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MR. CHAIRMAN in the Chair.

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प्रश्न संख्या : 621

**श्री मोहम्मद अली खान :** सर, सूरज की शुआओं से बरक्री पैदावार के लिए दूसरी रियासतों के मुकाबले आन्ध्र प्रदेश में ज्यादा मौके हैं। आन्ध्र प्रदेश पावर पैदा करने में पूरे भारत में बेस्ट रियासत है, जिसकी चेम्बर ऑफ कॉमर्स और प्लानिंग कमीशन ने भी तारीफ की है। मैं मरकजी सरकार से यह जानना चाहता हूँ कि आन्ध्र प्रदेश में बरक्री पैदावार इस्तेमाल करने के लिए इतने अच्छे मौके हैं तो 12वें पंचसाला प्लान में solar boom को बढ़ाने के लिए वह क्या स्टेप्स ले रही है? खुसूसन आन्ध्र प्रदेश के लिए सोलर प्लांट लगाने के लिए जो प्राइवेट कम्पनी से बात हो रही है, उसके बारे में सरकार का क्या कहना है?

**جناب محمد علی خان :** سر، سورج کی شعاعوں سے برقی پیداوار کے لئے دوسری ریاستوں کے مقابلے میں زیادہ مواقع ہیں۔ آندھرا پردیش پاور پیدا کرنے میں پورے بھارت میں بیسٹ ریاست ہے، جس کی چیمبر آف کامرس اور پلاننگ کمیشن نے بھی تعریف کی ہے۔ میں مرکزی سرکار سے یہ جاننا چاہتا ہوں کہ آندھرا پردیش میں برقی پیداوار استعمال کرنے کے لئے اتنے اچھے مواقع ہیں تو 12ویں پنچ سالہ پلان میں سولر بوم کو بڑھانے کے لئے کیا اسٹیپس لے رہی ہے؟ خصوصاً آندھرا پردیش کے لئے سولر پلانٹ لگانے کے لئے جو پرائیوٹ کمپنی سے بات ہو رہی ہے، اس کے بارے میں سرکار کا کیا کہنا ہے؟

प्रश्न संख्या 621 (क्रमागत)

श्री रघुनन्दन शर्मा : सर, ...(व्यवधान).

MR. CHAIRMAN: Please resume your place. Question Hour is in progress. ...(Interruptions)...

श्री रघुनन्दन शर्मा : सर, यह व्यवस्था का प्रश्न है। मंत्री जी उत्तर दें, इससे पहले मैं आप से कहना चाहता हूँ,....

श्री सभापति : आप बीच में कैसे दखल दे रहे हैं? ...(व्यवधान).

श्री रघुनन्दन शर्मा : सर, संसदीय समाचार यहां से जारी हुआ है।

श्री सभापति : आप बैठ जाइए। ...(व्यवधान).

श्री रघुनन्दन शर्मा : इसमें यह लिखा है, आप ...(व्यवधान).

MR. CHAIRMAN: There is no point of order during Question Hour. ...(Interruptions)...

श्री रघुनन्दन शर्मा : यह केवल अंग्रेजी में है। ..(व्यवधान)..

श्री सभापति : आप बैठ जाइए। ...(व्यवधान).

श्री रघुनन्दन शर्मा : मैं यह कहना चाहता हूँ, ...(व्यवधान)..

श्री सभापति : आप यह नहीं कहेंगे। ...(व्यवधान)..

श्री रघुनन्दन शर्मा : यह हिन्दी में प्राप्त क्यों नहीं होती है। ..(व्यवधान)..हमें केवल अंग्रेजी में नहीं चाहिए। ...(व्यवधान)..

श्री सभापति : ऐसी क्या चीज है जो हिन्दी में ट्रांसलेट नहीं हुई है?

**प्रश्न संख्या 621 (क्रमागत)**

**श्री मुख्तार अब्बास नक़वी :** सर, माननीय सदस्य यह कह रहे हैं कि राज्य सभा सचिवालय के माध्यम से जो किताब वितरित की जा रही है, वह मात्र अंग्रेजी में है। उसका हिन्दी संस्करण वितरित नहीं किया जा रहा है। माननीय सदस्य का कहना है कि उसका हिन्दी संस्करण भी वितरित किया जाए, क्योंकि हिन्दी राष्ट्रीय भाषा है और उसका सम्मान होना चाहिए।

**MR. CHAIRMAN:** But this could have been taken up with the Secretariat without difficulty. Let the Question Hour proceed.  
...(Interruptions)...

**श्री रघुनन्दन शर्मा :** हम तो इसके लिए आप से ही कहेंगे।

**श्री सभापति :** यह तो होगा और इसमें कोई दो राय नहीं है।

**डा. फारुख अब्दुल्ला :** चेयरमैन सर, जहां तक सोलर पावर का सवाल है, जैसे बाकी रियासतों को इजाजत है, वैसे ही आन्ध्र प्रदेश को भी इजाजत है कि वे प्राइवेट डिवेलपर्स के साथ नेगोशिएट करके solar energy लगा सकते हैं। जहां तक गवर्नमेंट ऑफ इंडिया का सवाल है, हम क्या-क्या सुविधाएं देते हैं, मैं आपके सामने रखना चाहता हूं। एक तो reduced custom duty है, on all items. जो भी machinery required है, solar energy के लिए जो भी जरूरत है, उसके ऊपर reduced custom duty है। Exemption है, from excise duty on all items और जो भी machinery चाहिए, उसमें exemption है excise duty

**प्रश्न संख्या 621 (क्रमागत)**

के लिए। Concession है, application general infrastructure project profit-earned renewal project, जितना भी है, tax exemption है दस साल तक और environment clearance की भी उनको exemption है और Government of India ने इनको दिया है। जहां तक आन्ध्र प्रदेश का सवाल है, अभी तक आन्ध्र प्रदेश में 13 projects लगाए हैं, जिनमें वे 21.75 MW generate कर रहे हैं। मैं खुशी से यह कहना चाहता हूं कि आन्ध्र प्रदेश भी उन रियासतों में से एक है, जो solar energy की ओर तेजी से आगे बढ़ रही है।

**श्री मोहम्मद अली खान :** सर, मेरा दूसरा सवाल यह है कि आन्ध्र प्रदेश में 2016 तक 551 MW solar energy की जरूरत है और इस गर्मी के मौसम में 13,177 MW energy की जरूरत पड़ने वाली है। यह पांच सालों में 48 फीसदी ज्यादा होगी। मैं सरकार से यह जानना चाहता हूं कि आने वाले पांच सालों में सरकार ने आन्ध्र प्रदेश स्टेट को नया solar power project takeup करने के लिए कितनी financial assistance दी है?

**جناب محمد علی خان :** سر، میرا دوسرا سوال یہ ہے کہ آندھرا پردیش میں 2016 تک 551 MW solar energy کی ضرورت ہے اور اس گرمی کے موسم میں 13,177 MW energy کی ضرورت پڑنے والی ہے۔ یہ پانچ سالوں میں 48 فیصدی زیادہ ہوگی۔ میں سرکار سے یہ جاننا چاہتا ہوں کہ آنے والے پانچ سالوں میں سرکار نے آندھرا پردیش اسٹیٹ کو نیا solar power project take up کرنے کے لئے کتنی financial assistance دی

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(LT/1B آگے)

**प्रश्न संख्या 621 (क्रमागत)**

**श्री फारुख अब्दुल्ला :** जैसा कि मैंने पहले ही कहा है कि यह आंध्र प्रदेश की गवर्नमेन्ट के ऊपर है कि वे कितनी सोलर पावर लगाना चाहते हैं। जहाँ तक सेंट्रल गवर्नमेन्ट का सवाल है, सेंट्रल गवर्नमेंट को जवाहर लाल नेहरू राष्ट्रीय सौर मिशन के अंतर्गत 2022 तक, 20,000 मेगावाट पावर पैदा करके देनी है। जवाहर लाल नेहरू मिशन के तहत, हमारे पास 2013 तक 1300 मेगावाट की जो सौर एनर्जी है, वह ग्रिड में शामिल हो जाएगी, जिसमें कि 1000 मेगावाट ग्रिड में होगा, 300 मेगावाट में से 200 मेगावाट रूफ टॉप का होगा और 100 मेगावाट छोटे-छोटे individual projects के लिए होगा।

**SHRI BIRENDRA PRASAD BAISHYA:** Sir, power shortage in our country is a matter of concern for everybody. Renewable energy can be used as an option for power supply in our country. A country like Germany has already said good-bye to nuclear power and nuclear energy, and they have adopted renewable energy as an option where solar energy plays a leading role. In our country too, the Government of India has taken up several ambitious plans but it is not yet known when these plans would be taken up. The main concern for us is that the cost of production for generating solar energy in our country is

**प्रश्न संख्या 621 (क्रमागत)**

higher than what it is in other parts of the world. I would like to know if the Government would take adequate measures to cut down the cost of production. Otherwise, poor people would not be benefited from this project.

**DR. FAROOQ ABDULLAH:** Sir, one good news which I would like to give to the people of the North-East is, I met the Power Ministers of the North-East, and the North-East gets 90 per cent assistance from the Government of India. But all the Power Ministers of the North-East represented and said that they would not be able to afford even 10 per cent. I have put the matter before the Prime Minister and the Finance Minister saying that for the North-Eastern States, the assistance from the Government of India should be 100 per cent, so that renewable energy could be given in much greater quantities to those regions, because a number of areas in those regions are ones where transmission lines have not reached, and it would take a long time for transmission lines to come. Therefore, we are, in full measure, trying to help not only the North-East but also every other place.

**प्रश्न संख्या 621 (क्रमागत)**

Sir, I would like to inform this House that the two States that have done a major work as far as solar energy is concerned are Gujarat and Rajasthan. These are the two States, and I must compliment the Governments of these two States which are doing yeoman service as far as renewable energy is concerned. I would like to also inform this House that the Secretary of my Department went to Bengal, and in Bengal, Damodar Valley Corporation has got about 2000 km canal network. They want to put, like in Gujarat, solar panels on the canals to generate 1000 MW of power. I am going to talk to the Minister for Power so that we can together work on this, and so that this 1000 MW could be generated, could be given to the people in that area, which would also benefit others.

Sir, I can assure this House and the people of this country that the Prime Minister and this Government are quite eager to see to it that renewable energy is brought to every nook and corner of our nation. But, at the same time, I would like to tell you that our demand of energy is so great that we cannot do without nuclear energy and we cannot do without fossil fuels, though in the years to come, you will

**प्रश्न संख्या 621 (क्रमागत)**

see the utilization of fossil fuels would be much less as renewable energy grows.

As for pricing, I must tell you that when we started, the price was eighteen rupees per unit; today, the price has come down to seven rupees. And, by the grace of God, when the net phase comes, I am sure that it will further come down because there would be greater production. The only thing we have to watch is that our own factories produce as quickly as possible. Some of the goods are coming cheap from outside, and even that is affecting our factories. That would affect our jobs. Therefore, one of the things that we have to work on is that our own factories must develop at a much rapid rate. That is one of the objectives of the Jawaharlal Nehru Solar Mission, that we need to start these things.

(contd. at 1c/hk)

AKG-HK/1C/11.10

**DR. FAROOQ ABDULLAH (CONTD.):** Exemptions are given. But you have to start your own generation so that we can produce maximum from our factories and give employment to our people. That will really

**प्रश्न संख्या 621 (क्रमागत)**

take India forward. India is not only developing it for ourselves, but one of the good things is that India has opened up its doors to many other countries and a lot of MoUs have been signed with them so that Indian technology can be taken to them. It has gone to many of these countries. In Africa, we are making big in-roads in the field of renewable energy. They look forward to India, in a very big way, in coming forward in this new field.

**श्री रवि शंकर प्रसाद :** मंत्री जी, कुछ राज्यों के बारे में आपने जो टिप्पणी की है, आपकी साफगोई के लिए आपको बधाई।

**श्री पुरुषोत्तम खोडाभाई रूपाला :** सर, माननीय मंत्री जी ने अपने जवाब में बताया है कि देश के कुल प्रोडक्शन 979 मेगावाट में से 654 मेगावाट अकेले गुजरात पैदा कर रहा है। नरेन्द्र भाई यह काम गुजरात में कर रहे हैं। मेरी आपसे सिर्फ इतनी गुजारिश है कि जहाँ गुजरात में इतना अच्छा काम हो रहा है, तो solar energy से जो बिजली पैदा होती है, क्या वह सारी की सारी बिजली सेंट्रल गवर्नमेंट खरीद लेगी या इसमें स्टेट को जो ज्यादा खर्च लगता है, उसके लिए केन्द्र सरकार की ओर से स्टेट को कोई सहायता देने की योजना है? दूसरा, ...

**श्री सभापति :** रूपाला जी, एक सवाल पूछिए।

**प्रश्न संख्या 621 (क्रमागत)**

**श्री पुरुषोत्तम खोडाभाई रूपाला :** सर, यह मसला बहुत ही महत्वपूर्ण है।

**MR. CHAIRMAN:** It is a supplementary question. Only one question is allowed. ...(Interruptions)...

**श्री पुरुषोत्तम खोडाभाई रूपाला :** सर, मैं आपके माध्यम से इसलिए यह गुजारिश करना चाहता हूँ, क्योंकि it is the best success story of India. यह भारत की success story है, यह गुजरात की success story है, मेरा ऐसा कोई दावा नहीं है। इसी success story को आगे ले जाने के लिए आप राज्य सरकार की किस तरह से मदद करना चाहते हैं?

**डा. फारुख अब्दुल्ला :** हम राज्य सरकार को हर कोई मदद करना चाहते हैं। मैं आपको यह बता दूँ कि जहाँ तक मेरे मंत्रालय का सवाल है, हम कोई भी फर्क नहीं करते हैं कि आप कांग्रेस से हैं, बीजेपी से हैं, तृणमूल कांग्रेस से हैं या किसी भी पार्टी से हैं। इन्हें लोगों ने elect किया है। हमारा काम है मदद करना। मुझे इस बात की खुशी है कि गुजरात ने एक रास्ता दिखाया है। जिस तरह उसने कैनाल पर पैनल लगाया और बिजली पैदा की, इसी का इस्तेमाल अब हम दामोदर वैली में करना चाहते हैं। मैं आपसे एक बात कहना चाहता हूँ कि हमें दिल में एक बात याद रखनी चाहिए कि हम हिन्दुस्तानी हैं। हम किसी भी जमात से ताल्लुक रखते हों, किसी भी पार्टी से ताल्लुक रखते हों, सबसे ज्यादा जो important है, वह हिन्दुस्तान है। हिन्दुस्तान बचेगा, तो हम बचेंगे और अगर

**प्रश्न संख्या 621 (क्रमागत)**

हिन्दुस्तान नहीं बचा, तो हम लोग नहीं बच सकते। इसलिए मैं आपसे भी यह कहूँगा कि हमें देश को मजबूत करना है। इसके लिए किसी भी रियासत को renewable energy में जो भी मदद चाहिए, सेंट्रल गवर्नमेंट मदद करने के लिए तैयार है।

**श्री सभापति :** श्री मोती लाल वोरा। ...(व्यवधान)...

**श्री पुरुषोत्तम खोडाभाई रूपाला :** आप यह बताइए कि आप क्या मदद करना चाहते हैं?

**श्री सभापति :** आप बैठ जाइए। देखिए, आपका सवाल हो गया। ...(व्यवधान)... प्लीज़, यह discussion नहीं है। ...(व्यवधान)...

**डा. फारूख अब्दुल्ला :** एक तो हम लोग financially 30 प्रतिशत मदद करते हैं, फिर इसमें 10 साल का tax exemption है, उसके बाद आप जो import करना चाहते हैं, जो चीज़ें यहाँ नहीं मिलती हैं, उन पर हमारी छूट है। कई चीज़ों में हम मदद दे रहे हैं। उसी से ये रियासतें इसे आगे ले जा रही हैं। जवाहर लाल नेहरू मिशन तो सिर्फ 20,000 मेगावाट तक है। कई रियासतें तो इससे बहुत आगे चली गई हैं, गुजरात हो या राजस्थान हो। हम तो यहाँ गहलोत साहब को भी मुबारकबाद देना चाहते हैं, जिन्होंने राजस्थान में renewable energy का एक जाल बिछा दिया है। न सिर्फ solar में, बल्कि wind में भी, अगर आप देखें। देश

**प्रश्न संख्या 621 (क्रमागत)**

तरक्की की तरफ चल रहा है। अफसोस इस बात का है कि कुछ लोगों को यह तरक्की दिखती नहीं है, तो उसमें मैं क्या करूँ?

**श्री सभापति :** मोती लाल वोरा जी।

(1डी/एससीएच पर आगे)

GSP-SCH-1D-11.15

**श्री मोती लाल वोरा:** माननीय सभापति महोदय, मैं माननीय मंत्री जी से यह जानना चाहता हूँ कि उन्होंने सभी राज्यों को सोलर एनर्जी के बारे में लिखा, किन्तु मात्र तीन राज्यों, गुजरात, राजस्थान और महाराष्ट्र ने इसकी जानकारी उन्हें दी। क्या शेष राज्यों से उन्हें कोई जानकारी मिली या नहीं मिली?

सभापति महोदय, जैसा माननीय मंत्री जी ने स्वयं कहा कि गुजरात और राजस्थान में सोलर एनर्जी की बहुत अधिक सम्भावनाएं हैं, लेकिन सोलर एनर्जी के साथ ट्रांसमिशन लाइन्स और ग्रिड कनेक्टिविटी की भी आवश्यकता है, फिर उसके लिए ट्रेन्ड टेक्निशियंस की भी आवश्यकता है। मैं माननीय मंत्री जी से इस बात को जानना चाहूंगा, चूंकि सोलर एनर्जी तो हम उत्पादित कर सकते हैं, लेकिन जब तक ग्रिड कनेक्टिविटी नहीं होगी, तब तक हम उसका ट्रांसमिशन किस प्रकार करेंगे? इस दिशा में आपने कौन सी कार्यवाही की है?

**डा. फारुख अब्दुल्ला:** इन्होंने यह बिल्कुल सही सवाल पूछा है, इसके लिए मैं इन्हें बहुत मुबारक देता हूँ।

**प्रश्न संख्या 621 (क्रमागत)**

महोदय, यह बिल्कुल सही बात है कि हमारे यहां तमिलनाडु इत्यादि कई रियासतों में एनर्जी पैदा होती है। विंड से वहां मैक्सिमम एनर्जी पैदा की गई है, मगर ट्रांसमिशन लाइन्स की कमी है। फिर कई स्टेट्स की फाइनांशियल कंडीशन भी ऐसी है कि वे ट्रांसमिशन को और बढ़ा नहीं सकती हैं। इसके लिए हमने फाइनांस मिनिस्ट्री के थ्रू, गवर्नमेंट ऑफ इंडिया से यह गुजारिश की है कि कोल के ऊपर जो सेस लगाया गया है, उसमें जो पैसा renewable energy के लिए है, ट्रांसमिशन लाइन्स बढ़ाने के लिए, part of the money may kindly be given to the States, क्योंकि उसमें से आधा जाएगा towards the environment और आधा renewable energy के लिए जाएगा।

दूसरा, जहां तक ट्रेनिंग का सवाल है, मैं आपसे गुजारिश करूंगा, आप में से कई मेम्बर्स स्टेट्स में जाते हैं, मैं चाहूंगा कि आप जोधपुर के आईआईटी में जाएं और देखें कि वहां पर इसके लिए कितना ज़बरदस्त काम हो रहा है और how training is being given to the people who will run these projects in the future. जिस तरह मुम्बई में आईआईटी है, इसी तरह देश में कई आईआईटीज़ हैं, जिनको हमारी मिनिस्ट्री सपोर्ट कर रही है so that the training of the young people can be organized. We are training not only our own people but also people from other countries here, and, if Members have time, they could visit our establishment in Gurgaon

**प्रश्न संख्या 621 (क्रमागत)**

where we are doing major work and also training younger people even from outside our country. Secondly, I would also like to inform you that in the Gurgaon centre, we are now working on air conditioning from solar energy, which should be another great thing which may help our country.

(Ends)

















**Q. No. 622**

**SHRI PANKAJ BORA:** Thank you, Mr. Chairman, Sir. My first supplementary regarding this Question, although I am satisfied with the answer of the Minister, is that the Supreme Court judgement delivered in 2010, if I am not mistaken, asked for foodgrains from the overflowing godowns to be distributed as a short-term measure, and, the Supreme Court also stated that there should be complete computerization of the PDS system, right from the FCI to the actual beneficiaries. Sir, in his reply, the hon. Minister has stated that sometimes, foodgrains got damaged due to unscientific storage and also due to negligence on the part of concerned persons. May I know from the hon. Minister, through you, Sir, as to whether any action is being taken against those negligent persons, and, whether the Government has computerized the PDS system fully?

**PROF. K.V. THOMAS:** Sir, regarding damage of foodgrains, which is distributed by the FCI through the State Governments, I would like to inform that about five years ago, it was 2.5 per cent, which has now come to 0.06 per cent. Sir, I have got the latest data as on 1.5.2012. Sir, out of 17 million tonnes, which we have distributed, only 234.5

**Q. No. 622 (Contd.)**

metric tonnes of wheat and 31.5 metric tonnes of rice has been damaged.

(Contd. by YSR-1E)

-GSP/YSR/11.20/1E

**PROF. K.V. THOMAS (CONTD.):** Sir, it happened because of the active steps taken by the FCI as well as the State Governments.

