भारत सरकार
खान मंत्रालय
शास्त्री भवन : नई दिल्ली

विषय: सूचना का अधिकार अधिनियम, 2005 के अंतर्गत प्राप्त आवेदन ।

श्री. सी.पी. खाबेल, उदयपुर से प्राप्त मूल आवेदन दिनांक 11.09.2013 को इस पत्र के साथ उचित कार्यवारी हेतु प्रस्तुत किया जा रहा है।

2. आपसे अनुरोध है कि उक्त आवेदन को आर.टी.आई. ऑनलाइन पोर्टल में प्राप्ति के तीन दिनों में तुरंत प्रविष्ट करके आवेदक को पावती भेजी जाए एवं सूचना का अधिकार अधिनियम, 2005 के नियमों का पालन करते हुए उसपर निर्धारित समय में कार्यवारी की जाए।

(राजेश शाह/Rajesh Shah)
ए.सी.पी.आई.ओ./ACPIO

संलग्न: FTS No. 13634

श्री. संजय कुमार, सन्तोष अधिकारी (धातु-2)/वेलफ्लो लोक सूचना अधिकारी, खान मंत्रालय

(Received) 16/09/13
INDIAN POSTAL ORDER

NOT NEGOTIABLE

TO

THE SUM OF RUPEES TEN ONLY

10.00 Rs.

AT THE POST OFFICE AT

C. D. BABU

227 Moti Nagar

Udaipur 313004

POSTMASTER

DIRECTOR GENERAL OF POSTS.

DO NOT WRITE BELOW THIS LINE

19F 561830
THROUGH: SPEED POST

Dated: September 11, 2013.

From: C.P. Babel,
Ex-Administrative Officer
Emp.No.10054-4 HZL
227 Moti Magri Scheme,
Udaipur - 313 004.
Mob.No.9829565074/0294-2525074

To,
The Secretary/CPIO,
Ministry of Mines,
Department of Mines,
Shaastri Bhawan,
NEW DELHI


Respected Sir,

In the case of disinvestment of Hindustan Zinc Ltd. (HZL), a company which came into existence through an Act of Parliament in 1966/1976 (re-appeal), the law has been grossly violated breaching constitutional proprietary and undermining of the soveriengty of the Parliament. As such, the undersigned seeks the following information under RTI Act, 2005 for which a postal order worth Rs.10/- bearing No. 19F 561830 is enclosed

(1) The date on which the decision to disinvest HZL was taken ignoring the law and the authorities involved to take such decision? Please detail out name and designation of such authorities including
concerned Cabinet Ministers as well as Minister of States. This should include Ministry of Finance and Deptt of Disinvestment also.

(2) Under the Law of Acquisition, it is implied that control of the properties would vest only with the Central Government whether such a provision to safeguard the same kept in the tender documents for sale of 26% equity to a strategic partner.

(3) When the Metal Corporation of India was acquired, in the law, it was specifically provided that given the criticality of these base metals, (requirement for Defence purposes), the industry was considered as strategic to the economy for wider National interest then why industry's character changed and was put in general category for the purpose of disinvestment. The total justification for such change be made available to us with supporting documents.

(4) The initial disinvestment for the purpose of strategic partnership was considered for 26% with "management control" only then in the share purchase agreement dated 04.04.2002, how a clear road map for complete privatization of this company was included inter-alia accepting further sale of equity in Govt.'s custody in the ensuing period. Whether such a provision was included in the tender papers or the tenderers put forward such a condition and accepted by the Government. A copy of the tender documents be made available to us and the offer so recived with terms & conditions, if any, also be made available to us.
5. Whether Mines Secretary cleared the same, as a Principle Officer and name of Mines Secretary

Thereafter, when the question of remaining equity of 29.53% came up as per SHA/SPA, the opinion of Nodel Ministry i.e. Ministry of Law, Department of Legal Affairs were sought in 2005 where the Legal Adviser Shri O.P. Nahar restrained Department of Disinvestment for further disinvestment given the law set by Apex Court in the HPCL's and BPCL's proposed disinvestment cases which were also acquired companies through respective statutes like HZL. Where was the question of referring this file to the Nodel Ministry i.e. Ministry of Law, Department of Legal Affairs, if SHA/SPA was only to govern such disinvestment in Oct., 2003.

When the matter came up before the Apex Court through a transferred PIL (bearing No. 6340/2003 in the Rajasthan High Court and Superme Court's new allotted No. 20/2005 that too) at the request of the Central Government it self filed by Shri Rajendra Rajdan, why the matter was not brought to the notice of Apex Court in its totality to arrive at a judicisious decision? Why the Government consented for withdrawal of this PIL on the grounds other than constitutional.

