

deals with the Bills that are being transmitted to this House from the Lok Sabha. Both Rules were discussed here threadbare. Rule 125 is not complete in itself, as far as the procedure to be followed after presentation of the Report of Select or Joint Committee, is concerned. Therefore, the procedure to be followed, after the presentation of a Report by Select Committee or Joint Committee on a Bill, either introduced in the Council of States or transmitted to it by the other House, will be the same as delineated in Rules 93 and 94 of the Rules of Procedure. I, therefore, hold that the amendment given by Shri P. Rajeev is in order. Now, Shri Bhupender Yadav. *...(Interruptions)...* Shri Bhupender Yadav. *...(Interruptions)...* I am not allowing. *...(Interruptions)...*

GOVERNMENT BILLS

***The Mines and Minerals (Development and Regulation)**

Amendment Bill, 2015 — *Contd.*

श्री भूपेंद्र यादव (राजस्थान) : सम्माननीय उपसभापति महोदय, *...(व्यवधान)...*

श्री मोहम्मद अली खान (आंध्र प्रदेश) : सर, मुझे आधा मिनट दे दीजिए ।

† [جناب محمد علی خان : سر، مجھے آدھا منٹ دے دیجئے۔]

MR. DEPUTY CHAIRMAN: No. *...(Interruptions)...* No. *...(Interruptions)...* I am not allowing you. *...(Interruptions)...* I am not allowing you. *...(Interruptions)...* I am not allowing you. *...(Interruptions)...* Sit down. *...(Interruptions)...* Shri Bhupender Yadav. You have only three minutes. *...(Interruptions)...* Shri Bhupender Yadav, you have only three minutes. *...(Interruptions)...*

SHRI BHUPENDER YADAV: Yes, Sir. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: I am not allowing. *...(Interruptions)...* None of this will go on record. *...(Interruptions)...* None of this will go on record. *...(Interruptions)...* Shri Bhupender Yadav, you speak. *...(Interruptions)...*

श्री भूपेंद्र यादव : सम्माननीय उपसभापति महोदय, *...(व्यवधान)...*

MR. DEPUTY CHAIRMAN: Sit down. *...(Interruptions)...* Not going on record. *...(Interruptions)...* Shri Bhupender Yadav, you speak. *...(Interruptions)...* Nothing else will go on record. Three minutes.

† Transliteration in Urdu Script.

* Further discussion continued from 19.03.2015.

श्री मोहम्मद अली खान :*

श्री भूपेन्द्र यादव : सम्माननीय उपसभापति महोदय, सदन ने पिछले सप्ताह सेलेक्ट कमेटी का गठन करके एक बहुत महत्वपूर्ण विधेयक को सेलेक्ट कमेटी को विचार करने के लिए दिया। सेलेक्ट कमेटी के पास 7 दिन का समय था, सेलेक्ट कमेटी की 6 मीटिंग्स हुईं। सेक्रेटरी माइंस, सेक्रेटरी एनवायरनमेंट, सेक्रेटरी पंचायती राज और सेक्रेटरी ट्राइबल अफेयर्स को तथा उनके साथ-साथ पर्यावरण के क्षेत्र में काम करने वाले विशिष्ट संगठनों को, पॉलिसी मेकर्स को सेलेक्ट कमेटी ने एग्जामिन किया। इसने एक बात को आश्वस्त किया कि बिल को अमेंडमेंट में लाते समय राज्यों के साथ संवाद की पूरी प्रक्रिया की गई। सेलेक्ट कमेटी ने सेक्रेटरीज से specific questions भी पूछे, जिनका सकारात्मक जवाब आया।

महोदय, 1957 के इस बिल को जिस अमेंडमेंट के द्वारा मजबूत किया जा रहा है, उस अमेंडमेंट के द्वारा यह जो खानों को देने का विशेषाधिकार है, इसको रोक कर एक transparent procedure को लाया जा रहा है। खानों के सम्बन्ध में सितम्बर, 2014 तक लगभग 63 हजार एप्लिकेशंस जो पेंडिंग थीं, उस सारी प्रक्रिया को समाप्त करके डिले को रिड्यूस करने का प्रावधान लाया गया है और procedures को simplify किया गया है। सरकार का मिनरल्स के शेयर में जो अधिकार होता था और विशेष रूप से जो राज्यों का अधिकार होता था, उसके लिए ज्यादा चिन्ता की गयी है। उसके साथ-साथ पिछले दिनों गोवा फाउंडेशन के केस में, उड़ीसा मिनरल्स के केस में, Monnet Ispat केस में और कर्णाटक के समता समाज पक्ष के केस में सुप्रीम कोर्ट की जो रूलिंग्स आयी हैं, उनके सम्बन्ध में जो discrimination है, उसको समाप्त करने का प्रयत्न किया गया है। देश में 1993 की जो पॉलिसी आयी थी और यूपीए सरकार ने माइन्स और मिनरल्स के लिए जो हुडा कमेटी बनायी थी, उसकी रिकमेंडेशन को ध्यान में रखते हुए देश के मिनरल क्षेत्र को आगे बढ़ाने और उसके साथ ही साथ मिनरल क्षेत्र में हाई टेक्नोलॉजी को ले जाने वाले प्रावधानों को भी इसमें शामिल किया गया है। इसलिए इस माइन्स और मिनरल्स बिल के द्वारा जो एक नया प्रावधान किया गया है कि डिस्ट्रिक्ट लेवल पर एक 'डिस्ट्रिक्ट मिनरल फंड' की स्थापना की गयी है और देश में मिनरल्स के exploration के लिए जो रिसर्च होनी चाहिए, तो एक National Exploration Trust की भी स्थापना का प्रावधान इसके अन्तर्गत किया गया है।

अंत में, मैं एक मिनट में अपनी बात को समाप्त करते हुए कहना चाहूँगा कि जिस क्षेत्र में हम यह मानते हैं कि जहां पर देश का खनिज है, वह 5th and 6th scheduled area है, जहां पर देश का जनजातीय समाज रहता है और देश का गरीब व्यक्ति रहता है, तो 'डिस्ट्रिक्ट मिनरल फंड' के माध्यम से जो रॉयल्टी का पैसा है, वह उनके विकास के लिए खर्च किया जाये। ...**(समय की घंटी)**... कभी सुप्रीम कोर्ट ने समता केस में निर्णय दिया था और इस समिति ने यह भी संशोधन दिया है कि राज्य सरकार इसको बनाते समय इसमें Article 244, Tribal Rights और Forest Dwellers Act का भी ध्यान रखे। मुझे लगता है कि जनता की सहभागिता की दृष्टि से यह बिल एक महत्वपूर्ण बिल होगा और इसके द्वारा देश के खनिज क्षेत्र को हम आगे बढ़ायेंगे, खनिज क्षेत्र में इन्वेस्टमेंट को बढ़ायेंगे और वहां लोगों को ज्यादा से ज्यादा ...**(समय की घंटी)**... **(व्यवधान)**... लाभ पहुँचायेंगे। धन्यवाद।

* Not recorded.

श्री उपसभापति: श्री शरद यादव।

श्री शरद यादव (बिहार): महोदय, हमारी तरफ से पवन कुमार वर्मा जी बोलेंगे।

श्री उपसभापति: ठीक है, लेकिन सिर्फ तीन मिनट।

SHRI PAVAN KUMAR VARMA (Bihar): Sir, we are grateful to the Chairman of the Select Committee for presenting the facts. I want to place on record, without going into the procedure of the Committee, that a very fundamental demand expressed by several Members that the States should be consulted was not complied with.

Sir, as you are aware and as was explained by the Leader of the House, mines and minerals are on the State List as well as on the Union List. A very fundamental point was raised whether the new Bill, through some of its clauses, divests the States of their authority over mines and minerals which belong to them. It was said that this matter should receive a considered legal and constitutional opinion. In Fact, the Legislative Department representative concurred somewhat with the position that the provisions of the new Bill could be *ultra vires* of the Constitution and our attempt was to make them *intra vires* through a greater time and deliberation given for consideration.

The second fundamental point was that without consulting the States, it is impossible to draft a Bill because otherwise it would become the subject of sterile litigation between the Centre and the States.

Sir, on these points, I don't believe we have given the Bill adequate consideration. I, therefore, believe that this Bill, which affects the States and which will give them revenues that are due to them, is not the kind of Bill at the moment being tabled which is the correct Bill for the House. Thank you, Sir.

SHRI DEREK O'BRIEN (West Bengal): Sir, there are two ways of looking at the Mines and Minerals (Development and Regulation) Amendment Bill, 2015 after we have gone through it in the Select Committee. One way of looking at it is that the glass of water is half full and the other way of looking at it is that the glass of water is half empty. My Party believes that we should look at this Bill in a positive way. We have done that and we have given them some suggestions which they have incorporated. So, let us be optimistic saying that the glass is half full. So, let us not be negative.

Sir, there are five specific points which I will make in three minutes because these are the five parameters on which we should judge this Bill. The first is, local community as partners of development. Here, last week, we gave the Government a specific suggestion on the floor of the House to allow the District Mineral Foundations

to be set up by the State Governments and to include tribals because then tribals will also feel that they are part of the whole system. Tribals have been historically neglected. It is not the ideal solution, but, as I said, it is half full. The States have also been empowered to set up special courts for quick settlement of mining disputes. So, I am also glad that the entire composition of the DMF has now been given to the State Governments. Thank you for including that in the Bill.

The second point, Sir, is, capture the windfall of profits with the nation, the States and the people. Here again, in our own experience in West Bengal, we have seen that through e-governance, we have actually increased revenues in the last three years by 87 per cent. So, we welcome the concept of e-auctions. It is a transparent process. So, these are the good things.

On the other issues, there is no regulatory mechanism for mining as yet. On environment-friendly, I want to make a point which you have not included in the Bill. But, think about including it and updating the 2011 rules because 80 per cent of the mines today are not environment-friendly. If you look at the rules of 2011, the Environment Minister is here, those rules call for twenty years and thirty years. Now, it has gone up to fifty years. Please look at those rules very, very carefully. The other one is about scientific mining procedures for future. That is another point. Here again, the National Mineral Exploration Trust needs to do this.

Sir, overall, we are going with this Bill. We are supporting this Bill, however, at this stage, I also want to say that please pass the Mines and Minerals (Development and Regulation) Bill, 2015 and subsequently, the Coal Bill. But, do not touch the Land Bill because land is a different kind of mine, that is, a landmine. It will explode. Stay away from the landmine of the Land Bill. You have some support from us now. It is very good. Do the job. But, please do not touch the Land Bill. Thank you.