Sir, as per the direction of the Supreme Court, we have allotted about 23 lakh tonnes out of 50 lakh tonnes to the States. That will be distributed among 27 States and 174 districts in the country. The offtake under the TPDS during the last two years is satisfactory; it is to the tune of about 80 per cent. But even in the special allocation made by the Government under the instruction of the Supreme Court, out of 23.69 lakh tonnes that we have allocated, the offtake is only 27 per cent. Our Ministry has been continuously writing to the State Governments to improve the offtake.

Sir, as far back as 18<sup>th</sup> July 2011, we wrote to the State Governments that we are prepared even to allow them to take six months' ration allocation for the States. But nothing has happened.

**Q. No. 622 (Contd.)**

Sir, again on 17<sup>th</sup> May this year, we have written to the State Governments that even under the special allocation, the offtake is only 27 per cent.

Sir, coming to the actions taken, in the last discussion also I pointed it out, whenever it is brought to the attention of the FCI, we have taken very strong actions. Recently, there were press clippings on 25<sup>th</sup> and 26<sup>th</sup> in various papers in the country. When we made enquiries, we had found that those allegations were not correct. But one news item, which came in *The Tribune*, said that some quantity was damaged in Khamano. We looked into it. We found that about 20,000 tonnes of paddy, which had been procured by the State some years back, was damaged. It's a cumulative damage which has taken place over a period of time. We asked the State Government of Punjab to look into it because it was procuring that.

**SHRI PANKAJ BORA:** Sir, I have not got the answer to my question whether it has computerised the PDS or not. Now, this is my second supplementary. Recently, in view of overflowing godowns, the Chief Economic Adviser to the hon. Prime Minister has suggested to the

**Q. No. 622 (Contd.)**

Government to distribute eight million tonnes of wheat to the BPL families and two million tonnes of wheat to the APL families. In view of the fiscal constraints, which I fully understand, I would like to know from the hon. Minister whether the suggestion of the Chief Economic Adviser will be looked into and action will be initiated in this regard.

**PROF. K.V. THOMAS:** Sir, for the normal PDS distribution, what we need -  
- even if you take the Census 2011, because we are distributing on the basis of the Census 2000 -- is about 62-63 million tonnes of foodgrains. But already the foodgrains in the stock of the FCI is to the tune of 75 million tonnes. Keeping this in view, we approached the hon. Prime Minister. There was a meeting under the Chairmanship of the hon. Prime Minister. It was attended by the Finance Minister and the Agriculture Minister. A decision was taken as to how to distribute the excess foodgrains which is with the FCI. Foodgrains are also with the State Governments and some private agencies. This was examined by Dr. Rangarajan. He sent his suggestion to the hon. Prime Minister. That suggestion is being examined. Our Department has fully supported the suggestion of Dr. Rangarajan.

(Followed by VKK/1F)

**प्रश्न संख्या : 622 (क्रमागत)**

**सरदार सुखदेव सिंह ढिंडसा:** सभापति महोदय, इस दफा पंजाब में गेहूं का रिकॉर्ड production हुआ है, लेकिन वह सारा बाहर पड़ा है और FCI ने गोदाम बनवाए थे, जिनको मार्च में टेक ऑवर करना था। गोदाम तैयार हैं, उनकी inspection हो चुकी है और उनकी capacity लाखों टन की है, लेकिन अभी तक इन्होंने कोई भी गोदाम नहीं लिया है, जिसके कारण सारा अनाज बाहर पड़ा है। मैं आपके माध्यम से माननीय मंत्री जी से पूछना चाहता हूँ कि इन्होंने उन गोदामों का कंट्रोल अभी तक क्यों नहीं लिया है?

**PROF. K.V. THOMAS:** Sir, in Punjab, which is one of the major States in the country producing and procuring foodgrains, the initial projection this year by the Punjab Government was to the tune of 105 lakh tonnes of foodgrains, especially wheat. But, as I understand, today, it has gone above 125 lakh tonnes. Sir, Punjab is one of the States which has the expertise to handle the foodgrains procurement. There are CAP and covered godowns in Punjab. The CAP arrangement of Punjab is excellent. Sir, I am in constant touch with the State Government. Last week also, I discussed with the hon. Agriculture Minister and I also talked to the hon. Chief Minister. Sir,

**प्रश्न संख्या : 622 (क्रमागत)**

out of the PEG Scheme, a large number of godowns is given to Punjab. Storage capacity for about three lakh tonnes has been constructed recently. It is in the process of handing over the same to the State Government because in Punjab, the procurement is done by the State Government and later on, FCI takes it over and distributes it to the different parts.

**श्री सत्यव्रत चतुर्वेदी:** सभापति महोदय, 2004 के पहले तक यह देश खाद्यान्न दूसरे देशों से आयात करता था और 2005 के बाद, इस सरकार के आने के बाद जो उपाय किए गए, उनका परिणाम यह हुआ कि आज हमारे देश में इतना खाद्यान्न का उत्पादन हो रहा है कि उनका भंडारण हमारे लिए संकट का विषय बन गया है। भंडारण की समस्या कोई नई नहीं हैं, बल्कि यह बहुत वर्षों से लगातार चल रही है, इसलिए सरकार ने यह भी विचार किया कि क्यों न निजी क्षेत्र का भी सहयोग अनाज के भंडारण में लिया जाए और इसके लिए योजनाएं बनाई गईं। लेकिन, मैं आपके माध्यम से माननीय मंत्री जी को सूचना देते हुए यह पूछना चाहता हूँ कि बहुत से लोगों ने, जिन्होंने सरकारी योजनाओं का लाभ लेकर भंडार गृह बनाए और सरकार को भंडारण के लिए अपने भंडार गृह उपलब्ध कराए, क्या उनके पास इस बात की जानकारी है कि ऐसे अनेक, एक-दो नहीं, लगभग तमाम प्रदेशों में ये शिकायतें मिली हैं कि उन निजी भंडार गृह

**प्रश्न संख्या : 622 (क्रमागत)**

के मालिकों का वर्षों तक किराए का भुगतान नहीं किया गया और उसके बाद उन्होंने भंडार गृह सरकार को उपलब्ध कराना बंद कर दिया या और जो नए निजी भंडार गृह बनते, उनको प्रोत्साहन न मिल कर, लोग हत्सोत्साहित हो गए? ऐसे मामलों में क्या माननीय मंत्री जी ने कोई जांच कराई है, कोई आकलन किया है और यदि हां, तो ऐसे कितने प्रकरणों में सरकार ने कार्रवाई की है, जिससे कि भविष्य में भंडारण के लिए निजी क्षेत्र का सहयोग भी हासिल हो सके? इस दिशा में सरकार क्या कदम उठाने जा रही है?

**PROF. K.V. THOMAS:** Sir, regarding the production of rice and wheat in the country, in 2009-10, the total production was 160.89 million tonnes which has increased...

**MR. CHAIRMAN:** The question is about storage.

**PROF. K.V. THOMAS:** Sir, I am answering. Now, it has increased to 193.64 million tonnes. Sir, this is a record production and even though, this plenty has created a problem, as of now, the Government is confident that we can manage this. (Interruptions) Sir, regarding storage, as I said, production has gone up.

(Contd. by KR/1g)

**प्रश्न संख्या : 622 (क्रमागत)**

**PROF. K.V. THOMAS (CONTD.):** We are trying to contain this storage mechanism. At present we have got a storage capacity of about 63 million tonnes of storage under CAP and Covered. We have added another three million tonnes under such scheme and silos we are adding another two million tonnes and we are hiring private godowns wherever it is needed.

**MR. CHAIRMAN:** I know that your question has not been answered.

**श्री सत्यव्रत चतुर्वेदी:** सर, अब आपके अलावा हम किसके पास संरक्षण के लिए जाएँ?..(व्यवधान)..

**MR. CHAIRMAN:** Please take up this matter in writing.

**श्री सत्यव्रत चतुर्वेदी:** हमें संरक्षण तो आपसे ही मिलेगा। हमने बिल्कुल सीधा-सा सवाल पूछा है कि जिन निजी गोदामधारकों का किराया वर्षों तक नहीं दिया गया, क्या इन्होंने उसकी जाँच करायी है? ..(व्यवधान)..

**PROF. K.V. THOMAS:** As of now, ...(Interruptions)... obtained any complaint ...(Interruptions)...

**MR. CHAIRMAN:** The question is very specific. Please just answer that.

**प्रश्न संख्या : 622 (क्रमागत)**

**श्री नरेश अग्रवाल:** सभापति महोदय, मेरा एक व्यवस्था का प्रश्न है कि जब चेयर भी इस बात से सहमत है कि श्री सत्यव्रत चतुर्वेदी जी ने जो प्रश्न पूछा, उसका जवाब नहीं आया, तो फिर चेयर इस प्रश्न को postpone कर सकती है। जब आपके पास यह अधिकार है, तो आप इस क्वेश्चन को postpone कर दीजिए और इसको कल लगवाइए। ..(व्यवधान)।

**श्री सभापति:** आप बैठ जाइए।

**श्री नरेश अग्रवाल:** सर, मैंने जो प्वाइंट ऑफ आर्डर उठाया है, उस पर आप रूलिंग दे दीजिए। ..(व्यवधान)।

**MR. CHAIRMAN:** Let him answer. There is no point of order.

...(Interruptions)... Please, we are taking up our precious time in this cross-fire.

**PROF. K.V. THOMAS:** Sir, the total covered capacity, as of now, is 455 ...(interruptions).. Sir, the total cap is 171.66 lakh tonnes. So, we have got about 63 million tonnes capacity with us; and another 3 lakh million tonnes have been added. We are adding 2 million tonnes under the silos. Sir, regarding the private godowns, we have hired a large quantity of private godowns. ...(Interruptions)...

**MR. CHAIRMAN:** Will you please sit down?

**प्रश्न संख्या : 622 (क्रमागत)**

**PROF. K.V. THOMAS:** So far, the Department has not received any complaint from the private godown owners that we have not paid the rent. There is no complaint.

**श्रीमती माया सिंह:** सर, हम सब खाद्यान्नों के भण्डार की व्यवस्था ठीक न होने के कारण उसके सड़ने की स्थिति से वाकिफ हैं और हम इस बात से भी वाकिफ हैं कि कुपोषित लोगों और बच्चों की संख्या बढ़ती जा रही है। मैं आंकड़ों में नहीं जाना चाहती या कितने लोग कुपोषित हैं, इस पर मैं बहस भी नहीं करना चाहती। सुप्रीम कोर्ट ने यह कहा है कि खाद्यान्न के सड़ने से बेहतर तो यह है कि उसे गरीबों में और अधिक मात्रा में वितरित कर दिया जाए जो कि इस समस्या का मानवीय और लोकतांत्रिक समाधान भी है। मैं मंत्री जी से यह जानना चाहती हूँ कि सरकार के सामने ऐसी कौन-सी कानूनी और प्रशासनिक अड़चन आ रही है, जिसके कारण वह इतनी ज्वलंत और मूलभूत आवश्यकताओं से जुड़ी समस्या का विवेकपूर्ण समाधान नहीं निकाल पा रही है?

सर, मध्य प्रदेश में करीब 67 लाख बीपीएल परिवार हैं, जबकि वहाँ 42 लाख बीपीएल परिवार के हिसाब से खाद्यान्न दिया जाता है, ऐसा क्यों? मैं मंत्री जी से यह जानना चाहती हूँ कि जब अनाज का इतना भण्डार है, अनाज सड़ने की स्थिति में है और मध्य प्रदेश की सरकार ने इस बात के लिए आपसे कई बार

**प्रश्न संख्या : 622 (क्रमागत)**

आग्रह भी किया है, निवेदन भी किया है तथा आपसे आज्ञा भी चाही है, तो यह क्यों नहीं हो रहा है?

**PROF. K.V. THOMAS:** Sir, TPDS allocation takes places, as per the instruction of the Planning Commission, on the basis of 2000 Census and the number of BPL families, APL families and AAY families. It is decided by the Planning Commission and the Minister of Rural Development. So, the TPDS allocation is going on full strength ; and the offtake is to the tune of 80 per cent. But, Sir, in the case of special allocation, I have noted down this in the previous question.

(Continued by 1H/tmv)

-KR-TMV-MCM/1H/11.35

**PROF. K. V. THOMAS (CONTD.):** Even though we give the full allocation, the off-take by the State is less than 27 per cent. That is why we have written to the State Government that the State Government has to off-take. (Interruptions)...

**SHRI MUKHTAR ABBAS NAQVI:** Sir, I am on a point of order.

(Interruptions)...

**प्रश्न संख्या : 622 (क्रमागत)**

**PROF. K. V. THOMAS:** We are distributing the foodgrains as per the instructions of the Supreme Court.

**श्री मुख्तार अब्बास नक़वी :** सभापति महोदय, माननीय मंत्री जी जो जवाब दे रहे हैं वह सही नहीं है।.....(व्यवधान)

**श्री सभापति :** पहले पूरा जवाब सुन लीजिए।

**PROF. K. V. THOMAS:** But the off-take by the States is less than what we have allotted to them. (Interruptions)....

**श्री मुख्तार अब्बास नक़वी :** सभापति महोदय, मंत्री जी इतने गंभीर मुद्दे पर तैयारी करके नहीं आए।.....(व्यवधान)

**MR. CHAIRMAN:** Question No. 623. (Interruptions)... If the answer is unsatisfactory, please put it in writing. (Interruptions)... Please. (Interruptions)... Naqvi Sahib, please. (Interruptions)... Let us go to the next question. Question No. 623. बैठ जाइए।.....(व्यवधान) इनको भी क्वेश्चन पूछने का हक है। बैठ जाइए।.....(व्यवधान) Yes, Mr. N.K. Singh. Question No.623.

(Ends)









**प्रश्न संख्या — 623**

**श्री एन०के० सिंह :** मंत्री महोदय, आपने अपने उत्तर में यह कहा है कि अल्ट्रा मेगा पॉवर प्रोजेक्ट का आबंटन कम्पटीटिव टैरिफ बीडिंग के आधार पर होता है। यह स्वाभाविक है कि जिन राज्यों में पर्याप्त रूप से कोयले का साधन उपलब्ध है, अल्ट्रा मेगा पॉवर प्रोजेक्ट उन्हीं राज्यों में जाएंगे। देश में ऊर्जा की जो कठिनाई है, विशेषकर उन राज्यों में जहां कोयले का साधन पर्याप्त नहीं है, तो यदि अल्ट्रा मेगा पॉवर प्रोजेक्ट वहां नहीं लग सकते हैं तो क्या मंत्री महोदय, इस पर विचार करेंगे कि जो ऊर्जा का उससे उत्पादन होता है, उसके आबंटन में उन राज्यों को प्राथमिकता दी जाए, जहां बिजली की बहुत-बहुत कमी है, जैसे उदाहरणार्थ, बिहार?

**SHRI K. C. VENUGOPAL:** Sir, I would like to appreciate the concern raised by the hon. Member regarding the power shortage in some States, including Bihar. We are fully concerned about the shortage of power in some States, including Bihar which is having the lowest *per capita* consumption of power in the country. The Ultra Mega Power Project is planned for States which have coal mines or which have access to import coal from foreign countries. Two types of projects are there. A State like Bihar has no facility to use this Ultra Mega

**Q. No. 623 (Contd)**

Power Project. Therefore, the Government of India is planning that even though Bihar has no coal mines they can access the coal mines in nearby States like Jharkhand. If the Bihar Government gives us a project proposal in this regard, we will definitely consider that project. Our senior Minister has a long discussion with the Bihar Chief Minister last month. A lot of decisions were taken to meet the power crisis of Bihar. Therefore, the Ministry of Power has already allocated 50 per cent of power from Barh NTPC to Bihar in place of 176 megawatts indicated earlier. This issue of Barh is finally settled. There are a lot of other issues. I am not going to read the entire thing. Similarly, we are supporting the efforts made by the State Government to meet the power shortage.

**श्री एन०के० सिंह :** यह उत्तर भ्रमात्मक है, क्योंकि आपने अपने उत्तर के पूर्व भाग में यह कहा है कि बिहार जैसे राज्य में कोयले के अभाव के कारण वहां अल्ट्रा मेगा पॉवर प्रोजेक्ट का आबंटन नहीं किया जा सकता है। आपने दूसरे भाग में यह स्वीकार किया है कि किसी और रूप में इसकी पूर्ति की जाए, इसके लिए कोयले का विशेष आबंटन करने का विचार केन्द्रीय सरकार रखती है। लेकिन मंत्री महोदय, इससे अवगत हैं कि बिहार के विभिन्न ऐसे प्रस्ताव उनके

**Q. No. 623 (Contd)**

समक्ष हैं, जो पब्लिक सैक्टर हैं वहां तो हैं ही, निजी क्षेत्रों में भी कोयले के आबंटन की कमी से ऊर्जा का वहां पर जो सृजन होना चाहिए वह नहीं हो पा रहा है। तो मुख्य मंत्री ने प्रधान मंत्री जी से जो अपेक्षा की थी, उसमें उन्होंने कोई निश्चित कदम उठाया है या निश्चित कदम उठाने की सरकार अपेक्षा कर सकती है?

(1J/KLG पर आगे)

VK-KLG/1J/11.40

**SHRI K.C. VENUGOPAL:** Sir, definitely, for meeting the coal shortage in Bihar, I have already informed the august House that a lot of projects in that region are being taken care of. So far as Bihar is concerned, a joint venture between BSEB and NTPC will be executing 1980 megawatt plant at Nabinagar which will benefit the State of Bihar. And also, allocation is being given from the Central ongoing projects like Barh, as I have already stated. In fact, during the recent visit of the hon. Power Minister, Shindeji, the allocation for Bihar has been increased from 176 megawatt to 660 megawatts from Barh. Giving special priority to Bihar, already four plants have been recommended to the Ministry of Coal for coal linkage in Bihar itself.

**Q. No. 623 (Contd)**

We all know that the country is facing a coal shortage. Therefore, coal linkage has been recommended for four projects: 2x250 MW Barauni project; 2x260 MW Buxar project; 2x660 MW Pirpainti project and 2x660 MW Lakhisarai project. These projects have already been recommended to the Coal Ministry.

**श्री धर्मेन्द्र प्रधान:** चेयरमैन साहब, एन.के. सिंह जी का जो मूल प्रश्न था, वह अल्ट्रा मेगा पावर प्रोजेक्ट को लेकर था, क्योंकि देश में जितने पावर प्रोजेक्ट बन रहे हैं, अल्ट्रा मेगा हो या नोर्मल प्रोजेक्ट हो, उसके लिए इक्युपमेंट्स की भारी कमी है, जिनको विदेश से आयात करना पड़ता है। तो क्या भारत सरकार के विद्युत विभाग के पास इसके लिए कोई प्रपोजल है? हमारे यहां जो डोमेस्टिक इक्युपमेंट्स मैनुफेक्चरिंग कंपनीज़ हैं, जैसे भेल है, तो भेल और एनटीपीसी के जॉयंट वेन्चर की भी प्रपोजल थी। इससे और जो निजी उद्योग भी है, इनको बढ़ावा देने से उसका एक बड़ा अच्छा इम्पेक्ट देश में रोजगार बढ़ाने में, मैनुफेक्चरिंग सेक्टर में और डॉमेस्टिक इकोनोमी में आएगा। क्या भारत सरकार इस सेक्टर के लिए, अल्ट्रा मेगा पावर प्रोजेक्ट के लिए, विशेषकर सुपर क्रिटिकल इक्युपमेंट बनाने में देशी उद्योगों को कोई टैक्स में इकॉनॉमिक रियायत देने वाली है? यह मेरा स्पेसिफिक प्रश्न है।

**Q. No. 623 (Contd)**

**SHRI K.C. VENUGOPAL:** Presently, under the mega power policy itself, excise duty benefit is extended to goods manufactured in India and customs duty benefit is extended to goods imported for power projects, based on certain conditions. These facilities can be applicable to Ultra Mega Power Projects also. For encouraging domestic manufacturing, including manufacturing by private sector, a proposal for imposing customs duty on imported goods for power projects was put up before the Cabinet for its approval. However, no decision has been taken so far in this regard.

**SHRI TAPAN KUMAR SEN:** Sir, the question relates to availability of power equipments for Ultra Mega Power Projects and also coal linkage. Part (a) of my question is: Why have you made — which is a reality -- UMPPs absolutely reserved for the private sector, while not allowing NTPC-BHEL synergy to operate on the UMPP? They are much better placed in terms of coal linkage, in terms of power equipment availability. Why have you made it an absolute reserve for the private sector? For augmenting the indigenous capacity of

**Q. No. 623 (Contd)**

power equipment manufacturing, what special steps are you going to take?

**SHRI K.C. VENUGOPAL:** Sir, as per the decision taken by the Government, Ultra Mega Power Project is awarded on the basis of competitive tariff bidding, tariff-based competitive bidding.

**SHRI TAPAN KUMAR SEN:** Then allow the NTPC to bid for that. (Interruptions).

**SHRI K.C. VENUGOPAL:** NTPC has already participated.

**SHRI TAPAN KUMAR SEN:** I can prove it in the House. You have not allowed NTPC. You have made NTPC to bid for an abnormally high rate.

(Followed by 1K)

RG/SC/11.45/1K

**MR. CHAIRMAN:** One at a time, please...(Interruptions) Mr. Sen, please, let the question be answered.

**SHRI K.C. VENUGOPAL:** Sir, the NTPC participated in all the bidding processes. But the project was awarded on the basis of the lowest

**Q. No. 623 (Contd)**

price which was quoted by the developer. Therefore, the NTPC was not in a position to get...(Interruptions)

**SHRI TAPAN KUMAR SEN:** You must make an inquiry into it. Please get an impartial inquiry done...

**MR. CHAIRMAN:** The facility of supplementaries is being misused...(Interruptions)

**SHRI SUSHILKUMAR SHINDE:** Sir, my colleague has been replying properly that the NTPC has participated in all the competitive biddings. One has to listen to him properly.

