

**Title:** Further discussion on the Mines and Minerals (Regulation and Development) Amendment Bill, 1999. Moved by Shri Naveen Patnaik on 3rd December, 1999. (continued- Not concluded.)

14.18 hrs.

MR. DEPUTY-SPEAKER: The House will now take up further consideration of the Motion moved by Shri Navin Patnaik. Shri K.P. Singh Deo was on his legs and he may kindly proceed.

SHRI K.P. SINGH DEO (DHENKANAL): Mr. Deputy-Speaker, Sir, I was on my feet that day. I was just mentioning that the Industrial Policy and Development Chapter of the Economic Survey 1998-99 had mentioned that the current year's deceleration has been most pronounced in the mining and manufacturing sector amongst the broad sectors and industrial production registered a growth of 3.5 per cent during April to December 1998, lower than the 6.7 per cent growth in April December 1997. I am sure, the hon. Minister would like to reverse this trend. But how is he doing this? Is he doing this by this amendment? He mentions in his opening remarks that he is keeping the interest of the mining industry in particular and the national interest in general; it will encourage vast investment and it is a progressive legislation. If one goes by the hon. Prime Minister's remarks at the Conference held day before yesterday, one will find that he says that the Government is for more reforms to attract foreign investments. The highlight of his own Ministry's Report of 1998-99 says one thing. The present year's Report has not come. This is what the Annual Report of the Ministry of Steel and Mines, which he had presided, says:

"These policy changes have attracted many multinational companies for investment in mineral exploration and mining. Forty three proposals for prospecting over large areas in pursuance of the October, 1996 guidelines covering an area of 60,000 sq.kms. in the States of Rajasthan, Gujarat, Maharashtra, Uttar Pradesh and Bihar have so far been cleared. Out of these, 20 Prospecting Licences involving an area of about 30,000 Sq. Kms. in the States of Rajasthan, Gujarat, Maharashtra and Bihar have been granted during the first nine months of 1998-99. Prospecting Licences have been granted in

favour of Indian subsidiaries of well-known international mining companies like the BHP Minerals of Australia, Meridien Peak Resources of Canada, Metdist of UK, Phelps Dodge Corporation of USA and Rio Tinto of UK. 18,000 Sq. Kms. in Rajasthan have been given.

The Foreign Investment Promotion Board has so far cleared 51 proposals involving Foreign Direct Investment of about Rs.3158 crore in the mining sector. Out of these, 12 proposals with FDI amounting to Rs.474 crore were cleared in the first nine months of 1998-99."

So, this is why Shri Basudeb Acharia was opposing this Bill at the introduction stage.

He was saying that this is an open house for multinational corporations and foreign companies to loot and plunder our mineral wealth. My contention is that in our effort to get in more investment which is probably required at the moment, we should not throw out the gates wide open without taking safeguards. In this connection, I feel that the human and environmental aspects are totally absent in this amendment which is coming after 42 years. The original Bill was enacted in the year 1957. I have gone through the amendment and annexures very carefully but there is no mention about the environmental hazards or the environmental problems and the ways to tackle them or prevent them. Secondly, the human factor is totally lost.

Whenever there is mining or mining operations or development of minerals or value addition, whether it is in the case of BALCO in Chattisgarh area or NALCO in the area of former Chief Minister of Orissa, Shri Giridhar Gamang where the Alumina Plant is located or the smelter in my own constituency or the INDAL's plant at Baffulimali in Kalahandi district of Orissa, the first people to be uprooted are the tribals and people belonging to the weaker sections of the society. There is no rehabilitation and resettlement plan whatsoever for them. During Shrimati Indira Gandhi's tenure, when a smelter of NALCO was coming up in my constituency, she had insisted that those people who are going to lose their land should be rehabilitated, because they were not only losing land but they were also losing their livelihood. This was in the year 1981 and now we are in 1999 and the capacity of the smelter of NALCO is sought to be expanded now. The plant at Damanjudi has already been expanded, but those 1,357 families who were uprooted and who were substantially affected have not been resettled till now. Take, for instance, the irrigation projects like Rengali or Indravati or Manjore; even in the case of these projects nobody has been resettled and rehabilitated.

Sir, in one of the amendments, the Minister, instead of regulation and development, is now wanting development and regulation which is a good thing. He must concentrate on development in States like Orissa, Madhya Pradesh, Bihar, West Bengal and the North East. For the North East, we have got a Task Force, but in the case of eastern coast of India, we have no Task Force. In the quest for development, in the quest for getting foreign investment and in the quest for getting investment even from the NRIs or from Indians, we should not lose sight of human problems, because they bring not only environmental problems, but they become sociological problems like the question of resettlement and rehabilitation. Therefore, I would be happy if the hon. Minister, in his reply, can take the House into confidence and tell us as to what are the safeguards he is having to tackle environmental hazards. There is a relevant judgement delivered in the Andhra Pradesh High Court on the environmental problem in the case of the Pollution Control Board Appellate versus Shri V.N. Naidu, which has been reported in AIR-Supreme Court, 1999, P-812. In this judgement it is said that in the case of environmental dispute, the onus of proof is on the person who wants to change the status quo. It is a lengthy judgement and I would not like to go into details. But the onus of proof and burden lies in the person or the persons or the organisation which is seeking to change the environment, whether it is the NALCO or BALCO where the Government is a party or the INDAL which is coming up in Baffulimali.

My senior colleague, Shri P.K. Deo right from 1957 to 1980, used to raise here the matter about Indravati Project. Kalahandi, Bolangir and Koraput districts were known for famine, starvation, man-eating tigers and sale of children. Today, the same Kalahandi district is exporting 'Basmati' rice because of Indravati.

I had the privilege of raising Half-an-Hour Discussion here about the INDAL Project. Prof. Soz, the then Minister of Environment, had given a categorical assurance that the impact analysis of environment on these projects will be strictly maintained. But today, Prof.

M.S. Swaminathan, who is synonymous with the Green Revolution in India - the wheat revolution and the rice revolution - while chairing a panel of the Planning Commission, had to stop the bauxite mining in Goa. Based on the impact analysis of environment on that, they have taken the safeguards. But as far as Bafulimali is concerned, hon. Minister, Shri Patnaik's Ministry, is not taking care of the environment hazards. So, the life of the Indravati Project is being shortened. It took 28 years to get it sanctioned from the Centre. Today, the irrigation project, which is making Kalahandi the wheat basket of western Orissa or the granary of western Orissa, is sought to be silted. It is being endangered and no less a person than Prof. M.S. Swaminathan has written about it. Therefore, I hope that you will take steps to keep the word. The Ministers may change. But the Government is a continuous process. The Government's policy of safeguarding the environment has to be maintained consistently. It must keep to its word.

The same is the question about NALCO in Angul. Now, fluorosis and fluoride gas as well Alzheimer's disease are there. Again it is Prof. Swaminathan and two others who have said about the harmful effects of aluminium. Today, about 5,000 people in Angul area are suffering from Alzheimer's disease. They are exposed to the Alzheimer's disease as well as the aluminium gas which was let off by NALCO only a month back.

There are any number of statements in the Orissa newspapers. The MLAs and the trade unions have also been raising this issue. This is another threat after the flyash hazard given by the TTPS, Talcher. Many people got affected by the toxic wastes of the Talcher Thermal Station.

Now, NALCO is the worst. It is the latest culprit. The Orissa University of Agriculture Technology, which went into it, and the CRRI, Cuttack, have given a report that because of letting off of this heated gas, all the crops in areas of five panchayats starting from Sarja para Nowhata, Tulsipal, Garhsantri to Kulad have been destroyed. Now, they have to pay compensation to the farmers. But who is going to pay compensation to the people whose eyes, brains bones and knees have been irreparably damaged? There is an utter panic in the Angul area. The same thing is in Korba where BALCO, that is, where the red mud ponds, are located. It is again the tribals who have been uprooted. Environmental safeguards have not been taken there. No rehabilitation or resettlement plan been drawn up in BALCO, NALCO and at INDAL. So, I would like to have a categorical assurance about this.

