Uncorrected/Not for publication - 16.08.2010

SCH-HK/11.15/1D

Q. No. 302

SHRI V. HANUMANTHA RAO: Sir, in his reply the hon. Minister said that the State Government of Orissa had not recommended for CBI inquiry and that is why the Central Government has no power. The illegal mining and coal scam in Orissa has greatly affected the power projects in the country. Illegal mining of coal is taking place and it is causing losses to the Government. It being a State subject, has the Union Government urged the State Government to take immediate steps to check coal scam in Orissa?

श्री श्रीप्रकाश जायसवाल: माननीय सदस्य ने दो तरह के प्रश्न किए हैं। एक प्रश्न इल्लीगल माइनिंग से संबंधित है और दूसरा कोल स्कैम से संबंधित है। जहां तक कोल स्कैम की बात है, 2007 से पहले हमारी कोल कंपनीज़ फुटकर विक्रताओं को, ईंट-भट्ठे वालों को, समय-समय पर कोयला दिया करती थीं। 2007 में NCDP के नाम से एक कोल पॉलिसी बनाई गई, जिसमें फुटकर विक्रताओं को, ईंट-भट्ठे वालों को और जिनको भी फुटकर कोयले की आवश्यकता होती थी, उनके लिए स्टेट गवर्नमैंट्स को यह ऑथोराइज़ किया गया कि वे अपने द्वारा नॉमिनेटिड एजेंसीज़ के माध्यम से उस कोयले का वितरण करें। स्टेट गवर्नमैंट्स को हम, जो उनकी आबंटन की क्वांटिटी है, उतना कोयला दे देते हैं और वे स्वयं अपने-अपने स्टेट्स में, जहां-जहां फुटकर कोयले की आवश्यकता होती है, उनको कोयला देती हैं।

दूसरा प्रश्न आपने उड़ीसा कोल स्कैम के बारे में पूछा है। जब मैं उड़ीसा, सम्बलपुर गया था, तो सम्बलपुर से लौटते समय भुवनेश्वर पहुंचने पर मुझे पता चला कि बहुत सारे विधायक इस बात की मांग के लिए धरने पर बैठे हैं कि एक बहुत बड़ा कोल स्कैम हुआ है, जिसमें स्टेट द्वारा नामित एजेंसी के माध्यम से कोयले का डायवर्जन किया गया है। मैं उन विधायकों से मिला और उनसे पूरी बात पूछी। उन्होंने कहा कि इसकी जांच होनी चाहिए, मैंने

भी उनसे कहा कि हां, इसकी जांच होनी चाहिए, फिर उन्होंने कहा कि इसकी सीबीआई जांच होनी चाहिए, तो मैंने उनसे कहा कि अगर स्टेट गवर्नमैंट हमारे पास कोई रिक्वेस्ट भेजती है, तो गवर्नमैंट ऑफ इंडिया उसे कंसिडर करेगी।

इनका दूसरा प्रश्न, जो इल्लीगल माइनिंग से संबंधित है ...(व्यवधान)

श्री सभापति: आप एक ही सवाल का जवाब दीजिए।

SHRI V. HANUMANTHA RAO: In view of the large scale illegal mining in the country, has the Government decided to set up a National Mining Regulator for major minerals such as coal and iron ore which would help in tackling the growing menace of illegal mining, and whether the Regulator will be, more or less, like TRAI and SEBI and will be an independent quasi-judicial body with powers to order investigation and also prosecution? To what extent, will it help in checking illegal mining?

SHRI PYARIMOHAN MOHAPATRA: Sir, I have a point of order. This does not have any connection with the question.

श्री श्रीप्रकाश जायसवाल: सर, माननीय सदस्य ने जो प्रश्न पूछा है, वह माइनिंग से संबंधित है, तो इनको मिनिस्ट्री ऑफ माइनिंग से ही यह प्रश्न करना चाहिए कि मिनिस्ट्री ऑफ माइनिंग इल्लीगल माइनिंग के लिए पूरे देश में क्या कर रही है। अगर आप परिमशन दें तो कोल की इल्लीगल माइनिंग के बारे में ..(व्यवधान)

श्री वी. हनुमंत राव: आप कोल माइनिंग के बारे में ही बताइए, माइनिंग के बारे में छोड़ दीजिए।