**SHRI RAMA CHANDRA KHUNTIA:** Sir, I would like to know whether the Orissa Government has given proposal for four Ultra Mega Power Projects in Orissa and the reasons why these have not been approved till now. I would also like to know whether the Government will take appropriate action to approve all the four Mega Power Projects in Orissa.

**SHRI K.C. VENUGOPAL:** Sir, as far as the State of Orissa is concerned, Orissa is already on the process of implementing the three Ultra Mega Power Projects. Out of these three, one is already in the

**Q. No. 623 (Contd)**

bidding process. As regards the UMPP at Bedabahal of the Sundergarh District of Orissa, the status is that the RFQ for these UMPP was issued on 11.6.2011. The response received was opened on 1<sup>st</sup> August, 2011, and is under evaluation. The RFP will be issued after finalization of the revised SBD. As regards the other two projects, the process of identification of land is already going on. If the State Government has identified the land, then, definitely, we will proceed with these projects.

**MR. CHAIRMAN:** Now, Question No.624...(Interruptions)

**श्री नरेश अग्रवाल :** सर, एक बहुत जरूरी सवाल है।

**श्री सभापति :** जरूरी है, लेकिन तीन क्वेश्चंस हो गए हैं।

**श्री नरेश अग्रवाल :** ओडिशा, बिहार तो सब हो गया, उत्तर प्रदेश रह गया है, जिसकी उपेक्षा माननीय मंत्री जी कर रहे हैं।

**श्री सभापति :** आप आगे पूछ लीजिएगा।

**श्री नरेश अग्रवाल :** आप उत्तर प्रदेश से क्यों नाराज़ हैं?

**श्री सभापति :** सवाल आपका था ही नहीं।

**श्री नरेश अग्रवाल :** हमने बड़ी देर से..(व्यवधान)..

**Q. No. 623 (Contd)**

**MR. CHAIRMAN:** What is the point of taking up precious minutes?

Please resume your place.

(Ends)









**Q.No.624**

**MR. CHAIRMAN:** Any supplementaries? Yes, Shri Ravi Shankar Prasad.

**SHRI RAVI SHANKAR PRASAD:** Sir, we have seen the reply of the hon. Minister where he has stated that promotion to the posts of Secretaries and Additional Secretaries is by selection-cum-merit and not through seniority alone. But my specific supplementary is this. There is rampant *ad hocism* in their Department. Recently, they have appointed the Secretary, Legal Affairs, on a contract basis, that is, he was to continue in office for only one month and the balance on contract. Now in the other Department of the Government of India, there is a norm of a balance of service. Does this Department follow this, when they have so many senior level officers including the S.C.s and S.T.s, having proper service of more than two years, who are also in the list of consideration? In this process, how does the hon. Minister justify this rampant *ad hocism* of contract appointment, one month as regular and the balance on contract, that too on a sensitive and an important post of Law Secretary?

**Q. No. 624 (Contd.)**

**SHRI SALMAN KHURSHEED:** Sir, the decision that was taken to appoint on contract for two years was taken in the wisdom of the Search-cum-Selection Committee which is headed by the Cabinet Secretary, and this was done keeping in mind several of the developments that had taken place over the last few years, some of which are now reflected in the question that has come before the House. The need was for a high-level technical person, a person qualified highly in a professional approach towards handling of law. The field of candidates was available with the Search-cum-Selection Committee.

(Continued by 1L)

SSS/1L/11.50

**SHRI SALMAN KHURSHEED (CONTD.):** The Search-cum-Selection Committee's decisions, then, finally also go to the Cabinet Committee on appointments. And, therefore, at the highest level, this matter has been considered, reflected upon, and, then, it was considered in public that this appointment should be made. There is a precedent to this in the Ministry. As the hon. Member would well know that there is

**Q. No. 624 (Contd.)**

a precedent for this, and in consequence of that precedent, looking at the entire circumstances, this decision was taken.

**SHRI D. RAJA:** Sir, my question is similar to what my hon. colleague, Shri Ravi Shankar Prasad, put.

**MR. CHAIRMAN:** If it is similar, then, why are you asking?

**SHRI D. RAJA:** No, no; it is similar, but slightly different. That is what I am saying. Sir, this august House had a very serious debate on the question of reservations in promotions to SCs and STs. Now, I understand, in the Law Ministry there are two SC Officers and one ST Officer, who are already working there as Additional Secretaries. Over-looking them, why is the Law Ministry going for appointing one person on a contract basis? This is a serious violation. I would like to ask the Minister to give a concrete answer/response as to why this is happening. You are denying the genuine benefit of reservation to SC/ST candidates. How long can this situation continue? Can you please tell us what compelled you to appoint somebody on a contract basis, while there are candidates, and why they are being denied their genuine opportunities? How do you explain this?

**Q. No. 624 (Contd.)**

**SHRI SALMAN KHURSHEED:** Sir, with great respect, the hon. Member has asked a dissimilar question, not a similar question. In fact, a question may go well beyond the ambit of the original question that was asked. However, the subject raised by the hon. Member is extremely important and dear to the heart of all of us in this House and, therefore, I will attempt and answer it. As far as the issue of reservations and promotions are concerned, that is not relevant here because this is not an issue of promotion. But this is an issue of search-cum-selection. A selection has been made. Nevertheless, the hon. Member may feel that even in selection, it should be kept in mind that we have a field of candidates available, particularly those candidates that we want to promote, people that we want to recognise and people that we want to give equal participation in the governance of this country. I do believe that, all that was kept in mind when this decision was taken and, therefore, to feel that for some reason a single post, that is available, has not gone to any particular category of candidates should not easily be taken to be an assumption that for some reason, people, of those categories have been denied

**Q. No. 624 (Contd.)**

equal opportunities. I can assure the hon. Member that at every step, at every level in career development, we keep in mind that people who have suffered historically, should be -- with the consent of the House as indeed of the people of this country -- given not only equal opportunity but affirmative action. We will continue along with that policy.

**DR. M. S. GILL:** Sir, would the hon. Minister confirm that we always need a Law Secretary who is outstandingly competent in the law because that gentleman or lady is the one who is going to advise the Government, through the Law Minister, on major matters of finance and other matters. Therefore, would he agree that while other factors of entitlements, service desires, reservation desires, may always be kept in mind, but somewhere the interest of India he will also keep in mind?

**SHRI SALMAN KHURSHEED:** Sir, I am very encouraged by the hon. Member's advice; not by his question. But since the advice comes in forms of a question, I can only say, yes, the interests of our country

**Q. No. 624 (Contd.)**

are always kept paramount as, indeed, they are kept paramount when we select Election Commissioners as well !

(Ends)









**Q. No. 625**

**SHRI HUSAIN DALWAI:** Sir, in the answer, the hon. Minister has stated that the Chinese Government has assured the Government of India that no such plan exists of diverting water from the Brahmaputra and other rivers which flow down to India.

(Contd. by NBR/1M)

-SSS/NBR-ASC/1M/11.55.

**SHRI HUSAIN DALWAI (CONTD.):** In 2008, when the Prime Minister, Dr. Manmohan Singh, raise the issue with the Chinese Prime Minister, he replied that the water diversion plan was imperative for his country as China is faced with acute water shortage. So, I would like to know from the hon. Minister what is the reality and why the Government of India not pursuing for water-sharing treaty with China.

**SHRI PAWAN KUMAR BANSAL:** Sir, it is not essential that all the riparian countries where trans-border rivers flow have any water-sharing agreement between them. There are certain international conventions which, of course, every country is expected to follow. In this case, we have two system of rivers i.e., Brahmaputra System and also Indus and Sutlej System. So, we have certain arrangements

**Q. No. 625 (Contd.)**

whereby the data is supplied by China to us to workout and modulate our policies for flood management, etc. But, as far as sharing is concerned, given the huge quantities of water which presently none of the two countries are utilizing, particularly in case of Brahmaputra, the two countries, given the present status of their interaction on various matters, have not considered it appropriate to go in for a water sharing agreement.

**SHRI HUSAIN DALWAI:** Sir, is it not true that if China continues into the policy of diverting water it will bring about serious socio-economic disaster in the sub-Continent? Is it not declaring a war on India?

**SHRI PAWAN KUMAR BANSAL:** Sir, various agencies of the Government, including the NTRO and the National Remote Sensing Centre, are keeping a continuous watch and alert over the tributaries on the Chinese side. So far, we do not find any such activity which could lead us to believe that they could divert water from the mighty river of Brahmaputra.

**SHRI PREM CHAND GUPTA:** Sir, the Government, in its reply has stated that these dams would not be storing water but are being built

**Q. No. 625 (Contd.)**

on run of the river, so that the water continues to flow and the hydro electricity is generated. This is not true. Sir, it is not only the Indian media which has shown satellite images of what China is doing on its side but even the Chinese newspaper and the newspapers in Hong Kong clearly stated that these are the dams with storage facilities and water is being diverted, because water is generated in Tibet which they say is a part of the Republic of China. So, my question is: The Government of India should take it seriously with its Chinese counterpart. I think, it is some sort of face-saving that our Government is doing today. So, why not the issue is taken up with the Chinese authorities seriously so that this issue is taken to its right conclusion?

**SHRI PAWAN KUMAR BANSAL:** Sir, perhaps, the hon. Member is mixing up the facts. China is a vast country. They may have other plans. But, the Government of India is not remiss in taking up the matter with the Chinese whenever it comes to rivers which we share and we meticulously follow that. Every time we have been able to get an assurance from them that they would act responsibly. Not only we

**Q. No. 625 (Contd.)**

are going by their statements, our different agencies, as I said earlier, are continuously monitoring the activities there and there is nothing to suggest. I can say with all sense of responsibility that there is nothing to suggest that, presently, there is any quantity of water being diverted from Brahmaputra at all. There are good many projects which they are entitled to take up and most of those projects are on the tributaries of Brahmaputra. On the main, there is only one project of which there is a reference in the media repeatedly which is at Zangmo, about 550 kms. from the border. It is a project of 550 MW of electricity. Presently, the entire information is that it is a run of the river and there is no storage. There is no question of diversion of water from the South to North in China from this point.

**श्री अनिल माधव दवे :** सभापति जी, मैं इस प्रश्न के संबंध में एक बात स्पष्ट करना चाहता हूँ कि भारत की कोई सीमा चाइनी से लगती नहीं है। हमारे यहां जो पानी आता है, वह तिब्बत से आता है और जो तिब्बत है, वह चाइना occupied तिब्बत है।

(1N/LT पर जारी)

**प्रश्न संख्या 625 (क्रमागत)**

**श्री अनिल माधव दवे (क्रमागत) :** मैं अभी Siang river होकर आया हूँ, इंटरनेशनल लैंग्वेज में हम जो भाषा प्रयोग करते हैं, उस भाषा के कारण ही मूल्य स्थापित होते हैं, क्योंकि अरुणाचल प्रदेश के ऊपर चाइना जैसा दावा करता है और जिस तरह से वर्ल्ड बैंक से पैसा रोक देता है, हमें भी उसी लेवल पर बात करनी चाहिए, मैं यह पूछना चाहता हूँ ...(व्यवधान)..

**MR. CHAIRMAN:** Question Hour is over.

(Ends)

LP/KS/12.00/1n

**MR. CHAIRMAN:** We now take up a Short Notice Question.

**SHRI RAJIV PRATAP RUDY:** Sir, I have a point of order.

**MR. CHAIRMAN:** What is the point ofG order?

**SHRI RAJIV PRATAP RUDY:** Sir, you will have to give me a minute because it has happened in your presence.

**MR. CHAIRMAN:** Question Hour is over.

**SHRI RAJIV PRATAP RUDY:** Sir, the Question Hour may be over, but I am raising a point of order in your kind presence.

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**MR. CHAIRMAN:** We have to take up a Short Notice Question. Please take it up after the Short Notice Question.

**RE. TAKING UP DISCUSSION OF WORKING OF CIVIL AVIATION**

**MINISTRY**

**SHRI RAJIV PRATAP RUDY:** Sir, I will raise it but you must hear me out, because the Minister for Parliamentary Affairs is here and so are the others. This is something very important.

Sir, I would like to draw your attention to articles 105, 106, 107 and 108 which deal with Parliament. This Chapter of the Constitution relates to Parliament. I would also like to refer to articles 312 and 356. Sir, there are rulings from the Chair regarding taking up of the listed business.

Sir, on the 30<sup>th</sup> of last month, the Business Advisory Committee, which comprises of all the Members of the House, met in your Chamber and agreed to some business. That business has been listed for discussion in this House for the last 15 days, starting from the 12<sup>th</sup> of May. This item of business relating to the discussion on the working of the Ministry of Civil Aviation has been there since the 12<sup>th</sup> of May. The Session would be ending tomorrow and the discussion has been listed against the name of Shri Brajesh Pathak, and we have been told that since...

**श्री ब्रजेश पाठक :** सभापति जी, हमने भी आपसे रिक्वेस्ट की थी...(व्यवधान)..

**श्री राजीव प्रताप रूडी :** क्योंकि इस विषय पर लोक सभा में विस्तार से चर्चा हो चुकी है, इसलिए इस सभा में इसकी चर्चा की आवश्यकता नहीं महसूस होती..(व्यवधान)..

**MR. CHAIRMAN:** Who has said that?

**SHRI RAJIV PRATAP RUDY:** Sir, just a minute. It is proved by the point that the business has been listed for discussion in this House for the last 14 days; it has been positioned in such a manner by the Minister for Parliamentary Affairs that that business is not being taken up and, till today, when the business has been listed, it has been

Uncorrected/Not for Publication — 21.05.2012

listed at the end. Now, the question that arises is: is this House a smaller or a lesser House in importance? This is the right of the Member against whose name that business has been listed, \* to it that the discussion on Civil Aviation does not take place. These are the last two days, Sir, ... (Interruptions)

**SHRI MANI SHANKAR AIYAR:** Sir...

**SHRI RAJIV PRATAP RUDY:** Who is he, Sir? I am talking to you, Sir. (Interruptions)

**MR. CHAIRMAN:** Just a minute, please. (Interruptions)

**SHRI RAJIV PRATAP RUDY:** Sir, I am talking to you. Who is he to interrupt me? How can you entertain him when I am raising the issue? (Interruptions) I want your ruling on this. (Interruptions)

**MR. CHAIRMAN:** Let him finish. Then you may take it up. (Interruptions)

**SHRI RAJIV PRATAP RUDY:** Sir, my point here is this. For the last 15 days this business has been listed. The Government had the option to list it at a point where the discussion could have been taken up. I have been coming to this House and other Members like Shri

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\* Expunged as ordered by the Chair.

Uncorrected/Not for Publication — 21.05.2012

Brajesh Pathak have been coming to this House; \* in the civil aviation sector. There is a situation prevailing in the House. The other House has discussed this Motion three times in the last 20 days, and this House does not have the privilege to discuss the Motion! I would like to have your ruling on this subject.

**MR. CHAIRMAN:** All right.

**SHRI MANI SHANKAR AIYAR:** Mr. Chairman, Sir, in the last financial year...(Interruptions)

**SHRI RAJIV PRATAP RUDY:** Sir, I want a ruling from you. Who is he? (Interruptions)

**MR. CHAIRMAN:** Just a minute. He is another Member.

**SHRI MANI SHANKAR AIYAR:** This was exactly the case with regard to this House discussing the working of the Ministry of Tribal Affairs. Repeatedly, for a period of three weeks, it was listed again and again, and because of the unbelievably \* of the Opposition, it could never be taken up. I don't see what right they have to rake up this question now. (Interruptions) Tribals are the most deprived people of India... (Interruptions)

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Uncorrected/Not for Publication — 21.05.2012

**MR. CHAIRMAN:** Please, Mr. Aiyar. (Interruptions) Just a minute, please. Pawanji, would you like to respond? As far as the Chair can see, the matter is listed. (Interruptions)

**SHRI M. VENKAIAH NAIDU:** Sir, before the Minister replies, Mr. Mani Shankar Aiyar, without any authority, \* That expression should be removed from the record. (Interruptions) This expression should be removed from the record.

**SOME HON. MEMBERS:** Yes, this should be removed from the record. (Interruptions)

**SHRI M. VENKAIAH NAIDU:** It is the Congress Party and its allies who were responsible for going into the Well of the House. (Interruptions)

**MR. CHAIRMAN:** Can we allow the hon. Minister of Parliamentary Affairs to reply? (Interruptions)

**SHRI M. VENKAIAH NAIDU:** Your allies and your party went into the Well of the House. (Interruptions)

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Uncorrected/Not for Publication — 21.05.2012

**MR. CHAIRMAN:** Please, Mr. Aiyar. May I request all concerned to resume their places? (Interruptions) Please. Venkaiahji. (Interruptions) Please. (Interruptions)

**SHRI MANI SHANKAR AIYAR:** This is the \*...(Interruptions)...

(fd. by 1o/kgg)

Kgg-TDB-Akg/1o-1p/12.05-12.10

**MR. CHAIRMAN:** Hon. Members, adjectives do not add to any substance. Please refrain from them. (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** But, he should not vent his frustration for not making him a Minister. (Interruptions)

**श्री पुरुषोत्तम खोडाभाई रूपाला :** सर, इनको बताइए कि वे मंत्री नहीं हैं।  
...(व्यवधान)...

**SHRI PAWAN KUMAR BANSAL:** Sir, the hon. Member, Shri Rudy, has chosen to refer to the proceedings of the Business Advisory Committee. As far as I know, Sir, there is no reference made of the proceedings of the Committee in the House here. Since he has chosen to do, Sir, I would only wish to remind him—I do not know

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Uncorrected/Not for Publication — 21.05.2012

whether he was always there present in the meetings or not—that in the very beginning, the Government had agreed to the discussion on the working of four Ministries. As my friend, Mr. Mani Shankar Aiyar, has pointed out, this is not the first time that we have not been able to discuss all the four. On many occasions we have not been able to do it. But, I would only like to remind him that the only reason why this could not be taken up so far is that many, many Members, from the Opposition, have been pressing for various other discussions and we have been agreeing to that. We never said that we do not want a discussion. The hon. Minister was present on many occasions. Rather, my little disappointment is that we have not been able to take up all the Bills, all the legislative agenda, which we had listed because we were always trying to accommodate them on many other matters. Sir, you may go through the records. On every occasion, we have said that we were prepared to discuss. (Interruptions)

**MR. CHAIRMAN:** Can the decibel levels be lowered a bit?

**SHRI PAWAN KUMAR BANSAL:** That is for all the Members in the Business Advisory Committee to give priority to other items of the business.

Uncorrected/Not for Publication — 21.05.2012

**MR. CHAIRMAN:** Can we take up the Short Notice Question? Mr. Tarun Vijay, do you wish to raise the Question? (Interruptions)

**श्री प्रकाश जावडेकर :** सर, इसका जवाब क्या हुआ? ...(व्यवधान)...

**SHRI RAJIV PRATAP RUDY:** Are you holding the discussion or not? (Interruptions)

**श्री नरेश अग्रवाल :** सर, मेरा एक point-of-order है। ...(व्यवधान)...

**श्री सभापति :** एक मिनट, आप मेरी बात सुन लीजिए। ...(व्यवधान)...

**SHRI RAJIV PRATAP RUDY:** Sir, please give a ruling on that. (Interruptions)

**MR. CHAIRMAN:** As far as the Chair is aware, this is a discussion on the working of the Ministry of Civil Aviation. It is listed in today's business. (Interruptions)

**SHRI RAJIV PRATAP RUDY:** In the last 20 days, it is being listed, Sir. Why do not you give a ruling on it? This is going to be a history here. Why cannot you give a ruling that such a discussion should be allowed or not? It will save so much of time. (Interruptions)

**MR. CHAIRMAN:** It is listed. It is for you to take it up. (Interruptions)

**SHRI RAJIV PRATAP RUDY:** Then, please decide that it should be taken up, Sir. (Interruptions)

Why are you scared of having a discussion on the working of the Ministry of Civil Aviation? (Interruptions)

**SHRI PAWAN KUMAR BANSAL:** Rudyji, why are you using the phrase, 'Why are you afraid?' Who says that we are afraid of it? What is this, Sir?

**MR. CHAIRMAN:** Can we complete the Short Notice Question and then take up others? (Interruptions)

**श्री नरेश अग्रवाल :** सर, मेरा एक point of order है।

**श्री सभापति :** आप बताइए। ... (व्यवधान) ... चंदन जी, प्लीज आप बैठ जाइए।

**श्री नरेश अग्रवाल :** माननीय सभापति जी, मैं आपके सामने एक कंस्टीट्यूशनल क्राइसिस लाना चाहता हूँ और चाहता हूँ कि इस पीठ से इस पर रूलिंग भी मिले। मैंने अभी तक संविधान और नियमावली में पढ़ा कि इस सदन को महामहिम राष्ट्रपति के अलावा कोई दूसरा व्यक्ति या किसी दल का नेता संदेश नहीं दे सकता है। श्रीमन्, आप देख लीजिए, आर्टिकल 86(1) और 86(2), दोनों में यह स्पष्ट है। आर्टिकल 86(1) में महामहिम राष्ट्रपति अपना अभिभाषण देंगे और आर्टिकल 86(2), जो नियमावली का 20 और 21 बना, अगर महामहिम कोई संदेश देना चाहेंगे, तो वे संदेश दे सकते हैं। उसके अलावा किसी और दल का नेता अपना संदेश अपने दल के सदस्य के माध्यम से भी इस सदन को नहीं दे

सकता है। श्रीमन्, परसों बहुजन समाज पार्टी की राष्ट्रीय अध्यक्षा, मायावती जी, ने बयान दिया ...(व्यवधान)...