There are two issues which I would like to bring to the notice of the hon. Minister. One of them, of course, figures in the Annual Report of his Ministry on page 33. There was a crisis in the NALCO plant which was supposed to be the most modern plant in Asia.

It has got Pecchine technology. It was dedicated to the nation some time in 1998. In page 38 of that Annual Report of the Mines Ministry, it is stated, 'there was a crisis in NALCO where 300 pots, costing the exchequer Rs.300 crore, were damaged and a departmental committee was set up.' The report says that, 'as a result of the Enquiry Committee, which submitted its report in August 1998, some action has been taken to rectify it'. But again there is no accountability, no responsibility, and no one has been held responsible or accountable for the collateral damage, for the lack of preventive maintenance, for the criminal neglect of one of the most sophisticated plan in India which should have lasted for more than 40-45 years but in ten years" time it got damaged. I do not think that we are going to recover that Rs.300 crore.

Mr. Minister, it is taxpayers' money, it is national resource which has been wasted. Now in the aftermath of that, that is, 1998, the NALCO Karmachari Sangha has written to me on the 23rd of October 1999, 'Crisis in Smelter Plant of National Aluminium Company'. This crisis is referred to in this report of 1998. That was in the Pottle I.

In spite of the hon. Minister's assurance to this House last year, because this is last year's report, this year again in the Pottle II, similar things are happening, the Switchyard and the Rectifier have been damaged. The transformers have got damaged. The unions have been bringing it to the notice of the hon. Minister, but no action has been taken so far. In the meantime, senior executives have been given a safe passage, like in Kargil. They have retired and no one is answerable; not even the hon. Minister to this House.

What is going to happen if another Rs.300 crore or Rs.350 crore goes down the drain? The hon. Minister will very politely come and tell us that due to systems failure or management failure or because there was no preventive maintenance, this thing has happened and that they are taking corrective steps. But no one has been answerable or held responsible. So, I would request the hon. Minister to kindly take the House into confidence as to what action he is going to take against these recalcitrant officers, who have brought damage due to their inept handling, due to the inept management where they have allowed one of the finest plants to be ruined. It is his flagship industry and I think, this year it made a profit of more than Rs.500 crore and he is on the spree of expansion in that. Unless the hon. Minister takes corrective actions on these aberrations, this will continue and our public sector undertakings will start losing money and we will also get disrepute.

Now, I would like to know about the setting up of a high level committee outside the departmental committee which will be able to give us an objective report on what had happened, how to take preventive measures and how to avoid such things. I would be happy if the hon. Minister takes the House into confidence with regard to that.

The second one is more serious. The second one is by NALCO Shramik Congress Union, NALCO Karmachari Sangha, who have written on the 7th of October, 'Multi-crore scam of the millennium in purchase of IAPL Plant by NALCO.' I do not know what is the policy of this Government. Sick private sector plants are being purchased through public money. Those plants, which have been proved to be a failure, are being purchased and now this scam, the multi-crore scam, if I may quote:

"The details of the case is that, after inauguration of NALCO Strip casting plant in 1998..." -- when hon. Minister was the Minister also - - "and its failure in market, M.S. Mukund found that setting up of the above plant is not economically viable and accordingly they decided to sell it to NALCO."

Now, NALCO is negotiating to buy Mukund Iron's IAPL, which was supposed to be based on the raw materials supplied by this smelter plant. Now, due to the failure of the NALCO plant itself, they are trying to sell it off.

It further says:

"As their plant was not even complete by 25 per cent during the last six to seven years, NALCO management was reluctant to

purchase it. But after a lot of persuasion by the then CMD ... who is said to have taken ..."

I will not mention the name here because he is not here.

It further says:

"... at the verge of his retirement, the proposal of Mukund was considered and accordingly, to avoid the Audit Vigilance query, M/s. A.F. Ferguson was appointed to evaluate the assets and liabilities of M/s. IAPL."

Now, M/s. Ferguson was purchased by M/s. IAPL. It further says:

"Now, above what has been agreed contractually by NALCO, as a result, M/s. Ferguson estimated everything at higher side."

I do not want to go into the details. This has been sent to Mr. Vittal, CVC; the S.P., CBI unit; a copy has been sent to me; and a copy has been sent to the Secretary, Shri Verma.

So, I shall be very happy, Sir, if he takes us into confidence as to what is the deal between M/s. IAPL and NALCO; why we are taking an incomplete plant; and why we are allowing the plant to take over the land which has not yet been given by the Government of Orissa. They are taking over roads and communication which the villagers of the five Panchayats have been using for the last 100 years. If the plant has not been taken, then why the land has been forcibly taken over.

It is the question of the lives of millions of people, ordinary people, tribals and poor people. We have failed to guarantee their safeguard as far as their health and environment are concerned and at the same time we are taking away their land in the name of development or in the name of processing.

Sir, I have two more points. One is bauxite, about which I have already said. Orissa, Madhya Pradesh and Andhra Pradesh have probably about 90 per cent of bauxite available in India. Therefore, while it is welcome that we must exploit bauxite for our own use but we should not allow the plunder of our ores by foreign companies because the hon. Minister will know about it. The same thing has happened in Kiriburu, where we sold it off, 30 years back, at Rs.66 a tonne, FOB but what we have got was finished steel and iron from Australia and Japan. This ore could easily be processed here and we could have given employment to our youngsters here. We have any number of technically qualified and educated young people. We should not allow this type of loot and plunder of our mineral ores.

The next point is chromite. Ninety per cent of chromite available in India is located in Orissa. Ninety per cent of that is located in my constituency. Nothing has happened in the last 50 years in regard to exploiting that chromite ore to be used as to generate employment and to provide wages. I am sure, the hon. Minister from Orissa has the interest of Orissa at heart. This huge mineral deposit should not be given to the investors to take it away but we must apply all the scientific and technological innovations—the Minister himself has said that the state-of-the-art technology will be used—so that this ore can give employment by enrichment, or by development or by processing at a time when Orissa has been beset with one of the worst ever tragedies of the century, that is the cyclone and also the educated unemployed will get a chance to utilise their talents for the empowerment and prosperity of our State. Many of our Indian engineers are providing prosperity to other countries because of the brain drain and all that and also because the opportunity is not being given here.

Thank you very much.

SHRIMATI SANGEETA KUMARI SINGH DEO (BOLANGIR): Mr. Deputy-Speaker, Sir, at the very outset, I would like to compliment the hon. Minister for introducing the Mines and Minerals Regulation and Development (Amendment) Bill which delegates more powers to the States. Delegation of more powers to the State also happens to be a part of our Government's agenda. The introduction of the new concept of reconnaissance operations opens up vistas for deployment of state-of-the-art exploration technologies, and distinguishing it clearly as a stage of operation from actual prospecting operations, will accelerate exploration of mineral resources.

Another welcome aspect of the Bill is that it proposes to empower the State Governments to take suitable remedial measures for preventing illegal mining, which is a matter of great concern, as it deprives the State of an important share of revenue.

It is also heartening to note, that the Bill shows concern for preservation of natural environment, prevention of pollution to avoid danger to public health, etc.

However, there are certain issues which I would like to bring to the notice of the hon. Minister, as sometimes, there is a vast difference between what a Bill prescribes and what is really practiced, and unless and until these matters are not given due consideration, the entire Bill would be an exercise in futility.

Firstly, although, compensatory afforestation is mandatory in the States, it is often found that the State Governments do not execute this aspect seriously, which is in turn leading to severe depletion of forests.