While giving information in preparation of “White Paper” on Disinvestment” placed in both the house of parliament in July, 2007” whether the Ministry of Mines indicated about the legal aspect
In the O.M. No. F.No. 45(51)/2002-DD II Vol. X dated 25th June, 2012, it has been indicated that the comments of Department of Legal Affairs were not sought in the Draft Cabinet Note. Since the matter belonged to the Ministry of Mines, this should have been taken care of by the concerned authorities. Who were the authorities who ignored this important aspect while dealing with the case? Kindly give names of the authorities who were involved for such unlawful action.

After the fundamental clarified judgment of the law position by the Apex Court in its elaborate judgment dated 16.09.2003(SCC-532), further disinvestment took place in October, 2003 for 18.92% equity in which also the comments of Department of Legal Affairs were not sought given the check and balance system of the Government. It is understood that the opinion was taken from a private lawyer i.e. M/s. Amarchand Mangal Das. Please detail the name of such authorities including Ministers who bypassed the system.

This illegal action of the Govt. paved the way for SOVL to increase the share-holding to more than 64.92% thereby becoming the so-called owner without amendment of the law. Kindly specify/clearify following position:-

1. Who was the Minister of Mines at that time?
2. Who was the Finance Minister at that time?
3. Did the Cabinet approved such illegal action?
4. Who was the Cabinet Secretariate at that time?
of HZL's existence, because an perusal of white paper this aspect is missing.

(10) It is understood that during his tenure as Finance Minister, Shri Prashant Bhushan, Advocate, Supreme Court of India wrote a letter to Shri Pranab Mukherjee on 16.3.2012 based on which the file was again referred to Ministry of Mines for getting the case examined when Shri Vishwapati Trivedi was the Secretary (Mines). Shri Trivedi moved the case accordingly and as such, a copy of his Note together with Law Ministry's opinion be made available to us.

(11) Sale of shares attracts various levies like Service Tax, Income-tax, Surcharge on Service Tax in the day to day trading. Since HZL shares were sold based on share market price, whether the Government received such levies and if the answer is in positive, then the amount so received in each head of account be provided separately. If the answer is negative, then please clarify the reasons for not taking such levies thereby benefitting the strategic partner substantially.

(12) When the legal opinion was already available in 2005, why the company's management was allowed to split the shares, including transfer of shares from SOVL to Vedanta Group and in the process why the Government Director on the Board not objected and even managing a Government directive to the company's management for restraining such action because the SOVL entered only a strategic partner and was supposed to abide by the Government's directives,
please give the names of the concerned Directors date-wise who represented on the Board of HZL after disinvestment to till date.

(13) The SOVL/Vedanta has closed Tundoo Lead Smelter and Vishakhapatnam in gross violation of law by not taking due permission from appropriate Government. Whether the land on lease allotted/acquired has been surrendered to the concerned persons/government.

(14) Whether the company has sold any land/flat after disinvestment, if so, please give details of such sale.

(15) As per media reportsm the lapsed clause in SHA/SPA about cala option provision is proposed to be revalidated by a fresh agreement. Whether this revalidation of clause will be with SOVL or Vedanta and the circumstance warranting such a move when the Law Ministry has already given opinion about further sale of equity in 2005 itself. Please clarify the position

These informations are vital in nature and needs to be given correctly and without any manipulation within the time frame prescribed under the Act.

Thanking you,

Yours faithfully,

(C.P. Babel)
To,  

Shri C.P. Babel,  
227, Moti Magri Scheme,  
Udaipur-313004.  

Sub:- Information under RTI Act, 2005.  

Dear Sir,  

Please refer to your letter dated 18.10.2013 on the above mentioned subject.  

2. The details of information sought by you under RTI Act 2005 (10 pagers) are enclosed herewith.  

Yours faithfully  

(SANJAY KUMAR)  
SECTION OFFICER  

[Signature]  

Copy to:  

P. I. Cell, Ministry of Mines  

2/116/2013  

[Stamp]
नई:दिल्ली, दिनांक 2.5.10:13

सेवा में, 

Shri C R Babel 

287, Mohi Magri Scheme 

Udaipur - 313009 


भेजन,

उपरोक्त विषय पर इस मंत्रालय का समस्त दस्तावेज पत्र दिनांक 2.5.10:13... अनुलगनका सहित डिनांक/आवश्यक कारपेय कारपेय हेतु भेजने का निर्देश है।

भव्यीति,

(स्थानानी)

अनुराग अधिकारी

संलग्न: सम्पादन

Copy to:

लॉर्ड फुलम, खम्न मंत्रिलय

गार्डियन मैन, मैन फालोल
THROUGH: SPEED POST

Dated: October 18, 2013.