**श्री ब्रजेश पाठक :** सर, यह गलत है। ये इस तरह से आक्षेप नहीं लगा सकते।  
...(व्यवधान)...

**श्री सभापति :** देखिए, आप लोग अपना टाइम ज़ाया कर रहे हैं। ...(व्यवधान)...

**श्री नरेश अग्रवाल :** मैं जो बात बता रहा हूँ ...(व्यवधान)...

**श्री सभापति :** पाठक जी, आप अपनी जगह पर जाइए, कुछ नहीं होगा।  
...(व्यवधान).... आप अपनी जगह पर जाइए। ...(व्यवधान)...

**श्री नरेश अग्रवाल :** श्रीमन्, उनका बयान आया है कि मेरा लिखा ही पढ़ते हैं संसद में सतीश ...(व्यवधान)...

**MR. CHAIRMAN:** The House is adjourned for fifteen minutes.

**The House then adjourned at  
ten minutes past twelve of the clock.**

(Followed by 1Q/KLS)

The House reassembled at twenty-five minutes past twelve of the clock, THE VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair.

...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The Short Notice Question. ...(Interruptions)... Shri Tarun Vijay.

श्री नरेश अग्रवाल: माननीय उपसभाध्यक्ष जी, ...(व्यवधान)...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): आप बैठिए। ...(व्यवधान)... I will allow you.. ...(व्यवधान)...

श्री नरेश अग्रवाल: मेरा जो point of order है...(व्यवधान)...

श्री ब्रजेश पाठक: सर, ...(व्यवधान)...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): आप बैठिए। ...(व्यवधान)... मेरी बात सुनिए। ...(व्यवधान)... I will tell you after the Short Notice Question.

श्री नरेश अग्रवाल: अभी तो मैंने आधी बात ही कही है। मेरी तो बात ही पूरी नहीं हुई। ...(व्यवधान)...

श्री ब्रजेश पाठक: सर, ...(व्यवधान)... इस तरीके से ...(व्यवधान)... जो रूल है, ...(व्यवधान)... जो आर्टिकल 86 की बात ये कर रहे हैं। इनसे कहिए कि ये संविधान की पूरी जानकारी लें। ...(व्यवधान)... आर्टिकल 86 में, राष्ट्रपति महोदया यदि संसद को कोई संदेश भेजती हैं, तो ...(व्यवधान)...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन): Please. ...(Interruptions)...

**श्री ब्रजेश पाठक:** अगर कोई भी बात इस देश में चलती है, ...(व्यवधान)... तो सारी पार्टीज़ के अध्यक्ष अपनी पार्टी के सांसदों को बताते हैं कि पार्टी लाइन क्या होगी। ...(व्यवधान)... इन्होंने जो प्रश्न उठाया है, ...(व्यवधान)... दुख इस बात का है कि इनको बहुजन समाज...(व्यवधान)...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** ब्रजेश जी, सुनिए। ...(व्यवधान)... मैं डील करूँगा, आप बैठिए। ...(व्यवधान)...

**श्री ब्रजेश पाठक:** दुख इस बात का है कि ...(व्यवधान)...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** ब्रजेश जी, आप बैठिए। ...(व्यवधान)... I will deal with it. ...(व्यवधान)... आप बैठिए। ...(व्यवधान)... आप लोग बैठिए। ...(व्यवधान)... आप मेरी बात सुनिए। ...(व्यवधान)... I will allow you. ...(Interruptions)..

**श्री तरुण विजय:** उपसभाध्यक्ष महोदय, ...(व्यवधान)... यह छः करोड़ बच्चों से रिलेटेड सवाल है। ...(व्यवधान)... यह पोलिटिक्स नहीं है। ...(व्यवधान)... मैं सदन से प्रार्थना करूँगा कि...(व्यवधान)... मुझे यह सवाल उठाने दीजिए। ...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Tarun Vijay, I will allow you. ...(Interruptions)... Please take your seat. ...(Interruptions)...

Uncorrected/Not for Publication — 21.05.2012

ब्रजेश जी, आप मेरी बात सुनिए। ...(व्यवधान)... I will deal with it.  
 ...(Interruptions)... ब्रजेश जी, आप मेरी बात सुनिए। ...(व्यवधान)... आप  
 बैठिए। ...(व्यवधान)... अब आप बैठिए। ...(व्यवधान)... I will deal with it.  
 ...(Interruptions)...

**श्री नरेश अग्रवाल:** सर, मैंने अपनी बात ही नहीं कही। ...(व्यवधान)... ये मेरी  
 बात भी नहीं सुनेंगे और ...(व्यवधान)...

**श्री ब्रजेश पाठक:** सर, ...(व्यवधान)... इनको सदन की कार्यवाही की  
 जानकारी नहीं है ...(व्यवधान)... यह कोई point of order नहीं है।  
 ...(व्यवधान)...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** Don't do this. ...(Interruptions)..  
 Don't do this. आप लोग क्यों डरते हैं? ...(व्यवधान)... आप बैठिए।  
 ...(व्यवधान)... आप जाकर अपनी सीट पर बैठिए। ...(व्यवधान)... ब्रजेश  
 जी, आप अपनी सीट पर जाइए। ...(व्यवधान)... व्यवस्था के अनुसार जाएगा।  
 ...(व्यवधान)... रूल के अनुसार जाएगा ...(व्यवधान)... आप अपनी सीट पर  
 बैठिए। ...(व्यवधान)... ब्रजेश जी, आप अपनी सीट पर जाइए।  
 ...(व्यवधान)... Don't worry at all. ब्रजेश जी, I will go by rules only..  
 आप बैठिए। ...(व्यवधान)... आप लोग बैठिए। ...(व्यवधान)... I will go by  
 rules only.. आप प्लीज़ बैठिए। ...(व्यवधान)... आप लोग बैठिए।  
 ...(व्यवधान)... Unless you allow me, what can I say? You allow me.

Uncorrected/Not for Publication — 21.05.2012

Let me deal with it. वेंकैया जी, one second. Mr. Naresh Agrawal, your point of order cannot be a point of order on an issue which you are raising. But if you want to raise it, after the Zero Hour, I will allow you and give the ruling and not now. मैंने कह दिया कि ...(व्यवधान)... मैंने कह दिया कि वह point of order नहीं है। ...(व्यवधान)... आप जाकर अपनी सीट पर बैठिए। ...(व्यवधान)... ब्रजेश जी, आप अपनी सीट पर जाइए। ...(व्यवधान)... आप बैठिए। ...(व्यवधान)... मैं रूल के अनुसार चलूँगा। ...(व्यवधान)... यह point of order नहीं है। ...(व्यवधान)... आप जाकर बैठिए। ...(व्यवधान)... leave it to me.. मैंने बोला कि यह point of order नहीं है। ...(व्यवधान)... I know it. ...(Interruptions)... Leave it to me. ...(Interruptions)... You cannot question like this. Leave it to me, Karimpuriji. ...(Interruptions)...

(Contd. by 1r)

USY/VNK/1R/12.30

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN) (CONTD.):** You leave it to me. (Interruptions) You leave it to me. (Interruptions) You leave it to me. आप अपनी सीट पर जाइए ...(व्यवधान)... You don't know what I am going to....(Interruptions) आपको नहीं मालूम है कि क्या बोलना है। ...(व्यवधान)... कैसे पता है? ...(व्यवधान)... सुनने के बाद मैं

Uncorrected/Not for Publication — 21.05.2012

ruling दूंगा।...(व्यवधान)...If there is no rule, I will tell him.

(Interruptions) Don't question the Chair. (Interruptions) Mr. Brijesh,

if there is no rule, I will tell him. (Interruptions) Don't question the

Chair. (Interruptions) This is unfair. (Interruptions) You cannot

question the Chair. (Interruptions) Hon. Members... (Interruptions)

सुनिए, Mr. Naresh Agrawal raised a point of order. I said that there is

no point of order. (Interruptions) If he wants to say anything, I will

allow him later on. (Interruptions) If there is no rule, I will tell him

there is no rule. (Interruptions) I will tell him there is no rule.

(Interruptions) Why do you worry? (Interruptions) I will decide that.

(Interruptions) Without hearing, I cannot say that there is no rule.

(Interruptions) How can I say anything without hearing him? Why do

you worry? (Interruptions) Don't do this. (Interruptions) I cannot

allow this. (Interruptions)

**श्री नरेश अग्रवाल:** सर, अभी तो मैंने कुछ बोला ही नहीं है।...(व्यवधान)...

**SHRI TIRUCHI SIVA:** Sir, there are so many vital issues to be raised

during the Zero Hour. (Interruptions) You please give your ruling.

(Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I cannot act according to your direction. (Interruptions) Raise नहीं किया है, मैंने नहीं सुना है।...(व्यवधान)... मैंने नहीं सुना है।...(व्यवधान)... I did not hear. (Interruptions) You allow him, then, I will give the ruling. (Interruptions)

**श्री अली अनवर अंसारी:** सर, जीरो आवर, जीरो आवर। ...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I did not hear. You allow him, then, I will give the ruling. (Interruptions) You allow him, then, I will give the ruling. (Interruptions) You allow him, then, I will give the ruling. (Interruptions) अभी मैं रिकॉर्ड कैसे देखूँ? ...(व्यवधान)... क्या बोले? ...(व्यवधान)... अगर हो चुका है, तो I will verify. (Interruptions) आप अपनी सीट पर जाइए।...(व्यवधान)... I will see to it. (Interruptions) क्या बोलते हैं? ...(व्यवधान)... आप अपनी सीट पर जाइए।...(व्यवधान)... You go to your seat, I will see to it. (Interruptions) You cannot dictate the Chair. (Interruptions) It cannot be done. (Interruptions)

**श्री अली अनवर अंसारी:** सर, आज बहुत सारे महत्वपूर्ण मुद्दे हैं। ...(व्यवधान)...

Uncorrected/Not for Publication — 21.05.2012

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Unless I listen to the Member, I cannot say anything. (Interruptions) No; no. (Interruptions) I will see that. (Interruptions) Go and sit there. (Interruptions) You allow him to do that. (Interruptions) Mr. Brijesh, I will have to name you. (Interruptions) We cannot function this way. (Interruptions) I am sorry. (Interruptions) I am sorry. (Interruptions)

**SHRI TIRUCHI SHIVA:** Sir, all other Members are being deprived of their rights. (Interruptions) There are so many vital issues to be raised during the Zero Hour. (Interruptions) We seek your protection, Sir. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Why do you think that I am going to give that ruling? (Interruptions) Why do you think that? (Interruptions) आप समझते नहीं हैं...(व्यवधान)... आप अपनी सीट पर जाइए ...(व्यवधान)... Let me listen to him only then I will be able to give a correct ruling. (Interruptions) I will have to name you. (Interruptions) I cannot allow like this. (Interruptions) You cannot dictate the Chair. (Interruptions)

(Contd. by 1s — PK)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN) (CONTD.):** You cannot dictate to the Chair. ..(Interruptions).. Then, I am requesting you to go to your seat. ..(Interruptions).. Yes, I will listen to your request. Go to your seat. ..(Interruptions).. No; nothing can be done like this. Nothing can be done like this. ..(Interruptions).. You cannot dictate to the Chair like this. ..(Interruptions).. How can you think what ruling I am going to give? ..(Interruptions).. No, no. He is not dictating. ..(Interruptions).. I asked him to take seat; he took his seat. ..(Interruptions).. No, no. Don't talk from here. I don't want to listen to you. ..(Interruptions).. I may have to take action. ..(Interruptions).. I am telling you. ..(Interruptions).. This is most unfair and indisciplined, not allowing the Chair to run the House. ..(Interruptions).. What do you want? ..(Interruptions).. Go to your seats. ..(Interruptions).. The House is adjourned for 15 minutes.

.....

**The House then adjourned at thirty-six minutes  
past twelve of the clock.**

**The House reassembled at fifty-one minutes past twelve of the clock,  
The VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair.**

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### **PAPERS LAID ON THE TABLE**

**SHRI S.S. PALANIMANICKAM:** Sir, I lay on the Table —

1. A copy (in English and Hindi) of the Statement on Quarterly Review of the trends in receipts and expenditure in relation to the Budget, at the end of the third quarter of financial year 2011-12, under sub-section (1) of Section 7 of the Fiscal Responsibility and Budget Management Act, 2003.

1. A copy (in English and Hindi) of the White Paper on Black Money.

...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.K. KURIEN):** No; please.

**SHRI RAJEEV SHUKLA:** Sir, on behalf of Kumari Selja, I lay on the Table, a copy each (in English and Hindi) of the following papers:—

- (i)(a) Annual Report and Accounts of the Sangeet Natak Akademi, New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Akademi.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (i) (a) above.

Uncorrected/Not for Publication — 21.05.2012

- (ii)(a) Annual Report and Accounts of the North East Zone Cultural Centre (NEZCC), Dimapur, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Centre.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (ii) (a) above.

...(Interruptions)...

**SHRIMATI AMBIKA SONI:** Sir, on behalf of Shrimati Krishna Tirath, I lay on the Table, under Section 68 of the Juvenile Justice (Care and Protection of Children) Rules, 2007, a copy (in English and Hindi) of the Ministry of Women and Child Development Notification No. G.S.R. 903 (E), dated the 27<sup>th</sup> December, 2011, publishing the Juvenile Justice (Care and Protection of Children) Amendment Rules, 2011, along with delay statement.

...(Interruptions)...

**PROF. K.V. THOMAS:** Sir, I lay on the Table—

I.(1) A copy each (in English and Hindi) of the following papers, under sub-section (2) of Section 35 of the Food Corporation Act, 1964:—

- (a) Annual Report and Accounts of the Food Corporation of India (FCI), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Corporation.
- (2) Statement (in English and Hindi) giving reasons for the

Uncorrected/Not for Publication — 21.05.2012

delay in laying the papers mentioned at (1) above.

1. A copy (in English and Hindi) of the Memorandum of Understanding between the Government of India (Ministry of Consumer Affairs, Food & Public Distribution, Department of Food & Public Distribution) and Central Warehousing Corporation (CWC), for the year 2012-13.

...(Interruptions)...

**SHRIMATI D. PURANDESWARI:** Sir, I lay on the Table —

- I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Human Resource Development (Department of School Education and Literacy), under Section 33 of the National Council for Teacher Education Act, 1993:—

No. 49-3/2011/NCTE/N&S, dated the 2<sup>nd</sup> July-8<sup>th</sup> July, 2011, publishing the National Council for Teacher Education (Recognition Norms and Procedure Fourth Amendment) Regulation, 2011, along with delay statement.

F.No. 61-1/2011/NCTE (N&S), dated the 2<sup>nd</sup> August, 2011, amending Notification No. 215, dated the 25<sup>th</sup> August, 2010, to substitute certain entries in the original Notification, along with delay statement.

G.S.R. 675 (E), dated the 13<sup>th</sup> September, 2011, publishing the National Council for Teacher Education (Third Amendment) Rules, 2011, along with delay statement.

F.No. 47-8/2011/NCTE/CDN (Vol-II), dated the 29<sup>th</sup> December, 2011, regarding nomination of the Chairperson

Uncorrected/Not for Publication — 21.05.2012  
of the Northern Regional Committee, Jaipur.

S.O. 29 (E), dated the 4<sup>th</sup> January, 2012, extending the period of supersession of the Council for a period of six months with effect from the 7<sup>th</sup> January, 2012.

II. A copy each (in English and Hindi) of the following Notifications of the Ministry of Human Resource Development (Department of Higher Education), under Section 33 of the Auroville Foundation Act, 1988, along with delay statement:—

- (1) G.S.R. 102, dated the 20<sup>th</sup> March-26<sup>th</sup> March, 2011, publishing the Recruitment rules, 2011, for the post of Secretary, Auroville foundation.
- (2) G.S.R. 736 (E), dated the 3<sup>rd</sup> October, 2011, amending Notification No. G.S.R. No. 102, dated the 26<sup>th</sup> March, 2011, to substitute certain entries in the original Notification.

...(Interruptions)...

श्री साबिर अली : सर,\*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That will not go on record. ...(Interruptions)... Nothing is going on record. ...(Interruptions)...

श्री साबिर अली: \*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Mr.

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\* Not recorded.

\* Not recorded.

Uncorrected/Not for Publication — 21.05.2012

Patil. ...(Interruptions)... That is not going on record. बैरिए

...(Interruptions)...

**SHRI PRATIK PRAKASHBAPU PATIL:** Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:—

- (a) Annual Report and Accounts of the Coal Mines Provident Fund Organisation (CMPFO), Dhanbad, for the year 2007-08, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Organisation.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

...(Interruptions)...

**SHRI K.C. VENUGOPAL:** Sir, I lay on the Table —

I. A copy (in English and Hindi) of the Ministry of Power Notification No. L-1/106/2012-CERC, dated the 30<sup>th</sup> March, 2012, publishing the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, under Section 179 of the Electricity Act, 2003.

II.(1) A copy each (in English and Hindi) of the following papers, under sub-section (3) of Section 44 and sub-section (5) of Section 45 of the Damodar Valley Corporation Act, 1948:—

- (i)(a) Annual Report and Annual Accounts of the Damodar Valley Corporation, Kolkata, for the year 2010-11, together with

Uncorrected/Not for Publication — 21.05.2012  
the Auditor's Report on the Accounts.

- (b) Review by Government on the working of the above Corporation.
- (ii) Annual Budget of the Damodar Valley Corporation, Kolkata, for the year 2012-13.
- (2) Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (1) (i) above.

III. A copy each (in English and Hindi) of the following papers:—

- (i) Memorandum of Understanding between the Government of India (Ministry of Power) and the Power Grid Corporation of India Limited for the year 2012-13.
- (ii) Memorandum of Understanding between the Government of India (Ministry of Power) and the North Eastern Electric Power Corporation Limited (NEEPCO), for the year 2012-13.
- (iii) Memorandum of Understanding between the Government of India (Ministry of Power) and the THDC India Limited (THDCIL) for the year 2012-13.
- (iv) Memorandum of Understanding between the Government of India (Ministry of Power) and the NHPC Limited, for the year 2012-13.
- (v) Memorandum of Understanding between the NHPC Limited and the NHDC Limited, for the year 2012-13.

...(Interruptions)...

Uncorrected/Not for Publication — 21.05.2012

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That is not going on record. रिकार्ड में नहीं जा रहा है, फिर क्यों बोलते हो?  
...(Interruptions)...

**श्री साबिर अली :** \*

### **MESSAGE FROM LOK SABHA**

#### **THE RAILWAY PROPERTY (UNLAWFUL POSSESSION) AMENDMENT BILL, 2012**

**SECRETARY-GENERAL:** Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:

“I am directed to inform you that the Railway Property (Unlawful Possession) Amendment Bill, 2011, which was passed by Rajya Sabha at its sitting held on the 22<sup>nd</sup> December, 2011, has been passed by Lok Sabha at its sitting held on the 18<sup>th</sup> May, 2012 with the following amendments:-

### **ENACTING FORMULA**

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\* Not recorded.

Uncorrected/Not for Publication — 21.05.2012

- Page, line 1,-

**for** “Sixty-second”, **substitute** “Sixty-third”.

- Page 1, line 4,-

**for** “2011”, **substitute** “2012”.

2. I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 121 of the Rules of Procedure and Conduct of Business in Lok Sabha with the request that the concurrence of Rajya Sabha in the said amendments be communicated to Lok Sabha.”

(Ends)

...(Interruptions)...

Uncorrected/Not for Publication — 21.05.2012

**REPORTS OF DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES,  
LAW AND JUSTICE**

**SHRI SHANTARAM NAIK (GOA):** Sir, I present the following Reports (in English and Hindi) of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice:—

- a. Fifty-first Report on Demands for Grants (2012-13) of the Ministry of Personnel, Public Grievances and Pensions; and
- (ii) Fifty-second Report on Demands for Grants (2012-13) of the Ministry of Law and Justice.

(Ends)

...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Nothing is going on record. Please sit down. ...(Interruptions)...

**REPORTS OF DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON TRANSPORT, TOURISM AND  
CULTURE**

**SHRI SITARAM YECHURY (WEST BENGAL):** Sir, I present the following Reports (in English & Hindi) of the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture:—

Uncorrected/Not for Publication — 21.05.2012

1. One Hundred and Seventy-ninth Report on Action Taken by the Government on the recommendations/observations of the Committee contained in its One Hundred Sixty-seventh Report on the Functioning of National Museum; and
- (ii) One Hundred and Eightieth Report on Action Taken by the Government on the recommendations/observations of the Committee contained in its One Hundred Seventy-second Report on the Development of Tourism in North-Eastern Region.

(Ends)

...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It is not going on record. बैठिए, क्या फायदा है।.....(व्यवधान)

#### **REPORTS OF DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS**

**SHRI ISHWAR SINGH (HARYANA):** Sir, I lay on the Table, a copy each (in English and Hindi) of the following Reports of the Department-related Parliamentary Standing Committee on Railways (2011-12):—

- (i) Fifteenth Report on 'New Catering Policy — 2010 of Indian Railways'; and

Uncorrected/Not for Publication — 21.05.2012

- (ii) Sixteenth Report on Action Taken by the Government on the recommendations/observations of the Committee (Fifteenth Lok Sabha) contained in their Twelfth Report on 'New Railway Recruitment Policy'.

(Ends)

...(Interruptions)...