MR. DEPUTY CHAIRMAN: Thank you. Hon. Members, please do not send any more names because I cannot accept any more names. Now, Shri Navaneethakrishnan.

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): Thank you, Sir. I thank Hon. *Amma*. I rise to support the Mines and Minerals (Development and Regulation) Amendment Bill, 2015. I welcome the constitution of special courts. With regard to the powers, I would like to invite the kind attention of the Central Government to the case reported as *State of NCT of Delhi vs. Sanjay* (2014) 9 SCC 772. I quote the important observation made at page 811. It is stated, "In other words, the prohibition contained in Section 22 of the Act against the prosecution of a person except on a complaint made by the officer is attracted only when such a person is sought to be prosecuted for contravention of Section 4 of the Act and not for any

[Shri A. Navaneethakrishnan]

act or omission which will constitute an offence under the Indian Penal Code". The special court is empowered to deal with violations of Section 4(1) and 4(1A). So, it does not deal with the offences under the IPC. So, with regard to the powers of the special courts, I request the Central Government to look into this issue and do the needful. I support this Bill. Thank you.

श्री उपसभापति: श्री राजाराम। राजाराम जी, आज आप तीन मिनट बोलिए, यह आपका मेडन स्पीच नहीं माना जाएगा।

श्री राजाराम (उत्तर प्रदेश): उपसभापति महोदय, आपने मुझे खान और खनिज (विकास और विनियमन) संशोधन विधेयक, 2015 पर बोलने का अवसर दिया, इसके लिए मैं आपका धन्यवाद करता हूँ।

महोदय, मेरा मत है कि यह विधेयक बहुत देर से लाया गया है। खान और खनिज की सुरक्षा के मद्देनजर इस विधेयक को बहुत पहले लाया जाना चाहिए था, क्योंकि हमारे देश में बहुत सारे खनन माफिया ऐसे हैं, जिन्होंने खनिज सम्पदा का अवैध साम्राज्य स्थापित करके अरबों-खरबों की सम्पत्ति अर्जित कर रखी है। लेकिन, मुझे ऐसा नहीं लगता कि इस विधेयक के माध्यम से सरकार खनन माफियाओं पर अंकुश लगा पाएगी, क्योंकि इन माफियाओं की जड़ें इतनी मजबूत हैं कि वे देश की राजनीति को भी प्रभावित करते हैं।

महोदय, एक तरफ खनन माफिया ने खनिज सम्पदा का दोहन करके अरबों-खरबों की सम्पत्ति इकट्ठी कर रखी है, वहीं दूसरी तरफ खानों में काम करने वाले मजदूर इंसान होते हुए भी जानवर से बदतर जिंदगी जीने को मजबूर हैं। मजदूरों के पास रहने के लिए मकान नहीं हैं, उनके बच्चों के लिए शिक्षा का प्रबंध नहीं है, उनके स्वास्थ्य के लिए कोई व्यवस्था नहीं है, उनके लिए पीने के लिए पानी की व्यवस्था नहीं है। यही नहीं, लेबर लॉज में जो मिनिमम वेजेज निश्चित की गईं, जो कम से कम मजदूरी निश्चित की गईं, वह भी मजदूरों को नहीं मिलती है। ऐसी स्थिति में, मैं आपके माध्यम से सरकार से यह मांग करूँगा कि इन कर्मचारियों को सेंट्रल गवर्नमेंट के कर्मचारियों की तरह ही सारी सुविधाएँ मुहैया करानी चाहिए।

महोदय, आपने "राष्ट्रीय खनन खोज न्यास" की बात की है, लेकिन इस विधेयक में यह क्लीयर नहीं हो पा रहा है कि सरकार जो "राष्ट्रीय खनन खोज न्यास" बनाएगी, उसकी विस्तृत रूपरेखा क्या होगी। इस बात की जानकारी आपने इस विधेयक में नहीं दी है। मैं माननीय मंत्री जी से यह जानना चाहता हूँ कि आप कृपया यह स्पष्ट करें कि सरकार "राष्ट्रीय खनन खोज न्यास" में एससी, एसटी और ओबीसी के लोगों को आरक्षण व्यवस्था का लाभ कैसे देगी? हम चाहते हैं कि इस न्यास में आरक्षित वर्ग के लोगों का जनसंख्या के आधार पर प्रतिनिधित्व होना चाहिए। ...**(समय की घंटी)**...

महोदय, खनन पट्टों पर मैं अपनी बात यहां रखना चाहूँगा कि सरकार ने कहा है कि वह खनन पट्टों में यह प्रक्रिया अपना रही है, इसलिए मैं सरकार से यह कहना चाहूँगा कि एससी और एसटी वर्ग के लोगों को उनकी जिन्दगी के हर पहलू में आगे बढ़ाने के लिए क्या इसमें एससी, एसटी और ओबीसी के लिए आरक्षण की व्यवस्था करेगी?

श्री उपसभापति: ठीक है, बसा ...(व्यवधान)...

श्री राजाराम: अब अंत में, मैं एक मशविरा देते हुए अपनी बात समाप्त करता हूँ कि उत्तर प्रदेश में जब हमारी पार्टी की सरकार बनी और बहुजन समाज पार्टी की राष्ट्रीय अध्यक्ष, बहन कुमारी मायावती जी उत्तर प्रदेश की मुख्य मंत्री बनीं, तो उन्होंने अपनी सरकार के दौरान इन सभी आरक्षित वर्ग के लोगों को तालाब, पोखर, बालू, खनन आदि के पट्टों में आरक्षण की व्यवस्था करके इन आरक्षित वर्गों को आगे बढ़ाने का काम किया।

MR. DEPUTY CHAIRMAN: Okay, alright. Now, Shri Tapan Kumar Sen.

श्री राजाराम: क्या भारत सरकार उत्तर प्रदेश की तर्ज पर एससी, एसटी और ओबीसी के लोगों को इन खनन पट्टों में आरक्षण की व्यवस्था देगी? धन्यवाद।

MR. DEPUTY CHAIRMAN: Okay. That's all. Shri Tapan Kumar Sen, your party has two minutes, but you can take three minutes.

SHRI TAPAN KUMAR SEN (West Bengal) : Okay. Thank you for your generosity. I will try to be within that limited time. One thing I would like to make it clear there is no hurry. The manner in which haste is being shown is not good. The Ordinance is already there, and the auction process has started. This Bill relates to the new block that would go for auction. For that serious study/scrutiny is there which has not taken place even in the Select Committee inspite of a motion.

Number two, so far as the Bill is concerned, we have never opposed the auctioneering process, but very liberally it is being talked that we are opposing auction and we are against transparency. The manner in which it is being talked and repeated even after being clarified in the House, it reminds me of Dr. Goebbels. So, please desist from that.

Number three, this Bill has taken away the States' right, while speaking lavishly on the so-called co-operative federalism. The mines are the property of the State. Even the State doesn't have the right to auction on its own without concurrence from the Central Government. Those powers have been hijacked by this particular Bill. There are many examples to say, but due to limited time I will not go into it. When we go through the body of the Bill, we find that in regulating the process, you made every State dependent on the Centre. So, what is this cooperative federalism about which you keep speaking so lavishly? Again and again, you are saying that the State will get money. How will they get the money, unless you desire to put that on auction, and without getting your stamp, the State Government has got no right even to put it on auction? I am absolutely in the dark as to why many of our colleagues in different State Governments are failing to understand this issue.

[Shri Tapan Kumar Sen]

The third point is about compensation and the District Mineral Foundation. You have provided that one-third of the royalty should go to the District Mineral Foundation. The matter was taken up. But what have you done? You have categorized it into two, to one part one-third of the royalty, for another part there is again a trick.

SHRI ANAND SHARMA (Rajasthan): Equivalent to royalty.

SHRI TAPAN KUMAR SEN: Not equivalent to royalty, but an amount not exceeding the royalty. This is another category. You have already divided it into two categories. For one category, you have kept one-third of the royalty, for another category you have said not exceeding the royalty. This means you reserve your right to give less than the royalty to the District Mineral Foundation. And every day you are shedding tears over tribals, affected people, affected areas, etc. There must be a limit. What I have suggested is this. The 2011 Bill was a comprehensive Bill, the same MMDR Bill. It was examined by the Standing Committee. It was unanimously recommended by the Standing Committee where you had representatives of all the political parties. I have lifted a clause from there and put it here as my amendment. Why should you not agree to that? *...(Time-bell rings)....* And the last point...

MR. DEPUTY CHAIRMAN: No. Conclude, please.

SHRI TAPAN KUMAR SEN: The last point is that it is not merely paying the District Mineral Foundation a share of the royalty. More than that, the people who have the right of traditional occupation on the land on which the mine is situated, also must be compensated.

MR. DEPUTY CHAIRMAN: Okay. Fine.

SHRI TAPAN KUMAR SEN: If this Bill does not drop that *...(Time-bell rings)...* I will oppose it and ask you to add it here.

MR. DEPUTY CHAIRMAN: Shri Dilip Kumar Tirkey. *...(Interruptions)...* Okay.

SHRI TAPAN KUMAR SEN: And the last point, Sir.

श्री उपसभापति : लास्ट पॉइंट हो गया।

श्री तपन कुमार सेन : सर, लास्ट पॉइंट नहीं हुआ। Please. There are certain important issues which cannot be brushed aside. You have abnormally increased the period of lease, from 30 years to 50 years. Please understand it, because I have a little exposure to the working of mines. After the renewal period, you will have a scope to review what the exploitable reserves are still left there, how you should re-price it, how it should be re-scheduled...

MR. DEPUTY CHAIRMAN: Okay.

SHRI TAPAN KUMAR SEN: You have made it thirty years. It should come down to thirty years. ...(*Time-bell rings*)...

MR. DEPUTY CHAIRMAN: Okay. That's all.

SHRI TAPAN KUMAR SEN: In that light, I have moved an amendment.

MR. DEPUTY CHAIRMAN: Mr. Dilip Kumar Tirkey, you may stand up, please.

SHRI DILIP KUMAR TIRKEY (Odisha): Sir, the mining sector is extremely important for the nation as a whole and my State, Odisha, in particular, because of the revenue generated for the development of poor areas and the employment that is created, both direct and indirect. It also provides an opportunity for value addition within our State, which creates more jobs and revenues for development in the State and in the country.