श्री श्रीप्रकाश जायसवाल: सर, जहां तक कोल की इल्लीगल माइनिंग की बात है, उसकी जिम्मेदारी स्टेट गवर्नमैंट्स की होती है, अगर हमारी माइन के अन्दर कोई इल्लीगल माइनिंग

करने की कोशिश करता है, जो कि आम तौर पर नहीं होता है। वैसे कोल प्रॉपर्टी पूरे देश में फैली हुई है। कई स्टेट्स में कोल प्रॉपर्टीज़ हैं ...(व्यवधान)

SHRI PYARIMOHAN MOHAPATRA: Sir, I have raised a point of order. ...(Interruptions)...

MR. CHAIRMAN: Just one minute. ...(Interruptions)... Let us hear his point of order. ...(Interruptions)...

श्री वी. हनुमंत रावः सर, क्वेचन आवर में प्वाइंट ऑफ ऑर्डर नहीं होता।

MR. CHAIRMAN: Just one minute. ...(Interruptions)... I know the position. ...(Interruptions)... Let's stick to the question. ...(Interruptions)...

SHRI PYARIMOHAN MOHAPATRA: It is only about the question. The Minister has replied ...(Interruptions)...

MR. CHAIRMAN: He has not said anything. ... (Interruptions)...

SHRI PYARIMOHAN MOHAPATRA: The Minister has replied about coal scam in Orissa saying that he met some legislators. ...(Interruptions)...

MR. CHAIRMAN: That is all right. ...(Interruptions)...

SHRI PYARIMOHAN MOHAPATRA: It is not something which has been asked.

This is ...(Interruptions)...

(Followed by 1e/KSK)

KSK/PSV/11.20/1E

SHRI V. HANUMANTHA RAO: The State Government is not recommending for a CBI inquiry...(Interruptions).

SHRI PYARIMOHAN MOHAPATRA: It is not part of the question.

MR. CHAIRMAN: You will get your turn to put your supplementary question...(Interruptions).

SHRI V. HANUMANTHA RAO: If there is no scam, then, why is the Chief Minister not recommending to the Central Government for a CBI inquiry?

श्री सत्यव्रत चतुर्वेदीः सर, पहले तो प्रश्न काल में कोई point of order होता ही नहीं ...(व्यवधान)...

श्री सभापतिः आपने सही कहा।...(व्यवधान)...

श्री सत्यव्रत चतुर्वेदी: अगर कोई point of order है, तो उनको रूल कोट करना चाहिए कि under which rule, he is asking.

MR. CHAIRMAN: Fair enough.

श्री श्रीप्रकाश जायसवात: सर, जहाँ तक कोल की illegal mining का प्रश्न है, उसमें मैंने पहले भी कहा है और मैं फिर यह बात कहना चाहता हूँ कि माइन्स के अंदर से illegal mining नहीं होती है, बल्कि coal bearing states में जो coal properties पड़ी हैं, वहीं illegal mining होती है। इसके लिए हम समय-समय पर स्टेट गवर्नमेंट्स को लिखते रहते हैं, उनको कहते रहते हैं, क्योंकि पुलिस और law and order स्टेट का सब्जेक्ट है। Illegal mining को रोकने का काम स्टेट गवर्नमेंट्स का ही है। हम स्टेट गवर्नमेंट्स से कहते रहते हैं कि आप illegal mining को रोकने के लिए जो भी सम्भव उपाय हो सके, करिए। हमारे मुल्क में illegal mining होती है, इससे हम इनकार नहीं करते हैं। Illegal mining को रोकने के लिए प्रयास भी किए जाते हैं। हम भी प्रयास करते हैं और स्टेट गवर्नमेंट्स भी प्रयास करती हैं, इससे हम इनकार नहीं करते हैं।

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Q. No. 302 (Contd.)

श्री वी0 हनमंत राव: सर, Illegal mining में ...(व्यवधान)... स्टेट गवर्नमेंटस वाले भेजते हैं

तो सेंट्रल गवर्नमेंट वाले देखते रहते हैं ...(व्यवधान)... ओबलापरम में क्या हो रहा है, सर

...(व्यवधान)...

MR. CHAIRMAN: You have asked your question; you have asked your

supplementary. Now, Shri Mohapatra.

