this clause. Let me give an instance. Take the case of copper ore in Rajasthan. Practically, Rajasthan is the only State in India which has large deposits of copper ore. Mining operations have been suffering because of mining leases or prospecting licences having been given to people who are really not interested in mining copper. These leases are continuing. Suppose the Central Government say that they will take over with the consent of the State Government those copper areas but they will not take over those areas which are already given under certain mining leases or prospecting licences. I think that would not be the right thing, because the copper area will again continue to suffer. I suggest that so far as clause 16 is concerned, it requires lots of amendment in this line. Whenever Government feel that there are certain important minerals in respect of which the Central Government have got to undertake operations, they should do so,

irrespective of any mining leases or prospecting licences granted to any private parties.

Then I will refer to clauses 6, 7 and 8. I am glad Pandit Thakur Das Bhargava has referred to clauses 7 and 8. I have strong objections to clauses 6, 7 and 8. These clauses relate to maximum area for which a prospecting licence or mining lease may be granted, maximum period for which prospecting licences or mining leases may be granted and renewal of prospecting licences and mining leases. I am not in a position at once to say what should be the limitation of period or what should be the smallest possible area for which a mining lease may be granted. That is a matter which ultimately the Joint Committee will go into. But I do suggest that whatever is given in the Bill is a bit too much with regard to mining areas as well as period. I hope the Committee will look into this matter.

Then I refer to the First Schedule. I submit that this list is not exhaustive. I venture to suggest that a very important mineral has been left out of this list, that is, mica.

I am surprised that the hon. Minister has included Beryl in the list in the First Schedule but has left out Mica. Beryl is found in the mines together with Mica. Either both of them are found together or neither is found. You cannot have Beryl and at the same time leave out Mica. Therefore, I suggest that Mica should be included in the list. It is not merely foreign exchange earner but, I believe, India is the second largest producer of mica. So, in matters like this, I do not think any prospecting licences or leases should be given without consultation with the Central Government.

If you please look at clauses 7 and 8, you will find that mica has already been given special treatment. In clause 7, it is stated, in the case of

mica, one year' and in clause 8, it is stated, 'in the case of mica, two years'. So, why should mica be not included in the First Schedule? This is one of the other suggestions that I would like to make to the Joint Committee.

I hope as my hon. friend, Pandit Thakur Das Bhargava said, that the Joint Committee will make this law definite and I also hope that the rules under this Act will be made in such a way that our mineral wealth will also be protected.

Shri T. K. Chaudhuri (Berhampore): Mr. Deputy-Speaker, Sir, it goes without saying that this is a very important Bill and we are considering it at a very crucial moment of our national economic development. This Bill, as the hon. Minister pointed out, has been pending for some time. If I remember aright, it was circulated during the last session. But, as a matter of fact, I find from an old publication of the Ministry of Natural Resources and Scientific Research that Government have been feeling from 1954 onwards that there should be two separate enactments in consequence of the Constitutional provision as laid down in items 53 and 54 of the Union List and item 23 of the State List. In spite of that fact, I do not know why Government took such a long time in bringing forward this measure which is nothing but a sort of a consequential measure. Although the hon. Minister made a brief reference to the Industrial Policy Resolution of 1956, I wish he did not refer to it because, perhaps, by this time we have started forgetting all about it.

Till very recently, till at least certain high personages started making statements to the Press in foreign countries, we were really under the impression that the Industrial Policy Resolution had some force. But, after those statements to which I have referred, and, particularly, after seeing the Bill that is before us, we have hardly any illusions about the Government's intentions so far as their Industrial Policy Resolution is concerned. As a matter of fact, this Bill

is nothing but the old Mineral Concession Rules under the old Act of 1948, with provisions a little bit expanded here and there. The title of the Bill is a misnomer—Mines and Minerals Regulation and Development. There is nothing much in it about development of mining. Whatever there is about development is only vague and meaningless. The majority of the provisions concern granting of concessions for prospecting and mining operations.

You know that so far as mineral properties are concerned, they are very much connected with rights on land and now these mineral properties are supposed to vest in the State Governments—in those States where the requisite legislation has been passed. In some States the requisite legislation has not been passed as yet and the proprietary rights are still vested in intermediaries or other persons who are in possession of the lands containing minerals.

But, in a number of States, the requisite legislation has been passed and the proprietary rights in minerals do vest in the State Governments. But, in view of the objectives of the Second Five Year Plan and in view of the objectives set forth in the Industrial Policy Resolution, we expected that the Government would take steps to bring their mining laws and laws with regard to mineral properties and mineral concessions in consonance with those objectives.

Unfortunately, we find that this Bill only makes provision for granting concessions to private persons and does not touch the big concessionaires who already hold very large and astounding types of concessions over very vital and strategic minerals. I do not know what would be the consequences of this legislation because it is full of so many loopholes with regard to the state of affairs that obtains at present. I do not want to take much time of the House; but just look into the properties owned by some of the existing concessionaires. For example, take the manganese industry.

[Shri T. K. Chaudhuri]

We know the old Central Provinces were rich in this mineral. There we have a British company—the C.P. Manganese Ore Company Limited—owning very extensive manganese leases under some agreements which can be renewed. How far will this legislation affect those agreements? Otherwise, what is the use of this legislation? Owing to the negligence of the previous Governments when we were under foreign domination, most lucrative concessions went to foreign concessionaires. The company I have referred to has three Britishers and two Indians as Directors. I need not name them. The managing agents are Messrs. Bird and Company at Calcutta. In the Keonjhar State of Orissa they have a concession over 50 square miles. This lease extends to 45 years—upto 1984. They have a right to extend it by agreement—I do not know whether with the Orissa Government or the Keonjhar State—and renew the lease for another 45 years. It means that this concession will go on up to the year of Grace 2029. Will this legislation affect this kind of concession? If I am right, this particular firm has extensive leases of manganese property in Orissa. The hon. Minister has said that this legislation is being formulated with the objective of the Industrial Policy resolution in view. Will this legislation be able to shake the strangle hold of these foreign concessionaires over our strategic minerals? That is the question I want to ask.

The present Bill has been framed in a particular way. Whatever the Joint Committee may or may not do, it cannot change the total mould of the Bill. Unless the Government withdraws this Bill and brings forward new legislation based on the fundamental principles as adumbrated in the Industrial Policy resolution, this kind of legislation will have no meaning or significance.

Many hon. Members have spoken about the provisions of the Bill before. They are very limited in scope. Many hon. Members have sought to point out how carelessly this Bill has been

drafted. It passes my comprehension why instead of bringing forward in a straightforward manner two separate Bills, one with regard to the minerals other than petroleum and oil and the other with regard to petroleum, they have done this clever piece of work. They have tried to adapt the old Mines and Minerals Regulation and Development Act of 1948 to the mineral oil resources and petroleum products. A certain provision of this Bill provides for mineral oils and the others provide for specified minerals other than oil. Could we not have two separate straightforward Bills enacted?

I do not want to go into details. Drafting defects have already been pointed out by Pandit Bhargava and Shri Bharucha and many others. If the Bill is enacted as it is, it will enable the Government only to dole out certain concessions. It will not empower the Government to touch the existing big concessionaires in the slightest degree. It leaves enough loopholes for the Government and the private capitalists or monopolists to go scotfree. That is why I am not able to give my whole-hearted support to this Bill. (An Hon. Member: Give partial support). I agree that this is a very necessary measure. But I am not satisfied the way the Bill has been drafted.

Shri Ansar Harvani (Fatehpur): I am glad that after all the Government has paid some attention to such a vital industry. I have known the hon. Minister who piloted this Bill for almost 25 years and I felt great admiration for his thoroughness. But, today I was slightly disappointed when I saw he came forward with a Bill which is so sketchy and vague.

After freedom, we appointed committees and commissions to make enquiries about various industries. We had one such committee for the textile industry which went into the working condition, encouragement and development of the textile industry. The States appointed Committees to go into the sugar industry. Even an industry

like the film industry got our attention and Shri Patil was appointed on this committee. To my surprise, however, no committee went into the working of this industry which is so vital to our country. So much has been said that the Bill was vague or sketchy by the other side of the House I feel that a committee should have visited the mineral areas and the mining areas. It ought to have made an enquiry about the working and prospecting of these areas and then a comprehensive Bill ought to have been brought forward to regulate such a vital industry

We know it very well that in the next few years we are going to have five big steel plants. Apart from them, we are going to have a number of other plants. We are going to develop industry in this country and if we do not tap the resources of our minerals and if we do not develop them properly, then, I am afraid that we are doomed. On going through this Bill, I find that there is not much scope of development of mineral industry if this Bill is completely implemented as it is. I am sure that the Joint Committee will make the necessary amendments

We know it very well that the mineral industry is an industry of adventure. We have known the people in other countries, especially in the United States of America and in the Union of Soviet Socialist Republics, adventurous people going in and prospecting minerals in thousands, but we find that that sense of adventure is not being encouraged in this Bill. We have restricted the area for prospecting to 50 miles. We have known people in the past even in this country, who have gone and invested their money. Let me confess, at the very outset, that I am not a lover of the private sector. In fact, I am all for socialisation. Either completely socialise the mining industry or, if you do not completely socialise it, completely nationalise it, then encourage the private sector in the way in which it should be encouraged. If you restrict the area of prospecting to 50 square

miles, I am afraid that the huge capital will fight shy, because in 50 miles, they cannot invest a lot of money, big machinery and other things. Therefore, all these things should be taken into consideration

The other factor to which I would like to draw the attention of the House is the disposal of the mineral wealth. In the past, we have known that manganese which is known as the black gold of our country, has been a good dollar-earner and a foreign exchange earner for our country. A year ago, we handed it over to the State Trading Corporation. We do not know the result of it. I am afraid that ever since it was placed on the head of the State Trading Corporation, the manganese industry has suffered and manganese production has decreased. All these factors should be taken into consideration

I am not against the State trading, but State trading cannot be done by a personnel which has been trained for the magistracy and the collectorate. It needs a specialised knowledge and if we indulge in State trading, we should have specialised personnel to carry on this trade. With these words, I hope that when this Bill goes to the Joint Committee, all these factors will be taken into consideration and we will have a more comprehensive and more complete Bill.