Secondly, at times mining leases which are granted to persons for a specific purpose i.e. as actual users, do not keep up their end of the commitment of setting up of plants within the States and start indulging in trading instead. In such cases, the mining lease should be reviewed and summary cancellation powers should be given conjointly to State and Central Governments.

Thirdly, Sir, there should be a review of the leased out area which is not under mining operation. For example, in Orissa it has been seen that big industrial houses and certain Public Sector Undertakings like TATA's and SAIL have taken vast areas for mining of iron ore, manganese and chrome ore, but in actuality, the mining operations are being carried out in a very small portion of the leased out area, while the rest of the area is just lying idle, thereby depriving others from getting mining leases. These kind of monopolistic tendencies should be discouraged.

There should be a definite time frame within which prospecting licences and mining leases are granted.

Stringent action should be taken against those units engaging child labour, flouting labour laws and using outdated mining techniques which are a major cause of health hazards.

Sir, canalization, as a concept, was relevant a few decades ago. In the current evolutionary export marketing concepts, these agencies only add to costs giving uncompetitive disadvantages. States are in a position to realize the best cost for national advantage and can very well do without labyrinthine agencies like MMTC. If this is done, the country, the State Governments and the Paradeep Port in Orissa will be the direct beneficiaries. For a beginning, export of iron ore and chrome ore should be decanalised.

Sir, I would like to know why we should treat all minerals and States at par. States contributing a paramount percentage of a high value mineral need to be specially rewarded. The Ministry must apply its mind in the current federal environment.

Royalty of all minerals should be increased, as the current rate of royalty is very low.

Sir, I also feel that why do we not think of giving incentives to States on parameters of; higher export value realization compared on a year to year basis; environmental concerns; coming down hard on illegal mining; ploughing back funds in backward areas from where minerals are exploited; technology investment attraction, and value addition.

Another point which I want to make, Sir, is that most of the mining operations are concentrated in tribally populated areas. Though we all feel very well about the theory of utilitarianism, which speaks about the greatest happiness of the greatest numbers, but I do not think that the rights of the minorities should be disregarded. Wherever the mining operations are taking place, the tribal populations are not adequately compensated.

So, my request to the hon. Minister would be that wherever the mining areas are taken by the State Government and leased out, the tribal population should be substantially compensated by giving agricultural land.

In conclusion, I would like to say that I support the Bill whole-heartedly as I feel that it would curtail red tapism and put an end to illegal mining thereby enhancing the revenue of the States.

SHRI BIKASH CHOWDHURY (ASANSOL): Mr. Deputy-Speaker, Sir, before coming to the points on this Bill, I would like to raise one point. Since Independence, still there is no National Mining Policy. We have observed that without having this National Mining Policy, all the mines which are operated throughout India are in an irregular way and we have found that somewhere slaughter of minings is being done along with slaughter of surface area because all these minings are concentrated in the tribal area.

I also think that whatever be the amendments the hon. Minister has put forward in this Bill, he will not be able to control all these irregularities that have been carried on by the promoters.

Now, these mineral fields have been opened to the multinationals. They are very strong. I do not know whether State Government or the Central Government could control them. That is why, I want to raise the point that the National Mining Policy be framed and under this Policy, all these mines or exploitation of minerals should be done. I hope the hon. Minister will take care of it and soon he will frame such a Policy.

Now, I come to the Bill. This Bill mainly deals with the delegation of the powers to the State Government. We find that a new concept, as the hon. Minister has told, "reconnaissance" is now included in these mineral fields. Reconnaissance is a new concept for India although it is not a new concept for global world. But here I find that the reconnaissance means through regional aeriality or physical or geochemical surveys or geological mapping. I cannot say whether another new concept of rock engineering study is being operated in a developing country and without which no mining should be done. I do not know whether geophysical includes such rock engineering or not.

If it is not, then I request the hon. Minister to include that the rock engineering study should be done in all the mines and should be submitted.

I find some contradiction here which should be clarified. The State Government notified for inviting applications from the persons. Here I find that those who have applied prior to this notification should be considered preferentially. On the other hand, those who have applied later ...

THE MINISTER OF MINES AND MINERALS (SHRI NAVEEN PATNAIK): Sir, may I interrupt for a second? Could I ask the hon. Member to repeat the last paragraph?

MR. DEPUTY-SPEAKER : Shri Chowdhury, can you repeat the last sentence?

SHRI BIKASH CHOWDHURY (ASANSOL): Sir, I find here that the State Government will notify in the gazette for inviting applications for reconnaissance for prospecting, mining etc. But I find here that those who have applied earlier for such licences should be considered preferentially and also the applications of those who have applied earlier should be considered preferentially. What is the meaning or utility of such notification issued by the State Government? That is why I would like to point out that it should be clarified.

There is another thing. The hon. Members said earlier regarding environment. It is a big subject and not only the surface area is being devastated but the jungle area is completely destroyed. Even the underground water is also damaged because the multinationals are coming with very up-to-date and heavy machines like HMM and they go beneath upto 200 metres of depth. Then all the water bodies, underground water bodies or semi-bodies will be destroyed and water scarcity will be there. It will be a big clear problem for the inhabitants who are living by the side of the mines. The mining lease is to be given yearly. Hon. Minister proposes giving upto 20 kilometres and like that. So far as I remember, they may be given such mining licence upto 20 kilometres. That is why it is a very big

area and it will create heavy problem in the surrounding areas - not just the adjacent areas but the surrounding areas. It will go to the farthest upto 5 to 10 kilometres and that problem will be there. That is why it should be taken care of. I want to know what machinery will be there to prevent all these things. I do not know.

The hon. Member referred to rehabilitation.

It is a very hard problem. It is a very hard task because the people are inhabiting on these lands, they have too much of sentimental attachment with their residences and they are not ready to move from these places. In this case, I request that the Government - whichever it be, the State Government or the Central Government - must come forward to discuss with them about it and not evict them. If there is eviction, it will create other problems. Here, I would like to point out that they should discuss about it with them. Thereafter, the Government should decide or those people should decide to move elsewhere.

Now, I will come to another point relating to - the Government has also brought it here - stop illegal mining. There is some process which he has put down here. It is said that the illegal transportations may be apprehended in transit. But how? How can the persons who apprehend prove that those materials are taken illegally because the leaseholders of legal mines are doing illegal mining. If they have produced 100 tonnes, out of this 100 tonnes, we see that 30 tonnes are despatched ahead of the rest. How could it be prevented and apprehended? I am asking this because we have seen in our area that such illegal mining, not illegal mining but pilferations, are there in large number and such illegal transportations are being carried on.

I want to point out here about the method of mining that should be there. On the point of criteria, I would quote from clause 12. It says:

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

(a) any special knowledge of, or experience in, reconnaissance operations, prospecting operations or mining operations, as the case may be, possessed by the applicant;

(b) the financial resources of the applicant;"

I want to propose to include herein "what mode of mining they want to resort to or adopt." Here, I find a mention about excavation. Excavation is a very dangerous thing. Here, it should be pointed out whether they can do mining with some other methods. That is why, I want to request the hon. Minister to consider this. They should possess the updated machinery. Is it not? It is not written here.

15.00 hrs.

Now, what type of up-dated machines are we talking about? There are many factories in our country which are capable of manufacturing indigenously such machines as would be required by the mining industry. I would like to know from the hon. Minister whether we could prevail on the applicants for mining to carry on their mining operations with the help of such indigenously built machines.

1501 hours (Dr. Laxminarayan Pandey in the Chair)

Sir, in conclusion I must say that the National Policy for Mining should be framed at the earliest and that should be the guiding principle for carrying out mining operations throughout the country.