SHRI PYARIMOHAN MOHAPATRA: Sir, the Congress and BJP Members of the

Orissa Legislative Assembly had gathered outside the Assembly for days together

demanding an inquiry into, what they said, the coal scam...(Interruptions). You

cannot stop me...(Interruptions). Please, don't shout, I am addressing the

Chair.

MR. CHAIRMAN: What is the supplementary question?

SHRI PYARIMOHAN MOHAPATRA: Sir, I am coming to the supplementary. Is it

a fact...(Interruptions). They were alleging about irregularities in distribution of

coal to micro, small and medium industries by the Orissa Small Industries

Corporation and by the Orissa Consumer Co-operative Federation. Now, is it a

fact that the Minister went there, or, was invited over there? Newspaper report

suggested that...(Interruptions).

श्री मोहम्मद अली खान: सर, ...(व्यवधान)...

MR. CHAIRMAN: Please, resume your places.

श्री मोहम्मद अली खान: सर, रूल्स तो सब के लिए हैं ...(व्यवधान)...

श्री सभापति: आप बैठ जाइए।

SHRI PYARIMOHAN MOHAPATRA: Is it a fact, as reported in the newspaper, that the Minister assured them that he would get a CBI inquiry done, or, he assured them that their allegations regarding coal scam were correct?

MR. CHAIRMAN: I think, he has already replied to that.

SHRI PYARIMOHAN MOHAPATRA: No, he has not replied to either of that.

श्री श्रीप्रकाश जायसवालः सर, हम इसमें थोड़ा डिटेल में भी बताना चाहते हैं, अगर आप परमिशन दें।

माननीय सदस्य ने आधी बात तो वही कही है, जो मैंने कही है, लेकिन आधी बात में शायद इनको भ्रमित किया गया है और इनको सही सूचना नहीं है। बहुत सारे विधायक जो वहाँ धरने पर बैठे थे, उन्होंने हमको कॉल किया कि सर, एक बहुत बडा स्कैम उडीसा में हुआ है। मैंने उनको बताया कि हम फूटकर विक्रेताओं के लिए स्टेट गवर्नमेंट्स को कोटा निर्धारित कर देते हैं और वह कोटा हम स्टेट गवर्नमेंट्स के पास भेज देते हैं। अब यह जिम्मेदारी स्टेट गवर्नमेंटस की है कि वे फटकर विक्रेताओं के लिए कोल का डिस्ट्रिब्युशन करें। अगर उसमें कोई घोटाला हुआ है, तो इसकी जाँच स्टेट गवर्नमेंट को करनी चाहिए। उन लोगों ने हमसे कहा कि इसकी सी0बी0आई0 जाँच करवाई जाए। इस पर मैंने कहा कि अगर स्टेट गवर्नमेंट चाहती है कि इस मामले की सी0बी0आई0 जाँच हो, तो उन्हें चाहिए कि वह भारत सरकार के पास अपनी रिक्वेस्ट भेजें, हम उसको कंसीडर करेंगे। इससे ज्यादा और कोई बात नहीं हुई है। अगर इससे ज्यादा आपको पता है, तो मुझे लगता है कि आपको भ्रमित किया गया है। SHRI RAMA CHANDRA KHUNTIA: Mr. Chairman, Sir, the distribution of coal is a Central Government subject. The coal, which was given for distribution to the Orissa Small Industries Corporation and also to the Orissa Consumer Cooperative Federation, was given by the Coal Department of the Central

Government. I want to know whether the recommendations of the State Government were not required as the allotment of coal was done by the Government of India. Will the Central Government consider for a CBI inquiry even if the State Government has not recommended for the CBI inquiry?