Shri Basappa (Tiptur): While I welcome this Bill, I wish to commend the speech of the hon Minister which he delivered recently when he inaugurated the sub-committee of that big body—E.C.A.F.E.—in Calcutta the other day. In that speech he said that for the development of the mineral industry, the co-operation of various countries is also necessary. On the eve of enacting this legislation, I thought it right to refer to that speech wherein he has asked for the co-operation from several other countries. But as we all know, the industrial policy which we have laid down is suitable for this legislation, and it is entirely in conformity with industrial policy. Of course, we could have had

[Shri Basappa]

some mineral development in this country long back. What we have done in the first Five Year Plan is not enough. A big mineral base is necessary for the industrial development in the second Five Year Plan. We are all out for a very big industrial plant in the Second Five Year Plan and for that, this mineral development becomes very, very necessary. So, the entire industrial production of this country and the mineral policy should be revised in the light of this Bill which has been brought forward. It is but right that we should see that this Bill, with all its loopholes, is rectified in the Joint Committee and comes forth as a piece of legislation which will develop this country to a very great extent.

So far as development is concerned, we have already seen that there is very great potential in our country. I remember in my college days having read that book by Mrs. Vera Anstey wherein she said that India is a land of poverty in the midst of plenty and if we go from one end to the other, we see a lot of minerals, but they are undeveloped. Therefore, it is but right that we should think about it, and it is already very late. It is right that we have thought of it now and it is time that we took up such things now.

While I say all this, I should like to refer to one or two matters mentioned in the Bill. Of course, I do not agree with Shri Naushir Bharucha in his wholesale condemnation of the Bill. The Bill can be improved in the Joint Committee. For example, there are very big leases. The Government must think of taking over those leases themselves and they must see that they are worked well. I want to see a clause put in in this Bill to the effect that even if the mines are being worked now, if they are working to the dissatisfaction of the Government, those mines should be taken over.

You know the circumstances when these big leases have come into existence. When the native States were taken over, those big mines became

the private property of some of the Rulers, particularly in my State. You may have heard of the Raja of Sandur in whose State manganese mines are existent. I do not know that private property belongs to him. There are disputes about it. The Madras Government once declared that these properties belong to the Government. But now, he is working some of these mines and some other mines are not being worked. So, great care should be taken to see which are those mines which belong to the Government as separate from the private property, and to see that those important mines are made use of by the Government.

At the same time, I should like to point out one other matter. In former days, there were big leases running to a long period of years. For instance, leases ran to 999 years. All these things should be stopped and the periods should be reduced and limited to a reasonable duration. The extent of the area is also another matter which ought to be looked into. I hope the Joint Committee will look into these things.

With regard to the working of the mines, the private sector has not done its job well. Of course, they might have done something. But coming to my State, if you see the working of the manganese mines there, you will see how haphazard the work has been. The economy has suffered and because of the bad working, labour trouble has started and the progress has been hindered because of the improper working of the mines by the private sector. There are so many disputes, and the Mysore Government has lost a lot of money, by way of income-tax. We know how these industries in the private sector could cheat the Government to a very great extent in the matter of income-tax, super-tax, royalty, etc. They do not pay royalty at all. There are not very many measures to check such things properly. Under these circumstances, the Government are losing a lot of foreign exchange as well as revenue. The

Government should, therefore, regulate properly and develop this industry so as to give enough scope for expansion and development.

We already know that for industrial development we want a lot of help from various other countries. But when we have got our own foreign exchange earner here, why should we not improve the industry and gain by it? The State Trading Corporation, I think, has not done its job well as yet. We should see to it that in these minerals the Corporation takes a lot of interest and see that these things are done well.

Of course, I have understood the criticisms made by several hon. Members on the other side. The Joint Committee can go into some of those things and rectify them. I hope the Bill will come forward to this House again with all the defects removed so that this country may prosper out of the mineral development.

15 hrs.

Shri Surendranath Dwivedy (Kendrapara): Mr Deputy-Speaker, while moving for the consideration of this Bill, the Minister admitted that there are vast areas at present under the control of some companies who have almost become vested interests in these mineral materials. But I am sorry that the Bill he has introduced is not going to affect them in any manner.

We all realise that these mines and minerals are a key factor in our economy and it would earn us good foreign exchange at this time of difficulty. But we are proceeding in a haphazard manner without going to the root of the problem. By, merely restricting new licences, I do not think the problem would be solved. It would have been better if the Minister had come forward with figures to show as to how many square miles are actually under the control of private companies, who have taken it for a number of years and have still not explored it, and how they

have got concessions which by any sense of justice could not be permitted. I do not think this Bill is going to affect them in any way.

Perhaps the best solution of this problem which, as I said earlier is a key factor in our economy, should be to nationalise the entire mines and minerals, without giving any scope for the private parties to function. As regards coal, I want to point out that we have decided that the production should be raised to 60 million tons. Out of the 22 million tons of additional production in the second Five Year Plan, 10 million tons are expected to be produced by the private companies. But if you see the coal industry—I can speak from my personal experience of a mine in Orissa—although the State collieries are functioning in the very same area quite properly, a private mine has for years not only reduced its production, but has not been able to pay the labourers their dues. Even the labour laws are being violated and no action is being taken. I have pressed this matter many times, two or three years ago in the Rajya Sabha and very recently also, that since for the last so many years this particular mine is violating all laws, it is proper that it should be taken over by the Government. But we do not want to proceed in that line.

Here in this Bill we are only making certain changes or, as stated in the Statement of Objects and Reasons, out of experience, we propose to introduce some more provisions. But my question is whether these provisions are in any way going to improve the position. I would like to know what the Minister proposes to do during the course of this Five Year Plan, whether in the States, under the guidance of the Centre, they are going to take any positive measures to see that the largest areas come under State control and State management.

About other things in this Bill, the Members who have spoken previously have pointed out many things and

[Shri Surendranath Dwivedy]

when it goes to the Select Committee, I hope the Select Committee would go into those matters in detail. I find that on this question of royalties, a new schedule has been given. But if you compare it with the old schedule of the 1948 Act, there is hardly any difference. Almost the same amount of royalty is proposed to be realised although it is known that the companies who are dealing in those products are making huge profits. I am told—the Minister would probably enlighten me on that point—that in Orissa, which has rich mineral resources, there are, as has been pointed by my friend, Mr. T. K. Chaudhuri, companies including Bird and Company and the Tata Iron and Steel Company, which have taken vast areas merely for a song. Orissa is deficit in many respects and wants that its finances should be supplemented by other sources than mere taxation. I am told that the Government of Orissa wanted to increase these royalties, because these areas largely lie in ex-State areas and some of the agreements were reached between the then State rulers and the companies at a very cheap rate. I am told that the Government of Orissa recommended some increase and that was not permitted by the Central Government. Why is it so? Even under the previous Act, there was a provision empowering the Central Government to review the question of royalties and to increase it wherever necessary. If it is not done, there is always a feeling, and I feel rightly so, that political considerations have mostly prevailed in these matters, because the companies who are affected are very big capitalists who donate very handsome amounts to the party in power.

I can tell you that after vast areas have been given to those companies, still there are areas which would supply iron ore, manganese and other useful mineral products in large quantities for a number of years to come. Orissa's minerals comprise 75 per cent of iron ore and in two dis-

tricts only, Keonjhar and Sundargarh (Bonai), 2,500 crores of tons of iron have been found. There is a great demand for iron ore from Japan, West Germany, Yugoslavia and Poland. I want to ask whether the Government of India propose to explore these areas themselves or are they going to help the Government of Orissa to explore them, so that we can supply the demands of foreign countries and augment the finances of the State as well as the Centre. I am told that the Japanese, with whom we have recently entered into some negotiation, are prepared not only to help in the exploration of these areas, but also to pay handsomely for the development of railways and ports in Orissa, so that the iron ore may be available to them at a cheaper rate. Therefore, my submission is that if this Bill is going to be passed at all, it must also contain such provisions as would not permit the Government to allow private parties to enter into these vital mine areas any further.

Coming to the provisions, I only want to point out one thing. Clause 11, proviso 4, reads as follows:

"Notwithstanding anything contained in sub-section (2) but subject to the provisions of sub-section (1), the State Government may for any special reasons to be recorded and with the previous approval of the Central Government, grant a prospecting licence or a mining lease to an applicant whose application was received later in preference to an applicant whose application was received earlier".

I think that such a provision should not be there. If we give this power, then probably the parties will not come forward to take the risk to submit their applications in time or follow the necessary directions because the preference may be given for any extraneous reasons by the authority who is going to be empowered

under this provision. Before giving a prospecting licence for exploring, there are certain conditions which they have to satisfy. If those conditions are satisfied, I don't think there is any reason why preference should not be given to that person or party who complies with the rules. They should not be overlooked and licence should not be given to other people. I think it would be better if this provision is deleted.