**STATEMENT OF DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON RAILWAYS**

**SHRI ISHWAR SINGH (HARYANA):** Sir, I lay on the Table, a copy (in English and Hindi) of the Statement of the Department-related Parliamentary Standing Committee on Railways on Action Taken by the Government on the recommendations contained in Chapter-I and Chapter-V of the Tenth Action Taken Report (Fifteenth Lok Sabha) on Eighth Report (Fifteenth Lok Sabha) on 'Protection and Security of Railway Property and Passengers'.

...(Interruptions)...

(Ends)

(Followed by 1u/SKC)

1u/12.55/skc-klg

...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please go back.

(Interruptions) I would allow you time after Zero Hour. Please go back

to your seat. (Interruptions) You have my permission. (Interruptions)

Now, Statement by Minister. Dr. Jagathrakshakan. (Interruptions)

**STATEMENT RE. IMPLEMENTATION OF TWENTY-SECOND  
REPORT OF DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON INFORMATION TECHNOLOGY**

**THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION  
AND BROADCASTING (DR. S. JAGATHRAKSHAKAN):** Sir, I make a  
statement regarding Status of implementation of recommendations  
contained in the Twenty-second Report of the Department-related  
Parliamentary Standing Committee on Information Technology (2011-  
12) pertaining to the Ministry of Information and Broadcasting.

(Ends)

...(Interruptions)...

Uncorrected/Not for Publication — 21.05.2012

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please go back.

(Interruptions) I would listen to you. Please go back to your seat.

Now, Motion to be moved by Shri Rajeev Shukla. (Interruptions)

**MOTION FOR APPOINTMENT OF THREE MEMBERS OF  
RAJYA SABHA TO SERVE ON THE JOINT COMMITTEE TO  
EXAMINE MATTERS RELATING TO ALLOCATION AND  
PRICING OF TELECOM LICENCES AND SPECTRUM**

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY  
AFFAIRS (SHRI RAJEEV SHUKLA ):** Sir, I move the following  
Motion:-

“That this House concurs in the recommendation of Lok Sabha that Rajya Sabha do appoint three Members of Rajya Sabha to the Joint Committee to Examine Matters Relating to Allocation and Pricing of Telecom Licences and Spectrum in the vacancies caused by the retirement of Shri Ravi Shankar Prasad, Shri S.S. Ahluwalia and Shri Praveen Rashtrapal from the Rajya Sabha and communicate to Lok Sabha the names of the Members so appointed by the Rajya Sabha to the Joint Committee and resolves that Shri Ravi Shankar Prasad, Shri Dharmendra Pradhan and Shri Praveen Rashtrapal be re-appointed/appointed to the said Joint Committee to fill the vacancies.”

***The question was put and the motion was adopted.***

(Ends)

**SHRI BALBIR PUNJ:** Sir, what happened to the Short Notice Question? It is a very important matter. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You could give another notice.

**श्री तरुण विजय:** सर, मेरा प्रश्न था। ...(व्यवधान)... यह बच्चों के साथ अन्याय है। ...(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You could give another notice. (Interruptions) मेरे साथ अन्याय होता है, मैं क्या करूं? ..(व्यवधान)..You could renew the notice.

**श्री तरुण विजय :** सर, आप बच्चों की आवाज को सुनिए। ..(व्यवधान)

**SHRI BALBIR PUNJ:** Sir, please allow him five minutes to raise the Short Notice Question. (Interruptions)

**उपसभाध्यक्ष (प्रो० पी.जे.कुरियन):** पुंज साहब, बैठिए।..(व्यवधान) I told you, you could renew the notice.

**SHRI BALBIR PUNJ:** Sir, you could allow him five minutes to raise the Question. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I am on some other business now. Please sit down, Mr. Punj. (Interruptions)

Uncorrected/Not for Publication — 21.05.2012

**SHRI BALBIR PUNJ:** Sir, what happened to the Short Notice Question?

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I have already said what I had to say?

**SHRI BALBIR PUNJ:** Sir, what did you say?

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You have heard it. I said, he can again give a notice.

**SHRI BALBIR PUNJ:** Sir, he got the opportunity to raise it after a long time.

**श्री तरुण विजय:** यह सदन बच्चों के लिए ...(व्यवधान)... बच्चों की आवाज सुनने से इंकार करता है। ..(व्यवधान)..  
..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Zero Hour. We shall take up 'Matters to be raised with the permission of the Chair'.  
Shri Ali Anwar Ansari.

**SHRI RAVI SHANKAR PRASAD:** Sir, let this Question be allowed.  
(Interruptions)

**श्री अली अनवर अंसारी:** उपसभापति महोदय। ...(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** There are other devices by which you can raise this issue.

**SHRI TAPAN KUMAR SEN:** Sir, the Zero Hour should be there.

**श्री रवि शंकर प्रसाद:** सर, तरुण विजय जी का विषय बहुत अच्छा है।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please, sit down.

**श्री रवि शंकर प्रसाद:** आप जीरो आवर के बाद एलाउ कर दीजिए। ..(व्यवधान)

Sir, it is a matter of grave concern. It could be taken up after the Zero Hour.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Ravi Shankar Prasad, the Chair wishes to take up all the items, but what can I do? We have wasted so much time. Nearly one hour has been wasted.

**SHRI RAVI SHANKAR PRASAD:** Sir, you could take it up after the Zero Hour. (Interruptions) Otherwise, it would be pushed to the next Session.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, no; it cannot be taken up after Zero Hour. But, if the House is in agreement, we could take it up now. (Interruptions) After that, we could take up the Zero Hour. But then, we will have to sit beyond 1.00 p.m.? Is that agreed?

Uncorrected/Not for Publication — 21.05.2012

**SHRI KAPIL SIBAL:** Let us take it up now, Sir. (Interruptions) I have been sitting here since 12 o'clock. Please take it up now. We have no problem.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Let us take it up now. The Minister has agreed to it. That is the sense of the House. After that we will have the Zero Hour. Therefore, the House would agree, and I hope it would agree, that the lunch-break would be cut short a little to that extent. Is that agreed?

**SOME HON. MEMBERS:** Okay, Sir.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** This is the cooperation I wish to have. Now, let us take up the Short Notice Question. (Interruptions)













**S. N. Q. NO. 11**

**SHRI TARUN VIJAY (UTTARAKHAND):** Thank you, Sir. God bless you!

My question is whether all State and Central Government institutions have special facilities and trained teachers to teach specially-abled children, also known as 'disabled children'.  
(Interruptions)

Sir, I am grateful to the hon. Minister and thank him and his Government for including the specially-abled children, especially those from the socially disadvantaged sections, in the Right to Education Act. Millions of children are thankful to you, Sir. But the situation is so horrific.

(contd. at 1w/hk)

HK-SC/1w/1.00

**श्री तरुण विजय (क्रमागत) :** सर, मैं उत्तराखंड से आता हूँ। दुनिया भर के सब से अच्छे स्कूल्स वहां पर हैं लेकिन एक भी स्कूल में specially-enabled children के लिए कोई टीचर नहीं है, कोई facility नहीं है। इसी तरह से दिल्ली में कोई ऐसी facility नहीं है। यहां पर 6 करोड़ बच्चे हैं, लेकिन 6 करोड़ बच्चों में से सिर्फ साठ लाख बच्चे स्कूलों में जा रहे हैं और बाकी साढ़े पांच करोड़ बच्चे

**S. N. Q. NO. 11**

they are out of school. उनका ghettoisation घर में रखकर हो जाता है। आपने Inclusive Education को accept किया लेकिन सोशल जस्टिस डिपार्टमेंट उसके विरुद्ध काम कर रहा है।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Put the question.

**श्री तरुण विजय :** दोनों मिनिस्टरीज़ में convergence नहीं है। ऐसे बच्चों के ... (व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Put the question.

There is a shortage of time.

**SHRI TARUN VIJAY:** You have said that the Persons with Disabilities Act is applicable in all States except Jammu & Kashmir. But in most of the States this Act is not being applied. Why? What is the Government doing about it? Even the blind are not allowed to write in Braille in Jammu & Kashmir. Why? Even the one per cent reservation ... (Interruptions) ... for the blind is not given. Why? Why is there no mapping of specially-enabled children? They are on the verge of committing suicides. Please help them. ... (Interruptions)...

**SHRI KAPIL SIBAL:** Sir, I just want to mention to the distinguished Member that indeed under the SSA there has been mapping of

**S. N. Q. NO. 11**

disabled children. In fact, I have got all the figures with me here. I can supply them to the distinguished Member. People in the low-vision category in India are 4,61,080; totally blind are 1,09,057; hearing impaired are 4,00,266. I have got all the ten categories and their numbers. So, mapping has been done. It is not that mapping is not done. The problem is that dealing with disabled is a State subject. Under the Constitution, it is given in List-II. We can have Central schemes and we can have all our policies, but the actual reaching out has to be done at the level of the State Governments. We are informing the State Governments that these are the schemes; you please reach out. Take example, teachers' training. That is the question that the hon. Member has raised. On the issue of teachers' training, the total number of teachers, under the IE programme in SSA, are 42, 01,943 and people who are trained in SSA for disabilities are actually 25,71,277. Sixty-one per cent of the normal teachers are trained to deal with issues of disability. So, to say that teachers are not trained is not quite correct. Of course, they are not up to 100 per cent and we have to, along with the State Governments, take this

**S. N. Q. NO. 11**

forward. Other than that, we give teachers three to six days' training plus 90-days' training under the RCI. For three to six day training, there are 22,48,801 teachers who have gone through that special three to six days' training. As far as the 90-days' training is concerned, because most teachers are not able to come away for 90 days, only 3 per cent of the teachers have this 90-days training. So, we are working with State Governments; we are trying to increase the number of teachers. Now, we have special programmes for B.Ed. and D.Ed. for children with special needs and they will be, in fact, trained to teach children with special needs. ...(Interruptions)... I hope the State Governments take responsibility which, under the Constitution, they are charged with.

**SHRI TARUN VIJAY:** But my question was: how many States are actually implementing this? If you have trained so many teachers, why are those teachers invisible everywhere? More than 90 per cent of Delhi's schools -- I have surveyed it myself -- have no special teachers; there is no special educator in Delhi. Not a single school in Uttarakhand has any special educator today. If you have trained so

**S. N. Q. NO. 11**

many teachers, where have they gone? Secondly, Sir, I come to nomenclature. There are institutes which are called 'Institute for Mentally Retarded'. To my faith, mentally retarded are those who are corrupt and who incite violence. These are not mentally retarded. They are specially enabled. Why can't you change their nomenclature and their title?

**SHRI KAPIL SIBAL:** Sir, as far as the nomenclature is concerned, we are, in fact, now looking at different phraseologies. We refer to them as 'differently-abled' because they are also able. The only thing is that they are different from us, just as each one of us is differently abled. That is true for all of us as well. So, we should not be really talking about mentally retarded.

(Contd. by 1x/GSP)

GSP-GS-1.05-1X

**SHRI KAPIL SIBAL (contd.):** We are taking special care. Regarding the question you asked about Uttarakhand, I think, you should request one of your colleagues in the Uttarakhand Assembly to raise it

**S. N. Q. NO. 11**

there. As far as Uttarakhand is concerned, the number of resource teachers is 190, and, the number of volunteers and the care-givers for severe CWSN is 1,697. Please raise this question in the Legislative Assembly of Uttarakhand, and, you will get the answer. We are doing whatever we can. This is a State subject. We want to be partners with the State Government but why they are not implementing it, is something which each distinguished Member of Parliament must ask the Chief Minister of the concerned State.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Next, Shrimati Kanimozhi. (Interruptions)

**SHRI TARUN VIJAY:** \*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, please. You have no right. That will not go on record. (Interruptions) You have no right. (Interruptions) You put a lengthy question, and, you are speaking again. (Interruptions) Shrimati Kanimozhi, please put your question.

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\* Not recorded.

**S. N. Q. NO. 11**

**SHRIMATI KANIMOZHI:** Sir, I would like to know if it would become a part of the teacher-training course to train the teachers to take care of the special children who are slow-learners.

**SHRI KAPIL SIBAL:** It is very much part of the normal training programme of a teacher.

**SHRIMATI KANIMOZHI:** I mean, every teacher who is going to be trained will also get trained to take care of these children.

**SHRI KAPIL SIBAL:** Yes, it is the part of the normal training of the teachers to deal with children with special needs. That is exactly what we have been trying to do under the SSA programme. Now, in fact, we have allowed B.Ed., and, D.Ed. for children with special needs and those teachers will be special teachers. We also have the resource teachers. We are going to launch a very big programme on this issue. I believe, in this country there are over 2-crore children who require special care as they are children with special needs. I believe, this figure is 2.14 crore according to the 2001 Census.  
(Interruptions)

**S. N. Q. NO. 11**

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please. Don't do that.  
(Interruptions)

**SHRI KAPIL SIBAL:** The projected figure after 2012 is 2.44 crore, which, I think, is more than the population of many countries. So, I think, both the Central and the State Governments need to work together to take care of them.

**SHRI KUMAR DEEPAK DAS:** Sir, the hon. Minister said that it is a State subject but it is a reality that the disabled persons are unable to get the benefits of this Act, as it does not reach out to the States, especially, in the North-Eastern States. Is there any monitoring system available with the Government to see whether this Act is being implemented or not. My second question is: is there any instance where any action has been taken by the Government against concerned officers responsible for non-implementation of this Act in the States?

**SHRI KAPIL SIBAL:** How can action be taken by the Government? This is a State subject. If something is not being implemented...  
(Interruptions)...

**S. N. Q. NO. 11**

**SHRI KUMAR DEEPAK DAS:** I am talking about the monitoring system.

**SHRI KAPIL SIBAL:** If the Government of India tries to take action, you will say that it is interference with the federal structure. It is within the jurisdiction of the State Governments. (Interruptions)

**SHRI KUMAR DEEPAK DAS:** There should be some monitoring system in the country.

**SHRI KAPIL SIBAL:** Let a Resolution be passed that the Central Government will monitor this scheme in all the States. (Interruptions)  
We will monitor it. (Interruptions)

**SHRI VIJAY JAWAHARLAL DARDA:** Sir, the hon. Minister has given a reply of the general nature. Unless and until, you get the correct information from the States as to how many children are there in each school, how can we deploy the teachers?

**SHRI KAPIL SIBAL:** This exercise has to be done by the State Governments and the State Education Departments to see as to how many children in each school require special care and special needs. Once that is done, the issue of deployment will arise, and, then, the

**S. N. Q. NO. 11**

question of number of teachers to be able to help those children will arise. That exercise must be performed by each State Government, and, through you, Sir, I request the individual Members to move the State Chief Ministers so that this exercise is done. (Interruptions)

(Ends)

(followed by YSR—1Y)

-GSP/YSR-ASC/1.10/1Y

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** What Mr. Ali Anwar Ansari speaks will go on record; nothing else will go on record.

**MATTERS RAISED WITH PERMISSION OF CHAIR**

**CANCELLATION OF EXHIBITION TO BE HELD IN PATNA BY LALIT  
KALA AKADEMI, NEW DELHI**

**श्री अली अनवर अंसारी (बिहार) :** उपसभाध्यक्ष महोदय, ललित कला अकादमी, नई दिल्ली द्वारा 23 मई को, यानी कल के बाद परसों, बिहार की राजधानी पटना में राष्ट्रीय कला प्रदर्शनी की जाने वाली थी, जिसे अकादमी के नवनियुक्त अध्यक्ष ने अकारण रद्द कर दिया है। अब यह प्रदर्शनी नवनियुक्त अध्यक्ष के अपने गृह राज्य में लगाई जाएगी। महोदय, ललित कला अकादमी के

गठन के बाद पहली बार बिहार में यह प्रदर्शनी लगाई जाने वाली थी। बिहार को इस निर्णय के बारे में अखबार के जरिए पता चला। ललित कला अकादमी के अध्यक्ष ने इसकी जरूरत भी नहीं समझी कि बिहार को इस बारे में सूचित किया जाए। इस बात को लेकर बिहार में आंदोलन हो रहा है। वहां के कलाकार, रंगकर्मी आंदोलन कर रहे हैं।

महोदय, आप जानते हैं कि बिहार अपनी स्थापना की शत वार्षिकी मना रहा है। बिहार सरकार के कला और संस्कृति विभाग ने खासतौर से ललित कला अकादमी से यह अनुरोध किया था कि इस साल उनके यहां यह प्रदर्शनी लगाई जाए। यह फरवरी माह बात की है और उस समय ललित कला अकादमी के अध्यक्ष श्री अशोक वाजपेयी, जो एक बहुत बड़े साहित्यकार भी हैं, उन्होंने इसे स्वीकार किया था। जो ललित कला अकादमी की सामान्य परिषद् है, उसको इसकी स्वीकृति दी थी और पचास लाख रुपए का बजट भी बना था। ललित कला अकादमी ने बिहार सरकार को सूचित किया था कि इस साल आपके यहां यह प्रदर्शनी लगाई जाएगी। बिहार के लोगों में इसको लेकर काफी उत्साह था।

महोदय, आप जानते हैं कि बिहार कला और संस्कृति के मामले में कितना समृद्ध है। भारत के राष्ट्रीय झंडे पर जो अशोक स्तम्भ बना हुआ है और जो भारत का प्रतीक चिह्न है, वह बिहार की कला का नमूना है। ललित कला अकादमी का प्रतीक चिह्न, जो एक मुख वाला शेर है, वह भी बिहार की कला से लिया गया है।

महोदय, मैं यह कहना चाहता हूँ कि ललित कला अकादमी के अध्यक्ष के मनमाने निर्णय पर तत्काल रोक लगाई जाए। महोदय, इन्टेन्शन का सवाल है। आप जानते हैं कि इसी तरह से बिहार सरकार भी कह रही है कि मोतिहारी में केन्द्रीय विश्वविद्यालय खुलेगा। ये लोग गया में बिहार के लोगों को लड़ाने की बात कर रहे हैं। मैं इस पर ज्यादा नहीं बोलूंगा क्योंकि हमारे माननीय सदस्य श्री श्री एन.के. सिंह शून्य काल में इस पर अलग से बोलेंगे। महोदय, मैं इस को बिहार को एक तरह से अपमानिक करने का कदम मानता हूँ। ..(समय की घंटी)..  
 THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Time is over. It is not going on record. माइक भी ऑफ है। It is not going on record. Shri D. Raja, please. ...(Interruptions)... That is the rule.

**श्री अली अनवर अंसारी :** \*

(समाप्त)

**श्री रवि शंकर प्रसाद (बिहार) :** महोदय, माननीय सदस्य ने जो विषय यहां उठाया है, मैं अपने को इससे सम्बद्ध करता हूँ।

(समाप्त)

**श्री शिवानन्द तिवारी :** महोदय, वहां पर ललित कला अकादमी प्रदर्शनी लगाने वाली थी, ...(व्यवधान).. के मौके पर।...(व्यवधान)..  
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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** The Chair is helpless in this matter. The permissible time is three minutes. After that, there will be no recording. It will not go on record. ...(Interruptions)...You make the rules. If you want to change the rules, you can change them. ...(Interruptions)... We can discuss that. आप बैठिए। अंसारी जी, बात को समझिए। (व्यवधान).. अंसारी जी, आप बैठिए। ..(व्यवधान).. आप लोग बात को समझिए। The Chair is not against anybody raising any issue. तिवारी जी, आप बात को समझिए। देखिए, I will tell you the Chair is helpless... ..(व्यवधान).. क्योंकि तीन मिनट के बाद रिकार्ड में नहीं जाता है। ... (व्यवधान).. अंसारी जी, मैं आपको बताना चाहता हूँ,... (व्यवधान)..

(1Z/LT पर आगे)

LP-VKK/1.15/1z

**श्री राम कृपाल यादव :** यह सरकार के संज्ञान में जा रहा है..(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please take your seat. (Interruptions) If you want to raise a matter which you think is more important, there are other ways. You can give notice. लेकिन जीरो ऑवर में 3 मिनट के बाद रिकॉर्ड में कभी भी ज्यादा नहीं जाता है। It cannot be done. It is not for the Government. (Interruptions) I cannot ask them; it is up to the Government. (Interruptions) Now, Shri D. Raja.

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(Interruptions) All Zero Hour mentions cannot be responded by the Government. डी. राजा, आप बोलिए।

### **COMPLETION OF THREE YEARS OF FINAL PHASE OF WAR IN SRI LANKA AND PLIGHT OF TAMILIANS**

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**SHRI D. RAJA (TAMIL NADU):** Sir, I draw the attention of this House as well as the attention of the Government to the miserable plight of the Tamils in Sri Lanka. May 18 marked the end of three years of the war which was waged against Tamils in Sri Lanka. It was genocide. I said that in this House several times. It was a massacre of Tamils in Sri Lanka. Now, for the past three years, what is happening in Sri Lanka is much graver. It is nothing but a 'structural genocide' that continues in Sri Lanka. When I say 'structural genocide', I mean how the Hindu temples are being targeted for attack, how the mosques, the places of worships of Muslims, are being targeted for attack and how the churches are being targeted for attack. Sir, we all know, Buddha is known for love and compassion. The same Buddha and His name are being used to generate hatred and hostility against Tamils in Sri Lanka. This situation continues and the traditional places, where Tamil

Uncorrected/Not for Publication — 21.05.2012

people used to live in North and East, are under occupation of Army. I don't go by any other figure but, I quote 'The Hindu', a renowned national daily. It says, "Diplomats stationed in Colombo reckon that as much as 60 per cent of the Sri Lankan Army is deployed in the North. Another similar estimate puts the Army-to-civilian ratio at 1:4". So, the North and the East are under Army occupation and the Tamil people do not have any freedom to move as they like. We have been demanding that the Tamils must be released from concentration camps and they must be allowed to go and live in the places of their choice. But, it is not happening. What is happening is militarization of North and East. What is happening is Sinhalisation of North and East. All symbols of Tamil people, the Tamil ethnic group, are being destroyed in Sri Lanka. What is the policy of India at this point of time given the LLRC recommendations? The Sri Lankan Government has been saying that they will implement whatever suits the Sri Lankan Government. They will not enquire into war crimes; they will not enquire into violations of human rights. They do not pay heed to the voice of international community despite the Geneva Resolution,

Uncorrected/Not for Publication — 21.05.2012

despite India sending a goodwill delegation of MPs to Sri Lanka.