(followed by 1f - ysr/ds)

-KSK/YSR-DS/11.25/1F

श्री श्रीप्रकाश जायसवाल: सर, मैंने इस माननीय सदन को पहले ही बताया है और आपसे यह अनुरोध किया है कि न्यू कोल डिस्ट्रिब्यूशन पॉलिसी के तहत फुटकर विक्रेताओं और फुटकर उपभोक्ताओं के लिए भारत सरकार की जितनी subsidiary कोल कंपनियाँ हैं, वे स्टेट गवर्नमेंट्स को इससे संबंधित कोटा अलॉट कर देती हैं और यह उन स्टेट गवर्नमेंट्स की जिम्मेदारी है कि वे उन लोगों को कोल वितरित करें। इसमें भारत सरकार का कोई रोल नहीं होता है। बहुत सारी स्टेट गवर्नमेंट्स से इस बात की शिकायतें समय-समय पर आती रहती हैं कि कोल-डिस्ट्रिब्यूशन सही नहीं हो रहा है, लेकिन यह स्टेट गवर्नमेंट्स की जिम्मेदारी है कि वे कोल डिस्ट्रिब्यूशन को सही ढंग से करायें जिससे कि उपभोक्ता पूरे तरीके से संतुष्ट हो सकें।

SHRI Y.S. CHOWDARY: Sir, the Karnataka Government have already banned exports of iron ore. I want to know whether the Central Government is similarly planning to have any such ban on iron ore or coal.

MR. CHAIRMAN: Please stick to the question. It is a specific question. Do you have any supplementary on this or not?

SHRI Y.S. CHOWDARY: Yes, Sir. Is there any plan of the Central Government to allocate coal only for manufacturing units rather than for traders?

श्री श्रीप्रकाश जायसवाल: सर, मैंने दो बार जवाब दिया है कि ट्रेडर्स के लिए, फुटकर उपभोक्ताओं के लिए हम स्टेट गवर्नमेंट्स को कोटा दे देते हैं और यह स्टेट गवर्नमेंट्स की जिम्मेदारी है कि वे अपने द्वारा नॉमिनेटेड एजेंसीज़ के माध्यम से उपभोक्ताओं के लिए जहाँ चाहे वहाँ कोयले का आवंटन करें। उसमें गवर्नमेंट ऑफ इंडिया की या हमारी कोल कंपनियों की कोई भूमिका नहीं है।

(समाप्त)

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Q. No. 303

SHRI K.N. BALAGOPAL: My first supplementary is regarding the growth of illegal mining. Illegal mining is a very serious issue and everybody is aware of that. My specific question is this. Will the Government suspend all the mining activities in the area where serious allegations came, including Obulapuram in Andhra Pradesh?

SHRI B.K. HANDIQUE: Sir, the question is about the proposed changes in the new Act. But I will address the question. The point is that I have to give the reply in a general way. Sir, as you know, it is with the GoM, so I cannot give you all the details. I understand the concern of not only the hon. Member who asked the question but all the hon. Members of the House.

The first thing that we have done in the proposed new Act is that there will be stringent deterrent action for illegal mining. Further, we have established a National Mining Regulatory Authority with overarching power to inspect, to detect, to investigate and to prosecute those involved in illegal mining. The existing Act does not contain such provisions. We have a new Act now. One proposal is to have stringent deterrent action. Other actions, which we will take, are as follows.

The Central Government will have the powers to terminate the lease if the State Government does not act against the leaseholder involved in illegal mining.

The lessee will be made ineligible for future leases of mines besides cancellation of all the existing leases.

Any citizen can become a whistleblower by filing a complaint against illegal mining.

Special courts for prosecution will be set up under this Act.

SHRI K.N. BALAGOPAL: Sir, illegal mining is already there, but nothing is being done. My second supplementary is not about this. This is regarding better realization of our minerals. Value-added product is good. Since India has the capacity to make good quality steel, will the Government take steps to ban export of iron ore? I would like to know whether the Government will ban the export of iron ore.

MR. CHAIRMAN: Your question is about the Group of Ministers and its work.

SHRI K.N. BALAGOPAL: Sir, this question is very much related to my main question. This is about mining policy and mining issues. This time it is evident that the illegal mining is the basic issue. It is very much related to the question.