Regarding royalty, I think the percentage of royalty that is provided should be enhanced. At the same time, the number of years should be reduced so that no mine-owner would get it for more than 10-15 years. The Central Government should have the power to review the entire position. If it is possible, it may renew it. But, in no case, should it be given for more than 10-15 years.

I do not want to go into other provisions which have already been covered by other friends. I hope this Bill will be discussed in all its aspects by the Select Committee and the Government would see that all the defects in the Bill are removed. Because, whatever remarks we are making, we are making not because we want to oppose the Bill, not because we think there is no need for a measure now, but because we feel that this industry should get top priority in the scheme of our national development.

श्री सिंहासन सिंह (गोरखपुर) : उपाध्यक्ष महोदय, यह जो विधेयक आज उपस्थित है, यह हमारे देश के नवनिर्माण के लिये एक आवश्यक विधेयक है। लेकिन हमने अभी जो इसकी वर्तमान रूपरेखा देखी उस में हमें कुछ नुटियां प्रतीत हुईं और चूक अभी यह बिल ज्वाइंट सेलेक्ट कमेटी को जायेगा और वहां पर इसमें संशोधन हो सकता है और इसकी रूपरेखा में कुछ सबदीर्घी की जा सकती है, इसलिये मैं उस सम्बन्ध में अपनी कुछ राय हाउस के समक्ष रखना चाहता हूँ।

भाज हम इस संशोधन विधेयक के जरिये जो अभी तक एक माइंस एंड मिनरल्स (रेगुलेशन एंड प्रमोटमेंट) ऐक्ट, १९४८ का था उसको हम दो भागों में विभाजित कर रहे हैं। पहले सब प्रकार के खनिज पदार्थों के लिये एक ही १९४८ का कानून था। आज हम उस कानून को दो विभागों में बांट रहे हैं, एक पेट्रोलियम के लिये और दूसरा अन्य खनिज वस्तुओं के लिये। अब इस संशोधन विधेयक के अन्दर जितना हमारा कोल माइंस का व्यवसायिक क्षेत्र है वह जैसे अब तक व्यक्तिगत सम्पत्ति रही है वैसे ही आगे भी रहेगी या वह राष्ट्र की सम्पत्ति होगी, इस का कुछ निर्देश हमें इस विधेयक के अन्दर दिखालाई नहीं पड़ता। इसके द्वारा केवल पुराने अधिनियम को दो हिस्सों में बांटा जा रहा है। अगर सरकार किसी कोल माइंस को लेना चाहे तो उसके लिये इस के अन्दर कोई धारा नहीं है जिसके कि मातहत वह ले सके। धारा १६ के अन्दर यही है कि उन खनिज वस्तुओं के वास्ते जोकि किसी स्टेट गवर्नमेंट के आधिपत्य में हों, उन को अगर केन्द्रीय सरकार चाहे तो ले सकती है। अब ऐसे मिनरल सैंड्स जोकि किसी स्टेट गवर्नमेंट के न हों और जो किसी की व्यक्तिगत सम्पत्ति हो उस का अगर सरकार राष्ट्रीयकरण करना चाहे तो उस के लिये हम इस मौजूदा संशोधन विधेयक में कोई गुंजाइश नहीं देखते। इस में केवल लाइसेंस दिये जाने की व्यवस्था की गई है और लाइसेंस का भी रूप पहले अधिनियम में जो एक था उस की बजाय इस अधिनियम में दो बना दिये गये। पहले लाइसेंस केवल एक ही प्रकार का होता था और प्रीस-पेक्टिंग लाइसेंस और माइनिंग लाइसेंस एक ही व्यक्ति को मिल सकता था। आज हम ने इस के दो रूप कर दिये हैं, प्रीसपेक्टिंग का प्रलग और माइनिंग का प्रलग। इस में यह जरूर कहा गया है कि जिस व्यक्ति को प्रीसपेक्टिंग लाइसेंस देंगे उस को माइनिंग लाइसेंस प्राप्त करने की सुविधा दी जायेगी,

[श्री महासत सिंह]

सुविधा शब्द आया है लेकिन यह भी मभव हो सकता है कि अगर कोई दूसरा व्यक्ति बीच में कूद पड़े तो मुमकिन है कि वह बाजी मार ले जाय और माइनिंग लाइसेंस उस दूसरे व्यक्ति को मिल जाय और प्रोमपेक्टिंग लाइसेंस के लिये जिम ने दो वर्ष प्रयत्न किया वह विफल हो जाय। अब इस में धपलेबात्री की काफी आशंका है। दो व्यक्ति प्रोमपेक्टिंग लाइसेंस के लिये दरखास्त देने हैं, एक उम में कामयाब हो जाता है, अब दूसरा व्यक्ति माइनिंग के लिये अल्टिमा लाइसेंस प्राप्त कर लेने में कामयाब हो जाता है और जिस के कि पाम प्रोमपेक्टिंग लाइसेंस है वह माइनिंग लाइसेंस नहीं प्राप्त कर पाता, दूसरा व्यक्ति चूक घनवान है और रिमोस-फुल है इसलिए वह उम को लेने में कामयाब हो जाता है में नहीं जानता कि ऐसा किस उद्देश्य से किया जा रहा है? दो तरह के लाइसेंस देने की बात मेरी समझ में नहीं आती और मैं तो चाहता कि जिम के पाम प्रोमपेक्टिंग लाइसेंस हो उमों को माइनिंग लाइसेंस भी दिया जाय और प्रोमपेक्टिंग लाइसेंस और माइनिंग लाइसेंस इन दोनों को एक साथ कर दें ताकि प्रोमपेक्टिंग लाइसेंस पाने के बाद उम आदमी को कोई डर न रहे कि आगे चल कर कहीं मेरा काम छिन तो नहीं जायेगा। जब हम देश को उन्नति पथ पर ले जाना चाहते हैं तब इस प्रकार का डर किसी न हृदय में नहीं रहना चाहिये और जब वह समझ लेगा कि एक मर्तबा काम शुरू करने पर यह काम करने का अधिकार उसी को ही मिलेगा और उम से वह काम छीना नहीं जायेगा तो वह उस में दिलचस्पी लेगा और मेहनत से करेगा। लेकिन जैसाकि मैं ने पहले निवेदन किया आप इस धारा के अन्दर दो रूप दे कर उम के मन में एक डर और भय की भावना रखते हैं।

मुझे आज यह चीज कहते हुए लज्जा अनुभव होती है कि आज हम अपने अधिकारी

वर्ग में वह राष्ट्रीय चेतना नहीं ला सकते हैं कि हमने हमारा देश है और तब उसके बाद हम लाने। इसा के कारण आज हम देखते हैं कि हमारे सामने बहुत सी समस्याएँ और कठिनाइयाँ हैं, देश के सामने आर्थिक कठिनाई पेश है, द्वितीय पंचवर्षीय योजना को चलाने के लिए हमें काफी बड़ी रकम की जरूरत है, हमारा घाटे का बजट है और हम चारों ओर से रुपया माग रहे हैं। आज हमारे देशवासियों और सरकारी कर्मचारियों में वही राष्ट्रीय देशभक्ति की भावना के विद्यमान होने की आवश्यकता है जो कि हमारे प्रधान मंत्री महोदय ने अपनी जापान यात्रा में वहाँ के लोगों में देखी और जिसका कि उन्होंने पार्टी मीटिंग में जिक्र किया था और लाइव बोम्ब जिसका कि प्रत्यक्ष उदाहरण है। आज हमारे देशवासियों में जापानियों जैसी राष्ट्रीय देशभक्ति की भावना दखन को नहीं मिलती है। आज वह चेतना और भावना हमारे बीच में उदय होने की आवश्यकता है और तभी हमारा देश उन्नति कर सकेगा।

मैं चाहता हूँ कि माननीय मंत्री और ज्वाइंट सेलेक्ट कमेटी इस सुझाव पर विचार करें कि प्रोमपेक्टिंग लाइसेंस और माइनिंग लाइसेंस यह दोनों लाइसेंस एक ही व्यक्ति को मिलें।

दूसरी बात जो मैं कहना चाहता हूँ वह डेवलपमेंट आफ् मिनरल्स से सम्बन्ध रखती है। उसके लिए आपने दफा १७ रक्खी है जिसके कि अन्दर कहा गया है मिनरल डेवलपमेंट के लिए मेट्रल गवर्नमेंट एक नोटिफिकेशन करके नियम बनायेगी। इस विधेयक के अन्तर्गत हम सरकार के अधिकारियों को यह अधिकार दे रहे हैं कि वह इसके अन्तर्गत नियम बनायें और उन नियमों के अन्दर यह कार्यवाही हो। इस विधेयक में हर एक चीजें अलग अलग दी गई हैं लेकिन उनमें हम कोई एक विशेष व्यवस्था जैसा मैंने पहले कहा नहीं देखते। डेवलपमेंट आफ् मिनरल्स, यह शब्द आये हैं

सेकिन वह डेवलपमेंट किस प्रकार से होगा, प्राया डेवलपमेंट व्यक्तिगत पूंजी के जरिए होगा या राष्ट्रीय पूंजी के जरिए किया जायगा या दोनों को मिला करके होगा या कैसे होगा, इसका कोई संकेत नहीं दिया गया है।