Sir, our Government, the BJD Government, led by Shri Naveen Patnaik, has always believed in transparent auction process for the mining sector and it has been recommending it for several years now. However, the UPA Government did not take any steps towards auction and transparent handling of mineral resources. Even after repeated requests, the UPA Government did not revise the royalties. In view of this, our State was losing about ₹ 5 crores every day for almost three years.

Sir, the Constitution of India provides that the State Government is the owner of the mineral resources in the State. The State has been empowered to regulate and generate mineral concessions. Sir, the Central Government should not assume and exercise the powers of the decision-making authority of the State Government in case of delays as this is against the spirit of cooperative federalism that has been so strongly espoused by our hon. Prime Minister. Sir, Section 30(b) inserted in the MMDR Act by clause 20 of the Amendment Bill must be deleted as it empowers the Central Government to take over the powers of the State under certain circumstances. This vitiates the federal structure of the country. This provision must be deleted. Sir, we have been recommending a tax on these supernormal profits for some time now.

MR. DEPUTY CHAIRMAN: Okay, all right. Your party has been allotted only two minutes. Dilip Tirkey ji, please.

SHRI DILIP KUMAR TIRKEY: Our Government led by Shri Naveen Patnaik, had passed a Cabinet Resolution not to renew any cases coming for second and subsequent renewals but instead auction them for the best interest of the people.

MR. DEPUTY CHAIRMAN: Your party has only two minutes. Yes, okay.

SHRI DILIP KUMAR TIRKEY: Sir, as I have said before we welcome this new Bill.

MR. DEPUTY CHAIRMAN: Okay, thank you.

SHRI DILIP KUMAR TIRKEY: Though it signals a shift towards a more transparent system and one which cuts the unjust enrichment of a few miners at the expense of the poor people of the mineral bearing areas, I do hope our concerns are addressed and suitable amendments are brought to address them. Thank you.

MR. DEPUTY CHAIRMAN: Now, Advocate Tulsiji. You have to forgive me. You have only two minutes. I am helpless.

SHRI K.T.S. TULSI (Nominated): Hon. Chairman Sir, I want to mention that under the Constitution, the paramount expectation from the Council of States is that it will protect and defend the rights of the States. There are four judgments which have been delivered. The first judgment was delivered in 2012 on a Presidential Reference and there was a Constitution Bench of five Judges. And, thereafter, there are the Monnet Ispat, Orissa and M.L. Sharma cases. There are four principles which are common in all these four judgments. Firstly, the ownership of the mines and whatever lies beneath the earth belongs to the States and Sections 2 and 4 of 1957 Act were upheld by giving four reasons. The first is that it merely regulated and did not divest the States of their rights of ownership. It did not prevent the States from exploiting the minerals in the manner in which they wanted. It was a collaborative exercise which was created under 1957 Act where the Centre and the States together, in a consultative process, decided to exploit the mines by issuing licences. In the present Bill, there are several clauses which practically reduce the rights of the States to non-entities. They only have to do the clerical job of issuing the licences as per the directions of the Central Government. The Central Government has virtually robbed them of the mineral wealth which under the Constitution was vested in them. I want to caution the Government that this Bill runs a serious risk of falling foul of the Judgments of the Supreme Court and it may be declared unconstitutional. Thank you.

MR. DEPUTY CHAIRMAN: Now Shri Sanjiv Kumar. You have only three minutes.

श्री संजीव कुमार (झारखंड) : महोदय, मैं इसमें सबसे ज्यादा कंसेड हूं, मैं झारखंड से हूं और झारखंड ट्राइबल डॉमिनेटेड स्टेट है और ट्राइबल जल, जंगल और जमीन से प्यार करता है। लेकिन जब भी माइनिंग या मिनरल का खनन होता है तो बराबर जल, जंगल और जमीन को बरबाद किया जाता है। जब भी जल, जंगल और जमीन के खिलाफ आवाज उठाई गई तो बिरसा मुंडा, सिंदो कान्हो और शिबू सोरेन जैसे नेताओं ने इस जल, जंगल और जमीन के लिए ट्राइबल के प्रति आवाज उठाई। महोदय, इस बिल के विषय में मेरा कहना है कि बार-बार कहा गया है कि लाखों-करोड़ रुपए इस स्टेट को जाएगा। इतना पैसा गया है, लेकिन आज भी झारखंड के

ट्राइबल्स की स्थिति में सुधार नहीं हुआ है। आज भी झारखंड के टोटल पौपुलेशन के 14 परसेंट लोग दूसरी स्टेट्स में डिसप्लेस्ड हो चुके हैं। जो डिसप्लेस्ड लोग हैं, उनको अभी भी मुआवजा या नौकरी में जो रिजर्वेशन मिलना चाहिए था, वह सब नहीं मिला है। जब ये लोग विस्थापित होते हैं तथा जब दूसरी स्टेट में जाते हैं तो वहां उनका एक्सप्लॉयटेशन होता है, ट्राइबल लड़कियों का रेप होता है और उनको "बाहरी" कहा जाता है। महोदय, मैं यह बात आपके माध्यम से सदन को बताना चाहता हूँ कि पौल्यूशन और इल्लीगल माइनिंग बहुत बड़ी समस्या है, यहां तक कि प्रधान मंत्री जी जब हजारीबाग गए थे, तब उन्होंने बताया था कि जो कोयले की चोरी होती है, यह बहुत बड़ी समस्या है, जिसको रोका जाना चाहिए। जो compulsory afforestation होना चाहिए था, वह नहीं हो रहा है। अभी 70 परसेंट afforestation होना चाहिए था ट्राइबल एरिया का, वह अभी भी बाकी है और CAMPA Fund जो compulsory afforestation के लिए नियमित किया गया, वह सुप्रीम कोर्ट के किसी जजमेंट के चलते फंसा पड़ा है। तो मैं माननीय मंत्री जी का ध्यान इस ओर आकर्षित करना चाहता हूँ कि अगर आप खनिज निकालते हैं तो जो compulsory afforestation है, उस पर आपको ध्यान देना चाहिए। तीसरी बात, झारखंड में आप जो सरकारी ऑफिशियल्स भेजते हैं, वे ऑफीसर्स की तरह behave नहीं करते हैं, बल्कि वे ट्राइबल्स के साथ जमींदार की तरह behave करते हैं। इसलिए वहां बराबर ट्राइबल्स मूवमेंट हुए हैं। मैं इस सदन के माध्यम से यह आग्रह करना चाहता हूँ कि आप लोग खनन के दौरान जिन ऑफिशियल्स को भेजें, उनको नौकर बनने की हिदायत दीजिए, वे जमींदार न बनें।

अगली बात, महोदय, मैं इस सदन को बताना चाहता हूँ कि अभी तक झारखंड के बहुत से कंपनसेशन के मामलों का निपटारा नहीं हो पाया है। इनका जल्द से जल्द निपटारा होना चाहिए। चूंकि मुझे आश्वासन दिया गया है कि लाखों करोड़ रुपया स्टेट को मिलेगा और हो सकता है कि इस बार इससे ट्राइबल्स की स्थिति सुधरे, इसलिए मैं इस बिल का समर्थन करता हूँ।

SHRI MANI SHANKAR AIYAR (Nominated): Mr. Deputy Chairman, Sir, while I welcome the small extent to which the Government has gone in accommodating the interests of the Panchayats and the interests of the Tribals in the Amendments that they are bringing, I rise to extend my full support to the Amendment moved by Shri P. Rajeeve, principally, because when this matter was remitted to the Select Committee, there was a restriction of time placed of seven days, but there was no restriction placed on our consulting with the State Governments. Shockingly, despite the fact that the Mining Secretaries of the States were in Delhi at that time, they were not allowed to be brought before our Committee. So, we had absolutely no consultation with the States, and a completely bogus argument was put forward that because the Government has consulted the States, there was no need for the Select Committee to consult the States. This amounts to saying that Parliament is not necessary. We have seen in consequence of that the Leader of BJD in the House has given us the views of Odisha. If it had come before our Committee, we would have never been able to present the Bill as it is. Similarly, we have just heard a view of Jharkhand. We can see that if only the Select Committee had been allowed to do its fundamental job, which is that of consulting with the owners of minerals, this

[Shri Mani Shankar Aiyar]

Report would never have come in this form. I, therefore, plead that Shri Rajeev's proposal be accepted so that the matter is recommitted to the Select Committee and the Select Committee is able to complete its task instead of being railroaded as it was into presenting the present Bill.

Secondly, I think, the point raised by Shri K.T.S. Tulsi and referred to by Shri Pavan Kumar Varma is of utmost importance. We are on the edge of passing a Bill that is likely to be declared *ultra vires* because not even Shri K.T.S. Tulsi was given an adequate opportunity of expressing himself in the Committee, let alone our receiving expert advice from constitutional experts in this regard. For Parliament to deliberately place itself *ultra vires* of the Constitution is certainly not a constitutional duty of Parliament envisaged by the Parliament.

My third comment relates to what Shri Arun Jaitley stated as we were discussing this matter here. He described obstructionism as a sadistic thrill. If it is a sadistic thrill, then I can only say that while they were in the Opposition, they had a truly sadistic * because for the five years that I was sitting in this House, I heard nothing but obstructionism, obstructionism and obstructionism. At the end of that obstructionism, we had the Leader of the Opposition in Lok Sabha – I am talking of the last Lok Sabha; I am not mentioning her name because she is not a Member of this House – that * said that not allowing Parliament to function was also a form of democracy; ha, ha, ha, ha, ha. So, it is a legitimate form of democracy and that is being described here as an attempt to get cheap thrill. ...(*Interruptions*)... What is more, the Leader of the House here has said that Parliamentary obstructionism is a weapon to be used and to expose the Government through Parliamentary instruments. While this is the attitude, I think it is completely wrong that the Members of the BJP undergo a lobotomy when they shift from this part of the House to that part of the House and suddenly become great upholders of Parliamentary decorum after having stamped on it like *. while they were sitting over here. Thank you.

MR. DEPUTY CHAIRMAN: Now, Shri D. Raja. You will have to stick to the time of three minutes.

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): Sir, the hon. Member just described a senior Minister as. I leave it to you to decide whether it is fair or not. He has also used the word. That should not go on record.

* Expunged as ordered by the Chair.

MR. DEPUTY CHAIRMAN: Yes, I am expunging that.

SHRI D. RAJA (Tamil Nadu): Sir, I have only two points to make. I was a part of that Select Committee, and some of the Members also have given a dissent note. Mr. K.T.S. Tulsi, one of the best legal brains in the country, and myself have given some Amendments also to the Bill. Sir, my first point is, as Mr. Tulsi has pointed out, the Supreme Court, in several judgements, has held that the ownership of mines and minerals lying under the land lies with State Governments. So, the power of the State, to undertake mining operations, cannot be taken over entirely by the Central Government and there is a need to consult the State Governments. The present Bill tantamounts to trudging upon States' powers. So, we oppose this Bill.