(Followed by VKK/1G)

-YSR/VKK-NB/1g/11.30

SHRI B.K. HANDIQUE: Sir, regarding iron ore, first of all, I would give an example. In 2009-10, total production is 218 million tonnes; domestic consumption is 91 million tonnes; and, export of iron ore is 117 million tonnes. But, Sir, our problem is, of this 117 million tonnes export, more than 70 to 75 per cent are iron fines, for which we don't have any technology in the country. That is the only reason that if we allow iron ores to be dumped in piles all over the country, there will be two problems. One, it will create environmental hazards. Second, it will seriously impede the mining process itself because of the heaps of piles of millions and millions of tonnes of iron ore. So, our approach to this is like this. We

have kept an open mind that till the technology is found, iron ore fines will be exported. We have also kept in mind that a large number of people, thousands and thousands of people, are engaged in export and export-related trades. I can give you another example. The hon. Chief Minister of Karnataka recently in the National Development Council meeting said that there are only 30 per cent lumps. The State produces 49 million tonnes of iron ore and only 30 per cent are lumps and 70 per cent are iron ore fines for which we don't have the technology for processing. He himself brought in some plans. He said that they will try this technology 5-6 times. Definitely, we are watching that. We wish him good speed. Till then, what do we do? What do we do with iron fines? Will you just let it pile on in millions of tonnes for creating environmental hazard? Till then, let those people, thousands and thousands of them, who are engaged in the trade, carry on with their living.

SHRI ASHWANI KUMAR: Sir, the principal issue in mining is the alienation of a very large number of people in tribal and various areas. That issue, unfortunately, does not find mention in the list of seven issues which the Minister has included in his reply with reference to the recommendations of the Hoda Committee and the National Mineral Policy. Sir, the question that I have for the Minister is: Could he please inform the House which of the seven issues that he has listed in his reply refer specifically to relief, rehabilitation and compensation for people who are uprooted because of mining activities, both legal and illegal?

SHRI B.K. HANDIQUE: Sir, the new draft Bill specially emphasises this point that justice will be done to the tribal population. (Interruptions) I cannot give all the details. As I have already said, the matter is with the GoM. Sir, I am stating what we are proposing. The tribal people, particularly the vulnerable tribal people and also the people living in remote areas, will be given the share from the mining profits. I won't say exactly what percentage we are proposing. I won't say that. We have proposed. It's very difficult. But, it will be good enough so that they get shareholders' right and shareholders' money also.

(Contd. By RSS/1h)

-NB/VNK-RSS/1h/11:35

SHRI B.K. HANDIQUE (CONTD.): They share the profit...(Interruptions)... Sir, I urge the hon. Members to read this statement carefully, paras 4 and 5. "Developing and enforcing a framework of sustainable development which ensures that mining activities takes place along with suitable measures for restoration of ecological balance, particularly in tribal areas..."(Interruptions)...

SHRIMATI BRINDA KARAT: Sir, he is talking about ecological balance...(Interruptions)...

MR. CHAIRMAN: Just a minute please.

SHRI B.K. HANDIQUE: We are proposing 26 per cent of profits for the mining...(Interruptions)... Sir, this is a draft Bill; it is being considered by the GoM. Actually, I have made it clear to the hon. Deputy Chairman the other day

that it would be difficult for me to come out with all the details. Twenty-six per cent of profits have been earmarked for the mining...(Interruptions)...

SHRIMATI BRINDA KARAT: Sir, he is talking about the ecological balance...(Interruptions)...

SHRI B.K. HANDIQUE: It is already there. They can go and find out. They can come to me. I can show them the entire draft...(Interruptions)... It is 26 per cent. Not only that, there is also a share of 26 per cent profits from mining...(Interruptions)... So, it is not that we are not doing any justice to them...(Interruptions)...

SHRI ASHWANI KUMAR: Sir, this issue is agitating the whole nation. The Minister must come out with a specific reply relating to relief and rehabilitation of the affected people. ...(Interruptions)...

SHRI PRAKASH JAVADEKAR: Sir, I want to take forward the question asked by both the Members. But the issue is, the Minister was saying that we don't have the technology; that is why we have to export. This is unbelievable in this world because there are people who are ready to come, invest in joint ventures and everything. It is not at all necessary and they are not producing something of that quality which is really a patented technology. No way, Sir. It is the normal iron ore which is going to China and other countries who are importing from us and we are exporting to them, allowing the export, and we are losing in the bargain because we are exporting at a very cheap price, and importing the same.. (Interruptions)...

श्री सभापतिः आप सवाल पूछिए।

श्री प्रकाश जावडेकर: सर, यह मेरा सवाल ही है। ऐसी कोई technological बाध्यता नहीं है कि हमें एक्सपोर्ट करना ही पड़ेगा। आप investment करके यहां लोगों को ला सकते हैं। इसलिए मेरा सवाल यह है कि क्या iron ore के एक्सपोर्ट पर ban होगा या नहीं होगा?