(Time-bell)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, three minutes are over. (Interruptions)

**SHRI D. RAJA: \*** (Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No use in speaking. (Interruptions) It won't go on record even if I say. (Interruptions) Now, Shri Tapan Kumar Sen. (Interruptions)

**DR. V. MAITREYAN: \***

**SHRI TIRUCHI SIVA: \***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You associate. (Interruptions) It is not going on record. (Interruptions) That is not allowed. You can only associate. (Interruptions) You also associate. (Interruptions) Okay, you all associate. (Interruptions) What you said is over now. (Interruptions)

**DR. V. MAITREYAN (TAMIL NADU):** Sir, I associate myself with the matter raised by Shri D. Raja.

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\* Not recorded.

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**SHRI TIRUCHI SIVA (TAMIL NADU):** Sir, I also associate myself with the matter raised by Shri D. Raja.

**SHRI N. BALAGANGA (TAMIL NADU):** Sir, I also associate myself with the matter raised by Shri D. Raja.

(Ends)

(Followed by KR/2a)

KR/AKG/2A/1.20

### **CONTINUOUS DECLINE IN THE PRODUCTION OF NATURAL GAS FROM KG BASIN**

**SHRI TAPAN KUMAR SEN (WEST BENGAL):** Mr. Vice-Chairman, Sir, I rise to draw the attention of the august House as well as the Government to a continuous and deliberate scaling down the production of natural gas at KGD6 basin by the contractor company, year after year, in total violation of the production sharing contract with the Government, while the Government is remaining an indulgent onlooker to the biggest injury perpetuated by the contractor on country's economy, the power and fertilizer sector in particular. Sir, in 2009-10, the shortfall in production of natural gas from KGD6 basin was 15 units per day, in 2010-11, it was around 20 units per day, in

Uncorrected/Not for Publication — 21.05.2012

2011-12, it was 23 units per day and in 2013-14 it is going to be around 60 units per day. The underproduction on the part of the contractor company is deliberate and the flow of events in the last three years clearly show that this is nothing but blackmailing or arm-twisting the Government for forcing a premature hike in already high natural gas price decided by the EGoM for a period till 2014.

Such a deliberate underproduction by the contractor company in KGD6 basin has inflicted a direct loss to the country over Rs.One lakh crore and such a loss is irreparable since shortfall in gas supply cannot be made good by even import owing to not having enough LNG terminal and gas pipeline network connecting the entire country.

Sir, the most shocking thing is that the Government instead of taking action against the violation of the production sharing contract has been indulging in further patronising the contractor at every step. The contractor's demand for premature hike in gas price before the expiry of the tenure of existing price in 2014 has been decisively rejected by the Minisry of Petroleum as this House was informed in reply to my Unstarred Question No.1509 dated 27th March, 2012. But, unfortunately, the same demand of premature price hike of

Uncorrected/Not for Publication — 21.05.2012

natural gas from KGD6 by the contractor was forwarded by the PMO to the Ministry of Petroleum for taking a legal opinion. The issue which was closed by the Ministry of Petroleum has been reopened by the PMO. The matter has gone to the Attorney General; and he has forwarded that to the Additional Solicitor General.

Therefore, I urge upon the Government that the matter which was closed should be treated as closed; and the price should not be hiked.

**THE VICE-CHAIRMAN (PROF.P.J. KURIEN):** Time over.

**SHRI T.K. RANGARAJAN (TAMIL NADU):** Sir, I associate myself with the issue raised by the hon. Member.

**DR V. MAITREYAN (TAMIL NADU):** Sir, I associate myself with the issued raised by the hon. Member.

**SHRI K.N. BALAGOPAL (KERALA):** Sir, I also associate myself with the issued raised by the hon. Member.

**SHRI N.K. SINGH (BIHAR):** I associate myself with the issue raised by the hon. Member.

**SHRI SHIVANAND TIWARI (BIHAR):** I also associate myself with the issued raised by the hon. Member.

**SHRI MANGALA KISAN (ODISHA):** I also associate myself with the issue raised by the hon. Member.

**SHRI PRASANTA CHATTERJEE (WEST BENGAL):** I also associate myself with the issue raised by the hon. Member.

(Ends)

### ISSUE OF FIXING OF IPL MATCHES

**श्री साबिर अली (बिहार) :** सर, आपने मुझे जो मौका दिया, उसके लिए मैं आपका शुक्रगुजार हूँ। 8 दिनों से इस देश में, जिस दिन पहली बार स्टिंग ऑपरेशन हुआ, इस देश की जनता कह रही है कि आईपीएल का दूसरा नाम है – इंडियन पैसा लूटो। सर, आईपीएल में ऐसे व्यक्ति चेयरमैन हैं, जो उच्च पदों पर पदस्थापित हैं। आईपीएल 5 साल पहले बनाई गई। उसके पहले चेयरमैन ललित मोदी थे। 3 साल के बाद उनके ऊपर करप्शन का चार्ज लगा, मैनिपुलेशन का चार्ज लगा, घपले का चार्ज लगा और फिक्सिंग का चार्ज लगा। उसके बाद जो शख्स आईपीएल के चेयरमैन बने, वे इस सदन में और इस सरकार में बड़े पदों पर पदस्थापित हैं। मैं आपके माध्यम से यह कहना चाहता हूँ कि इस देश की जनता क्रिकेट को रिलीजन की तरह देखती है, as a passionate देखती है। क्रिकेट से हर आदमी का जुड़ाव है। मैं भी क्रिकेट को as a passionate देखता हूँ। सर, जब यह पता चलता है कि पैसों के लिए मैच

फिक्स किया गया, तो आप जानते हैं कि उन लोगों पर क्या गुजरती है, जो लोग इसको रिलीजन की तरह देखते हैं। उन लोगों के साथ और इस देश की जनता के साथ यह घात है। सबसे पहले उनको, जो इस आईपीएल के चेयरमैन हैं, नैतिकता के आधार पर अपने पद से रेजिगनेशन देना चाहिए, लेकिन बड़े दुख के साथ कहना पड़ता है कि बेशर्मी का आलम है। एक शेर याद आता है, इस देश की जनता कह रही है कि “मैंने उनसे की थी वफा की उम्मीद, जो यह नहीं जानते वफा क्या है, इसी महफिल में इस अंदाज से बैठा है दीवाना, जुबॉं खामोश है, लेकिन अदा कहती है अफसाना”। सर, मैं आपके माध्यम से कहना चाहता हूँ कि आईपीएल का घोटाला और फिक्सिंग इस देश के लिए नासूर है और कैंसर की तरह है।

(2बी/एससीएच पर जारी)

-AKG-SCH-TMV/2B/1.25

**श्री साबिर अली (क्रमागत):** इस पर सरकार को नोटिस लेना चाहिए। इस सरकार के जो खेल मंत्री हैं, एक साल से लगातार उनका भी बयान आ रहा है कि आईपीएल और बीसीसीआई के अन्दर ऐसे जो लोग हैं, जो मैच फिक्सिंग करते हैं और क्रिकेट मैच के अन्दर अपनी तानाशाही, अपनी बादशाहियत दिखाना चाहते हैं, उनको इससे अलग होने की सख्त जरूरत है।

सर, मैं आपके माध्यम से कहना चाहता हूँ कि अगर इस सरकार, इस चेअर और इस सदन ने इस बात पर गंभीरता से चर्चा नहीं की तो देश में एक

और रेवोल्यूशन आएगा और इस देश की जनता एक-एक चौराहे पर, एक-एक कोने पर यह कहने के लिए मजबूर हो जाएगी कि इस सदन में बैठे हुए लोग अपने-अपने पदों पर बने रहना चाहते हैं।

सर, यह बहुत ही दुर्भाग्यपूर्ण है कि अगर हम राजनीति में हैं, तो हमको खेलों से अलग होना चाहिए, लेकिन ऐसा नहीं हो रहा है। बहुत दुःख के साथ हमें कहना पड़ता है कि अगर देश की जनता की आवाज आज नहीं सुनी गई, तो आने वाले समय में जो आन्दोलन होगा, यह सदन उसको बर्दाश्त नहीं कर पाएगा, इस देश की जनता फिर से आन्दोलन करेगी।

(समाप्त)

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** The time is over. (Interruptions)... The time is over. (Interruptions)... Mr. Sabir Ali, your time is over. (Interruptions)... Shri Rama Chandra Khuntia. (Interruptions)...

**श्री नरेश अग्रवाल:** इनके बयान में एक मंत्री पर आरोप था, उन मंत्री जी को भी तो आप बुला लेते।

**NON-HONOURING OF MEMBERS OF PARLIAMENT'S IDENTITY  
CARD AT PRIVATE TOLL GATES AT FARIDABAD AND GURGAON  
AND BY AIRPORT AUTHORITY, NEW DELHI**

**SHRI RAMA CHANDRA KHUNTIA (ODISHA):** Sir, this is regarding the Identity Card which the Members of Parliament used to get. This Identity Card is not recognised by the airports, toll gates, private airlines and even the State Assemblies, Secretariats and other offices. On 14<sup>th</sup> May, 2012, when I was passing through Faridabad toll gate, they refused to allow me to go, though my MP car label was there. I showed them my Identity Card. Still they refused. This is happening always. They collected Rs.20 from me. This is happening repeatedly at Faridabad and Gurgaon toll gates. We have paid this fee ten times. They refused and said, "Government vehicles are permitted and not individual", and collected money from us. This is repeatedly happening in spite of the fact that the MPs are exempted at all toll gates. At the airport also sometimes the CISF personnel are asking us, "What is this card? You show us the ticket; otherwise, we will not allow you to go inside the airport". Especially, this private airport is creating problem. Similarly, when we go to Nepal and Bhutan where passport is not necessary and some Identity Card is required, the

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private airlines are asking, “What is this card? We don’t accept this card”. I have my own experience. The Jet Airlines also did not accept the Identity Card. As the Secretary of the Congress Party, I go to various States. When I go to the State Secretariats or Assemblies, they are also asking for the pass. As an MP, with the Identity Card, we have the right to go to the State Secretariats and Assemblies also. Therefore, if any facility is given to the MPs, that should be implemented or the facility should be withdrawn. There is a Government Circular that when an MP telephones an officer, he must listen to the MP and also show respect to the MP. Even after telephoning ten times, the CPSU officers, the PSU officers, Government officers and railway officers are not responding and they are not listening to the MPs.

Furthermore, as per the protocol, the MP has been put at No.25 in the protocol list. A Committee has recommended to review the MPs’ status. That has been done. My appeal to the Government, through this House, is that if at all any privilege is given to the MP, it should be implemented strictly. If no privilege is to be given, it can be withdrawn. We are being humiliated at the airports and at the toll

Uncorrected/Not for Publication — 21.05.2012

gates. I think, the Government would take a serious note of this and action would be taken against those who are not implementing or obeying this order.

(Ends)

**SOME HON. MEMBERS:** We all support and associate with matter raised by Shri Rama Chandra Khuntia.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Mani Shankar Aiyar. (Interruptions)... But MPs are not above law and law is applicable to everybody.

(Ends)

### **ANTI-TERRORISM DAY**

**SHRI MANI SHANKAR AIYAR (NOMINATED):** Sir, today is the Anti-Terrorism Day. It marks the 21<sup>st</sup> anniversary of the martyrdom of the former Prime Minister of India, Shri Rajiv Gandhi. While his physical body was tragically blown to smithereens by a terrorist, the suicide bomber could not blow away his legacy. It is, therefore, that on this sorrowful anniversary, we recall that legacy, especially, with respect to the contribution this legacy can make to effectively facing up to terrorism. To my mind, Sir, there are three key elements to this

Uncorrected/Not for Publication — 21.05.2012

legacy. One, Panchayati Raj embodied in Seventy-third and Seventy-fourth Amendments which are sanctified as Parts IX and IXA of the Constitution.

(Contd. by 2C/VK)

VK/2C/1.30

**SHRI MANI SHANKAR AIYAR (CONTD):** Second, the emotional integration of our diverse people by celebrating their respective cultures and bringing these cultures to each other's attention through the seven Zonal Cultural Centres established by former Prime Minister, Shri Rajiv Gandhi. And, third, carrying forward into the 21<sup>st</sup> Century, the ideas contained in the Rajiv Gandhi Action Plan for a Nuclear-Weapons-Free and Non-violent World Order presented by him to the Special Session of the United Nations General Assembly on 9<sup>th</sup> June, 1988 which, an amazing quarter century later, remains the only viable plan of action on the subject of nuclear disarmament ever presented by a Head of Government to the UN.

With regard to the first element of this legacy, the Panchayat Raj, I greatly welcome the pledge made by the Finance Minister last week to set up a Committee along the lines of the Balvantray Mehta

Uncorrected/Not for Publication — 21.05.2012

Study Group to ensure the centrality of the local constitutional institutions of self-Government in the planning and implementation of Centrally-Sponsored Schemes relating to the 29 subjects in the Eleventh Schedule and the 18 subjects in the Twelfth Schedule. But most importantly, far more than guns, bullets and khaki uniforms, it is genuine Panchayat Raj based on the provisions of PESA that will free our tribal people from terrorism and restore to them the dignity, honour and way of life of which they have been deprived by unbridled, unthinking economic development pushed by outsiders to the forests of Dandakaranya in their own selfish interest instead of making the forest dwellers participants and stakeholders in their own development.

As regards the Zonal Cultural Centres, on this Anti-Terrorism Day, I would urge the Government to attach high priority to the revival and rejuvenation of this. For it is the emotional integration of our people that constitutes the most effective national bulwark against the spread of terrorism.

On the third element of Rajivji's legacy, namely, his action plan for disarmament, I request you to recall on this occasion what Rajiv

Uncorrected/Not for Publication — 21.05.2012

Gandhi told the UN in 1988: ‘Nuclear deterrence is the ultimate expression of the philosophy of terrorism’. Thank you. (Ends)

(Interruptions).

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Yes, yes; all associate themselves. Yes, all of you associate yourself. I thank Shri Mani Shankar Aiyar for reminding the House that today is Rajivji’s martyrdom day.

(Ends)

#### **ONGOING STRIKE OF WORKERS OF NLC IN TAMIL NADU**

**SHRI TIRUCHI SIVA (TAMIL NADU):** Sir, the Neyveli Lignite Corporation, which is one of the prestigious Navratna public sector undertakings, is in Tamil Nadu, which mines lignite and generates power to the tune of 2,500 MW. Sir, the ongoing strike of contract workers for the past 20 days, which has not been attended duly by the management, has led to the reduction in generation of power and even 250 MW of power has not been produced in the recent days. Everyone is very much aware of the existing power crisis in the country. Moreover, the power, which is generated in NLC, is not only distributed to the State of Tamil Nadu but also to the neighbouring

Uncorrected/Not for Publication — 21.05.2012

States. Why such a situation arose, is something to be noted by the Government with a serious concern. The problem of the contract workers has been there for long. In the year 1994, a settlement was arrived that an industrial cooperative society would be formed to avoid the role of the middleman. Thereafter, 5,000 workers, who were contract workers, were enrolled as members in the Industrial Cooperative Society, out of which 4,000 workers had been made permanent workers. Sir, 200 workers had either passed away or migrated and 800 workers were remaining. In the meantime, the management started engaging more contractors and they brought in 13,000 workers. Again, the crisis came. It was informed that all the workers must enroll themselves in the Industrial Cooperative Society. When 5,000 workers were to be registered, these 800 workers went to the court claiming seniority. The court adjudicated that common seniority must be maintained irrespective of whether they were enrolled in the Society earlier or not.

(Contd. By 2D)

RG/1.35/VNK/2D

**SHRI TIURCHI SIVA (contd.):** Sir, all of a sudden, the management appealed in the Supreme Court. Now the excuse that the management is giving is that an SLP is pending before the Supreme Court and that they cannot do anything. The situation is very, very serious. Every worker is very much prepared, and I call the attention of the Government to intervene immediately for the seniority is not in dispute now. The restriction of registering workers with the Society must be lifted. Once the management is prepared to register the workers, everything will be solved. If that is not done, then, the country will face a very big power crisis in one week, because the cleaning up of overburdened machines is not being done by the contract workers, and within a week, the total mining will be stopped and the total power generation will be stopped. So, the Government has to take up this matter which is of very serious concern, and they should direct the management to immediately settle the issue out-of-court. Stating that an SLP is pending before the Court is not an excuse and the management should take it up seriously. The Government must issue a serious and immediate direction to the management to settle the issue amicably.

(Ends)

**SHRI D. RAJA (TAMIL NADU):** Sir, I associate myself with it.

**SHRI TAPAN KUMAR SEN (WEST BENGAL):** Sir, I also associate myself with it, with a concern as to how the Government is continuing to neglect...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You should associate only, nothing more...(Interruptions) Now, Shri N.K. Singh...(Interruptions) I have called Shri N.K. Singh.

**SHRIMATI VASANTHI STANLEY (TAMIL NADU):** Sir, I also associate myself with it.

**SHRI A.A. JINNAH (TAMIL NADU):** Sir, I also associate myself with it.

(Ends)

#### ESTABLISHMENT OF A CENTRAL UNIVERSITY IN BIHAR

**श्री एन. के. सिंह (बिहार):** माननीय उपसभाध्यक्ष महोदय, मैं आपके माध्यम से मानव संसाधन विकास मंत्री, जो आज सौभाग्य से यहां सदन में ही हैं, का ध्यान आकर्षित करना चाहता हूँ। बिहार में जो केन्द्रीय विश्वविद्यालय का सृजन होना है, उस संबंध में बिहार सरकार ने कई बार केन्द्र सरकार से आग्रह किया है कि इस विश्वविद्यालय का सृजन मोतिहारी में हो। केन्द्रीय मंत्रालय के समक्ष जो प्रस्ताव है, वह बिहार का प्रस्ताव था, लेकिन उसको नजरअंदाज करते हुए,

उन्होंने एक निर्णय लिया है कि इसकी स्थापना गया में की जाए। इस संबंध में जो वार्तालाप दोनों के बीच हुई, वह कुछ विवादास्पद रहा है। महोदय, मैं आपके माध्यम से मानव संसाधन विकास मंत्री को स्मरण कराना चाहता हूँ कि 30.4.2012 में इस सदन में इस विषय पर चर्चा हुई थी और चर्चा के अधीन जो बातें कही गईं, मैं उनको proceeding से पढ़ रहा हूँ। इसके तहत श्री कपिल सिब्बल जी ने इस सदन में कहा, “Sir, my distinguished leader, Tiwariji, talked about Bihar. I have rung up Shri Nitish Kumarji. I have requested him for an appointment. I am willing to sit down with him and decide about what we should do about the Bihar Central University as well. We have no problems, in terms of future of the children of Bihar, to what we need to do. I have, certainly, no problem talking with Shri Nitish Kumarji. I have already talked to him. I have rung him up.” इन्होंने यह आश्वासन सदन को दिया था और इसके तदुपरांत नीतीश जी के साथ उनकी मीटिंग भी हुई और मीटिंग अच्छी थी। उसके बाद इस मीटिंग के बारे में खबर अखबारों में प्रकाशित हुआ।

इसमें आश्चर्य का मामला यह है कि दो दिन पूर्व इसी सदन में श्री तरुण विजय जी के अतारांकित प्रश्न संख्या 4751 के उत्तर में इस वार्तालाप की कोई झलक नहीं है। इससे एक भ्रामात्मक स्थिति पैदा हो गई है और इसको टेलीविजन में दिखाया गया तथा अखबारों में प्रकाशित किया गया है कि केन्द्रीय

Uncorrected/Not for Publication — 21.05.2012

सरकार नहीं चाहती है कि इस विश्वविद्यालय की स्थापना गया छोड़ कर कहीं और हो, जब कि मानव संसाधन विकास मंत्री ने कुछ और आश्वासन दिए हैं।

महोदय, मैं आपके माध्यम से माननीय मंत्री जी से यह अनुरोध करूंगा कि वे इस स्थिति के ऊपर प्रकाश डालें और स्थिति को स्पष्ट करें। धन्यवाद।

(समाप्त)

**श्री शिवानन्द तिवारी (बिहार):** सर, मैं स्वयं को इस विषय से संबद्ध करता हूँ।

**श्री अली अनवर अंसारी (बिहार):** सर, मैं स्वयं को इस विषय से संबद्ध करता हूँ।

**श्री साबिर अली (बिहार):** सर, मैं स्वयं को इस विषय से संबद्ध करता हूँ।

(समाप्त)

**THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL):** Sir, I would like to place on record the fact that I have had a very constructive dialogue with the distinguished Chief Minister of Bihar, Nitish Kumarji. We discussed this issue at length. At the end of that, we also appeared before the Press, where Nitish Kumarji himself said, “चर्चा जारी रहेगी।” We are, certainly, on a very

constructive dialogue and, I am sure, both of us will agree to a solution which has the support of everyone.