SHRI TRILOCHAN KANUNGO (JAGATSINGHPUR): Mr. Chairman, Sir, this Mining and Minerals (Regulation) and Development Bill, 1999 has three aspects, namely:-

First, it envisages to change the short title and the long title of the Bill. Second, it envisages to add one more function to the existing prospecting and mining operations and that is the reconnaissance operations. Third, it intends to give more powers to the States. These are the three aspects of this amendment Bill.

Sir, firstly, I exactly do not understand and I expect the hon. Minister to clarify and explain as to why he wants a change in the short title and the long title of the Bill. Earlier, it was the Mines and Minerals (Regulation and Development) Act, 1957 and now it would be known as the Mines and Minerals (Development and Regulation) Act. I do not know as to why this has to be done.

Sir, so far as the Constitution of India is concerned, under the seventh Schedule, in Union List No. I, item number 54, it has been mentioned:

"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".

Sir, my point is that the earlier provisions of the short title and the long title were in conformity with the provisions of Entry number 54 of List I of the Constitution of India. I do not know, why then the hon. Minister wants to change it?

Sir, secondly, in clause 3 of the Bill, the hon. Minister proposes to change to "development and regulations" instead of the existing "regulation and development". If this amendment Bill is passed, how then clause 1 would form part of this Bill? I do not understand this. I hope, the hon. Minister would clarify this position.

">The second aspect, of course, is a good idea and that is of reconnaissance operations. But I would like to concentrate on the third aspect and that is about giving more powers to the States.

Sir, you know that there are certain areas of discord and disharmony between the Centre and the States. The Mines and Minerals (Regulation and Development) Act is one such area.

It gives rise to discord and disharmony between the Centre and States not because of other provisions of the Act but because of Section 9 and more particularly Subsection (3) where imposition of royalty, inclusion of Second Schedule to the Act, and the revision of royalty have been provided. A lot has been said about giving more power to the States. But, unless the power of fixation or revision of royalty is given to the States, it amounts to not giving any power to the States at all. Mineral bearing States had been suffering for a long time because of the existing provisions of the Mines and Minerals (Regulation and Development) Act, 1957. However, they have been somehow managing till 1991 when Justice Ranganath Misra, the then Chief Justice, gave his verdict in a case in Supreme Court declaring cess as ultra vires. Since then, the mineral bearing States have been suffering.

Sir, this Act of 1957 with the incorporation of Section 9 and Subsection (3), the law is not in conformity with the Constitution of India. It was a colourable legislation. It was beyond the power of Parliament to enact such a legislation. Even then it was passed by the Parliament and it has been followed by the entire country. No State had raised any question even with the Sarkaria Commission because they were imposing cess and somehow they were compensating for the loss caused by the royalty fixed by the Centre. The Sarkaria Commission, therefore, did not take note of all those things. Royalty on coal was revised in 1991. It was revised again in 1994. Though it was to be revised by October, 1997, it has not yet been revised. In 1991 it was revised for all States, In 1994 it was revised for all States excluding West Bengal and Assam. Cess in West Bengal has not been declared ultra vires because that cess law has been protected under Article 372 of the Constitution of India. That is the reason why they are not shouting over it. That is the reason why West Bengal people have not expressed their unhappiness as yet. But the other poor mineral bearing States have been suffering.

In the original Act of 1957, it was mentioned that royalty fixed by the Union will not be more than 20 per cent of the sale value of the mineral at the pithead. An assurance was given to all States here in this august House that royalty shall be as near as 20 per cent of pit-mouth value. Unfortunately, till date no royalty on any mineral, let alone coal, has been fixed at 20 per cent of the pit-mouth value. At the same time, the States have lost their cess also.

I would say that this is a colourable legislation and this is not constitutional also. I refer to the great verdict of the Supreme Court in the Keshavanand Bharti case where he said that out of the five basic structures of the Constitution, 'the federal character of the Constitution is to be retained' is one. By defining:

"About Federalism, the Supreme Court has opined in this historic decision, "our Constitution is federal in character and not unitary. In a federal structure and existence of both the Union and the States is indispensable and so is the power of judicial review."

Quoting Decey, (the Law of the Constitution) the court further says, "the Federal State derives its existence from the Constitution, just as a corporation derives its existence from the grant by which it is created. Hence every power - executive, legislative or judiciary - whether it belongs to the nation or the individual State is subordinate to and controlled by the Constitution."

MR. CHAIRMAN : Kindly be brief.

SHRI TRILOCHAN KANUNGO : I shall take only three or four minutes more. I will not take much time.

Sir, the quote further says:

">"The object for which a Federal State is formed involves a division of authority between the National Government and the separate States. Federalism can flourish only among communities imbued with a legal spirit trained to reverence the law."

I would say that in the Seventh Schedule itself - so far as the List two is concerned, that is the State List is concerned, entry No.50 - 'taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development'. Taxation on mineral right is a right of the State Government; regulation and development is the right of the Central Government or the Government of India. So, regulation and development never include taxation. Taxation has been separately provided in the State List.

Under such circumstances, why did the Central Government usurp the power? I strongly oppose this and I request the hon. Minister to take up this matter with his colleagues in the Cabinet so that it is reviewed. These were not mentioned in the Sarkaria Commission because cess was there. The Sarkaria Commission gave its report in 1988. In 1991, Justice Ranganath Misra gave his verdict in the Supreme Court.

Therefore, the mineral-bearing State Governments have been suffering since 1991. It is good that more powers have been given to the States at point of time. It will be a commendable step if the hon. Minister of Mines and Minerals, particularly when he is from Orissa understands this, takes up this matter with the Cabinet and brings suitable amendment for this purpose.

I have no objection to the provisions, except the change in the short title and the long title. So far as other provisions are concerned, I am fully one with them. But if you want to maintain federal harmony, if you want to maintain proper accord and harmony between the States and the Centre, royalty and taxation on minerals which are the State subjects, are transferred to the States at the earliest.

SHRI T.M. SELVAGANPATHI (SALEM): Hon. Chairman, Sir, thank you very much for giving me this opportunity. I would be failing in my duty if I do not thank my beloved dynamic leader of AIADMK, Puratchi Thalaivi, Dr. Jayalalitha and the people of my constituency. It would not be out of context if I mention that in eighties when I was a student of Economics and Law from Jawaharlal Nehru University and Delhi University respectively, I had an occasion to sit in the gallery of this august House. I was peeping down to know what was happening on the floor of the House. The Watch and Ward staff pushed me back. I thank my Leader for having elevated me to come to floor of this House and make a maiden speech today.

Sir, I rise to strongly oppose this Bill because this is a Bill which seeks to sell out the nation's precious wealth in the hands of multinational corporations of the foreigners. Under the garb of delegating more powers to the State Governments, this Bill is a sweet coated poison which would ultimately sell out the entire wealth of this nation to the foreigners. We had enough experience of the East India Company which ruled this country for 200 years. One company took 200 years to be driven out. We are now going to allow

hundreds of such companies. You may imagine the situation, what would be the fate of the country? What are we going to leave for the future generation? This should be the concern or apathy that everyone of us should think over.

I would say that this is a half-baked and an ambiguous Bill. There are provisions in this Bill which delegate more power to the State Governments. Of course, it is not a charity. Ours is not a unitary form of Government. India is a Union of States where the States are vested with soils and sub-soils. All these mines and minerals are vested with the State Government. So, why is it delegated to the State now by the Himalayan Union Government? I would say that there is a hidden agenda. After all, what are the State Governments going to do with this? Basically, there is no budgetary support for the State Government to extract and exploit these natural resources. So, even if they do not want to, they will have to give it away. This is my opposition to this Bill. By giving powers to the States, the Government is giving an authority to the States. Does the Bill ensure accountability and responsibility? As my learned friend Shri K.P. Singh Deo has already pointed out, the accountability and responsibility should be taken care of. There has to be a provision in this Bill in this regard, which to my surprise is absent.