दूसरी बात जो मैं कहना चाहता था वह यह है कि वर्तमान विधेयक की जैसी रूपरेखा है उसके अनुसार बिना जमीन के मालिक की भरजी के हम उसकी जमीन को कंट्रोल नहीं कर सकते। एक आदमी दरखास्त देता है कि फलां जमीन को देखना चाहते हैं और सरकार उसके लिए मंजूरी भी दे देती है लेकिन अगर उस जमीन का मालिक अथवा जमींदार रजामंद नहीं होता और वह इस बात को इजाजत नहीं देता तो वर्तमान संशोधन कानून के अनुसार सरकार उसको इजाजत देने के लिए बाध्य नहीं कर सकती। जब तक जमीन एक व्यक्ति विशेष की प्रापर्टी रहती है और वह उस जमीन का मालिक रहता है और वह जमीन देने को तैयार न हो तो मैं नहीं समझता कि इस कानून की मद से उसको उस जमीन को देने पर कैसे मजबूर किया जा सकता है। इस में कहीं पर ऐसी व्यवस्था नहीं है कि आप उसको इस के लिए मजबूर कर सकें। इसलिए मिनरल डेवलपमेंट जो आप करने जा रहे हैं उसमें कोई ऐसा निर्देश होना चाहिए कि जहां सरकार जरूरत समझे और जहां कोई मालिक जमीन रायलेटी न देना चाहे, उसको सरकार ले सके और वहां पर मिनरल डेवलपमेंट का काम करवाये।

डेवलपमेंट कार्य को करने के लिये जो दो नियम बनाये जा रहे हैं मेरी समझ में उनसे काम में प्रगति होने के कुछ शकॉवट ही पड़ेगी। कानूनों की भरमार करने से मेरी राय में डेवलपमेंट का काम सायद धीमा ही पड़ेगा। जहां तक संभव हो कानून कम होने चाहिये और मेरी राय में इस तरह एक कानून के स्थान पर दो दो कानून बना कर हम कोई सही काम नहीं कर रहे हैं और ऐसा करके हम हाउस का

समय और राष्ट्र का समय भी ले रहे हैं। जो हमारा पूर्व विधेयक था उसी में उचित संशोधन करके एक कानून से ही हम अपना काम बली प्रकार से चला सकते थे। हम विधेयकों की संख्या बढ़ा करके तरक्की नहीं कर सकते, बल्कि विधेयकों की संख्या कम करके ही ज्यादा अच्छी तरह से काम कर सकते हैं।

मैं ज्वाइंट सेलेक्ट कमेटी से जिसके कि पास इस बिल को भेजा जा रहा है निवेदन करूंगा कि इस में उचित संशोधन कर दे। कोल, लिगनाइट वगैरह मिनरल्स शेड्यूल ए में रक्खे गये हैं लेकिन हम देखते हैं कि भाज इस कानून को बने ८, ९ वर्ष हो गये, लेकिन सोशलिस्टिक पैटर्न की ओर जिसका कि निर्देश हमारी इंडस्ट्रियल पॉलिसी सम्बन्धी रेजोलूशन में है उस ओर यह वर्तमान अधिनियम हमें नहीं ले जाता प्रतीत होता है और इस हेतु मैं सेलेक्ट कमेटी से अपेक्षा रखता हूँ कि वह मेरे सुझावों को ध्यान में रखेगी और इस विधेयक में आवश्यक परिवर्तन करके सही रूप में इसको फिर से हाउस के सामने रखेगी।

Mr. Deputy-Speaker: Hon. Members would be very brief, because most of the points have been brought out.

Shri Narayanankutty Menon (Mukandapuram): I propose to speak only on one point which has not been brought out. When I read the headline of this Bill I thought that this was an amending Bill, but now it comes to the fact that it is neither an original piece of legislation, nor an amending Bill.

The hon. Minister when commending the Bill for the consideration of the House mentioned *inter alia* that another piece of legislation which concerns petroleum is also going to be brought forward. Sir, the original Act which dealt with this subject, the Development of the Mineral Resources Act, was passed in 1948 and now in 1957 when the Government comes with an amending Bill, even though it is not said that it is an amending

[Shri Narayanankutty Menon]

Bill, the expectation of the House was that the experience that Government had for the last ten years would find a suitable place in the new piece of legislation and the new piece of legislation would be an all-embracing piece of legislation covering all subjects which were dealt with in the original Act.

Whatever might be the idea in the mind of the Government about a separate piece of legislation being brought about petroleum, we find no reason why Government could not bring forward simultaneously two pieces of legislation to satisfy the constitutional provisions when they thought it fit to bring this part of the legislation alone. In spite of the large number of criticisms which were made on the floor of the House about mineral resources apart from petroleum, we could very easily find that the necessity, if at all there was, very good necessity by the experience of the past years, the most pressing necessity was a new piece of legislation which covers petroleum also.

Sir, the industrial policy of 1948 has been restated later on, reshifting priorities, as has been referred to by the hon. Minister. When this piece of legislation is being discussed, we wish to place before this House the general mineral policy of the Government in the light of the old Act. Hon. Members who spoke before me made out a point that the legislation which covered the development of our mineral resources was not at all a proper legislation, it was only certain measures which regulated the way in which the whole matter was carried out. I wish to submit that in the light of the policy of the Government of speedy and vast industrial development during the Second Five Year Plan, the mind and the heart that is put by the Government in the development of our industrial resources is not at all enough. When priorities are re-adjusted we find a veritable lack of sense of priority in

that itself, because when we are regulating our industrial policy, when certain targets are to be accomplished during the Second Five Year Plan, we are definitely forgetting certain essential that are required in the mineral sector for the fulfilment of that target and also running of those industries.

The first point I want to stress is regarding the development of our petroleum resources. Government says it is going to bring another Bill which would cover petroleum. I mention petroleum specifically because licences granted for prospecting of petroleum divulges very seriously the policy of the Government in the matter of exploitation of mineral resources. Whatever might be the implications of the industrial policy, whatever might be the role that Government wishes the private sector to play, I submit it is highly dangerous for us to see that the private sector is given unbridled power in the exploitation of the mineral resources.

Coming again to petroleum, the danger of entrusting the private sector with a controlling power in the exploitation of the mineral resources is all the more because most of the oil companies which have got worldwide prospecting companies, distributing companies, refining companies, drilling companies are selling both crude oil and refined petroleum in this country. As has been disclosed on the floor of this House, most of these oil companies which sell petroleum products make a large amount of profit and if we come to a time when our petroleum resources are fully tapped, when we come to a stage of self-sufficiency in our own crude oil, the first interest that is affected is the interest of these oil companies and no sensible company with long credit will desire that its huge profits should be disturbed by means of this prospecting.

We are entrusting the entire prospecting of our oil to these foreign companies and these foreign companies hold a controlling interest in prospecting also.

Shri K. D. Malaviya: We are not to do so; it is not a correct statement.

Shri Narayanankutty Menon: The agreements with these companies are always documents of top secret character whose contents could not be disclosed on the floor of the House in the name of public interest; nobody in this country knows what are the terms of these agreements that the Government have entered into with these oil companies, because repeatedly the Government have said that it would not be in the public interest to disclose the terms of these agreements. Anyway, we find from the way in which prospecting is conducted that the oil companies have a controlling interest in it. At least the technical side of it is completely entrusted to the oil companies without any Indian technical supervision. The result will be that the oil companies who are afraid of striking petrol in India will not be certainly as enthusiastic as ourselves to strike petrol. Therefore, the role of the private sector at least in the prospecting of our minerals should be re-defined, and even though companies could be floated in the private sector, the Government should definitely retain a controlling interest in such companies and Government should have absolute supervisory control at least in the prospecting of these minerals.

The next point is regarding the other minerals. There is nothing to be said for or against the provisions of this Bill in this connection as the Bill does not deal with the regulation or development of any mines whatsoever, but I may submit that in the case of the other minerals also the policy of the Government is half-hearted. Many vital and strategic minerals are required for running not only new industries to be set up under the Five Year Plan, but the industries

that exist and are running without vital resources.

Take for example sulphur. In many industries sulphur is vitally required. We are getting our sulphur, and a large amount of it, at the cost of foreign exchange both from Mexico and Japan. Let us take fertilisers. Even though we require fertilisers, there are only a few companies in India, and some of them are running at a heavy loss just because we are compelled to import sulphur from other countries. In the Malabar District of Kerala it has been stated and found that there are large deposits of pyrites, and so far no attempt, no serious attempt, has been made to find out the possibility of prospecting the sulphur resources from the pyrite deposits of Malabar.

Many examples can be given. In many places because of the Government's half-hearted policy, lack of policy or lack of enthusiasm in finding out mineral resources and determining our own requirements of mineral resources, many deposits of vital minerals are lying idle without being developed, I appeal to the Government that if at all the Second Five Year Plan has to be fulfilled with the targets that we have envisaged, if at all our idea of, and enthusiasm for developing the industries of this country are to be fulfilled, the Government will have to change their policy in respect of the exploitation of these minerals. There should be a sort of missionary zeal on the part of Government to find out the deposits of minerals, to exploit them completely under our own control, so that we may develop our mineral resources and our industries could be run and fulfil our Second Plan targets completely and effectively.

Shri Shankaraiya (Mysore): In view of the fact that many of the speakers have already spoken and there is very little to be said, I would like to make only one or two suggestions for the consideration of the Select Committee.