(Ends)

(Followed by 2E)

SSS-DS/1.40/2e

### **EXCLUSION OF PART OF JAMMU AND KASHMIR FROM INDIAN MAP IN E-GEOGRAPHY SYLLABUS**

**श्री अविनाश राय खन्ना (पंजाब):** सर, मैं इस विषय को सदन के ध्यान में लाना चाहता हूँ कि जो ई-जियोग्रफी पढ़ायी जा रही है, उसमें भारत का जो नक्शा है और उसमें जम्मू-कश्मीर का जो पार्ट है, वह पूरा पार्ट उस नक्शे में नहीं दिखाया जा रहा है। सर, अपने देश के महापुरुषों के बारे में, तथ्यों के बारे में, मैप्स के बारे में बार-बार छेड़खानी करके उस जम्मू कश्मीर को, जो एक sensitive स्थान है, उसके पूरे हिस्से को न दिखाना, देश की जनता के sentiments के साथ एक बहुत बड़ा अन्याय है।

सर, यह बात जब सबके ध्यान में आयी, तो एक स्टेट ने ई-जियोग्रफी को पढ़ाने के लिए आउटसोर्स कर रखा है। जब वे अपने नेट से जियोग्रफी पढ़ाते हैं, तो उसमें भारत का जो नक्शा दिखाया जा रहा है, उसमें से part of Kashmir गायब है। सर, इस बारे में एक बहुत बड़ा एजिटेशन हरियाणा में हुआ, लेकिन अभी तक कोई कार्रवाई न होने के कारण लोगों में बहुत रोष है। कहीं भी भारत

के संविधान, भारत के महापुरुषों, भारत का इतिहास या भारत के नक्शों या हमने ऐसा भी देखा का कार्टून्स के माध्यम से भी किस तरह अन्याय करने की कोशिश की गयी, तो उस समय सदन की कार्रवाई रुकी। अगर हम समय रहते इन बातों पर ध्यान नहीं देंगे, तो जो बच्चे आज अपने भारत का नक्शा देख रहे हैं, उनके मन में यही रहेगा कि जम्मू कश्मीर का जो भाग छोड़ दिया गया है, वह हमारा नहीं है। हम समझते हैं कि जम्मू कश्मीर हमारे देश का मुकुट है, लेकिन इस तरह की छेड़खानी करके जो मैसेज ये लोग देना चाहते हैं, इनकी सोच को समझना चाहिए। अगर कोई क्लैरिकल मिस्टेक है, तो इसको उस ढंग से लेकर ठीक करना चाहिए, लेकिन अगर इस सोच के पीछे कोई गहरी चाल है, तो इसको इस ढंग से लेकर इसकी पूरी इन्क्वायरी करके दोषी लोगों के खिलाफ कार्रवाई होनी चाहिए ताकि आगे से जब भी ऐसे तथ्य छपें, नेट पर डाले जाएँ, अखबारों या किताबों में आएँ, तो कम से कम वे पूरी तरह से प्रमाणिक हों और जो बच्चे उसे पढ़ रहे हैं, उनको यह पता लगे कि भारत का नक्शा कहाँ से लेकर कहाँ तक है। अगर ऐसी शरारतें हमारे देश से ही होंगी, तो दूसरे देशों को हम क्या कहेंगे। इसलिए मैं चाहूँगा कि इस बात को सीरियसली लेकर भारतीय इतिहास के ऐसे तथ्यों को, भारत के महापुरुषों के साथ या भारत का जो भी authentic map है, उसके साथ कोई भी छेड़खानी न हो और जिन लोगों ने भी ऐसा किया है, उनके खिलाफ कार्रवाई हो, यही मैं सदन से आपके द्वारा विनती करता हूँ।

(समाप्त)

**श्री तरुण विजय (उत्तराखंड):** सर, मैं इस विषय के साथ स्वयं को सम्बद्ध करता हूँ।

**श्री पुरुषोत्तम खोडाभाई रूपाला (गुजरात):** सर, मैं इस विषय के साथ स्वयं को सम्बद्ध करता हूँ।

**DR. BHARATKUMAR RAUT (MAHARASHTRA):** Sir, I associate myself with the concern expressed by Shri Avinash Rai Khanna.

**SHRI V. P. SINGH BADNORE (RAJASTHAN):** Sir, I also associate myself with the concern expressed by Shri Avinash Rai Khanna.

**श्री जय प्रकाश नारायण सिंह (झारखंड):** सर, मैं इस विषय के साथ स्वयं को सम्बद्ध करता हूँ।

**श्री नतुजी हालाजी ठाकोर (गुजरात):** सर, मैं इस विषय के साथ स्वयं को सम्बद्ध करता हूँ।

**श्री भुपेन्द्र यादव (राजस्थान):** सर, मैं इस विषय के साथ स्वयं को सम्बद्ध करता हूँ।

(समाप्त)

#### REPORT OF NATIONAL HUMAN RIGHTS COMMISSION BOYCOTT OF *DALITS* IN 77 VILLAGES OF GUJARAT

**श्री रामविलास पासवान (बिहार):** उपसभाध्यक्ष जी, पिछले सप्ताह 14-15 मई को राष्ट्रीय मानवाधिकार आयोग के अध्यक्ष श्री बालाकृष्णन जी की अध्यक्षता में

**SHRI BALBIR PUNJ:** Sir, can the hon. Member authenticate the information?

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** He is authenticating it. (Interruptions)

**श्री रामविलास पासवान:** सर, मैं स्वयं बनथल गाँव गया हुआ था। हमारे साथ श्री मुकेश गुर्जर, जो कि हमारी पार्टी के अध्यक्ष हैं, वहाँ गये थे ..(व्यवधान)..

सर, वहाँ बनथल गाँव है। ..(व्यवधान)..  
..

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** He has said that he is authenticating. (Interruptions) He is allowed. (Interruptions)

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**SHRI RAM VILAS PASWAN:** Yes, I have authenticated it. You can move a Privilege Motion against me. (Interruptions) I have authenticated it.

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Please... (Interruptions)... Instead of all of you standing, allow Mr. Ravi Shankar Prasad to speak. Now, please...(Interruptions)....

**श्री पुरुषोत्तम खोडाभाई रूपाला:** सर, मैं यह पढ़ना चाहता हूँ। ..(व्यवधान)..  
**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Mr. Rupala, please sit down. (Interruptions)

**श्री रामविलास पासवान:** सर, मैंने 15 अप्रैल 2010 को बनथल गाँव का दौरा किया था, वहाँ 140 परिवार हैं और वह गाँव अहमदाबाद से 80 किलोमीटर की दूरी पर है। ..(व्यवधान)..  
**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** He has said that he is authenticating it, then, what is the problem? (Interruptions)

**श्री रामविलास पासवान:** मैं 16.4.2010 को गवर्नर से मिला था। मेरे साथ श्री मुकेश गुर्जर थे। मैं 21.5.2010 को राष्ट्रपति और गृह मंत्री से मिला था।..(व्यवधान)..  
 (2f/MCM पर जारी)

**श्री रामविलास पासवान (क्रमागत) :** राष्ट्रपति और गृह मंत्री को पीड़ित परिवारों के साथ मैंने मिलवाया था। फिर 29.6.2011 को धारा गांव गया था।.....(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I cannot hear anything if all of you speak at a time...(Interruptions)...

**श्री रामविलास पासवान :** 28.7.2011 को पीड़ित परिवारों के साथ मैं गृह मंत्री से मिला था। जो अहमदाबाद से 160 किलोमीटर की दूरी पर डीसा में है।.....(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I will allow you, Ravi Shankar Prasad...(Interruptions)...Why did you stand? ... (Interruptions)...Go back to your seats...(Interruptions)...

**श्री रामविलास पासवान :** लोग अभी भी धरने पर बैठे हैं। इसी तरीके से कर्नाटक में व्यारा मड्डी गांव है, जहां यादगिरी जिले में दलित महिलाओं के साथ बलात्कार किया गया। उसके खिलाफ प्रोटेस्ट किया गया। 9 मई, 2012 से सोशल बॉइकाट है।.....(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I will allow you. आप लोग बैठिए। I will allow you...(Interruptions)...

**श्री रामविलास पासवान :** सर, गुजरात के नाम पर.....(व्यवधान) यह दलित का मामला है।.....(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please, go back to your seats...(Interruptions)...Mr. Ram Kripal Yadav, please go back to your seat...(Interruptions)... Are you authenticating of what you say?

**SHRI RAM VILAS PASWAN:** Yes, I am authenticating it ... (Interruptions)...Sir, what are you doing?... (Interruptions)...Time is lost because of them...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** What you said in three minutes is on record...(Interruptions)...

**श्री रामविलास पासवान :** सर, होम मिनिस्टर साहब को बुलाइए,.....(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It is on record. टाइम हो गया। It is on record...(Interruptions)...बैठो।.....(व्यवधान)

**श्री रामविलास पासवान :** सर.....(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It is not going on record...(Interruptions)...

**श्री रामविलास पासवान :** सर,.....(व्यवधान) (समाप्त)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** What you have said in three minutes will go on record...(Interruptions)...After that, it will not go on record...(Interruptions)... रामविलास जी, आपने जो तीन मिनट के अंदर बोला है, वह रिकार्ड में गया है, बाकी रिकार्ड में नहीं गया है।.....(व्यवधान) What do you want to say, Mr Punj? ... (Interruptions)...

**श्री पुरुषोत्तम खोडाभाई रूपाला :** सर,.....(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I called only Mr Punj. No, no; sit down...(Interruptions)...

**SHRI BALBIR PUNJ:** Sir,...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** The House is adjourned for lunch for half-an-hour.

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**The House then adjourned for lunch at forty-eight minutes past one of the clock.**

2g/2:15/ks-klg

**The House re-assembled at eighteen minutes past two of the clock,  
THE VICE-CHAIRMAN (PROF. P. J. KURIEN) in the Chair.**

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**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Motion for...

**SHRI BALBIR PUNJ:** Sir, you had allowed me to speak.

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** No, no. That is over.

(Interruptions) No, no. (Interruptions) That is over. No, please.

(Interruptions)

**SHRI BALBIR PUNJ:** You had allowed me, Sir. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** No. That is over.

(Interruptions)

**श्री नरेश अग्रवाल:** माननीय उपसभाध्यक्ष जी, आपने ही निर्देश दिया था कि जीरो आवर के बाद आप हमें सुनेंगे और उसके बाद अपनी रूलिंग देंगे। यह आपका ही निर्देश था।

**उपसभाध्यक्ष (प्रो० पी.जे.कुरियन):** नहीं, नहीं। बैठिए।

**श्री नरेश अग्रवाल:** चलिए, आपका आदेश मान लेते हैं।

**SHRI BALBIR PUNJ:** Sir, it is very unfortunate...

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** No. That was Zero Hour mention. That is over now.

**SHRI BALBIR PUNJ:** Sir, you had allowed me to speak. I will take only two minutes, Sir. I want you to honour your decision, Sir.

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** But the Zero Hour is over. (Interruptions)

**SHRI BALBIR PUNJ:** But you should honour your own decision, Sir.

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**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** But you did not honour it then. (Interruptions) The House could not function. What could I do?

**SHRI BALBIR PUNJ:** Give me two minutes, Sir.

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** How can I?

**SHRI BALBIR PUNJ:** Only two minutes, Sir. It is very unfortunate that the hon. Member, Shri Ram Vilas Paswanji, completely misled the House about the so-called atrocities in Gujarat and...

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Okay. That is all.

**SHRI BALBIR PUNJ:** I will just read two lines, Sir.

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** No, no. Don't read. I am not permitting you. (Interruptions) This is not permissible. (Interruptions)

(Contd. by 2h/kgg)

-klg/sc-kgg/2.20/2h

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN) (CONTD.):** Shri Brajesh Pathak now on the Statutory Motion for Resolution. पाठक जी, आपके पास पांच मिनट हैं।

**STATUTORY MOTION FOR RESOLUTION THAT THE AIRPORTS AUTHORITY OF INDIA (MAJOR AIRPORTS) DEVELOPMENT FEES**

**RULES, 2011, LAID ON THE TABLE OF THE HOUSE ON THE 25TH  
AUGUST, 2011, BE MODIFIED (contd.)**

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**श्री ब्रजेश पाठक (उत्तर प्रदेश) :** उपसभाध्यक्ष महोदय, अभी हाल ही में दिल्ली और मुम्बई के जो एयरपोर्ट्स हैं, उनके बारे में कहा गया कि वे अत्याधुनिक बनाए गए हैं तथा वे पूरी दुनिया को कम्पीटिशन देंगे। पूरी दुनिया को प्रतियोगिता देने के लिए एयरपोर्ट्स को अत्याधुनिक बनाया गया, लेकिन अत्याधुनिक बनाने के बावजूद उनकी गुणवत्ता में तो कमियां हैं ही, सबसे प्रमुख बात यह है कि हिन्दुस्तान की घरेलू विमान सेवा का प्रयोग करने वाले यात्री तथा विदेशी यात्री, दोनों की जेबों पर खुले आम डकैती डालने का प्रयास कम्पनियां कर रही हैं, जबकि जो ऐग्रीमेंट उन्होंने एयरपोर्ट अथॉरिटी के साथ किया था, उसमें कहीं भी यह उल्लेख नहीं था कि ये कम्पनियां अपने मनमाने ढंग से दाम बढ़ाने का काम करेंगी।

महोदय, विमान बाज़ार वैसे ही अपनी व्यवस्था पर कराह रहा है। आज एयर इंडिया की हालत बहुत बुरी है। आज वह जिस हालत में पहुंचा है, उसके लिए कहीं न कहीं हमारी सरकार की नीतियां जिम्मेदार हैं। जिस ढंग से यूज़र चार्जेंज बढ़ाए जा रहे हैं, उन्हें देखकर हमें यह महसूस होता है और मैं परिस्थितियों के अनुसार यह कह सकता हूं कि एयर इंडिया की जो हालत है, एयरपोर्ट अथॉरिटी को भी उसी हालत में पहुंचाने के लिए व्यवस्था की जा रही है और उसकी शुरुआत हो चुकी है। एयरपोर्ट अथॉरिटी इस देश के अंदर पैसा

कमाने वाला विभाग माना जाता था, लेकिन आज आलम यह है कि एयरपोर्ट अथॉरिटी की जमीन को पीपीपी के नाम पर प्राइवेट पार्टिज़ को देकर जिस ढंग से उनको उपकृत करने का काम किया गया है, इसके लिए हम सीधे तौर पर सरकार की नीतियों को जिम्मेदार मानते हैं और आपके माध्यम से सरकार से अपील करते हैं कि वह अपनी नीतियों पर पुनर्विचार करे तथा दैनिक हवाई यात्रियों से, चाहे देश के अंदर यात्रा करने वाले हों या विदेशी जहाजों का उपयोग करने वाले यात्री हों, जिस ढंग से उन पर एयरपोर्ट उपयोग करने के लिए चार्ज में वृद्धि की जा रही है, वह अनुचित है, उसको वापस लिया जाए और उस पर दुबारा विचार किया जाए, नहीं तो एयरपोर्ट अथॉरिटी की भी हालत एयर इंडिया जैसी हो जाएगी। इन्हीं लफ्जों के साथ, मैं आपको धन्यवाद देते हुए अपनी बात समाप्त करता हूँ। जय हिन्द, जय भारत।

(समाप्त)

**श्री एन.के.सिंह (बिहार) :** धन्यवाद उपसभाध्यक्ष महोदय, यह जो विषय है, अगर कोई उदाहरण हो सकता है, जहां कानून को ताक पर रखा गया हो, जो अनियमितताओं का एक ज्वलंत उदाहरण हो, तो वह, यह जो एयरपोर्ट के ऊपर फीस लगायी गयी है, उन ज्वलंत उदाहरणों में से एक होगा।

(2जे-जीएस पर जारी)

**श्री एन.के. सिंह (क्रमागत):** आप इसके इतिहास को देखिए। जिस समय टेंडर किया गया था, उस समय जिन लोगों ने टेंडरों को भरा था, तब लोगों को कोई आभास नहीं था कि आगे आकर के टेंडर के जो भी नियम हैं, उन नियमों में परिवर्तन किया जाएगा। सर्वप्रथम परिवर्तन यह किया गया कि जो डेवलेपमेंट चार्ज है, उनको वह डेवलेपमेंट चार्ज लगाने का अधिकार दे दिया गया। अगर अन्य लोगों को पता होता कि डेवलेपमेंट चार्ज लगना है, तो ये जो सारे आंकड़े हैं, इनमें परिवर्तन होता, कुछ और लोग टेंडर में आते। इस कारण, शुरू में ही डेवलेपमेंट चार्ज लगाया गया, यह प्रथम अनियमितता है।

उसके अतिरिक्त आप देखें कि अधिनियम के अनुसार इतनी वृद्धि की गई है, इस वृद्धि का क्या असर होगा? इस वृद्धि का यह असर होगा कि दिल्ली का जो हवाई अड्डा है, इस पर अन्य हवाई अड्डों की तुलना में लोग नहीं आयेंगे। इसका बहुत प्रतिकूल असर सिविल ऐविएशन पर पड़ेगा। मंत्री महोदय, इसका प्रतिकूल असर टूरिज्म के ऊपर पड़ेगा, इसका प्रतिकूल असर, जो भी हम प्रयास कर रहे हैं भारत को एक आकर्षक पूंजी निवेश का स्थान बनाने के लिए, उस पर पड़ेगा। आप इसको कई और दृष्टिकोण से देखिए। जैसा कि पहले भी बताया गया है जो दुकानें ली गई हैं, उनसे किराया आता है, जितनी इन्हें जमीन दी गई है और छूट दी गई है, वह 5-10 हजार एकड़ जमीन है, उसकी कीमत भी नहीं लगाई जा सकती है। मंत्री महोदय, पता नहीं उस जमीन की आज कितनी कीमत होगी, लेकिन वह बहुत बहुमूल्य जमीन है और इसके विकास के ऊपर

उनको छूट दे दी गई है। क्या इस दृष्टिकोण से, दुकानों से, जमीन के विकास से, जो राजस्व में वृद्धि होगी, उसका अनुमान लगाया गया है? किस अथॉरिटी ने उन्हें छूट दी कि इतना बड़ा 500 प्रतिशत हाइक करे?

मेरा आपसे अनुरोध है कि आप इस मामले पर पुनर्विचार करें। जब तक पुनर्विचार नहीं हो जाता है, तब तक इतनी ज्यादा फीस जो लगाई गई है, इस पर आप रोक लगायें। सभी दृष्टिकोण से आने वाले राजस्व में कितनी प्राप्ति होती है, उसका पूर्ण रूप से औचित्य, उसका पूर्ण रूप से एक आर्थिक विश्लेषण करें और उस विश्लेषण के पश्चात ही आप इस निष्कर्ष पर पहुंचें कि कितनी फीस में वृद्धि करें, उसका क्या औचित्य है और उस औचित्य के आधार पर ही, आप आगे कदम उठायें।

मेरे पास बोलने के लिए समय कम है। इसलिए मैं आपसे कहना चाहता हूं कि जितनी चीजें हुई हैं, ये आपके समय से पूर्व हो चुकी हैं और ये बहुत ही नाज़ुक मामला है, लेकिन आप इसको आर्थिक दृष्टिकोण से, नैतिक दृष्टिकोण से, नियमों में जो अनियमितताएं हुई हैं, उन सभी दृष्टिकोणों से, आप पूर्ण रूप से विश्लेषण करने के पश्चात ही आगे कदम उठायें। धन्यवाद।

(समाप्त)

**SHRI D. BANDYOPADHYAY (WEST BENGAL):** Sir, I stand here to support the Motion for the very simple reason that a rule cannot overrule the basic statute. A rule is a creature of statute. It is a

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subordinate legislation. But, here, they have put in the words, “by a person or a body of persons as specified”. The point is, the original law, the Airports Authority, talks of authority. And, authority, by a simple logic, could be an authority constituted under a law or constituted by the Government for a particular purpose under some law. Now, if that is not there, then, how does a person come in?

Sir, my second point is, the original thing was on embarking passenger. But, embarking passenger does not include disembarking passenger. I just looked up the dictionary, which is here available, embarking passengers mean those who go into a boat, and disembarking passengers are those who come out of a boat.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** There is only an addition of this.

**SHRI D. BANDYOPADHYAY:** Therefore, it cannot be there. They cannot, in any case, come under disembarking passengers at all.

All said and done, we know the background, Sir. I do not want to get into the background. Some private contractors got into a big deal, failed to make adequate money; therefore, they are charging it also. There cannot be personalization of profit, 'profit, I gain; losses, you

make.' It cannot go. So, on these two grounds, I support the Motion. Thank you, Sir.