There are daring examples of misuse of this power. There are innumerable instances where the State Government has been exploiting this power. Sir, I am an ardent supporter of delegating more powers to the State yet there are instances where this authority is being totally carried away wrongly.

To cite certain examples, I would like to draw the attention of this august House to the plight of the people of Tamil Nadu where exist a cement mafia. This cement mafia, under the leadership of India Cement Ltd., of Tamil Nadu, formed an unholy syndicate which controls the entire cement industry in Tamil Nadu. Please see the plight of the people now because of the act of the mafia. They recently acquired five-six factories worth several crores of rupees. Hundreds of crores of rupees have been invested for the modernisation of these factories controlling about 75 per cent of the supply of cement in Tamil Nadu. This mafia, in order to earn all the money in a short circuit, devised a way in which they are the people who dominate the market and control the price and fix the price of the commodity.

DR. A.D.K. JAYASEELAN (TIRUCHENDUR): It is irrelevant, Sir.

SHRI T.M. SELVAGANPATHI : It is relevant. I am drawing the attention of the House as to how it is relevant. Let me tell the hon. Member; my learned friend may wait for my explanation as to how it is relevant. I will explain as to how it is relevant.

MR. CHAIRMAN : Please listen to me. This is your maiden speech. So, I am not objecting to it. Please come to the point. Please be brief.

SHRI T.M. SELVAGANPATHI : I am not saying anything irrelevant. I am coming to the point. If my friend is kind enough not to interrupt my speech, I would explain as to how this point is inter-linked...(Interruptions)

I am not the Chairman. I am sorry, I am not yielding.

MR. CHAIRMAN: Please be relevant and come to the point.

SHRI T.M. SELVAGANPATHI : I am relevant. The Chairman will appreciate my point of view. The Bill seeks to exclude limestone. Limestone which was vested in the Government of India has been deleted from Schedule one. Limestone is the predominant product and a raw material for the production of cement. How do you think this is not relevant? I would submit, if there is accountability and responsibility, this mafia ...(Interruptions)

SHRI S.S. PALANIMANICKAM (THANJAVUR): He is using a word which is objectionable.

MR. CHAIRMAN: He is not yielding. I am not allowing you.

">... (Interruptions)

MR. CHAIRMAN: Please take your seat. Kindly be brief.

SHRI T.M. SELVAGANPATHI : I am brief. Why should I not call the people who are looting the nation as mafia? I am proud to call them mafia. Why are they supporting the mafia in this House? ...(Interruptions)

MR. CHAIRMAN: Please come to the point.

SHRI T.M. SELVAGANPATHI : I am coming to the point. Why is cement costing Rs.195 in Tamil Nadu? The price in Andhra Pradesh is Rs.120. The price in Karnataka is Rs.140. It is the only place where the value of cement is Rs.195.

I would like to say that there is absolutely no construction activity in Tamil Nadu. The whole construction activity is thrown out of gear. The people who have invested money, because of the sudden spurt in the prices, have to stop the construction half way. I would like to submit that this mafia has the patronage and the blessings of the State Government in Tamil Nadu.

SHRI S.S. PALANIMANICKAM : We are objecting to it. They are the mafia.

MR. CHAIRMAN: This is an Amendment Bill and has a limited scope. Its scope is very limited. Please come to the point.

... (Interruptions)

MR. CHAIRMAN : Please come to the amendment and speak about it.

... (Interruptions)

SHRI T.M. SELVAGANPATHI : The cement companies under the leadership of India Cement Limited have friendship with the hon. Minister for Commerce and Industry of this Government for a long period of 25 years. Do you deny this?...(Interruptions)

SHRI S.S. PALANIMANICKAM : Sir, this is objectionable. This should not be in the record...(Interruptions)

MR. CHAIRMAN: Please do not make such remarks.

... (Interruptions)

SHRI T.M. SELVAGANPATHI : I have ample publications of the Press which have brought everything to light....(Interruptions)

MR. CHAIRMAN: This will not go into the record.

(Interruptions)\*

MR. CHAIRMAN: Why are you making such remarks?

">... (Interruptions)

">MR. CHAIRMAN: Shri Palanimanickam, please take your seat.

">... (Interruptions)

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">\*Not Recorded.

">SHRI S.S. PALANIMANICKAM : Sir, he has no right to speak like this.....(Interruptions)

">SHRI T.M. SELVAGANPATHI : They encourage such a spurt and loot people's money....(Interruptions)

">MR. CHAIRMAN: Do not make such remarks. Otherwise, this will not go into the record.

">... (Interruptions)

">MR. CHAIRMAN: I am again and again saying not to make such remarks.

">... (Interruptions)

">SHRI T.M. SELVAGANPATHI : Sir, will you allow Members to interrupt me when I am making people's point of view here?...(Interruptions)

">MR. CHAIRMAN: I am allowing you but you have to link it.

">... (Interruptions)

">SHRI T.M. SELVAGANPATHI : Yes Sir. I am linking it up by saying that if limestone is given to the State, then there has to be a check and balance. This mafia will surround the whole thing and see that the limestone is not available for the other manufactures. I would request the hon. Minister to ensure that limestone is freely available for everyone in the State who intend to make use of it....(Interruptions)

">SHRI S.S. PALANIMANICKAM : Their days are numbered. ...(Interruptions)

">SHRI T.M. SELVAGANPATHI : Let us see whose days are numbered. ..(interruptions)

">SHRI S.S. PALANIMANICKAM: It is under trial...(Interruptions)

">MR. CHAIRMAN: Please take your seat.

">... (Interruptions)

">SHRI T.M. SELVAGANPATHI : I leave it to the imaginations of the honourable House as to how this has been managed and manipulated.

">AN HON. MEMBER: What has been manipulated?

">SHRI T.M. SELVAGANPATHI : The price of cement is being manipulated with the help of the State Government.

">Another reason for which we are harping on this issue is because it hits the people. If limestone is given to them, they will plunder the resources to their own satisfaction and to their own whims and fancies. Therefore, I would urge the hon. Minister to have accountability and responsibility when he gives this particular power to the State Governments.

">There is another point regarding illegal mining. This Bill seeks to give more powers to stop illegal mining in the States. Bauxite is abundant in the State of Tamil Nadu, particularly in Namakkal and Salem from where I come. Bauxite is abundant in that kolli hills where there are instances of people carrying on with illegal mining without any check. I would like to point out that there are innumerable occasions where private entrepreneurs are allowed to mine bauxite ore. One such company which was allowed to

plunder this resource is Gautam Bauxite Mines. In this case, mining licence lease was given to the Company for only two years. In those two years, several crores worth of illegal bauxite mining took place with the help of the officials. What happened after the expiry of the lease? It is startling, dastardly act of this Company continued to plunder the resources even after the expiry of the lease. I request the hon. Minister to take note of this point. Sir, there has been indiscriminate mining and extraction of bauxite at the rate of 500 tonnes per day.

">This has been supplied to the local companies. This particular area is an ecologically fragile area. It has potential value. But heavy deforestation is going on. Trees of hundred years of age and more have been cut into sizes and nobody is there to check. There are hundreds of medicinal herbs in these hilly areas which are used for Siddha medicines. This company, which has been extracting this mineral unchecked, has destroyed almost hundred acres of land

">there. A partner of this company, I allege, is no other than the son in law of a local State Minister of the DMK Government. Can they deny it?...(Interruptions)

">MR. CHAIRMAN : Please come to your point.

">SHRI T.M. SELVAGANPATHI : The point is that Rs.50 crore worth of bauxite ore has been taken away...(Interruptions)

">MR. CHAIRMAN: I have already said that this is an Amendment Bill. Come to the amendments. What is your view in this matter?