My second point, Sir, is that all actions of the MMDR Act, 1957, and the present 2015 Bill shall be and should be in conformity with the provisions of the Panchayat (Extension to Scheduled Areas) Act, 1996, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and other legislations relevant to Scheduled Tribes in Fifth and Sixth Schedule Areas. Now the Government has brought an Ordinance on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act. This piece of legislation runs counter to that Bill, and we oppose this Bill. And I support the Amendment moved by Shri Rajeev.

SHRI SHANTARAM NAIK (Goa): Sir, Goa has suffered the worst for the last three years because mining industry has been closed down practically for the last three years. There is conflict between the State Government and the Central Government and, that is why, workers, mine workers, have suffered. Secondly, I would like to state that no public notice was given to call stakeholders. State Governments were not called. Workers' representatives were not called. Sir, I am just making bullet points. Attorney-General, who was very important to answer Mr. Tulsi's point, was not called.

MR. DEPUTY CHAIRMAN: You cannot criticize the Select Committee's procedure.

SHRI SITARAM YECHURY (West Bengal): I don't think the hon. Member is criticizing the procedure adopted by the Select Committee. He is pointing out the lacunae.

MR. DEPUTY CHAIRMAN: Okay. Now please go ahead.

SHRI SHANTARAM NAIK: Sir, the Mines and Minerals Development Bill, 2011 was the most exhaustive Bill examined by the Standing Committee. Now, things like scientific technology research, areas to be reserved, provision for small co-operative bodies, all these have not been included. Tribunals, National Tribunal and State Tribunals, also have not been incorporated. Special Courts were provided for in that Bill and provided stringent punishments to those violating mining laws. All these provisions, which were contained in the 2011 Bill, have not been incorporated in this Committee Report. Therefore, I am saying that this present Bill is a skeleton Bill brought in order to show that the UPA's Bill was not good. In fact, that was a comprehensive Bill brought in and examined by the Standing Committee for a full one year. Therefore, that should have been taken into consideration.

श्री रवि प्रकाश वर्मा (उत्तर प्रदेश) : सर, गवर्नमेंट ने माइनिंग का यह जो बिल सदन में रखा है, इसमें माननीय वित्त मंत्री जी ने एक कॉन्सेप्ट डिस्कस किया है कि ओपन ऑक्शन करके इनको मालिकाना हक दिया जाएगा, तो मुझे भी लगता है कि इससे राज्य सरकारों को बहुत फायदा होगा, लेकिन इसमें कुछ सावधानी बरतने की जरूरत है। जैसे कि बार-बार कहा जा रहा है कि राज्य सरकारों के जो अधिकार हैं, उन पर एनक्रोचमेंट करने की संभावना पैदा हो रही है, लेकिन प्रधान मंत्री जी ने फेडेरल कॉरपोरेशन की जो बात कही है, मैं उम्मीद करता हूँ कि जो शंकाएं पैदा की जा रही हैं, उनका विशेष संज्ञान लेते हुए इस कानून का अनुपालन किया जाएगा। खास तौर पर जो वहां के निवासी हैं, जो डिस्प्लेस हो रहे हैं, जो ट्राइबल्स हैं, जिन क्षेत्रों में मिनरल वेल्थ है, जब उसका दोहन किया जाएगा, तो केवल क्लेरिकल या नौकरशाही के सहारे न छोड़कर जो डिस्प्लेस होने वाले ट्राइबल्स हैं ...**(समय की घंटी)**... उनको कुछ bona fide claims दिए जाएंगे, जिन्हें कि वे redeem करा सकें और अपनी तरक्की करा सकें, धन्यवाद।

PROF. M.V. RAJEEV GOWDA (Karnataka): Sir, I am from Karnataka. The previous BJP Government in Karnataka had members who indulged in illegal mining.

MR. DEPUTY CHAIRMAN: No, no. Speak on the Select Committee Report.

PROF. M.V. RAJEEV GOWDA: Sir, provisions against illegal mining in this Bill are very weak and extremely toothless; they need to be strengthened. An institutional framework has to be strengthened to ensure that illegal mining is curtailed.

Sir, clause 10(a) of the Bill also proposes a method for many people to get through, ensure that their leases are extended, because they already have permits and prospecting licences. I demand to know from the hon. Minister what is the magnitude of loss to the Government as a result of that.

Thirdly, it is proposed to increase mining period from 30 years to 50 years. In those 20 years, the Net Present Value is not very much. You should make it 30 years. You should allow the future Government to have the ability to make their

decisions based on market conditions rather than give away all these resources as a jackpot to whoever wins these auctions today.

Finally, Sir, this was an opportunity for the Government to introduce a new and sustainable mining paradigm. And, they have missed that opportunity. This whole hurried manner in which this Bill is proposed to be passed leave a very dark cloud of suspicion and, I hope, we will not see unseasonal rain falling on this Government as a result of this action.

SHRI ISHWARLAL SHANKARLAL JAIN (Maharashtra): Sir, I rise to support the Mines and Minerals Bill, 2015, with a word of caution and with some suggestions.

Sir, the word of caution is what Mr. K.T.S. Tulsi has already mentioned that it may happen in future that the court may strike it down. It will be an agony for us.

By supporting this Bill, we wish to make certain suggestions. There is discrimination between captive miners and non-captive miners. What will happen in 2020 is some unemployment takes place, because others will enjoy it up to 2030. So, this discrimination should not be there. So, please consider that.

Secondly, higher limit royalty for the District Mineral Foundation has been mentioned, but lower limit has not been mentioned. That should be mentioned.

MR. DEPUTY CHAIRMAN: No, no. Now, Mr. Minister.

SHRI P. RAJEEVE (Kerala): Sir, if you allow the hon. Minister, you should, as per the rules, also give me some time. Sir, the discussion is on the basis of two motions — the motion for consideration moved by the hon. Minister and the amendment moved by me. If the Chair gives time to hon. Minister to reply, the same right should be given to me to give reply to the discussion. This is my fundamental right.

SHRI SITARAM YECHURY: Sir, look at the rules. Sir, you have ruled that the Amendment is valid. You admitted the Amendment. Once you admit the Amendment, it has to go through the procedure.

MR. DEPUTY CHAIRMAN: I am not objecting to it. You presume that I am not allowing it. Mr. Rajeeve, if you want to say a word in reply, I will allow. Since there is a shortage of time, since I have admitted it, I am only requesting you to consider whether you need to reply to it. ...*(Interruptions)*...

SHRI P. RAJEEVE: Yes, Sir.

MR. DEPUTY CHAIRMAN: Then, Mr. Rajeeve, you can have it. *...(Interruptions)...*
Be brief. *...(Interruptions)...*

खान मंत्री; तथा इस्पात मंत्री (श्री नरेंद्र सिंह तोमर) : माननीय उपसभापति महोदय, इस संशोधन बिल पर काफी चर्चा हो चुकी है। 9 तारीख को भी लगभग साढ़े 6 घंटे चर्चा हुई, कल भी चर्चा हुई और आज भी चर्चा हुई। इस पर 9 घंटे से अधिक विचार-विमर्श हो चुका है। यह बिल प्रवर समिति के पास गया था और प्रवर समिति ने काफी विचार-विमर्श करके इस पर अपनी रिपोर्ट दे दी है। माननीय उपसभापति महोदय, मैं आपके माध्यम से सदन से प्रार्थना करता हूँ और प्रस्ताव करता हूँ कि राज्य सभा की प्रवर समिति से जो संशोधित बिल आया है, उसको पारित करने की कृपा करें। *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Mr. Rajeeve, your motion is admitted and take two minutes to speak. *...(Interruptions)...*

SHRI P. RAJEEVE: Sir, I am grateful to you for admitting my motion.

MR. DEPUTY CHAIRMAN: No need to thank me. I have simply followed the rules.

SHRI P. RAJEEVE: That is why I have submitted the motion as per the rules. *...(Interruptions)...*

On the motion to send it again to the Select Committee, already, the learned colleague, senior lawyer, Shri K.T.S. Tulsi, mentioned that as per the Supreme Court ruling, the State Governments are the owners of the mines and minerals. But the Select Committee did not consult the State Governments. That is the fundamental violation of the Select Committee. It is far away from the proceedings of the Select Committee. Why this Rule 93(2)? When a Committee selected by this House is not ready to function as per the democratic principles, then the House should have the right to resend the Bill, to the same Committee to do its duty. That is why this Rule 93(2). Sir, this is a historical moment. I request all the Members to consider the fact that any Bill dealing with any subject, which is under the State List, the State Governments should have been consulted by the Select Committee. This should be ensured. This is the Council of States. I think, this is the duty of the Council of States, irrespective of politics, to ensure the basic rights of the State Governments.

Secondly, now the Government is propagating that if it is not passed today, the Ordinance would lapse. *...(Interruptions)...*

श्री विनय कटियार (उत्तर प्रदेश): हर बार इनका चलता रहता है *...(व्यवधान)...*

MR. DEPUTY CHAIRMAN: What are you doing? Please keep quiet. *...(Interruptions)...*

SHRI P. RAJEEVE: Mr. Deputy Chairman, Sir, the senior-most Advocate General of the Ruling Party has already argued everything yesterday. The main argument is, if it is not passed today, the Ordinance would lapse and the State Governments would not get their share. That is totally wrong. Whatever auctions are taken, that is legal because Ordinance is the law of the land now. Then, every auction which has happened today is legal and the State Governments should get their share. It is our duty to ensure that the Bill is comprehensive. The Bill should address the concerns of the State Government, the owners of the mines and minerals. The Bill should address the issues of the tribal community. The Bill should address the issues of the trade union, the labour movement. The Bill should address the concerns of the entire society. So, I request all Members, irrespective of politics, to ensure the basic principle of parliamentary democracy to support my Motion.

श्री शरद यादव: उपसभापति महोदय, हमें कुछ कहना है। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: No, no. I cannot allow. ...*(Interruptions)*... After the reply, no. ...*(Interruptions)*... After the reply, sorry.

श्री शरद यादव: उपसभापति महोदय, मुझे एक मिनट बोलना है। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: That is against the rule.

श्री शरद यादव: उपसभापति महोदय, यह बिल जो है ...*(व्यवधान)*...