[Shri Shankaraiya]

While I am all for the development of the mineral industry in this country, I think attention should be paid more to development in a shorter period as far as possible, and intensiveness should be insisted upon. From the experience that we have had till now in the working of these minerals, we find that licences have been issued to several firms who have remained dormant or not carried out any work. They have taken licences for wide areas, but they have not carried out any work. Under the provisions of this Bill, all those agreements have been tried to be renewed and continued. Though a provision has been made in the Bill in clause 15 that the conditions of the licences can be modified or altered according to the provisions of this Bill, no provision has been made and no power has been sought by the Government to see that wherever there have been lapses, **criminal cases pending** or breaches of these conditions, those licences are cancelled and given to others.

Our experience is, if I may say so, that licences are given to the extent of 200 or 300 square miles or acres, and the period is also 50 years and sometimes 99 years, but no work has been started. As regards the intensiveness of the working of the mines, wherever there are minerals on the surface, so to say, which could be worked profitably, they carry on the work, but then they go on to the next area without intensively exploiting the mineral in the same place to the maximum extent possible. When it comes to a question of not getting profit, they leave the mine and shift to the next area, even though the area is not covered under the licence. Such facts have been brought to the notice of the hon. Minister and I do not know why power has not been taken by the Central Government to see that such licences are cancelled.

If our idea is to see that minerals are exploited intensively, the provisions in clauses 6 and 7 will not be

conducive to it. The period and the area mentioned in them are too high. With regard to prospecting licence 50 square miles is allowed in the case of some minerals and 10 square miles in the case of others, and the period is 30 years in the case of some and 20 years in the case of others. This period of 20 years is too much. When a licence is granted and the party does not carry out any extensive work, Government will not be able to cancel the licence under this Bill, or if there is any breach of the provisions under the terms of the lease Government will not be able to enforce them unless they go to a court of law or pay compensation to the party. So, power should have been reserved here for cancellation of such licences without the Government having to go to a court of law or having to pay compensation.

Therefore, I feel that in the best interests of the country to see that minerals are properly exploited, the period should be fixed and the area should also be limited. If a company or a person works properly and exploits the minerals to the advantage of himself and the country, no maximum period need be fixed. He can be given a renewal which will be dependant upon the progress and the satisfactory manner in which the mine is worked. This will enable the Government to see that minerals are exploited intensively, and not merely extensively.

The other suggestion I would make is with regard to the Central Government reserving the right to exploit these minerals wherever they deem fit. No doubt the Central Government have reserved this right and certain powers have been taken, but I for one have some apprehensions with regard to the State Governments exploiting the minerals. The State Governments are the proprietors entitled to royalty, and if the Central Government wants to exploit any mine, they can do so under this Bill in consultation with the State Government, subject to the

conditions in clause 3 (a) and (b). But if a State Government wants to exploit some minerals, it is the Central Government that issues the licence even though the proprietary rights and ownership rest with the State Government itself. I do not know, and the hon. Minister will kindly explain to me, whether the State Governments also have to take a licence and take the permission of the Central Government if they themselves want to exploit any of these minerals, and will they be subject to the same conditions as apply to the Central Government under clause 3 in respect of prospecting fee, royalty etc.

Shri K. D. Malaviya: If I may be permitted to say so, they have got the prime right to exploit their own areas, and they have only to inform the Central Government if they wish to do it, and we will never come in their way.

Shri Shankaraiya: Then, in that case if they have to inform the Central Government, it means they have to take a licence.

Shri K. D. Malaviya: And observe the rules.

Shri Shankaraiya: Under the rules, therefore, they are subject to this licence.

Shri K. D. Malaviya: No, no

Shri Shankaraiya: ... and they are under the control of the Central Government.

Shri K. D. Malaviya: Of course, they are under the control of the Central Government so far as the technological aspect and the efficient running of the mines are concerned. But we do not come in the way, as I said.

Shri Shankaraiya: So, if the Central Government, whenever they try to undertake the work of exploitation of any mineral, are themselves subject to certain conditions as regards prospecting fee, royalty, surface rent,

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dead rent and so on, which are due to private persons who happen to be owners, why should the State Governments not be subject to the same conditions? I am saying this, because I want to safeguard the rights and interests of the others also. Just as the Central Government pay royalty and other things to the owner of the mines, even though he is a private person, likewise, the State Government also should give royalty and other things when they undertake the exploitation of minerals in any particular mine. The private owner must be guaranteed these amounts. The State Governments should not be left to stipulate their own terms, when they go in for exploitation of mineral in any area. On the other hand, the private owners also should not be allowed to dictate their own terms to the State Governments: they must also be subjected to the rates that are fixed in the Second Schedule. Again, just as the Central Government are subject to the condition laid down in the Second Schedule, the State Governments also should be on the same level so far as the payment of fee, royalty, rent etc. is concerned.

Mr. Deputy-Speaker: Now, Shri Mohamed Imam. I would request the hon. Member to be very brief, because I have to accommodate some more Members.

Shri Mohamed Imam (Chitaldrug): I shall be very brief, and I shall not unnecessarily take the valuable time of this House.

This Bill is not controversial because all of us are interested in the development of the mineral industry and the mineral wealth of our country. Only I feel certain misgivings and doubts, which require clarification.

Nature has endowed us with many resources and amenities, which can be diverted usefully for human happiness and progress. Mineral wealth is one such. This Bill aims at exploiting the mineral resources that are

[Sari Mohamed Imam]

available at present, and sending them to other countries, possibly with a view to earn foreign exchange. What I would like to submit is that there is no planned attempt to explore our mineral resources throughout the country. We just take out from the earth whatever is visible to us and make some money. But in order to replenish it, Government are not making any serious efforts to unearth, to explore and to find out what mineral wealth or what mineral resources are available in the bottom of the earth.

There are large tracts of areas, and there are thousands and thousands of square miles, which have not been explored. Especially, in the south, I might mention the area of Malnad, which is the least explored area. If only Government make a serious attempt, I am sure our mineral industry will develop very much, and we shall have many more mineral resources. Of late, we find a good deal of activity in regard to mineral exploitation in the whole country. Unlike what it was about ten years ago, we find that a large number of persons are coming forward to exploit the mines. And we see some small mines worked by human hand everywhere. I do not know what the position is in the north but in the south, we find that every available portion of an area is occupied by some mineral prospector or some mine-owner. Even the rural areas are buzzing with activity. High-grade ores, especially, manganese ores are removed and then sent out. And there is keen competition, because the mineral industry is paying. Perhaps, the cost of the manganese ore is high, and it pays people to invest some money in the exploitation of this ore, and then send it abroad. But what will be the situation, if the prices of some of these ores come down? That is a factor which we have to take into consideration.

Whatever that may be, on the one hand, while we may be glad that we are exporting our valuable raw

material outside the country and thereby earning dollars, on the other, we have to take the other side also into consideration. They are the raw materials that we export, we must confess that to that extent, we are unable to make use of those raw materials and that is because our country is poorly advanced in this field. Supposing our country had advanced industrially, then we would have made use of the manganese ore or iron ore for our own benefit. We would have manufactured finished goods and exported them abroad. It is very patent that it is our industrial helplessness that makes us export all these ores outside the country.

The time may come when we may have our own industrial development, when we may start our own industries, and I doubt whether we shall then have ample raw material for our own use. Is it not a penny-wise pound-foolish policy? Are Government sure that they have got enough of manganese ore or iron ore or any other ore, which they can give to posterity for building up proper industries? I think Government have been allowing these exports recklessly and without taking into consideration the volume of ore that is available in the country. That is also a factor which must be taken into consideration.

Shri K. D. Malaviya: What is the alternative suggestion? Should we not have allowed exports?

Shri Mohamed Imam: You must be sure of the availability of these ores. I shall give you one example. I come from Mysore. Perhaps you are familiar, and you know the entire history of the Kolar Gold Fields

Mr. Deputy-Speaker: I do not. I do not know all that is attributed to me.

Shri Mohamed Imam: I am saying this to the Minister through you.

Mr. Deputy-Speaker: That is the only objection.

Shri B. S. Murthy (Kakinada—Reserved—Sch. Castes): We request him to come to the south.

Shri Mohamed Imam: Once, the Kolar Gold Field area was considered to be a very valuable area. The entire area was leased out to an English company, who worked it for about 50 to 60 years. It so happened that they worked only the high-grade ores. But Government made up their mind to nationalise these mines, and today, these mines are a Government concern. Now, we find that the ores have been exhausted from many of the mines. I think there were about four companies; one of them is about to be closed, and in the case of the mines exploited by the others, the high-grade ore is exhausted.

Whatever that may be, on account of this indiscriminate leasing out of these mines, the country has lost its valuable mineral wealth, and it was valuable wealth, even though it was hidden underneath the earth. We have lost all those resources now. Supposing the Kolar Gold Fields are closed, and tomorrow, we want gold, it will be very difficult for us to make available to ourselves the necessary quantity of gold. Though there are one or two other mines, they are still in their *infant stage*.

So, either the Government should explore the possibility of striking other mines in other areas, or they must be careful and see that these areas are not depleted.

15:49 hrs.

[**SHRI C. R. PATTABHI RAMAN** in the *Chair*].