">... (Interruptions)

">SHRI T.M. SELVAGANPATHI : I am saying that there is no accountability and responsibility vested with the State Government to check all the illegal mining activities...(Interruptions)

">MR. CHAIRMAN: Hon. Members, please sit down. Now, he is concluding.

">... (Interruptions)

">SHRI T.M. SELVAGANPATHI : I take the responsibility of proving this...(Interruptions) I take the responsibility for what I said...(Interruptions)

">SHRI S.S. PALANIMANICKAM : Is this the way of presenting his case? During the tenure of their Government, they swindled crores and crores of rupees by way of giving contract to the granite contractors...(Interruptions)

">MR. CHAIRMAN: This is not the proper way of doing things.

">... (Interruptions)

">SHRI S.S. PALANIMANICKAM:\* He is facing a case in the Special Court. The day of judgement is numbered. He should not be allowed like this. This is not fair...(Interruptions)

">MR. CHAIRMAN: Shri Selvaganapthy, please conclude now.

">... (Interruptions)

">SHRI S.S. PALANIMANICKAM : We will not allow him to say like this. He is continuing like this. He should not have said this...(Interruptions)

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">\*Expunged as ordered by the Chair

">MR. CHAIRMAN: He is concluding now. This is not the proper way of doing things. You are not taking your seat. First, you sit down.

">... (Interruptions)

">MR. CHAIRMAN: Shri Selvaganapthy, kindly conclude now. You have taken your time. I have no objection to your taking the time of your Party. Please cooperate and conclude.

">SHRI T.M. SELVAGANPATHI : Sir, this is my maiden speech. I am coming to the point. I am cooperating with you. Please allow me. This is an important Bill. We have to express many things in regard to this Bill. I have not come to the core of this Bill...(Interruptions)

">MR. CHAIRMAN: I know that this is a very important Bill. Please conclude now.

">SHRI T.M. SELVAGANPATHI : Another sector which needs greater attention is granite. Once it was mine and mineral. It has now got a major value. It has an export value almost to the tune of Rs.3,000 crore. It has its own foreign exchange earning value. Again, in the State of Tamil Nadu, one thing happened...(Interruptions) I hope they do not interrupt me. They do not know what I am going to mention...(Interruptions)

">MR. CHAIRMAN : Shri Selvaganapathi, this is an amendment Bill for the whole nation, not for Tamil Nadu alone.

">... (Interruptions)

">SHRI T.M. SELVAGANAPATHI : Sir, the State of Tamil Nadu has wonderful resources of granite. During the A.I.A.D.M.K. regime under the dynamic leadership of Puratchi Thalaivi Dr. Jayalalithaji ...(Interruptions) Why am I not allowed to quote my leader's name?

What is the harm? (Interruptions) These are the people who have got the policy of victimisation. (Interruptions)

">MR. CHAIRMAN: Shri Selvaganapathi, please conclude now. I am going to call the next Member to speak.

">... (Interruptions)

">SHRI T.M. SELVAGANAPATHI : Sir, I have to make a very important point. I am talking about Rule 39. Rule 39 was introduced to the Minor and Minerals Concessions Rules and quarry leases were given to private entrepreneurs. It was a dying industry and it was having a slow death of its own. It was regenerated and leasing right was given to private parties. At that time, some vested interests have even challenged the enactment of this particular rule before the Supreme Court. But the enactment of this rule was upheld to be in the interest of the nation and to be a case which brings immense foreign exchange reserves.

">Sir, the reason for my mentioning all these things is, enormous powers in the mining sector sometimes makes even the moderate States to misuse the powers. Therefore, I seek accountability and responsibility. The D.M.K. rule, which is vengeful and which adopts a policy of victimisation to settle political scores, has indiscriminately filed criminal case ...(Interruptions)

">MR. CHAIRMAN: Shri Selvaganapathi, you have to conclude and take your seat now. I am going to call the next Member.

">... (Interruptions)

">SHRI T.M. SELVAGANAPATHI : Sir, the reason why I am not allowed to speak facts with regard to mines and minerals is because there is a case pending in the court. (Interruptions)

">MR. CHAIRMAN: Shri Selvaganapathi, please conclude now. I am going to call the next Member.

">... (Interruptions)

">SHRI S.S. PALANIMANICKAM : Mr. Chairman, Sir, in one of the cases of corruption, the judgement has been given and a former Minister belonging to the A.I.A.D.M.K. has been convicted. (Interruptions) Under the leadership of ... \* granite worth crores of rupees had been sold away during the five years rule of A.I.A.D.M.K. in Tamil Nadu. (Interruptions)

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">\*Expunged as ordered by the Chair.

">SHRI T.M. SELVAGANAPATHI : Sir, the erstwhile Minister was interested in the increase of foreign exchange to the country. (Interruptions)

">SHRI P.H. PANDIYAN (TIRUNELVELI): Mr. Chairman, Sir, nobody should block the discussion.

">MR. CHAIRMAN: Yes; I have not blocked.

">SHRI P.H. PANDIYAN : Sir, there should be a free and frank discussion and nobody should block the discussion. This is Parliament. If there is anything unparliamentary, it can be expunged. But nobody, whether belonging to this side or that side, should block the discussion. (Interruptions) I have been observing since morning that if a particular Member raises his voice, he can calm down the other Members. This should not be done and only one Member should speak at a time. (Interruptions)

">SHRI S.S. PALANIMANICKAM : But, he should not hurt the feelings of others. (Interruptions)

">MR. CHAIRMAN: Please take your seat.

">... (Interruptions)

">MR. CHAIRMAN: I have to guide the House, not you. Please take your seat.

">... (Interruptions)

">SHRI P.H. PANDIYAN : Sir, the Chair should rule that no Member should block the discussion. No Member should be restrained by another Member by raising his voice. We can also raise our voice, but we are observing restraint. (Interruptions)

">MR. CHAIRMAN: Shri Selvaganapathi, please conclude now.

">... (Interruptions)

">SHRI ADHI SANKAR (CUDDALORE): Mr. Chairman, Sir, he is giving false information to the House. (Interruptions)

">MR. CHAIRMAN: Shri Selvaganapathi, please conclude now.

">... (Interruptions)

">SHRI T.M. SELVAGANAPATHI : Sir, even though the then Minister was charge-sheeted, he has been elected by the people of Karur constituency and sitting here as an hon. Member of this House. (Interruptions) When they victimise us, we will be more powerful among the public. (Interruptions)

">MR. CHAIRMAN: Shri Selvaganapathi, please conclude now. I am calling the next Member. Shri Punnu Lal Mohale.

">... (Interruptions)

">SHRI T.M. SELVAGANAPATHI : Sir, I am concluding. Please allow me for a minute more.

">MR. CHAIRMAN: No; please conclude now.

">... (Interruptions)

">SHRI T.M. SELVAGANAPATHI: How flimsy reasons have been adduced for cancellation of such mining leases! I would like to say that because a boundary stone was missing in a quarry, the lease was cancelled. This is a pathetic situation. It is so unfortunate that a Government is run in such a fashion where our resources - the foreign exchange reserves - have been depleted like this. This is another industry which earns crores and crores of rupees in foreign exchange for this nation. Therefore, I draw the attention of the hon. Minister to regulate such type of a menace.

When enormous powers are given to the States, there has to be a check about which I have been reiterating. Now, in the name of regulation, the present Government is bringing forward Bills after Bills. Yesterday, it was the Insurance Regulatory Bill, today, it is the Mines and Minerals (Regulation and Development) Amendment Bill, tomorrow, it is going to be about the public sector banks and day after tomorrow, it is going to be about agricultural economy. Where are they going to end it? What are they going to leave for our nation? What are they going to leave to our future generation? We could not control the Union Carbide company. They have not been able to get Rs. 400 per

family. This is the fate of our country. When we pose such questions, immediately, they say that it is liberalisation, globalisation, financial crunch and lack of technological knowhow.