श्री उपसभापति : शरद जी, दोनों रिप्लाइ हो चुके हैं। यह रूल के अनुसार नहीं है। ...*(व्यवधान)*...

श्री शरद यादव: उपसभापति महोदय, कोयला खान (विशेष उपबंध) विधेयक, 2015 जरूरी है। हम इसके हक में नहीं हैं और इस सारी प्रक्रिया में हम साथ देना नहीं चाहते हैं, इसलिए हम वॉक आउट कर रहे हैं।

(At this stage, some Hon. Members left the Chamber)

MR. DEPUTY CHAIRMAN: I shall now put the Amendment, moved by Shri P. Rajeeve, to vote. The question is:

That the Bill further to amend the Mines and Minerals (Development and Regulation) Act, 1957, as reported by the Select Committee of the Rajya Sabha, be recommitted to the same Select Committee for further consideration, with instructions to report to the Rajya Sabha by the last day of the next Session.

SHRI P. RAJEEVE: Sir, we want a division.

MR. DEPUTY CHAIRMAN: Okay; division. Lobbies may be cleared.

SHRI DIGVIJAYA SINGH (Madhya Pradesh): Sir, what about the Question Hour?

MR. DEPUTY CHAIRMAN: Question Hour will be there after this Bill is disposed of. That is with the permission of the Chairman. With the permission of Hon. Chairman, I am announcing that the Question Hour will be taken up after disposing of this Bill.

SHRI SITARAM YECHURY: Sir, violation of intellectual property right. Sir, Hon. Minister is canvassing, asking Members to press the red button, my colour. That is not allowed. They are the ruling party, so the green colour must be pressed.

THE MINISTER OF URBAN DEVELOPMENT; THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Sir, let me remind our friend, Sitaramji, your colour is red, press the red button.

SHRI SITARAM YECHURY: Venkaiahji, I was telling Mr. Naqvi that they are the ruling party, so press green. So, this is what you have to do.

The House divided.

MR. DEPUTY CHAIRMAN: Ayes : 71

Noes : 117

AYES : 71

Abraham, Shri Joy

Aga, Ms. Anu

Aiyar, Shri Mani Shankar

Anand Sharma, Shri

Antony, Shri A.K.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Azad, Shri Ghulam Nabi

Babbar, Shri Raj

Baidya, Shrimati Jharna Das

Balagopal, Shri K.N.

Balmuchu, Dr. Pradeep Kumar

Banerjee, Shri Ritabrata

Batra, Shri Shadi Lal

Bhattacharya, Shri P.

Biswal, Shri Ranjib

Bora, Shri Pankaj
Budania, Shri Narendra
Chaturvedi, Shri Satyavrat
Chiranjeevi, Dr. K.
Dua, Shri H.K.
Dwivedi, Shri Janardan
Fernandes, Shri Oscar
Ganguly, Dr. Ashok S.
Gill, Dr. M.S.
Gowda, Prof. M.V. Rajeev
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Kalita, Shri Bhubaneswar
Karan Singh, Dr.
Khan, Shri K. Rahman
Khan, Shri Mohd. Ali
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Mahra, Shri Mahendra Singh
Mistry, Shri Madhusudan
Mukut Mithi, Shri
Mungekar, Dr. Bhalchandra
Naik, Shri Shantaram
Narayanan, Shri C.P.
Natchiappan, Dr. E.M. Sudarsana
Rajeeve, Shri P.
Pande, Shri Avinash
Patel, Shri Ahmed
Patil, Shrimati Rajani
Punia, Shri P.L.
Raja, Shri D.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rao, Dr. K.V.P. Ramachandra
Rao, Shri V. Hanumantha
Rapolu, Shri Ananda Bhaskar
Ravi, Shri Vayalar
Reddy, Dr. T. Subbarami
Reddy, Shri Palvai Govardhan

Sadho, Dr. Vijaylaxmi
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Selja, Kumari
Sen, Shri Tapan Kumar
Shukla, Shri Rajeev
Singh, Dr. Manmohan
Singh, Shri Digvijaya
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Syiem, Shrimati Wansuk
Thakur, Shrimati Viplove
Tiwari, Shri Pramod
Tulsi, Shri K.T.S.
Vora, Shri Motilal
Yechury, Shri Sitaram

NOES : 117

Agrawal, Shri Naresh
Ali, Shri Munquad
Ansari, Shri Salim
Arjunan, Shri K. R.
Bachchan, Smt. Jaya
Bandyopadhyay, Shri D.
Bernard, Shri A. W. Rabi
Bhunder, Shri Balwinder Singh
Chandrasekhar, Shri Rajeev
Chowdary, Shri Y. S.
Chowdhury, Prof. Jogen
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Desai, Shri Anil
Dhoot, Shri Rajkumar
Dudi, Shri Ram Narain
Fayaz, Mir Mohammad
Gehlot, Shri Thaawar Chand
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Vivek

Haque, Shri Md. Nadimul
Hassan, Shri Ahamed
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jain, Shri Ishwarlal Shankarlal
Jain, Shri Meghraj
Jaitley, Shri Arun
Jangde, Dr. Bhushan Lal
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Judev Shri R.S
Kakade, Shri Sanjay Dattatraya
Kashyap, Shri Narendra Kumar
Kashyap, Shri Ram Kumar
Katiyar, Shri Vinay
Khan, Shri Javed Ali
Khanna, Shri Avinash Rai
Kore, Dr. Prabhakar
Lachungpa, Shri Hishey
Lakshmanan, Dr. R.
Laway, Shri Nazir Ahmed
Maitreya, Dr. V.
Mandaviya, Shri Mansukh L.
Manhas, Shri Shamsher Singh
Manjunatha, Shri Aayanur
Mayawati, Kumari
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mitra, Dr. Chandan
Mohanty, Shri Anubhav
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Nathwani, Shri Parimal
Navaneethakrishnan, Shri A.

Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya Shri Narayan Lal
Pandian, Shri Paul Manoj
Pandya, Shri Dilipbhai
Parasaran, Shri K.
Parida, Shri Baishnab
Parrikar, Shri Manohar
Patel, Shri Praful
Patil, Shri Basawaraj
Pawar, Shri Sharad
Prabhu, Shri Suresh
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rajan, Shri Ambeth
Rajaram, Shri
Ramesh, Shri C.M.
Rangasayee Ramakrishna, Shri
Rathinavel, Shri T.
Roy, Shri Mukul
Roy, Shri Sukhendu Sekhar
Sable, Shri Amar Shankar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munvvar
Sancheti, Shri Ajay
Sanjiv Kumar, Shri
Sasikala Pushpa, Shrimati
Seetharama Lakshmi, Shrimati Thota
Sen, Ms. Dola
Shekhar, Shri Neeraj
Singh Badnore, Shri V.P.
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shri Birender
Singh, Shri Veer
Singh, Shrimati Kanak Lata
Sitharaman, Shrimati N.
Sood, Smt. Bimla Kashyap
Sudharani, Shrimati Gundu
Swamy, Shri A.V.

Tarun Vijay, Shri
Tazeen Fatma, Dr.
Thakur, Dr. C.P.
Tirkey, Shri Dilip Kumar
Tiwari, Shri Alok
Tripathi, Shri D.P.
Tundiya, Mahant Shambhuprasadji
Vadodia, Shri Lal Sinh
Vegad, Shri Shankarbhai N.
Verma, Shri Ravi Prakash
Vijila Sathyananth, Shrimati
Yadav, Prof. Ram Gopal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall, now, put the motion moved by Shri Narendra Singh Tomar to vote. The question is:

"That the Bill further to amend the Mines and Minerals (Development and Regulation) Act, 1957, as passed by Lok Sabha and as reported by the Select Committee of Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 4, there are two Amendments (Nos. 1 and 2) by Dr. T. Subbarami Reddy.

DR. T. SUBBARAMI REDDY (Andhra Pradesh): Sir, I am not moving my Amendments.

Clause 4 was added to the Bill.

Clause 5 – Amendment of Section 5

MR. DEPUTY CHAIRMAN : In Clause 5, there are three Amendments. Amendment (No.3) by Dr. T. Subbarami Reddy; Amendment (No.11) by Shri K.T.S. Tulsi and Shri D. Raja; and, Amendment (No.18) by Shri Tapan Kumar Sen.

Dr. T. Subbarami Reddy, are you moving your Amendment?

DR. T. SUBBARAMI REDDY: Sir, I move:

(3) "That at page 3, lines 38 and 39, (*or* the words "with the approval or the Central Government", the words "with the prior approval of Indian Bureau of Mines, on behalf of the Central Government" be *substituted*."

MR. DEPUTY CHAIRMAN: I shall now put Amendment (No. 3) to vote.

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: Shri K.T.S. Tulsi, are you moving?

SHRI K.T.S. TULSI: No, Sir, I am not moving my Amendment.

MR. DEPUTY CHAIRMAN: Shri D. Raja, are you moving?

SHRI D. RAJA : Sir, I move:

(11) "That at page 3, line 32, *after* the words "Central Government", the words "in consultation with State Government" be *inserted*."

MR. DEPUTY CHAIRMAN: I shall now put Amendment (No.11) to vote.

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: Mr. Tapan Kumar Sen, are you moving?

SHRI TAPAN KUMAR SEN: Sir, I move:

(18) "That at page 3, for lines 35 to 39, the following proviso be *substituted*.
namely:-

"Provided that a mine lease may be granted upon the filing of mining plan in accordance with a system established by the Central Government for preparation, certification and monitoring of such plan with the approval by the Indian Bureau of Mines on behalf of the Central Government."

MR. DEPUTY CHAIRMAN: I shall now put Amendment (No.18) to vote.

The question was put and the motion was negatived.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 7, there is one Amendment (No. 4) by Dr. T. Subbarami Reddy. Are you moving?

DR. T. SUBBARAMI REDDY: Sir, I am not moving my Amendments.

Clause 7 was added to the Bill

Clause 8: Insertion of New Section 8A.

MR. DEPUTY CHAIRMAN: In clause 8, there are eight Amendments. Amendments (Nos. 5 and 6) by Dr. T. Subbarami Reddy. Are you moving?

DR. T. SUBBARAMI REDDY: No, Sir, I am not moving.

MR. DEPUTY CHAIRMAN: Amendment (No. 12) is by Shri K.T.S. Tulsi and Shri D. Raja. Are you moving?

SHRI K.T.S. TULSI: No, Sir, I am not moving.

SHRI D. RAJA : Sir, I move:

(12) "That at page 5, line 25, *after* the words "Central Government", the words "in consultation with State Government" be *inserted*."