From: C.P. Babel,
Ex-Administrative Officer
Emp.No.10054-4 HZL
227 Moti Magri Scheme,
Udaipur - 313 004.
Mob.No.9829565074/0294-2525074

To,
Shri Sanjay Kumar
Section Officer, CPIO,
Govt.of India
Ministry of Mines
3rd Floor, Shastri Bhawan,
NEW DELHI-110 001


Respected Sir,

This has reference to your order No.20/4/2007-Met-II(Governmet of India, Ministry of Mines New Delhi) dated 8th October 2013 recived on 15th October 2013. At point No.10 you have directed to deposit Rs.20/- through Cas/postal orders and accordingly two Postal Orders of Rs.10/- each having no.19F 561826 & 561827 in favour of Pay & Accounts Officer, Ministry of Mines, New Delhi are enclosed.

You may do the needful now on priority basis as per RTI Act.

Thanking you

Please supply information

Yours faithfully,
(C.P. Babel)
INDIAN POSTAL ORDER

Director General of Posts,

Pay to the A/c Officer,
Ministry of External Affairs,
New Delhi.

The sum of Rs. 10.00 only.

18, 2013.

Chandra Prakash Baber
227, Moti magri
Udaipur (Raj.)

313004

19F 561826
No. 20/4/2007-Met-II  
Government of India  
Ministry of Mine  


To,

Shri C.P. Babel,  
227, Moti Magri Scheme,  
Udaipur-313004.

Sub:- Information under RTI Act, 2005.

Dear Sir,

Reference your letter dated 11th September, 2013 seeking information under RTI Act 2005. Seriatim information on the points concerning Ministry of Mines is furnished below:

1) Transferred to Department of Disinvestment as it concerns that Department.

2) Transferred to Department of Disinvestment as it concerns that Department.

3) RTI Act, 2005 does not provide for giving reasons/justification for actions of the Government.

4) Transferred to Department of Disinvestment as it concerns that Department.

5) Transferred to Department of Disinvestment as it concerns that Department.

6) a) Shri Ravi Sankar Prasad was the Mines Minister, at the time.  
b) Shri Jasweant Singh was Finance Minister at that time.  
c) No  
d) From 1.11.2000 to 30.10.2002, Shri T.R. Prasad and From 1.11.2002 to 14.6.2004 Shri Kamal Pandey was the Cabinet Secretary.  
e) Shri Dr. A.K. Kundra was the Mines Secretary, at the time.

7) RTI Act, 2005 does not provide for giving reasons/justification for actions of the Government.

8) RTI Act, 2005 does not provide for giving reasons/justification for actions of the Government.
9) Transferred to Department of Disinvestment as it concerns that Department.

10) The relevant pages are 10 and you may deposit Rs.20/- only @ Rupees two per page. This amount may be deposited in the form of Cash/Postal Order in favour of Pay and Accounts Officer, Ministry of Mines New Delhi by post to CPIO or deposited at information and Facilitation Counter, Ministry of Mines, Ground Floor, Shastri Bhawan, New Delhi- 110001.

11) Transferred to Department of Disinvestment as it concerns that Department.

12) RTI Act, 2005 does not provide for giving reasons/justification for actions of the Government.

13) Since management control of HZL was handed over to the Strategic Partner (SP) on 11.4.2002. Ministry of Mines is not having any information on this aspect.

14) Since management control of HZL was handed over to the Strategic Partner (SP) on 11.4.2002. Ministry of Mines is not having any information of this aspect.


2. In case you are not satisfied with the above reply, you may file an appeal before the Appellate Authority (Shri S.B. Doval, Deputy Secretary, Ministry of Mines, Room No. 314, D-Wing, Shastri Bhawan, New Delhi) within a period 30 days from the date of receipt of this letter.

Yours faithfully

(SANJAY KUMAR)
SECTION OFFICER

Copy to:


Ministry of Mines.
No. 20/4/2007-Met-II  
Government of India  
Ministry of Mine  
** **  

The CPIO  
Department of Disinvestment,  
Block No. 14,  
C.G.CoComplex,  
New Delhi.


Sir,


As the information sought on points no. 1,2,4,5,9 and 11 directly to the relates to Department of Disinvestment, the requisite information on the said points may please be sent to the application under intimate to this Ministry.

Encl: As above.

Yours faithfully

(SANJAY KUMAR)
SECTION OFFICER

Copy to:

1. C.P. Babel, Ex-Administrative Officer, 227, Moti Magri Scheme, Udaipur-313004.

P I Cell, Ministry of Mines, Shastri Bhawan, New Delhi.