Similarly, I am of the view that we have been exporting manganese and iron ores of very high grade, without taking this factor into consideration. I understand that negotiations have been going on between Japan and India for the export of iron ore. Only high grade ores have to be exported. Suppose after 50 years we are going to have iron industries throughout the country. I am sure we are going to

have many iron industries in the country. Then are the Government sure that we will have enough quantity of ore for our use for our own purposes? If the Government indiscriminately allow all these valuable ores to be unearthed and exported outside, a time may come when we will have to feel sorry for our present actions. So what I submit is that the Government should be careful and should assess what is the possible quantity of ore that is available and what is the portion thereof that we can safely allow to be exported, taking care that we have enough for our internal use.

Another point is this. 'Mines' is a concurrent subject. It comes under the State as also the Centre. I understand the contractors and lease-owners are put to great inconvenience. I know instances where they have been allowed to prospect in certain areas and it has ceased with that, their attempts to get leasing licences having not materialised so far. Somehow the local government takes years and years to grant the necessary licence, so much so that many of the applicants who have applied for mining leases have become desperate. I think this is a point which Government should consider. After all, there are two stages. First, the man applies for a prospecting licence and if he thinks that he can carry on business, if he thinks that he can successfully operate it, he applies for a mining lease. So when he has obtained a prospecting licence, within a reasonable time the Government must be able to issue him a permanent lease; otherwise, it will be very difficult for him to carry on his business and it will be to his detriment.

I am sure the Bill will go to the Joint Committee. What I am most anxious is, that Government should bear in mind not the present generation alone but future generations also and their prosperity. Now we may get some money, but a time will come when the entire country will be industrialised when perhaps we may need all these mineral resources.

Mr. Chairman: Shri N. R. Muni-samy will be the last speaker. I would request him to be very brief as we have already encroached on the hon. Minister's time.

Shri N. R. Munsamy (Vellore): I shall obey your ruling and take only five to seven minutes. Most of the points that I wanted to make have been made by previous speakers and I do not wish to inflict the same again on the House.

I find all the speakers have spoken supporting the measure. This is a Bill in which no party considerations are involved. We all know that the prosperity and progress of the country largely depend upon the development of the mineral resources of our country. The mineral resources of our country are vast. I find from some Press reports that Rs 100 to Rs. 150 crores worth of minerals have already been exported last year. It looks as if our country is full of such resources and if we could exploit them completely, we could earn Rs. 500 to Rs. 600 crores of foreign exchange and then we need not go to foreign countries for any aid. We can find our own resources in our own country.

In the wake of industrialisation, I find that the exploitation of these mineral resources would add to our industrial wealth, because all these industries are giant industries. Unless we exploit the various minerals like dolomite, limestone, gypsum etc., we may not be able to make rapid progress in our industrialisation. So the general economy of the country has to be improved by exploiting completely the mineral resources of our country otherwise, we will be stranded.

But before doing this, I only wish that we should have a report from some expert body touring all over the country to find out what are the mineral resources we have and at what places they are found and in what quantity so that we can, in pursuance of that, regulate and develop the mineral industries. I

would only suggest that Government appoint some committee to go into the details of this work and find out the extent of deposits of these valuable resources in our country.

Many hon. Members have traversed many provisions of the Bill. They were able to bring to the notice of the House certain defects, loopholes and failures so that the wisdom of the Joint Committee may be brought to bear on them and the Bill improved. I shall not go into detail, but shall only say a few words about some clauses.

I find in clause 5 under the First Schedule a list of specified minerals. They are enumerated from 1 to 26. As has been pointed out by many hon. Members there are several minerals not mentioned there. One of them happens to be mica. There are several others like uranium, radio-active minerals and so on. Therefore, I would only request that the Joint Committee be pleased to go into this question and see that instead of having a cumbersome way of framing the particular clause, they simply eliminate the Schedule and then only state them as illustrative ones, instead of putting them as exhaustive. The list looks as if it is an exhaustive one. Instead of that, let us have an illustrative list so that whatever minerals are found subsequently may be added on to the list. Power must be given to the State Government or the Central Government to add further minerals to the list which may be found subsequently. Therefore, I suggest that the list must be in the nature of an illustrative one, not an exhaustive one.

As regards checking up of the register to find out who has applied, the moment a particular individual pays the required fee, he should be entitled to look into the register, instead of only those who have already obtained licences. Any citizen of India is entitled to look into the register on payment of the required fee.

The other point is about clause 11. It is worded in a cumbersome way. This has been pointed out by several others also. It looks as if there will be severe criticism against Government in the case of the preferential right of certain persons. It is all a question of time. Sometimes, it may be a few hours, sometimes a few minutes. Still, it may happen that a person who had applied earlier may be preferred to one who came later, on this consideration alone. Instead of having it this way, the sub-clause could be so worded as to say that whoever has got special knowledge of, or experience in prospecting operations or mining operations, as the case may be will alone be considered and other considerations will not be taken into account. I say this because there is a sort of favouritism by the State Government. If a person happens to file an application earlier from the point of view of time, he may be preferred even though the person who applied later may have vast previous experience in prospecting and mining and may command better financial resources.

So sub-clause (2) of clause 11 may altogether be eliminated and the clause so worded that only the qualification of special knowledge, experience and financial resources are taken into consideration. I am sure these two things would guide the granting of licences instead of exhaustively putting all the other things. Otherwise, I am sure ultimately there will come a time when Government will be criticised very severely. I only wish that it might not happen.

Then I come to the Third Schedule. This Bill in a way deals with two aspects, not only regulation and development of minerals but also amendment of the Act of 1948. The Third Schedule deals only with certain amendments to the Mines and Minerals (Regulation and Development) Act, 1948. It looks as if in one and the same Bill we are bringing a bill for the amendment of an existing Act, the act of 1948, which is sought

to be amended by a Schedule. I think this ingenious method is not at all correct. They can as well bring a consolidated Bill to deal with the whole aspect. This method of curtailing the proper examination of the Act which is not before us—excepting a few clauses—is to be disapproved by this House.

16 hrs.

Another aspect which I wish to bring before this House is that this is a Bill which has been supported by all the parties except for the fact that a few suggestions have been made which I hope this House would take into consideration.

Before concluding I would only say that we must have some preliminaries before granting licences for mining operations. The preliminaries are in the nature of having a school which would teach the technical aspect of it. We are in need of technical personnel. We must not only have a technical school but we must have a team of experts. They must go throughout the country and make a real assessment of the deposit of minerals.

I would only say that there are and may be very many items which are not now found in the First Schedule which may subsequently be found by the State Governments or the Central Government as essential for the development of the economy of our country. We are now in progressive times. Those items should also be added so that the First Schedule may be recast in such a way that it is only illustrative and not exhaustive.

Shri K. D. Malaviya: Sir, when I heard the speeches of my hon. friends Shri Bharucha and more especially of my hon. friends Pandit Thakur Das Bhargava—with all the kind words he said of me—and Shri Ansar Harwani I felt that I owed it to the House to give some more information, basic and preliminary with regard to the development, regulation and certain other simple technical aspects of the

[Shri K. D. Malaviya]

mining industry of our country. But for a little incidental academic interest that I took in this subject, I would, perhaps, myself have had some of the same doubts as were raised by some hon. Members of this House. Therefore, I do not at all blame why certain doubts have been raised although there is not much justification for the doubts being raised.

I will briefly try to summarise and point some of the main aspects of criticism levelled against this Bill. Of course, I will leave aside for the time being all those things that have a legal and constitutional aspect.

One section of opinion says that this Bill is not progressive enough and, perhaps, inconsistent with or contrary to the policy declaration of Government; enough provision has not been thought of to assure the natural flow of the policy which has been enunciated by this House from time to time.

The other criticism seems to have been made but it is a negative Bill and the Bill left much vacuum and there is a contradiction and does not help the situation and it does not look to the interests and the objectives specified by Government.

The third category I should have to say, were certain irresponsible allegations or criticism that were made and that too, I propose to take up in a summary way.

Now Shri Bharucha and Shri Ansar Harwani and Pandit Thakur Das Bhargava felt that there was not that opportunity given as a whole to our countrymen—not enough opportunity—for discovery of our mineral resources.

Shri Narayanankutty Menon: On a point of order, Sir. Is the hon. Minister during his speech competent to make a reference to the speech of any other hon. Member as irresponsible?

Shri V. P. Nayar (Quilon): The remark was made with reference to Pandit Thakur Das Bhargava's speech.

Mr. Chairman: The hon. Minister was referring only to statements. The Members' names came later on.

Shri V. P. Nayar: Whether it precedes or follows it makes no difference.

Shri K. D. Malaviya: The criticism was that there was no incentive or freedom of action so far as discovery of minerals is concerned. I think there is some little confusion about the whole matter. And with your permission, I would like to narrate the preliminary aspect of this search problem, the search for minerals and mineral resources.

Everybody is entitled to search for minerals in the country. If for instance, Shri Bharucha wants to form a group with Shri Ansar Harwani and Pandit Thakur Das Bhargava, he is quite welcome to go with the help of a small set of compass and instruments and with a few overseers to map out the area, an area containing minerals and put them on record and then further consider in what way they are going to consider or use this map which they have made.

Shri V. P. Nayar: They must first qualify themselves in geography.

Shri K. D. Malaviya: Those people who are privately interested in minerals in the country are free to search for them. The Government has got a very large organisation, namely, the Geological Survey of India, which undertakes to map out the entire country, search for minerals and then put it on record. There are a number of publications which are issued, some weekly, some fortnightly and some monthly and these periodicals and publications are open for inspection, for assimilation and to be utilised. If my hon. friend Shri Bharucha wants or Shri Ansar Harwani wants, he can utilise them. It is only with

the question of the utilisation of this basic knowledge comes the question of prospecting. Prospecting means, I will have to say, detailed investigation of certain minerals about which preliminary information is already at the disposal of a party or parties.