MR. DEPUTY CHAIRMAN: I shall now put Amendment (No.12) to vote.

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: Amendments (Nos. 19, 20, 21, and 22) are by Shri Tapan Kumar Sen. Are you moving?

SHRI TAPAN KUMAR SEN : Sir, I move:

(19) That at page 4, line 29, *for* the words "fifty years", the words "thirty years" be *substituted*.

(20) That at page 4, line 33, *for* the words "fifty years", the words "thirty years" be *substituted*.

(21) That at page 5, line 2, *for* the words "fifty years", the words "thirty years" be *substituted*.

(22) That at page 5, line 14, *for* the words "fifty years", the words "thirty years" be *substituted*.

MR. DEPUTY CHAIRMAN: Amendment (No. 25) is by Shri Shantaram Naik.

SHRI SHANTARAM NAIK : No, Sir, I am not moving.

MR. DEPUTY CHAIRMAN: I shall now put the Amendments (Nos. 19 to 22) moved by Shri Tapan Kumar Sen to vote.

The questions were put and the motions were negatived.

Clause 8 was added to the Bill.

Clause 9 — Insertion of New Sections 9B and 9C

MR. DEPUTY CHAIRMAN: In Clause 9, there are three Amendments. Amendments (Nos. 7 and 8) by Dr. T. Subbarami Reddy. Are you moving?

DR. T. SUBBARAMI REDDY : Sir, I am moving and I also want division. Sir, I move:

(7) That at page 6, line 37, *after* the words "Central Government", the words "in consultation with the Indian Bureau of Mines" be *inserted*.

(8) That at page 6, line 40, *for* the words "two per cent.", the words "one per cent." be *substituted*.

MR. DEPUTY CHAIRMAN: Then, Shri Tapan Kumar Sen, are you moving?

SHRI TAPAN KUMAR SEN : Sir, which clause? On clause 8?

MR. DEPUTY CHAIRMAN: See, No. is 23 and Clause is 9.

SHRI TAPAN KUMAR SEN : Sir, I move:

(23) That at pages 5 and 6, *for* lines 34 to 45 and 1 to 28 respectively, the following be *substituted*, namely :-

"9B. (1) In respect of land in which minerals vest in the Government, the holder of a prospecting licence-cum-mining lease shall be liable to pay to every person or family holding occupation or usufruct or traditional rights of the surface of land over which the licence or lease has been granted, such reasonable annual compensation as may be mutually agreed between the holder of such licence or lease and such persons or in the absence of such agreement, which determined by an officer appointed by the State Government in this behalf in such manner as may be prescribed by the State Government:

Provided that such amount shall be determined before commencement of operation and paid in advance each year, in such manner as may be prescribed by the State Government.

(2) In any district affected by mining related operations, the State Government shall, by notification, establish a trust, as a non-profit body, to be called the District Mineral Foundation which shall work for the interest and benefit of persons, and areas affected by mining related operations in such manner as may be prescribed by the State Government.

- (3) The composition and functions of the District Mineral Foundation shall be such as may be prescribed by the State Government in such manner as to equitably ensure representation of all the stake holders including the affected persons.
- (4) The holder of a mining lease or a prospecting licence-cum-mining lease shall pay annually to the District Mineral Foundation:
- (a) in case of major minerals (except coal and lignite) an amount equivalent to royalty paid during the financial year in terms of the Second Schedule;
 - (b) in case of coal and lignite, an amount equal to twenty six per cent of the profit to be called as profit-sharing percentage (after deduction of tax paid) of the immediately preceding financial year from mining related operation in respect of the lease; and
 - (c) in case of minor minerals, such amount as may be prescribed by the State Government within such time and such manner as may be prescribed by the State Government for the benefit of persons, families and areas affected by mining related operations.
- (5) Notwithstanding anything in sub-section (4), the holder of a mining lease or prospecting licence-cum-mining lease shall in respect of any person or family holding occupation or usufruct or traditional rights of the surface of the land over which the lease has been granted be liable to provide employment or other assistance in accordance with the rehabilitation and resettlement policy of the State Government concerned.
- (6) The amount payable under this section shall be in addition to any other amount or compensation payable to the person or the family holding occupation or usufruct or traditional rights of the surface of the land under any other law for the time being in force."

MR. DEPUTY CHAIRMAN: Now, Amendment Nos. (7 and 8) are moved by Dr. T. Subbarami Reddy. Are you withdrawing?

DR. T. SUBBARAMI REDDY: No, Sir. I am not withdrawing.

MR. DEPUTY CHAIRMAN: So, I will put them to vote first. I shall now put the Amendments (Nos. 7 and 8) moved by Dr. T. Subbarami Reddy to vote.

DR. T. SUBBARAMI REDDY: Sir, I want division.

MR. DEPUTY CHAIRMAN: Why do you want it? Are you insisting for division?

DR. T. SUBBARAMI REDDY: Yes, very much, Sir.

MR. DEPUTY CHAIRMAN: All right. It is democracy. I have no problem if he is insisting.

SHRI SITARAM YECHURY: Sir, next one is also for division.

MR. DEPUTY CHAIRMAN: You are talking about Mr. Tapan Kumar Sen's amendments. But I have to put them to vote separately, or, I can put them together.

SHRI M. VENKAIAH NAIDU: Sir, you can say separately, but put them to vote together.

MR. DEPUTY CHAIRMAN: Yes. Voting can be together. So, Mr. Tapan Kumar Sen's Amendment is also moved. Isn't it?

SHRI SITARAM YECHURY: Sir, is it identical?

SHRI P. RAJEEVE: If they are identical, then, it is okay. Otherwise, it could not be.

MR. DEPUTY CHAIRMAN: See, I am dealing with Clause 9. Amendments (Nos. 7 and 8) are moved by Dr. T. Subbarami Reddy. He is pressing it. Amendment (No.23) is by Shri Tapan Kumar Sen, on Clause 9.

SHRI SITARAM YECHURY: Sir, it is a procedural problem. If the amendments are identical, you can put them to vote together; otherwise, they have to be put to vote separately.

MR. DEPUTY CHAIRMAN: Yes, it can be done separately. I have no problem. I only want to know whether Mr. Tapan Kumar Sen is pressing for it.

SHRI TAPAN KUMAR SEN: Sir, these are not identical. They are different.

So, one by one you have to take up.

MR. DEPUTY CHAIRMAN: Okay. I have no problem. I shall now put clause 9, Amendments (Nos. 7 and 8) moved by Dr. T. Subbarami Reddy to vote.

The House divided.

MR. DEPUTY CHAIRMAN: Ayes : 71

Noes : 117

AYES : 71

Abraham, Shri Joy

Aga, Ms. Anu

Aiyar, Shri Mani Shankar

Anand Sharma, Shri
Antony, Shri A.K.
Ashk Ali Tak, Shri
Ashwani Kumar, Shri
Azad, Shri Ghulam Nabi
Babbar, Shri Raj
Baidya, Shrimati Jharna Das
Balagopal, Shri K.N.
Balmuchu, Dr. Pradeep Kumar
Banerjee, Shri Ritabrata
Batra, Shri Shadi Lal
Bhattacharya, Shri P.
Biswal, Shri Ranjib
Bora, Shri Pankaj
Budania, Shri Narendra
Chaturvedi, Shri Satyavrat
Chiranjeevi, Dr. K.
Dua, Shri H.K.
Dwivedi, Shri Janardan
Fernandes, Shri Oscar
Ganguly, Dr. Ashok S.
Gill, Dr. M.S.
Gowda, Prof. M.V. Rajeev
Hariprasad, Shri B.K.
Hashmi, Shri Parvez
Kalita, Shri Bhubaneswar
Karan Singh, Dr.
Khan, Shri K. Rahman
Khan, Shri Mohd. Ali
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Mahra, Shri Mahendra Singh
Mistry, Shri Madhusudan
Mukut Mithi, Shri
Mungekar, Dr. Bhalchandra
Naik, Shri Shantaram
Narayanan, Shri C.P.
Natchiappan, Dr. E.M. Sudarsana

Rajeeve, Shri P.
Pande, Shri Avinash
Patel, Shri Ahmed
Patil, Smt. Rajani
Punia, Shri P.L.
Raja, Shri D.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rao, Dr. K.V.P. Ramachandra
Rao, Shri V. Hanumantha
Rapolu, Shri Ananda Bhaskar
Ravi, Shri Vayalar
Reddy, Dr. T. Subbarami
Reddy, Shri Palvai Govardhan
Sadho, Dr. Vijaylaxmi
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Selja, Kumari
Sen, Shri Tapan Kumar
Shukla, Shri Rajeev
Singh, Dr. Manmohan
Singh, Shri Digvijaya
Siva, Shri Tiruchi
Soni, Smt. Ambika
Syiem, Smt. Wansuk
Thakur, Smt. Viplove
Tiwari, Shri Pramod
Tulsi, Shri K.T.S.
Vora, Shri Motilal
Yechury, Shri Sitaram

NOES : 117

Agrawal, Shri Naresh
Ali, Shri Munquad
Ansari, Shri Salim
Arjunan, Shri K. R.
Bachchan, Smt. Jaya
Bandyopadhyay, Shri D.
Bernard, Shri A. W. Rabi

Bhunder, Shri Balwinder Singh
Chandrasekhar, Shri Rajeev
Chowdary, Shri Y. S.
Chowdhury, Prof. Jogen
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Desai, Shri Anil
Dhoot, Shri Rajkumar
Dudi, Shri Ram Narain
Fayaz, Mir Mohammad
Gehlot, Shri Thaawar Chand
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hassan, Shri Ahamed
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jain, Shri Ishwarlal Shankarlal
Jain, Shri Meghraj
Jaitley, Shri Arun
Jangde, Dr. Bhushan Lal
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Judev Shri R.S
Kakade, Shri Sanjay Dattatraya
Kashyap, Shri Narendra Kumar
Kashyap, Shri Ram Kumar
Katiyar, Shri Vinay
Khan, Shri Javed Ali
Khanna, Shri Avinash Rai
Kore, Dr. Prabhakar
Lachungpa, Shri Hishey
Lakshmanan, Dr. R.
Laway, Shri Nazir Ahmed