SHRI B.K. HANDIQUE: Sir, I have already said that we are only waiting for the technology to come, and already, the hon. Chief Minister of Karnataka has said that he would bring it. But I want to submit one thing that the export and import policy is not decided by our Ministry. It is the Commerce Ministry who decides it.

SHRI PRAKASH JAVADEKAR: But you can ban it. Sir, he can ban it.

SHRI B.K. HANDIQUE: I cannot ban it. Only the Finance Minister can ban... (Interruptions)... Sir, I have already said that I have kept an open mind. As far as the Commerce Ministry is concerned, if it takes the call and say that there will be no export of iron ore, then it can be done. I can't ban it.

(followed by 1j)

MP-SK/1J/11.40

श्री प्रकाश जावडेकर: सर, मेरा जवाब नहीं आया और यह सदन के लिए misleading होगा कि यह कॉमर्स मिनिस्ट्री नहीं तय करती है कि एग्रीकल्चर का गेहूं export करना है या नहीं, या import करना है। यह एग्रीकल्चर मिनिस्ट्री तय करती है, वैसे ही iron ore का export

MR. CHAIRMAN: This is not a discussion. (Interruptions)

श्री प्रकाश जावडेकर: आप इसको बैन कर सकते हैं। इसका कॉमर्स मिनिस्ट्री से कोई लेना-देना नहीं है। 37

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Q. No. 303 (Contd.)

SHRI B.K. HANDIQUE: Ultimately, it is the Commerce Ministry. (Interruptions)

SHRI SAYED AZEEZ PASHA: Sir, whether the hon, Minister is aware that on 12th

August, only four days earlier, in Bayyaram, Khammam district, all the borders

were sealed including the national highway; and the Group of Ministers is actually

considering to confiscate the properties of those companies which are indulging in

illegal mining. So, what sort of action are you taking? Mr. Hanumantha Rao also

talked about 1,46,000 illegal mining in Bayyaram, Khammam district, in Andhra

Pradesh. Are you taking any sort of legal action as per the directives of the

Group of Ministers? (Interruptions) You don't know what is happening in the

country.

SHRI B.K. HANDIQUE: Sir, I know what is happening in the country. That is why

I have gathered the courage to reply to the question. Sir, it is true that I received a

complaint, four days ago, signed by a few hon. Members of Parliament. We have

taken it seriously and we are examining it. Sir, in Bayyaram case, I want to tell

you that in section 178 of the Mines and Minerals (Development and Regulation)

Act 1957, it can reserve the area. We have reserved the area in Bayyaram. It is

about 566.90 kilometers. But, Sir, it is only reservation. When I gave the

permission, it was only for reservation, not for any mining lease or prospecting

lease. (Interruptions)

SHRI SAYED AZEEZ PASHA: But they are (Interruptions)

MR. CHAIRMAN: Please. (Interruptions)

SHRI B.K. HANDIQUE: If, after some time, they come back with a proposal that we want mining lease or prospecting lease, we shall again examine the merit of the case. Reservation is merely for blocking an area for a certain length of time. In the mean time, Sir, the question does not arise. The Andhra Government have already decided to re-survey the issue and asked us that they needed a new area. So, I said, "All right, if you want a new area, all orders no longer exist". They asked for the survey of new areas. So, we are freshly examining the whole problem. (Interruptions)

DR. K. KESHAVA RAO: Sir, I just want to know (Interruptions)

MR. CHAIRMAN: No. (Interruptions) I am sorry. (Interruptions) We can't have four supplementaries.

DR. K. KESHAVA RAO: Sir, I just want to have a realty check (Interruptions)

MR. CHAIRMAN: Keshava Raoji, please. (Interruptions)

DR. K. KESHAVA RAO: I have no question. (Interruptions) What he is saying is (Interruptions)

प्रो. एस.पी. सिंह बघेल : सभापति जी, बहुजन समाज पार्टी तीसरी बड़ी पार्टी है, आप सवाल पूछने का अवसर ही नहीं देते हैं। ...(व्यवधान)...

MR. CHAIRMAN: Please (Interruptions) Questions will be rotated around the House. There is no right on a supplementary question. Please understand this. It is a courtesy.

(Ends)