The prospecting process requires some investment and certain rules and regulations. We have certain rules and principles in the Bill also whereby we select people for giving prospecting licences. Many technical questions arise at this stage because the person has to invest money. We give preference to the man or party which wants to invest money for prospecting, that is, for detailed investigation.

For instance, some university students suspect some ores of antimony, lead, zinc or cadmium. Then, any private concern is welcome to take advantage of that and then come to Government and apply for a prospecting licence. Many people apply to Government for prospecting licence. This question or principle of first come first served has been criticised by various sections of the House. I would submit that this principle was tried by us for the last 15 or 20 years. Speaking personally, I am not very happy about it. But if you can get a substitute for this I can try to get it adopted. But, unfortunately, difficulties have baffled us in selecting a party that is to prospect in a certain area and that has not been solved. It is because of two or three aspects. Firstly, the mineral wealth belongs to the State Governments. It is not the Central Government which has to choose the licensee. The State Government have got to take into consideration certain facts. They are the primary proprietors of the area and so they have to give it and distribute it subject to certain rules and regulations framed by the Central Government which could not be ignored by the State Governments. Therefore, we have only to make certain rules. We found by experience that any amount of power or discretion

which is given to the Central Government does not pay. If it is the State Governments that are given any amount of discriminatory legislation or power, then also it does not serve the purpose so far as the business interests of mineral exploitation is concerned. The Central Government is technologically more equipped than the States but, unfortunately or unfortunately, the States possess the proprietary rights of the wealth. So, in between these two, restrictions cannot be imposed beyond a particular limit. That is why we find, after a lot of experience, that first-come first-served has got to remain so long as conditions do not change in the country.

Shri Bharucha has raised another question of the entire subject of development being dealt with by a clause which gives superlative power to the Central Government. Let us see what clause 17 says. It says that for a certain purpose, the Central Government can by notification in the official Gazette make such rules as it thinks fit.

There is some difficulty in creating a uniform pattern of rules of development or conservation for all the mineral areas that could be discovered in the country. Take for instance, antimony. It is not found in such great abundance in our country as we would like. As against this, there is iron ore in great abundance. Perhaps we are the richest people in the world in respect of this. There are rules and regulations for both but they cannot go together. Thus, there are 96 elements in nature and based on these there are so many mineral ores. They could not be put in one or two or six patterns of rules. Somebody has to take power in his own hand to frame rules from time to time so far as the regulation, development and other aspects are concerned. That is why we have taken under clause 17 power to do certain things and I assure the House that it is for the sake of efficient technological running of the mines on an economic basis. We

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have no idea of imposing any restrictions on the actual working. Whether it is the State Government or the Central Government or a private party, they will all be at perfect liberty to work the mines within the frame-work of the rules which are based on experience, technology and science. We have not made any effort at artificial classification of our minerals. The division of minerals' ores into Schedules A and B have all been well thought of and the criticism levelled against the Government that this Bill is not progressive is perhaps answered by this classification.

I do not know whether we will be justified in taking away all these big areas worked by the private sector. I personally feel that we should not interfere with the private sector as it has developed in the past so far

My friend, Shri Chaudhuri, mentioned CPMO, a foreign concern which undoubtedly holds a substantial area of good quality manganese in Madhya Pradesh. Why should we grudge it? They have had the right to exploit manganese sometime back. We also want more foreign capital to flow into our country. Does he want to say both these things in the same breadth—invite foreign capital with a view to quick development of the country and create conditions so that they could not come in? I leave it at that.

The nation and the posterity will have to feel grateful to this Government, more especially, to the leader of the country for having specified so many minerals in Schedule A so that when the proper time comes it will be more progressively utilised for controlling the mines and utilising the industrial wealth of the country in the best interests of the country. I do not feel guilty on account of the fact that certain big mining rights have gone to the foreign people. We are getting all the benefits that we can under the circumstances and we should not grudge that.

I do not know what the criticism was with regard to the Orissa Mining Corporation. We control the policy and the general exploitation programme of iron ore in Orissa. We do not think that anybody can criticise that organisation. There are many aspects which can and should be considered. We want to export a large quantity—as large a quantity as possible—of iron ore for earning foreign exchange and utilise it for the development of the country. We have got large reserves of iron ore. The Geological Survey of India, the Indian Bureau of Mines and the technological staff of the private sector—all combined together—have discovered enough reserves which could be exploited for a reasonable number of years to come. We cannot export more than a certain quantity of iron ore even though we want to. We cannot transport. Our communications system has been burdened enough and it cannot take any more. So, in this limited space of time—next two or three years—somebody must help us. Who is it? One of my friends here has specifically mentioned the Japan Delegation which is here in the process of negotiating the terms. Why do we welcome them? It is because they have, on their own undertaking, taken the responsibility to develop the transport with a view to increasing our export. Left to us perhaps, we would have had to go slow. We could not have exported more than two or 2.5 million tons. With the help of the other party, their technicians, investigations, etc. we are able to export five or six million tons or seven million tons in three years' time. We would have taken perhaps 15—20 years time.

Therefore, this Bill provides for greater power being vested with the Government in order to make regulations and exceptions whether it is the private sector or the public sector so that in special circumstances with a view to help a situation Government might take extra-ordinary powers to develop a certain pattern of concessions to a particular party. We do not want anything more than that. Within the frame-work of our

policy, we would surely make certain deviations which would ultimately go to benefit the very object for which all these things are done. That is why in certain clauses, Government have taken large powers.

My friend, Pandit Bhargava said that we have done a certain thing in one clause and tried to undo the same thing in the other clause. We cannot help it. We make one pattern of rule as a general case. The private party or the individual or the State Government or the Central Government have to be guided by them. But whenever exceptional circumstances come, like the demand of a large quantity of iron ore from Japan or from other countries, then we have got to deviate from the uniform pattern of rules which guide us on the whole. It is this reason that compels us to keep sufficiently large rule-making powers with the Government so that ultimately the object could be realised.

There are certain other points to which I would now refer. I am quite sure that this is not a negation of a Bill as pointed out by my friend Pandit Thakur Das Bhargava. I have already explained why the Government have chosen to take certain power, in clause 20 and others, because, obviously, they are to meet the situation as obtains under the existing periods.

Then my friend Shri Kashwal wanted beryl to be bracketed with mica. It is rather a complicated question. Beryl is under Schedule A. But mica cannot be under it, by any stretch of imagination. Mica is rather a very easy mineral to be worked upon, and beryl is undoubtedly mixed with mica, but we cannot help it. We have to see that beryl is not exported in any undesirable way, and it has to be left to the Government's efficiency and Government staff both at the Centre and in the States, and it has to be seen that the rules are observed. I do not think I need say anything more.

My friend Shri T. K. Chaudhuri, said something about our going back and that it is inconsistent with our policy. I have said and I repeat that so far as our existing lessees are concerned, the big ones holding large areas in various parts of the country, we have nothing to do but to leave them as they are at present so that a suitable and proper and desirable atmosphere is maintained in the world for capital inflow in the country.

Shri Surendranath Dwivedy of Orissa raised certain objections on behalf of his Government and he thought that the royalty rates are inadequate and thereby we are just preventing the Orissa Government from getting their flow of income which is their due. I assure him and I might inform the House that one of the main objects of this Bill is to take power in the hands of the Government to examine the rates of royalty on various minerals with a view to increasing them periodically, if it is possible and desirable. Previously we could not touch it, according to agreements. If there was an agreement for a period of 20 or 30 years, we could not touch it. But now, we have taken the right of examining the rates of royalty every second year and, if necessary, to change it every second year, either this way or that way. I would not like to go into the details of what the Orissa Government wanted us to do with regard to any royalty, but I would like to point out one aspect of this demand on the Central Government to increase the rate of royalty. All these mineral ores sell in the international market at a competitive price. If you go on permitting one State against the interests of another State, one country against the interests of another country, and if they are allowed to increase their income from it, irrespective of the fact whether it can sell in the international market or not, it will not be a healthy feature for trade in that particular commodity. Certain States wanted a unilateral increase without any regard, and an increase which is out of all proportion, in their

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royalties. We have had the question examined and we found out that in this competitive world, when the manganese trade is now being carried on by more than one country, and where all the countries are not much disposed to purchase all the manganese that we produce; and when we have no monopoly in the sense that we used to have sometime back, it is for us to see that we do not suffer in the international trade, and that in the competitive prices we have got to keep ourselves alive. From all these aspects, the Central Government must have its own voice and if we feel that there is no justification for any State to increase the rate of royalty, we shall not do it, in the interests of the States, in the interests of the States' own trade and in the interests of national trade

I will try hurriedly to pass on to one or two more points. Shri Basappa thought that we are not making provision for taking over such mines as are not being worked. It is not a fact. Under the rules, we have immense power, and we shall see to it that any private party or group of persons, if they take a mine under their control and do not work it or do not work it efficiently, and against the interests of the country, they will not be allowed to retain those rights. We shall take away those rights from such a person and work the mine in a better way. Therefore, there is no question of letting big chunks of mining areas remain with people who do not want to pursue the programme according to the policy of the Government.

Shri Naushir Bharucha: That power should be taken in the Act itself.