Maitreyan, Dr. V.
Mandaviya, Shri Mansukh L.
Manhas, Shri Shamsher Singh
Manjunatha, Shri Aayanur
Mayawati, Kumari
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mitra, Dr. Chandan
Mohanty, Shri Anubhav
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Nathwani, Shri Parimal
Navaneethakrishnan, Shri A.
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pandian, Shri Paul Manoj
Pandya, Shri Dilipbhai
Parasaran, Shri K.
Parida, Shri Baishnab
Parrikar, Shri Manohar
Patel, Shri Praful
Patil, Shri Basawaraj
Pawar, Shri Sharad
Prabhu, Shri Suresh
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rajaram, Shri
Rajan, Shri Ambeth
Ramesh, Shri C.M.
Rangasayee Ramakrishna, Shri
Rathinavel, Shri T.
Roy, Shri Mukul
Roy, Shri Sukhendu Sekhar
Sable, Shri Amar Shankar
Sai, Shri Nand Kumar

Saini, Shri Rajpal Singh
Saleem, Chaudhary Munvvar
Sancheti, Shri Ajay
Sanjiv Kumar, Shri
Sasikala Pushpa, Shrimati
Seetharama Lakshmi, Shrimati Thota
Sen, Ms. Dola
Shekhar, Shri Neeraj
Singh Badnore, Shri V.P.
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shri Birender
Singh, Shri Veer
Singh, Shrimati Kanak Lata
Sitharaman, Shrimati N.
Sood, Shrimati Bimla Kashyap
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Tarun Vijay, Shri
Tazeen Fatma, Dr.
Thakur, Dr. C.P.
Tirkey, Shri Dilip Kumar
Tiwari, Shri Alok
Tripathi, Shri D.P.
Tundiya, Mahant Shambhuprasadji
Vadodia, Shri Lal Sinh
Vegad, Shri Shankarbhai N.
Verma, Shri Ravi Prakash
Vijila Sathyananth, Shrimati
Yadav, Prof. Ram Gopal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh

The motions were negatived.

MR. DEPUTY CHAIRMAN: I shall now put the Amendment (No. 23) moved by Shri Tapan Kumar Sen to vote.

SHRI TAPAN KUMAR SEN: Sir, I want division.

MR. DEPUTY CHAIRMAN: Okay.

The House divided.

MR. DEPUTY CHAIRMAN: Ayes : 71

Noes : 117

AYES : 71

Abraham, Shri Joy

Aga, Ms. Anu

Aiyar, Shri Mani Shankar

Anand Sharma, Shri

Antony, Shri A.K.

Ashk Ali Tak, Shri

Ashwani Kumar, Shri

Azad, Shri Ghulam Nabi

Babbar, Shri Raj

Baidya, Shrimati Jharna Das

Balagopal, Shri K.N.

Balmuchu, Dr. Pradeep Kumar

Banerjee, Shri Ritabrata

Batra, Shri Shadi Lal

Bhattacharya, Shri P.

Biswal, Shri Ranjib

Bora, Shri Pankaj

Budania, Shri Narendra

Chaturvedi, Shri Satyavrat

Chiranjeevi, Dr. K.

Dua, Shri H.K.

Dwivedi, Shri Janardan

Fernandes, Shri Oscar

Ganguly, Dr. Ashok S.

Gill, Dr. M.S.

Gowda, Prof. M.V. Rajeev

Hariprasad, Shri B.K.

Hashmi, Shri Parvez

Kalita, Shri Bhubaneswar

Karan Singh, Dr.

Khan, Shri K. Rahman

Khan, Shri Mohd. Ali

Kidwai, Shrimati Mohsina

Kujur, Shri Santiuse

Mahra, Shri Mahendra Singh

Mistry, Shri Madhusudan

Mukut Mithi, Shri
Mungekar, Dr. Bhalchandra
Naik, Shri Shantaram
Narayanan, Shri C.P.
Natchiappan, Dr. E.M. Sudarsana
Rajeeve, Shri P.
Pande, Shri Avinash
Patel, Shri Ahmed
Patil, Shrimati Rajani
Punia, Shri P.L.
Raja, Shri D.
Ramesh, Shri Jairam
Rangarajan, Shri T.K.
Rao, Dr. K.V.P. Ramachandra
Rao, Shri V. Hanumantha
Rapolu, Shri Ananda Bhaskar
Ravi, Shri Vayalar
Reddy, Dr. T. Subbarami
Reddy, Shri Palvai Govardhan
Sadho, Dr. Vijaylaxmi
Seelam, Shri Jesudasu
Seema, Dr. T.N.
Selja, Kumari
Sen, Shri Tapan Kumar
Shukla, Shri Rajeev
Singh, Dr. Manmohan
Singh, Shri Digvijaya
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Syiem, Shrimati Wansuk
Thakur, Shrimati Viplove
Tiwari, Shri Pramod
Tulsi, Shri K.T.S.
Vora, Shri Motilal
Yechury, Shri Sitaram

NOES : 117

Agrawal, Shri Naresh
Ali, Shri Munquad

Ansari, Shri Salim
Arjunan, Shri K. R.
Bachchan, Shrimati Jaya
Bandyopadhyay, Shri D.
Bernard, Shri A. W. Rabi
Bhunder, Shri Balwinder Singh
Chandrasekhar, Shri Rajeev
Chowdary, Shri Y. S.
Chowdhury, Prof. Jogen
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Desai, Shri Anil
Dhoot, Shri Rajkumar
Dudi, Shri Ram Narain
Fayaz, Mir Mohammad
Gehlot, Shri Thaawar Chand
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hassan, Shri Ahamed
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jain, Shri Ishwarlal Shankarlal
Jain, Shri Meghraj
Jaitley, Shri Arun
Jangde, Dr. Bhushan Lal
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Judev, Shri R.S
Kakade, Shri Sanjay Dattatraya
Kashyap, Shri Narendra Kumar
Kashyap, Shri Ram Kumar
Katiyar, Shri Vinay
Khan, Shri Javed Ali

Khanna, Shri Avinash Rai
Kore, Dr. Prabhakar
Lachungpa, Shri Hishey
Lakshmanan, Dr. R.
Laway, Shri Nazir Ahmed
Maitreyan, Dr. V.
Mandaviya, Shri Mansukh L.
Manhas, Shri Shamsheer Singh
Manjunatha, Shri Aayanur
Mayawati, Kumari
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mitra, Dr. Chandan
Mohanty, Shri Anubhav
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Nathwani, Shri Parimal
Navaneethakrishnan, Shri A.
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pandian, Shri Paul Manoj
Pandya, Shri Dilipbhai
Parasaran, Shri K.
Parida, Shri Baishnab
Parrikar, Shri Manohar
Patel, Shri Praful
Patil, Shri Basawaraj
Pawar, Shri Sharad
Prabhu, Shri Suresh
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rajaram, Shri
Rajan, Shri Ambeth
Ramesh, Shri C.M.
Rangasayee Ramakrishna, Shri

Rathinavel, Shri T.
Roy, Shri Mukul
Roy, Shri Sukhendu Sekhar
Sable, Shri Amar Shankar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munvvar
Sancheti, Shri Ajay
Sanjiv Kumar, Shri
Sasikala Pushpa, Shrimati
Seetharama Lakshmi, Shrimati Thota
Sen, Ms. Dola
Shekhar, Shri Neeraj
Singh Badnore, Shri V.P.
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shri Birender
Singh, Shri Veer
Singh, Shrimati Kanak Lata
Sitharaman, Shrimati N.
Sood, Shrimati Bimla Kashyap
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Tarun Vijay, Shri
Tazeen Fatma, Dr.
Thakur, Dr. C.P.
Tirkey, Shri Dilip Kumar
Tiwari, Shri Alok
Tripathi, Shri D.P.
Tundiya, Mahant Shambhuprasadji
Vadodia, Shri Lal Sinh
Vegad, Shri Shankarbhai N.
Verma, Shri Ravi Prakash
Vijila Sathyananth, Shrimati
Yadav, Prof. Ram Gopal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh

The motion was negatived.

Clause 9 was added to the Bill.

MR. DEPUTY CHAIRMAN: In clause 10 there are two Amendments (Nos. 13 and 14) by Shri D. Raja and Shri K.T.S. Tulsi. Are you moving it?

SHRI K.T.S. TULSI: Sir, I am not moving.

Clause 10 Insertion of New Sections 10A, 10B and 10C

SHRI D. RAJA : Sir, I move:

(13) That at page 8, line 7, *for* the word "approval", the word "consultation" be *substituted*.

(14) That at page 8, line 17, *for* the words "obtaining the previous approval", the words "previous consultation" be *substituted*.

The questions were put and the motions were negatived.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

MR. DEPUTY CHAIRMAN : In clause 12 there is one Amendment (No.15) by Shri D. Raja and Shri K.T.S. Tulsi. Are you moving it?

SHRI K.T.S. TULSI : Sir, I am not moving.

Clause 12 Insertion of New Sections 11B and 11C.

SHRI D. RAJA : Sir, I move:

(15) That at page 11, line 1, *after* the word "rules", the words "in consultation with State Government" be *inserted*.

The question was put and the motion was negatived.

Clause 12 was added to the Bill.

MR. DEPUTY CHAIRMAN : In clause 13 there is one Amendment (No.16) by Shri D. Raja and Shri K.T.S. Tulsi. Are you moving it?

SHRI K.T.S. TULSI : Sir, I am not moving.

Clause 13 Insertion of New Section 12 A.

SHRI D. RAJA : Sir, I move:

(16) That at page 11, line 23, *after* the words "Central Government", the words "in consultation with State Government" be *inserted*.

The question was put and the motion was negatived.

Clause 13 was added to the Bill.

Clauses 14 to 16 were added to the Bill.

MR. DEPUTY CHAIRMAN: In clause 17 there is one Amendment (No.17) by Shri D. Raja and Shri K.T.S. Tulsi. Are you moving it?

SHRI K.T.S. TULSI: Sir, I am not moving.

Clause 17-Amendment of Section 17A.

SHRI D. RAJA : Sir, I move:

(17) That at page 14, line 5, *for* the word "competitive", the word "transparent" be *substituted*.

The question was put and the motion was negatived.

Clause 17 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 18, there is one Amendment (No. 26) by Shri Shantaram Naik. Are you moving your Amendment?

SHRI SHANTARAM NAIK: Sir, I am not moving my Amendment, but I am hoping that the Central Government will delegate powers to the State Governments.

Clause 18 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 19, there are two Amendments (Nos. 9 and 10) by DR. T. Subbarami Reddy. Are you moving your Amendments?

Clause 19 – Amendment of Section 21.

DR. T. SUBBARAMI REDDY: Sir, I move:

(9) That at page 15, lines 17 and 18 *for* the words "five years", the words "two years" be *substituted*.