MR. CHAIRMAN : Shri Selvaganpathi, this is too much. I have given you sufficient time.

SHRI T.M. SELVAGANAPATHI: Sir, I am not hard of hearing. Please give me a minute.

MR. CHAIRMAN: Kindly conclude. As this was your maiden speech, I allowed you.

SHRI T.M. SELVAGANAPATHI : No, Sir. It is an important issue.

MR. CHAIRMAN: I know that. You have not to say that. Please conclude that.

SHRI T.M. SELVAGANAPATHI : To get a tonne of coal, it takes centuries. But in an hour, they can extract. This is what the Bill wants to seek: 'state-of-the-art reconnaissance'. Not only that, the people who are given reconnaissance permits, get preference over others for mining. Why is it so? You have the state-of-the-art technology in this nation. Why can you not borrow technology from other nations instead of selling out the entire natural resources to the foreign powers? If I am allowed, I would be unearthing more and more points for this Government. You say about financial crunch. Why are you leaving the blackmarketeers? Why are you leaving the hoarders who have crores and crores of rupees of black money? It is a shame on our part. There is brain-drain from this nation.

MR. CHAIRMAN: Now, I am not allowing you. Please conclude.

SHRI T.M. SELVAGANAPATHI: Lastly, I urge upon the Minister to withdraw this Bill in the interest of the nation. Thank you very much.

SHRI P.S. GADHAVI (KUTCH): Sir, thank you very much. I rise to support this Amending Bill. By amending the long title, the Government has tried to lay more stress on development rather than on regulations.

">It will help to develop the entire underdeveloped area, but by giving more powers to the State -- power to grant and renew prospecting licence, PL, mining licence, and other related approvals -- and to suggest measures that would reduce delays. Review of the existing loans, procedures and measures of prevention of illegal mining, is a welcome step.

">When these powers are with the Centre, it takes a long time. Ours is a vast country. From one end to the other, there is so much of distance and one cannot easily approach the Centre. The delegation of power was very much overdue. Therefore, I welcome and support this Bill.

">The new concept of reconnaissance operation is distinct from actual or prospecting operation. It will help prospective investors to invest in reconnaissance operation. This will be done through deployment of exploration technology for accelerating exploration of mineral resources. This Reconnaissance Amendment will help in the long run.

">Furthermore, a very vital and a very important amendment proposed by this Bill is to delete limestone. Just now, as my predecessor has stated, in my constituency, that is Kutch, there is abundance of limestone. My constituency is very much underdeveloped. Over a period of last fifty years, it had faced around 32 droughts. People of my area have been migrating to other places. If the limestone is allowed to be used in the cement industry and if the cement industry is developed there, then our cement industry can very well capture the market of the nearby countries, particularly, the Arabian countries in the Middle-east.

">Arabian countries" market is now being captured by the American companies. If the cement industry is developed there, then we can capture that market. One cement industry has come up there but due to so many regulations, it has taken too much time. So, once this limestone is allowed to be controlled by the State Government, it can develop the underdeveloped areas. As one industry has already come up, if three or four more industries come up in that area, then we can capture the whole market of the Middle-East, Arabian countries because of our proximity to that area. It can be developed by exporting goods through sea route.

">The proposed amendment would also curb illegal mining. By delegating power of authorisation to check and search, entry to the State would be checked to a great extent. By incorporating provision of confiscation, apart from existing powers of seizure in respect of tools and equipment used in illegal mining, the Government can confiscate all these illegal things. Till now, illegal mining and illegal

transportation have caused us a great loss and damage to our country. This is also a very welcome thing and I congratulate the hon. Minister for bringing this type of amendment which was very much necessary and overdue.

">Sir, by introducing legal provision for transportation and movement of minerals so as to curb movement of illegal minerals, it will be a boon for the State Government to open up its revenues from mines which will attract huge investment. Due to this amendment, development of the State-of-art prospective technology and collaborations will be more attractive. It will prove to be an investor-friendly legislation. So many industries, from our country, are ready to invest, provided the regulations are very few. So, it will also be a boon for that underdeveloped area.

">By this proposed amendment, effective policing of the vast mineral belt of the country, which demands meaningful powers to the functionaries at the ground level to check, search and confiscate and even test the equipment, can be made.

">This proposed delegation of power to the State would take care of these functional requirements in the interest of the mining industry in particular and the national interest in general. So, I welcome and support this Bill. I would have still appreciated it had it been brought earlier, but better late than never.

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डॉ. रघुवंश प्रसाद सिंह (बैशाली) : सभापति जी, खान और खनिज (विनियमन और विकास) संशोधन विधेयक, १९९९ में और संशोधन करने के लिए सरकार यहां विधेयक लाई है। इसके संबंध में सरकार विगत पांच-छः महीने से डिहोरा पीटे जा रही है कि यह बड़े फायदे का विधेयक है और इसके माध्यम से केंद्र सरकार स्टेट गवर्नमेंट को पूरे अधिकार दे रही है और मल्टी नेशनल को न्योता दे रही है जिससे बड़े प्रोजेक्ट लगाए जाएंगे जिससे धन देश में आएगा और देश से गरीबी हट जाएगी।

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"इसके अलावा खान में जो गड़बड़ी है, चोरी है, उसे भी रोकने का इन्होंने दावा किया है, लेकिन बिल को देखने से, इनके विभाग के काम को देखने से और स्टेट गवर्नमेंट की हालत देखने से असलियत कुछ और ही है। असलियत यह है कि जिन राज्यों में कोयले का उत्पादन होता है, वहां कोयले पर रायल्टी वजन के आधार पर मिलती है न कि रेट के आधार पर। छः वर्ष पहले कोयले का जो रेट था, आज उससे डेढ़ गुना बढ़ गया है। जो वजन के आधार पर रायल्टी देने का कानून बनाया हुआ है, वह भी तीन साल बाद रिवाइज किया जाना चाहिए था लेकिन चार-छः वर्ष तक उसे रिवाइज ही नहीं किया जाता है। चार-छः साल तक कोयले का वही भाव रहता है। कभी-कभी इस भाव को दस वर्ष भी हो जाते हैं। मैं कहना चाहता हूँ कि जिस राज्य में कोयले का उत्पादन होता है, उस राज्य का ये गला काट रहे हैं।

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"सभापति जी, ये दावा करते हैं कि हम स्टेट गवर्नमेंट को अधिकार दे रहे हैं, स्टेट गवर्नमेंट को फायदा पहुंचा रहे हैं लेकिन काम उल्टा हो रहा है। इसके बारे में आप जवाब दें कि ऐसा क्यों हो रहा है। इन्होंने कहा था कि इस संबंध में देश भर के मिनिस्टर्स की बैठक हुई थी, कोल सचिव की अध्यक्षता में एक कमेटी बनी थी और उस कमेटी की रिपोर्ट के आधार पर हम यह बिल लेकर आये हैं। उस कमेटी ने यह रिपोर्ट दी है कि कोयले पर रायल्टी कीमत के आधार पर मिलनी चाहिए। इस बात की दो वर्ष बीत गये हैं। उस कमेटी ने सभी चीजों की जांच पड़ताल करके, लाभ-हानि, पक्ष विपक्ष, सभी कानून कायदे आदि की जांच करके अपनी रिपोर्ट दी है, फिर आप उस रिपोर्ट को लागू क्यों नहीं कर रहे हैं? इनका यह दावा खोखला है, उलावा है कि हम राज्य को अधिकार देना चाहते हैं।