Shri K. D. Malaviya: I personally feel that there is some difficulty in enacting such a measure and putting it on the statute-book. There are certain conditions. We should not presume that any party will be inefficiently working the mines. There is a certain minimum presumption on the part of the Government and the

statute. Therefore, we thought that, under the best circumstances, we should presume that the parties, by spending a lot of money and with all the technical assistance that they will get from their staff, will work it well. If they do not work it, we thought that we should have some powers to stop them, and then work it in the best interests of the country.

Pandit Thakur Das Bhargava: May I just put one question to the hon. Minister? If there is no provision in the Act, how are the rules to be valid relating to the taking over of possession, when there is violation of any of the conditions? I would rather think that even now, the hon. Minister should be pleased to put in an amendment to authorise the Government to take possession, when there is a certain violation in certain cases, and get the lease cancelled.

Shri K. D. Malaviya: That will be considered by the Joint Committee. I have no objection. If the Joint Committee so considers, and the House so wishes it, that question will be considered and we might incorporate it. I have an open mind on this question.

I would now like to take the question of the separation of the two Acts. In this, the oil business comes. My friend Shri Narayanankutty Menon is very much interested in it and I am glad that he is taking some interest in the general question of oil. He has said many things about oil with which I do not agree at all. Perhaps, what he said is based on lack of information, if I may use that word. It is not a fact that the oil-suspected areas will all be let out to private companies. My friend knows that there is a Government body now known as the Oil and Natural Gas Commission which is conducting oil exploration not only in one but in five areas. We, as Government, are exploring for oil not only in Jwalamukhi but in other areas of the Punjab, Cambay, Jaisalmer and in certain areas of Uttar Pradesh also. They are on the look-out for some other areas into

which foreign experts are pouring. We do not know if we can get oil from any one of these places, but a vast amount of money is needed for oil exploitation, more for production, and much more for processing and distribution. All that obviously cannot be done in a short time. Of course, there are certain areas which have gone to private companies. Based on our policy of mixed pattern, we would welcome private concerns to help us, but not help us in a way which is inconsistent with our basic policy. For instance, one of the large areas, oil-bearing areas, has gone into the private sector and they have held certain dominating influence and concessions in that. They are there. We have made agreements. We cannot break them; we cannot commit any breach of faith. They were entered into by the Government three or four years back. Of course, as time changes, if we find that it is not in the best interests of the country, we shall pursue the matter with those companies and see how best it can be modified.

Taking all these factors into account and also the fact that there will be a large margin of profit which can only be acquired when we know the whole process of oil exploration, production and all that, frankly speaking, we do not want forward simultaneously the two legislations, because we still lack that experience. When I say this, I do not say it in a sense of modesty. After the labour that we have put in in our Ministry and the little work I have myself put in, we think we will require some time to get control over the intricate and slippery question of oil. Until that time, it will be risky to take any step to bring forward a legislation in that matter. There are many aspects which have to be dealt with exhaustively and in a comprehensive way with regard to oil—administration, regulation, development and so on.

We have more experience in other mineral products than what we have in oil. For instance, we know what

we have to do in regard to iron. We can safely deal with foreign markets. Similarly, we have experience in regard to manganese, lead, cobalt and so on. But so far as oil is concerned, we have to do a little more thinking and we require a little more education. I may inform the House that so far as drilling or exploration of oil is concerned, our performance is extremely good and much above the average. Foreign experts who come and visit our work have given complements to us and I feel proud over the work done by the Oil and Natural Gas Commission. Therefore, we think we have to wait a little more to bring forward a draft Bill dealing with the question of oil.

I have nothing more to say except to meet one point raised by Mr. Imam. He said that large areas are not explored and at the same time he said that a lot of activities are going on in the South where manganese ores are exploited and all that. I want to assure my hon. friend that we are doing our best and are doing the exploration work in a very good way. But exploration is not the end. We know that even though we have been able to explore a thousand million tons of iron ore, we are not able to export 5 million tons. There is a big gap between exploration and actual exploitation and earning money. Each one of these processes has to be developed in an integrated pattern. There ought to be a natural flow from A to B, B to C, C to D and D to E. The whole thing has to be considered from A to E—exploration, production, processing, export and all that. The moment there is a gap or in imbalance created in between, a lot of money is wasted. Therefore, our exploration programme is tuned to the speed in other processes which we can see in the foreseeable future.

I am quite alive to the situation that there are certain minerals in exploring which we are not as fast as we ought to be. I see it, but we cannot help it. The reason is perhaps we have not got enough money to proceed with minerals which we know

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how to explore. For instance, if we had a lot of money, we could venture into a big programme of survey of our mineral resources. If our Ministry is able to spend Rs. 10 crores or Rs. 15 crores, we can complete all the mineral survey programme shortly, but we cannot do it. Therefore, we have to proceed slowly

I think I have covered generally the various points raised by the House. The points that have not been covered by me may be taken up by the Select Committee. I am glad that this Bill is being referred to the Joint Committee in view of the fact that there is so much interest evinced by the House I hope that after the Bill comes out of the Joint Committee, it will be a Bill which will satisfy the House and we will pass it.

Shri Narayanankutty Menon: What about sulphur deposits and pyrites?

Shri K. D. Malaviya: So far as our knowledge goes, geologically perhaps sulphur is not to be found in adequate quantities. There are some deposits right in the North, Jammu and Kashmir, but man power is so short and its economy is not established. So far as free sulphur is concerned, we are not adequately equipped by nature with sulphur. But I want to assure the hon. Member that we are continuing our search for sulphur as well as for copper. So far as non-ferrous copper is concerned, we have tried our level best and we have increased our output. But it will take some more time for us to inform the House as to how much more copper, antimony, cobalt etc. we can produce. But so far as sulphur is concerned, I am afraid I am not even in a position to give a rosy picture. At the same time, we are trying our best ourselves and also to pursue the State Governments to explore sulphur.

Shri Tangamani: May I know whether there is any objection to including magnesite in the list of specified minerals?

Shri K. D. Malaviya: That question can be considered.

Shri Mohamed Imam: Sulphur prospecting has been going on in Mysore State in Chitaldrug and a lot of money has been spent. I would like to know the result, whether there is every prospect of getting sulphur in that area?

Shri K. D. Malaviya: I will gather the information and pass it on.

Mr. Chairman: There is enough time to consider it in the Joint Committee. I will not put the motion for referring the Bill to the Joint Committee to vote.

The question is:

"That the Bill to provide for the regulation of mines and the development of minerals under the control of the Union be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely: Shri C. R. Pattabhi Raman, Shri T. N. Viswanatha Reddy, Shri Liladhar Kotoki, Shri Ghanashyam Lal Oza, Shri P. C. Bose, Shri Vidya Charan Shukla, Shri H. C. Heda, Shri K. G. Wodeyar, Dr. N. C. Samantsimhar, Shri Hem Raj, Shri Jaswantraj Mehta, Shri Keshava Deva Malaviya, Shri Rup Narain, Shri Arun Chandra Guha, Shri Bibhuti Bhushan Das Gupta, Shri T. B. Vittal Rao, Shri Khushwaqt Rai, Shri Ignace Beck, Shri Shankarrao Khanderao Dige, Sardar Swaran Singh, and 10 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 9th December, 1957;

that in other respects the Rules of Procedure of this House relating to the Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

INDIAN TARIFF (AMENDMENT) BILL

The Minister of Industry (Shri Manubhai Shah): I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, be taken into consideration."

Sir, this Bill seeks to amend the Indian Tariff Act, 1934, in order to give effect to certain recommendations of the Tariff Commission. The House will have observed from the statement of objects and reasons that the Bill seeks firstly, to grant protection for the first time to the automobile industry, secondly to continue protection to certain industries, namely, the cocoa powder and chocolate industry, the calcium lactate industry, the cotton and hair belting industry, the wood screw industry and the antimony industry beyond the 31st December, 1957 and thirdly to discontinue protection in respect of the electric brass lamp holders industry from the 1st January, 1958.

The provisions of this Bill in regard to the grant of protection to the automobile industry and to the continuance of protection to the cocoa powder and chocolate, the calcium lactate, the cotton and hair belting, the wood screw and the antimony industries will have immediate effect. The provision withdrawing protec-

tion in respect of the electric brass lamp holders industry will take effect from 1st January, 1958.

I shall first deal with the automobile industry, to which protection was granted for the first time. A copy of the Tariff Commission's report on this important industry and the Government's resolution thereon have already been laid on the Table of the House. The Commission first examined the question of the grant of protection to this industry in 1953. In its report the Commission emphasized that for the speedy development of this industry it was essential that the manufacture of automobile should be restricted to as few firms as possible and that greater use of vehicles should be encouraged by lowering prices. The Government accepted this recommendation and the various firms were invited to submit their terms for Government's approval. Government approved only six firms for taking up the manufacture of selected types of motor vehicles. Further, with a view to reducing the price, the rates of duty on several components were brought down so that the incidence of customs duty on a complete knocked down condition of a pack were approximately 40 per cent *ad valorem* on the average. In spite of the measures taken by the Government, the consumers' price for automobiles did not show any significant decrease. On the contrary, representations were received from the manufacturers, asking for an increase in the selling price for the vehicles on the ground that the cost of raw materials and components had gone up and, in particular, that the manufacturing cost of components in India was much higher than the cost of components manufactured abroad. Accordingly, in August 1955, the Government requested the Commission to examine the fair ex-works selling price of various types of motor vehicles manufactured in the country and also to advise on how the prices should be revised from time to time as more and more components were being produced in the country. On