(10) That at page 15, lines 22 and 23, *for* the words "extend to two years", the words "extend to one year" be *substituted*.

The questions were put and the motions were negatived.

Clause 19 was added to the Bill.

Clauses 20 to 23 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 24, there is one Amendment (No.24) by Shri Tapan Kumar Sen. Are you moving your amendment?

Clause 24 – Power to remove difficulties

SHRI TAPAN KUMAR SEN (West Bengal): Sir, I move:

(24) That at page 17, *after* line 11, the following proviso be *inserted*, namely:-

"Provided also that all sections of this Act including such order made under this section shall be in conformity with the provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996; the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the provisions contained in article 244 read with Fifth and Sixth Schedules to the Constitution relating to administration of the scheduled and tribal areas."

The question was put and the motion was negatived.

Clause 24 was added to the Bill.

Clause 25 was added to the Bill.

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

श्री नरेंद्र सिंह तोमर: महोदय, मैं प्रस्ताव करता हूँ: कि विधेयक को पारित किया जाए।
...(Interruptions)...

SOME HON. MEMBERS: Sir, division.

SHRI ANAND SHARMA: Sir, we want a division just to record our opposition to the manner in which this Government is legislating through Ordinance...
...(Interruptions)...

MR. DEPUTY CHAIRMAN: Okay; division.

SHRI ANAND SHARMA: Hurting the States' rights, and those who are traditional
...(Interruptions)... of the land. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: I allow division; no problem. Why should I not?
...(Interruptions)... I shall now put the motion moved by Shri Narendra Singh Tomar to vote.

The question is:

That the Bill be passed.

I think the 'Noes' have it. ...(Interruptions)...

SHRI SITARAM YECHURY: Sir, you said, 'Noes' have it.

MR. DEPUTY CHAIRMAN: Sorry; 'Ayes' have it. 'Ayes' have it; 'Ayes' have it; 'Ayes' have it. Division. ...(Interruptions)...

SHRI SITARAM YECHURY: Sir, you announced, 'Noes' have it. ...(Interruptions)...

SHRI DEREK O'BRIEN: Sir, division.

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): Sir, no division. ...*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, you said, 'Noes' have it. ...*(Interruptions)*... Sir, you said it.

MR. DEPUTY CHAIRMAN: I said, "I think 'Noes' have it". ...*(Interruptions)*... It is already put to division. ...*(Interruptions)*...

SHRI SATYAVRAT CHATURVEDI (Madhya Pradesh): Sir, when you have already said, 'Noes have it', then there is no need of division.

SHRI SITARAM YECHURY: Sir, 'Noes' have it. Then, why division? The Bill has not been passed. ...*(Interruptions)*... Sir, you announced it.

SHRI PRAMOD TIWARI (Uttar Pradesh): Sir, I have a point of order. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I have already announced the division. Please keep quiet. Secretary-General shall now proceed for division.

SHRI SITARAM YECHURY: Sir, on record, you correct yourself.

MR. DEPUTY CHAIRMAN: No, I said only 'I think, when I said division'.

SHRI SITARAM YECHURY: Sir, let it not go on record that you said it wrongly. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I ordered division. No problem.

The House divided.

SHRI SITARAM YECHURY: But, it should not go on record that our Deputy Chairman thinks wrongly. ...*(Interruptions)*... Sir, if you do not correct it, it will go on record that our Deputy Chairman is thinking wrongly. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Division.

The House divided.

MR. DEPUTY CHAIRMAN: Ayes: 117

Noes : 73

AYES : 117

Agrawal, Shri Naresh

Ali, Shri Munquad

Ansari, Shri Salim
Arjunan, Shri K. R.
Bachchan, Shrimati Jaya
Bandyopadhyay, Shri D.
Bernard, Shri A. W. Rabi
Bhunder, Shri Balwinder Singh
Chandrasekhar, Shri Rajeev
Chowdary, Shri Y. S.
Chowdhury, Prof. Jogen
Das, Shri Kalpataru
Dave, Shri Anil Madhav
Desai, Shri Anil
Dhoot, Shri Rajkumar
Dudi, Shri Ram Narain
Fayaz, Mir Mohammad
Gehlot, Shri Thaawar Chand
Goel, Shri Vijay
Gohel, Shri Chunibhai Kanjibhai
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Shri Vivek
Haque, Shri Md. Nadimul
Hassan, Shri Ahamed
Hembram, Shrimati Sarojini
Heptulla, Dr. Najma A.
Irani, Shrimati Smriti Zubin
Jain, Shri Ishwarlal Shankarlal
Jain, Shri Meghraj
Jaitley, Shri Arun
Jangde, Dr. Bhushan Lal
Jatiya, Dr. Satyanarayan
Javadekar, Shri Prakash
Jha, Shri Prabhat
Judev, Shri R.S
Kakade, Shri Sanjay Dattatraya
Kashyap, Shri Narendra Kumar
Kashyap, Shri Ram Kumar
Katiyar, Shri Vinay
Khan, Shri Javed Ali
Khanna, Shri Avinash Rai

Kore, Dr. Prabhakar
Lachungpa, Shri Hishey
Lakshmanan, Dr. R.
Laway, Shri Nazir Ahmed
Maitreya, Dr. V.
Mandaviya, Shri Mansukh L.
Manhas, Shri Shamsher Singh
Manjunatha, Shri Aayanur
Mayawati, Kumari
Memon, Shri Majeed
Misra, Shri Satish Chandra
Mitra, Dr. Chandan
Mohanty, Shri Anubhav
Muthukaruppan, Shri S.
Nadda, Shri Jagat Prakash
Naidu, Shri M. Venkaiah
Nanda, Shri Kiranmay
Naqvi, Shri Mukhtar Abbas
Nathwani, Shri Parimal
Navaneethakrishnan, Shri A.
Nishad, Shri Vishambhar Prasad
O'Brien, Shri Derek
Panchariya, Shri Narayan Lal
Pandian, Shri Paul Manoj
Pandya, Shri Dilipbhai
Parasara, Shri K.
Parida, Shri Baishnab
Parrikar, Shri Manohar
Patel, Shri Praful
Patil, Shri Basawaraj
Pawar, Shri Sharad
Prabhu, Shri Suresh
Pradhan, Shri Dharmendra
Prasad, Shri Ravi Shankar
Rajaram, Shri
Rajan, Shri Ambeth
Ramesh, Shri C.M.
Rangasayee Ramakrishna, Shri
Rathinavel, Shri T.
Roy, Shri Mukul

Roy, Shri Sukhendu Sekhar
Sable, Shri Amar Shankar
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Saleem, Chaudhary Munvvar
Sancheti, Shri Ajay
Sanjiv Kumar, Shri
Sasikala Pushpa, Shrimati
Seetharama Lakshmi, Shrimati Thota
Sen, Ms. Dola
Shekhar, Shri Neeraj
Singh Badnore, Shri V. P.
Singh, Shri Arvind Kumar
Singh, Shri Bhupinder
Singh, Shri Birender
Singh, Shri Veer
Singh, Shrimati Kanak Lata
Sitharaman, Shrimati N.
Sood, Shrimati Bimla Kashyap
Sudharani, Shrimati Gundu
Swamy, Shri A.V.
Tarun Vijay, Shri
Tazeen Fatma, Dr.
Thakur, Dr. C. P.
Tirkey, Shri Dilip Kumar
Tiwari, Shri Alok
Tripathi, Shri D. P.
Tundiya, Mahant Shambhuprasadji
Vadodia, Shri Lal Sinh
Vegad, Shri Shankarbhai N.
Verma, Shri Ravi Prakash
Vijila Sathyananth, Shrimati
Yadav, Prof. Ram Gopal
Yadav, Shri Bhupender
Yadav, Shri Darshan Singh

NOES : 73

Abraham, Shri Joy
Aga, Ms. Anu
Aiyar, Shri Mani Shankar
Anand Sharma, Shri

Antony, Shri A. K.
Ashk Ali Tak, Shri
Ashwani Kumar, Shri
Azad, Shri Ghulam Nabi
Babbar, Shri Raj
Baidya, Shrimati Jharna Das
Balagopal, Shri K. N.
Balmuchu, Dr. Pradeep Kumar
Banerjee, Shri Ritabrata
Batra, Shri Shadi Lal
Bhattacharya, Shri P.
Biswal, Shri Ranjib
Bora, Shri Pankaj
Budania, Shri Narendra
Chaturvedi, Shri Satyavrat
Chiranjeevi, Dr. K.
Dua, Shri H. K.
Dwivedi, Shri Janardan
Fernandes, Shri Oscar
Ganguly, Dr. Ashok S.
Gill, Dr. M. S.
Gowda, Prof. M. V. Rajeev
Hariprasad, Shri B. K.
Hashmi, Shri Parvez
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.
Khan, Shri K. Rahman
Khan, Shri Mohd. Ali
Kidwai, Shrimati Mohsina
Kujur, Shri Santiuse
Mahra, Shri Mahendra Singh
Mistry, Shri Madhusudan
Mukut Mithi, Shri
Mungekar, Dr. Bhalchandra
Naik, Shri Shantaram
Narayanan, Shri C. P.
Natchiappan, Dr. E. M. Sudarsana
Rajeeve, Shri P.
Pande, Shri Avinash

Patel, Shri Ahmed
Patil, Shrimati Rajani
Punia, Shri P. L.
Raja, Shri D.
Ramalingam, Dr. K. P.
Ramesh, Shri Jairam
Rangarajan, Shri T. K.
Rao, Dr. K. V. P. Ramachandra
Rao, Shri V. Hanumantha
Rapolu, Shri Ananda Bhaskar
Ravi, Shri Vayalar
Reddy, Dr. T. Subbarami
Reddy, Shri Palvai Govardhan
Sadho, Dr. Vijaylaxmi
Seelam, Shri Jesudasu
Seema, Dr. T. N.
Selja, Kumari
Sen, Shri Tapan Kumar
Shukla, Shri Rajeev
Singh, Dr. Manmohan
Singh, Shri Digvijaya
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Syiem, Shrimati Wansuk
Thakur, Shrimati Viplove
Tiwari, Shri Pramod
Tulsi, Shri K. T. S.
Vora, Shri Motilal
Yechury, Shri Sitaram

The motion was adopted.

MR. DEPUTY CHAIRMAN : The lobbies be cleared.

SHRI M. VENKAIAH NAIDU: Sir, I am thankful to the hon. Members for the cooperation they extended. In whichever manner it was, it is their right. But I am happy ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Now, the Question Hour. ...(Interruptions)...