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"इस संबंध में मैं बिहार का उदाहरण देना चाहता हूँ। वहां ५०० से १००० करोड़ रुपये का सालाना नुकसान हो रहा है। बाढ़, सूखा, पानी और रेत का मालिक बिहार सरकार और खान, खनिज और धन सम्पत्ति का मालिक केंद्र सरकार - यह ठीक बात नहीं है। मैं पूछना चाहता हूँ कि आप रायल्टी क्यों नहीं देना चाहते हैं? मेरे प्रश्न का जवाब मंत्री जी दें कि जब उस कमेटी ने अपनी रिपोर्ट दी है, फिर आप उसकी रिपोर्ट को क्यों रोक रहे हैं? उसे लागू न करने का क्या कारण है? इसे आप बतायें नहीं तो यह आरोप साबित हो जायेगा कि केंद्र सरकार के सौतेलेपन के चलते और जन विरोधी नीति के चलते उस राज्य की बुरी हालत है।

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"इन्होंने कहा है कि बिहार में हम खान और खनिज एक निगम को दे देंगे लेकिन अभी तक उसकी प्रक्रिया शुरू नहीं हुई है। वहां इनका जो सी.सी.एल. है या दूसरी कोयला कम्पनी है, वे व्यापार के आधार पर काम करती हैं। जब उनको लगता है कि घाटा हो रहा है तो वे उसे अबैडन छोड़ देती हैं जिससे वहां अनइम्प्लायमेंट की समस्या उत्पन्न हो जाती है। जब यह फैसला हुआ था कि खान एवं खनिज को वहां के कार्पोरेशन को दे दिया जायेगा, तो आप उसे भी रोक रहे हैं। मैं यह पूछना चाहता हूँ कि आपने उसे क्यों रोका हुआ है? अन्यथा आपको यह दावा नहीं करना चाहिए कि हम स्टेट गवर्नमेंट को अधिकार दे रहे हैं। स्टेट गवर्नमेंट को चूना पत्थर का कारोबार देकर, जो लाभ वाले कारोबार हैं, वे सब अपने पास रख रहे हैं। क्या आप इस तरह उनको अधिकार दे रहे हैं? इसके अलावा राज्य सरकार का जो भी प्रस्ताव है, उसका भी आप ठीक ढंग से निपटारा नहीं करते। इसी तरह एक कोल बेस्ड मिथेन परियोजना है, जिसकी जांच हुई है,

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"और यह पाया गया है कि ४० बिलियन क्यूबिक फीट वहां गैस है। दुनिया में किसी खदान में इतनी ऐसे गैस नहीं है। वैज्ञानिकों ने जांच की है और बताया है कि वहां ४० बिलियन क्यूबिक फीट गैस है। इससे कितनी एनर्जी मिलेगी और कितना देश-प्रदेश का विकास होगा, लेकिन उस परियोजना को इन्होंने रोक कर रखा हुआ है। देश में जो भी गैस है उसका २० प्रतिशत केवल बिहार राज्य के हजारीबाग और धनबाद के कोल खदान के भीतर है। हम आज भी नहीं जान पा रहे हैं, वैज्ञानिक बताते हैं कि उसमें गैस भरा हुआ है लेकिन इन्होंने उस परियोजना को रोक कर रखा हुआ है, ये बताएं कि उसको क्यों रोक कर रखे हुए हैं, उसे क्यों नहीं जल्दी से लागू कर रहे हैं और मंजूर कर रहे हैं? फ्रेंच मिक्सड क्रैडिट के आधेन एक परियोजना इनके यहां कई वर्षों से लम्बित है, ये उसे क्यों नहीं लागू कर रहे हैं, यह बताएं? रानीगंज, झरिया की जो खदान है वहां रात को तीन-चार मील दूर से देखने से पता लगता है कि आग लगी हुई है, वहां कितने वर्षों से आग लगी हुई है। उसके लिए एक पुनर्वास योजना थी, एक अध्ययन दल वहां गया था। उसने जांच करके रिपोर्ट दी है। वहां जो कोयला खान में आग लगी हुई है, उसको बुझाना चाहिए अन्यथा सारा कोयला बेकार हो जाएगा, यह केंद्र सरकार की जिम्मेदारी है। लेकिन उस परियोजना पर भी ये ध्यान नहीं दे रहे हैं। उसे मंजूर नहीं कर रहे हैं और न ही आगे बढ़ा रहे हैं। वहां जो बाक्साइट, ग्रेनाइट और खान-खनिज है उसके भी योजना और विकास के लिए केंद्र सरकार उदासीन है। केंद्र सरकार सौतेलेपन का व्यवहार कर रही है।

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"महोदय, इन्होंने जो दावा किया, इसके लिए मेरा इन पर आरोप है। ये नाम ले रहे हैं कि हम चूना-पत्थर में स्टेट गवर्नमेंट को पूरा अधिकार दे रहे हैं, ज्यादा पावर डेलीगेट कर रहे हैं। इस तरह ये मल्टीनेशनल और विदेशी पूंजीपतियों को न्योता दे रहे हैं। उनकी आर्थिक मामलों में तो दखलअंदाजी है ही, जो हमारा खान-खनिज है उसमें भी ये न्योता दे रहे हैं कि आप आ जाओ और यहां से हमारा ये सब लूट कर ले जाए, हमारी जो भी सम्पत्ति है उसे लूट कर ले जाओ।

">... (व्यवधान)

">४० फीसदी खान-खनिज का जो देश में उत्पादन होता है वह बिहार में होता है। कोयला, अभ्रक, एल्यूमीनियम, बाक्साइट आदि बिहार में होता है। लेकिन सरकार के सौतेलेपन की नीति के कारण बिहार खराब

हालत में जा रहा है। वहाँ कोयले की बड़ी चोरी हो रही है। इन सभी मामलों में हम सरकार का ध्यान आकर्षित करते हैं। ये बिल पास कराने में जितनी रुचि ले रहे हैं, राज्यों की कठिनाई, खास करके गरीब राज्य और जो एक नम्बर में रायल्टी वाला है उसे ये रोक कर क्यों रखे हुए हैं उसे क्यों नहीं मंजूर करते हैं। इन्हीं की कमेटी ने उसे पारित किया है। इसलिए कोयले की रायल्टी मूल्य के आधार पर, ओजन के आधार पर नहीं, एंड वेलोरम के आधार पर करें।

">... (व्यवधान)

">महोदय, हम आपसे भी दरखास्त करते हैं कि सरकार को आपकी ओर से फटकारा जाना चाहिए कि क्यों इस तरह का भेदभाव, खास कर गरीब राज्य के साथ इस तरह का जनविरोधी काम करते हैं। ये ठीक ढंग से काम करें तब बिल पास होगा अन्यथा हम बिल के इतने खिलाफ होंगे कि इनका बिल रास्ते में ही रह जाएगा।">

">16.00 hours

SHRI M.V.V.S. MURTHI (VISAKHAPATNAM): Mr. Chairman, Sir, these are the days of development in the country that is taking place. In line with the thinking of the Government and aspirations of the people, we have to make these amendments, which are necessary. There are a lot of minerals in the State of Andhra Pradesh, many of them are not exploited. With this liberalisation, perhaps, and with the developmental activities by attracting...(Interruptions).

">MR. CHAIRMAN : Shri Murthy, you can continue your speech later on because at 4 o'clock we have to take up discussion under Rule 193.

">SHRI M.V.V.S. MURTHI : Sir, I will not take much time of the House. (Interruptions).

">SHRI RAJESH PILOT (DAUSA): The farmers' problem is very important. Hon. Member can continue his speech tomorrow.

">MR. CHAIRMAN: Shri Murthy, if you can conclude within five minutes, then it is all right.

">... (Interruptions)

">SHRI M.V.V.S. MURTHI : I can speak later on.

">SHRI RAJESH PILOT (DAUSA): Why are you in a hurry to conclude today? You can speak leisurely tomorrow because farmers' problem is more important. (Interruptions).

">SHRI M.V.V.S. MURTHI : Sir, I will speak later on.

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