(Ends)

(Followed by 2K/ASC)

ASC-KLS/2.30/2K

**श्री नरेश अग्रवाल (उत्तर प्रदेश) :** उपसभाध्यक्ष महोदय, मुझे बड़ी खुशी है कि मंत्री जी उत्तर प्रदेश के दूसरे बड़े मंत्री हैं, जिनको इस विभाग की जिम्मेदारी मिली है। मैं तो यह चाहूंगा कि इस जिम्मेदारी को निभाते हुए, कुछ ऐसे परिवर्तन हों, कुछ ऐसा दिखाई दे कि एयरपोर्ट और एयरपोर्ट अथॉरिटी में काफी सुधार हुआ है। यह ठीक है कि PPP का फैशन चल गया है। मैं नहीं समझ पाया कि जब एयरपोर्ट अथॉरिटी इतना अच्छा काम कर रही है तो जो हमारे सबसे इम्पोर्टेंट एयरपोर्ट्स हैं, इनको प्राइवेट सेक्टर्स में क्यों दिया गया? आप देख लीजिए कि चाहे साउथ में हैदराबाद है, चाहे गोवा का नया एयरपोर्ट है, चाहे कोलकाता का एयर पोर्ट है, एक से एक अच्छे एयरपोर्ट हैं, जिनमें इतना ज्यादा शुल्क नहीं है, जितना कि निजी क्षेत्र के दोनों एयरपोर्ट्स पर है। चाहे आप मुम्बई को ले लीजिए या GMR, GV Tech को ले लीजिए। अगर इनको मात्र पैसा पैदा करने की छूट दी गई है, तो यह बहुत उचित नहीं होगा और यात्रियों के साथ न्याय भी नहीं होगा। मंत्री जी, वैसे भी आपकी एयरलाइंस में फेयर वसूलने का कोई तरीका नहीं है। एक आदमी एक समय में तीन हजार रुपए में टिकट लेता है और एक

मिनट बाद वही किराया तेरह हजार रुपए हो जाएगा। माननीय मंत्री जी, आप किराए की कम से कम कोई एक गाइडलाइन तो तय करिए। एक जमाने में कुछ सीटें MPs के लिए रिजर्व रहती थीं, अगर हम लोगों को कभी सेशन में आना पड़ता और त्योहार के दिन हों, तो पता चलता कि एयरलाइंस में हम लोगों के लिए जगह ही नहीं बचती थी। श्रीमन्, जो हमारा सेशन अटेंड करने का राइट है, हम यदि उसको भी अटेंड करना चाहें, तो एयरलाइंस में कोई अलग व्यवस्था नहीं है। हमको भी वैसे ही आना पड़ता है। यदि टिकट नहीं मिली तो नहीं है। आपकी एयरपोर्ट अथॉरिटी तो बड़े प्रॉफिट में है। माननीय मंत्री जी, आपने हिन्दुस्तान में बर्ड एक्सिडेंट्स को नहीं रोका और न ही आपने बर्ड एक्सिडेंट्स रोकने के लिए कोई निर्णय लिया है। आप अपना रिकार्ड निकलवा कर देख लीजिए कि हर साल कितने प्लेन बर्ड एक्सिडेंट्स में खराब होते हैं और उनको खड़ा कर दिया जाता है। नहीं तो फिर आप मेरी बात का जवाब दे दीजिए कि मैंने गलत कहा या सही कहा। आप बर्ड्स एक्सिडेंट्स का रिकार्ड निकलवा लीजिए। आपने बर्ड्स एक्सिडेंट्स रोकने के लिए कौन से इंतजाम किए हैं? आप हीथ्रो एयरपोर्ट पर चले जाएं या शिकागो एयरपोर्ट पर चले जाएं, वहां प्लेन लाइन से उतरते हैं और वे उतरने में डिले नहीं करते हैं। हमारे यहां इतने बड़े-बड़े एयरपोर्ट होने के बावजूद भी वेटिंग काफी लम्बी होती है। मैं तो यह कहूंगा कि आप ATC को भी एयरपोर्ट अथॉरिटी के अंडर करिए। एयरपोर्ट अथॉरिटी एक जगह है और एयर ट्रेफिक कंट्रोल दूसरी जगह है, दोनों में कोई तालमेल नहीं

है, जिसकी वजह से भी तमाम प्लेन लेट होते हैं और तमाम व्यवस्थाएं अव्यवस्थित हो रही हैं। मैं चाहूंगा कि आप इसको भी देखें। आप अभी परसों ही लखनऊ एयरपोर्ट का उद्घाटन करने गए थे। मुझे यह जानकर बड़ी खुशी हुई कि आपने उत्तर प्रदेश और देश के बहुत बड़े नेता, आपके पिता जी के नाम पर एयरपोर्ट का उद्घाटन किया है। मैं तो आप से एक दिन यह कहने वाला था कि मंत्री जी, आप थोड़ा समय निकाल कर उस एयरपोर्ट का भी उद्घाटन कर दीजिए। मुझे खुशी है कि उसका उद्घाटन हो गया है। आप सोचते हैं कि जो आपने लखनऊ का एयरपोर्ट बनाया है, लखनऊ उत्तर प्रदेश के सबसे बड़े प्रदेश की राजधानी है, क्या वह दो एयर ब्रिज्स से एयरपोर्ट चल जाएगा, क्या इंटरनेशनल फ्लाइट्स चल जाएंगी। यह ठीक है कि आपने उसका उद्घाटन किया है, लेकिन पब्लिक का कमेंट बहुत अच्छा नहीं था। वहां जनता यह कह रही थी कि अगर इसको बनाना ही था, तो बड़ा एयरपोर्ट बनाते। क्योंकि लखनऊ एयरपोर्ट उत्तर प्रदेश का सबसे बड़ा एयरपोर्ट है और सबसे ज्यादा कहीं फ्लाइट्स जाती हैं, तो वे लखनऊ एयरपोर्ट से ही जाती हैं। मैं तो यह कहूंगा कि आज आप घोषणा कर दीजिए कि आप उस एयरपोर्ट को इंटरनेशनल एयरपोर्ट बनाएंगे। इससे उत्तर प्रदेश के लोगों को यह लगेगा कि चौधरी अजित सिंह जी मंत्री थे, उन्होंने अपने जमाने में लखनऊ को कुछ दिया है। मैं तो आप से यह भी कहना चाहूंगा कि उत्तर प्रदेश में जितनी हवाई पट्टियां हैं, जो एयरपोर्ट में नई तरमीम हुई हैं, ...(समय की घंटी). श्रीमन्, बस अभी खत्म कर रहा हूं।

यूपी में आगरा में सबसे ज्यादा टूरिस्ट आते हैं। आगरा मिलिट्री का एयरपोर्ट है, बरेली में भी मिलिट्री का एयरपोर्ट है, इसी तरह से गोरखपुर और इलाहबाद में भी मिलिट्री का एयरपोर्ट है। उन हवाई पट्टियों पर दूसरे प्लेन्स उतरने की इजाजत नहीं है। इसलिए मैं कहना चाहता हूँ कि अगर एयरपोर्ट अथॉरिटी डिवेलपमेंट के लिए पैसा मांग रही है, तो एयरपोर्ट अथॉरिटी को ज्यादा डिवेलपमेंट में लगाइए। अगर निजी क्षेत्र वाकई में यात्रियों को कुछ राहत देने के लिए आना चाहते हैं, तो निजी क्षेत्र को दिया जाए। मेरा अनुरोध है कि आप जब इस पर जवाब दें, तब जरूर कोई न कोई घोषणा करें और कुछ सही निर्णय लें, जिससे लगे कि आपके नेतृत्व में कहीं न कहीं परिवर्तन हुआ है। इतने ही शब्दों के साथ मैं समाप्त करता हूँ। आपका बहुत-बहुत धन्यवाद।

(समाप्त)

(21/5 पर आगे)

USY/2.35/2L

**SHRI T.M. SELVAGANAPATHI (TAMIL NADU):** Thank you very much, Sir. There are a few questions, on this issue, that are to be raised before this august House. The Government has got all the authority to frame the rules with regard to collection of development fee. The point is that the rules have been framed on the basis of the Act. The Ministry has to clarify as to why this rule was delayed for

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such a long time, almost for several years, after the intervention of the Supreme Court. The PPP, who is the in-charge of this international airport, started collecting the development fee without any legal sanction. That is the moot question before us. And, the Supreme Court had rightly struck down the collection of development fee and termed it as illegal. About Rs. 1,481 crores, which have already been collected, are lying with the private partnership. One question is, the rules have to be approved by the Rajya Sabha. This development fee, even for the embarking passengers, is the question now, to the tune of about Rs. 1,300/- per international passenger and Rs. 200/- per domestic passenger. One apprehension, which is always expressed, is that this is an era in which the development cannot be done by the Government alone. There has to be a public-private partnership. So, any move that we take now should not jeopardize the further development in the country. Especially in the road transport and the airways, the kind of private partnership work, investment is going on, is enormous which is coming to a level that is impressive. At the same time, the so-called PPP should not loot the public money. That is the concern. Now, you frame the rules. But till then the Government is

Uncorrected/Not for Publication — 21.05.2012

not waiting and it is pending for the approval of this House. The fee is being collected even today. Our question is whether this particular form of collecting the development fee was originally contemplated in the contract, which they had signed with the Authority. This is one question because originally these companies had entered into a contract. They had certain clauses how they raise their sources. For which, our understanding is that their lands, which have been given to these people, are worth several crores of rupees. And, these lands have not been utilized. Instead, they bounce on the consumer, the individual passenger, who has to shell out more money. The Government has to study these two things. Why have they not utilized the land given to them, which comes to several crores of rupees, which they can always reimburse? Cross subsidization was given worth about Rs. 20,000 crores, as far as the Delhi airport is concerned. No doubt, this is one of the finest airports in the world. It is the second finest airport in the entire world. But, at the same time, whether the collection of development fee can be allowed or not is the moot question. The Ministry has to look into it seriously because it is raising everybody's eyebrows that the Government is favouring the

Uncorrected/Not for Publication — 21.05.2012

private parties. (Time-Bell) This misgiving has to be cleared.

(Time-Bell) At the same time, Mr. Balagopal, right from the beginning when the Supreme Court had passed the judgement that unless a rule is there only the Authority can levy a tax, has relentlessly been writing to the Prime Minister and the concerned hon. Minister in this regard. All such misgivings have to be cleared. Thank you very much.

(Followed by 2m — PK)

-USY/PK-AKG/2M/2.40

**SHRI D. RAJA (TAMIL NADU):** Sir, I support the Motion moved by my distinguished colleague, comrade Balagopal. The User Development Fee is, really, a distortion of policy. The Delhi Airport has managed to get this condition ordered by the Ministry of Civil Aviation. Sir, what we have found is that the parent company of the Delhi Airport, a private developer, took land from the Airports Authority of India and used it for massive commercial exploitation. I understand, Sir, that the property is now worth thousands of crores of rupees. It seems that the passengers are financing the investment choices of private developers. The Government of India should withdraw the

Uncorrected/Not for Publication — 21.05.2012

concessions granted to all private companies and re-negotiate the agreements. The User Development Fee should not finance the other commercial activities of private companies. I understand, Sir, that the expenses incurred by the private developers are added to the Airport account. Sir, if User Development Fee is collected, then, it should become part of the equity of the company. It is now working as a free grant to the private developers. The User Development Fee is being used as a tax on passengers and as a revenue for private developers and private companies. Instead, the User Development Fee, which is said to be for the development of the Airports, should not be a charge for a single journey, but should be an investment by the passenger for the future. Convert the User Development Fee into equity for the passengers. Sir, let every passenger get a share in the Company whenever he or she pays the User Development Fee. Now, the passengers are paying a hefty amount and the equity of private developers is going up, as if they brought the equity capital. Sir, in private airports, the User Development Fee is being forcibly collected and passengers have become prisoners at the Airports. The best solution, Sir, according to me, is to cancel these agreements and re-

Uncorrected/Not for Publication — 21.05.2012

negotiate these oppressive agreements. ..(Interruptions).. I am making my point of view; you can have a counter point. Finally, it is for the Government to decide. The Government can approach courts and have these agreements declared oppressive. ..(Interruptions).. I am making suggestions.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please address the Chair.

**SHRI D. RAJA:** If the courts can cancel the 2G Telecom licences, then, the Government can, surely, approach the courts. These agreements have enriched private companies, illegitimate private developers and the travelling public are treated as captive passengers. The national interest is not being served by the bad agreements signed by the Government. So, I appeal to the Government to relook at these agreements and try to re-negotiate these agreements in the interests of the country and in the interests of the passengers.

(Ends)

**SHRI RAJIV PRATAP RUDY (BIHAR):** Sir, in fact, I was waiting for my turn in the Civil Aviation sector. But I will try to bring a few points

Uncorrected/Not for Publication — 21.05.2012

to the notice of the House. सर, इस देश में जब भी हम नागरिक विमानन क्षेत्र के बारे में बात करते हैं, तो यह मान कर चला जाता था कि विमान में उड़ना बड़े लोगों की चीज है। लेकिन इस देश के इतिहास में दो ऐसे वक्त आए, एक वक्त आया 1980 में, जब इस देश में माधवराव सिंधिया जी कांग्रेस के मंत्री थे, उन्होंने यह तय किया कि एयर इंडिया और इंडियन एयरलाइंस के बाहर देश में भी प्रतिस्पर्धा होनी चाहिए और लोगों के पास opportunity होनी चाहिए, ताकि इस देश में और भी विमान कम्पनियाँ आ सकें। उसके बाद 2003-2004 में दूसरा दौर आया, उस समय एनडीए की सरकार थी। उस समय देश में जोड़ने की बड़ी बात की गई, चाहे वह connectivity की बात हो, चाहे ग्रामीण सड़क की बात हो, चाहे विमानन क्षेत्र की बात हो, चाहे टेलीफोन की बात हो, चाहे मोबाइल फोन की बात हो।

(2एन/एससीएच पर जारी)

PB-SCH/2N/2.45

**श्री राजीव प्रताप रूडी (क्रमागत):** इस देश में अटल बिहारी वाजपेयी जी की सरकार ने ऐसा प्रयास किया कि छोटे से छोटे, गरीब से गरीब और देहात में बसे लोग भी इससे जुड़ सकें। हम सिर्फ यह बताना चाहेंगे कि 1950 से लेकर 2001 तक हमारे देश में जो यात्री विमान में उड़ते थे, उनकी संख्या 10 मिलियन थी। 2001-02 के बाद से लेकर 2012 तक इस देश में जो यात्री उड़ते हैं, उनकी संख्या 60 मिलियन है, यानी इसमें लगभग 600% की वृद्धि हुई है।

इस दौरान, आपको स्मरण होगा, मंत्री जी याद करेंगे, 2003-04 के बाद दुनिया में विमानन क्षेत्र में इतना बड़ा विस्तार कभी नहीं हुआ। उस समय लगभग 35% से 40% लोग बढ़े थे, जो इस विमानन क्षेत्र की यात्रा करते थे। देश और दुनिया के इतिहास में इतना बड़ा परसेंटेज ग्रोथ कभी नहीं हुआ था, जो हमने देखा है।

सर, यह मैं इसलिए बता रहा हूं, लोग शायद भूल गए होंगे कि 2003-04 के बाद इस देश में एक बड़ा आन्दोलन शुरू हुआ था, जिसका लाभ आज तक हम देखते आ रहे हैं। चूंकि जब नागरिक विमानन क्षेत्र की बात होती है, हमारे मंत्री बैठे हैं, हमारा ऐसा मानना है कि 2003-04 के बाद हमने जो सुधार के कार्य किए और जो ग्रोथ देखी, उसमें जो और सुधार की गुंजाइश थी, उसको पूरा नहीं किया।

महोदय, सिर्फ आपके रेफरेंस के लिए मैं आपको बताना चाहूंगा कि एक वर्ष के भीतर वाजपेयी जी की सरकार में कितने निर्णय लिए गए, जिनका परिणाम आज तक देखने को मिलता है। आज यूडीएफ लगाने की बात हो रही है, टैक्सिज़ लगाने की बात हो रही है, एक जमाने में एफटीटी, एफटीएफ और आईएटीटी टैक्स होता था, उस समय हम लोगों ने उसको हटाया था। हवाई जहाज के ईंधन के बारे में देश के इतिहास में जो एटीएफ की चर्चा होती है, इस देश के इतिहास में 2004 में पहली बार उसकी एक्साइज़ ड्यूटी को 16% से 8% घटाया गया। देश में जो इंटरनैशनल लैंडिंग चार्जिज़ थे, देश के इतिहास

में पहली बार उसे 12% से 14% तक घटाया गया। जो विमान 80 सीटों से कम थे, उनको declared goods घोषित किया गया और उसमें 4% sale tax किया गया, जो आज भी पूरे देश में लागू है।

इसके अलावा, महोदय, आपको स्मरण होगा कि मैं 1990 में बिहार से विधायक बना था। 1990 में इंडियन एअर लाइन्स की सेवा होती थी, उस समय जब मैं पटना से दिल्ली आता था, तब विमान यात्रा की कीमत लगभग 6000 से 7000 रुपये होती थी और आज 2012 में भी जब हम पटना से दिल्ली आते हैं, तो मात्र 5000 से 7000 रुपये में यात्रा कर सकते हैं। इसकी देन 2004 है, जब हम लोगों ने इस देश में, जिसकी परिभाषा 'low cost carrier' के रूप में दी जाती है, लॉन्च किया और वह काम 2004 में हुआ।

एनडीए की सरकार वह सरकार थी, जिसने पहली बार प्रतिस्पर्धा के तौर पर प्राइवेट एअर लाइन्स को भी अंतरराष्ट्रीय स्तर पर जाने की अनुमति दी, ताकि लोग विस्तार कर सकें और पूरी दुनिया में घूम सकें। छोटी से छोटी चीज़, जैसे मोबाइल फोन का उपयोग जहाज उतरने के बाद, दरवाजा बन्द होने के बाद किया जा सकता है, आज भी आपने देखा होगा कि हाल-फिलहाल जब यह तय हुआ कि जहाज उतरने के बाद आप मोबाइल फोन कर सकते हैं, उसमें भी हमारे जैसे लोगों का हाथ रहा है।

जो 36 non-metro airports का विकास किया जा रहा है, इसकी शुरुआत भी हम लोगों ने ही की थी और आज उनका निर्माण कार्य अच्छे तौर पर

हो रहा है। इसके साथ-साथ हम लोगों ने चार्टर पॉलिसी भी रिवाइज़ की थी। उस समय 2003 में जो चार्टर विमानों की संख्या थी, वह लगभग 160 थी और आज जो चार्टर विमान गोआ में, दिल्ली में आते हैं, उनकी संख्या बढ़ कर लगभग 2600 हो गई है। इस तरह हमने कई सारे क्षेत्रों में काम किया है। इसके अंतर्गत हम लोगों ने दो बड़े निर्णय और भी लिए थे, वे थे दिल्ली और मुंबई हवाई अड्डों का पुनर्निर्माण करना, इनको प्राइवेटाइज़ करना। Those were the two brownfield projects which we had taken up, and that was a major decision taken. And, thereafter, we decided about Shamshabad in Hyderabad and Devanahalli Airport. These were the four major projects. But, Sir, when we talk about these projects, we have to get back on to certain facts and figures as to how it has been done and what has gone wrong because the idea was, किसी भी देश में अगर आप देखें कि जो एविएशन का ग्रोथ होता है, अगर सरकार कुछ न करे, if the Government makes no effort, फिर भी लगभग डेढ़ गुना होगा। अगर आज हमारी इकॉनमी का ग्रोथ लगभग 8% है, तो अगर सरकार कुछ भी न करे, तब भी 12% तो अपने आप ही होगा। आज हमारा एविएशन का ग्रोथ लगभग 15-16% है। यह ग्रोथ अपने आप में प्रमाणित करता है कि हमारी सरकार की तरफ से इस इंडस्ट्री में जो इन्पुट और इन्सेंटिव होना चाहिए था, जिसकी शुरुआत हम लोगों ने 2004 के बाद की, शायद उसमें कमी आ चुकी है।

महोदय, भारत की आबादी लगभग 1.2 बिलियन है और हमारे यहाँ विमान यात्रा करने वाले यात्रियों की संख्या मात्र 7 मिलियन है। चीन की आबादी 1.6 बिलियन है, लेकिन वहाँ लगभग 300 मिलियन लोग उड़ते हैं।

(20-psv पर जारी)

-SCH/PSV-SKC/20/2.50

**श्री राजीव प्रताप रूडी (क्रमागत):** अमेरिका में 350 मिलियन लोग हैं और हर व्यक्ति औसत तौर पर 700 मिलियन बार उड़ता है, यानी हर व्यक्ति लगभग दुगना उड़ता है। इसी प्रकार से आस्ट्रेलिया में, जिसकी आबादी 23 मिलियन है, वहाँ 46 मिलियन लोग उड़ते हैं। यह अपने आप में स्थिति स्पष्ट करता है। अगर हम आज विमानों की भी संख्या देखें, तो अमेरिका में 50 हजार लोगों पर एक विमान है, आस्ट्रेलिया में 50 हजार लोगों पर एक विमान है, चीन में लगभग एक मिलियन लोगों पर एक विमान है, लेकिन भारत में लगभग 4 मिलियन लोगों पर एक विमान है। यह अपने आप में दर्शाता है कि इतने बड़े देश में, जो कि बहुत बड़ा बाजार हो सकता है, आज भी इस मामले में हम बहुत पीछे खड़े हैं और कहीं-न-कहीं इन सब चीज़ों की यहाँ जरूरत है।

महोदय, मेरे पास क्योंकि समय कम है और एविएशन के क्षेत्र में बहुत-सारे विषय हैं, ...(व्यवधान)... उतना समय भी कम ही है। मैं अपनी बात को छोटा करने की कोशिश करता हूँ। सर, एयरपोर्ट अथॉरिटी के पास जो अभी एयरपोर्ट्स हैं, जिनका ये संचालन कर रहे हैं, ये लगभग 125 हैं और देश में

इनकी पूरी संख्या 449 है, जिनमें से 11 अंतर्राष्ट्रीय हैं, 81 डोमेस्टिक हैं और 25 सिविल एन्क्लेव्स हैं। महोदय, जैसा मैंने बताया कि 2001 में 10 मिलियन लोग उड़ते थे, आज ऐसे लोग लगभग 60 मिलियन हैं। हम लोगों ने तय किया, सचमुच यह हमारा निर्णय था, हमारी सरकार का निर्णय था, वाजपेयी जी का निर्णय था कि हम नए-नए एयरपोर्ट्स का निर्माण करें। लेकिन, नये एयरपोर्ट्स का निर्माण किस प्रकार हो, इस बात को तय करने के लिए हम लोग सरकार में नहीं रहे, आप आ गए और वामपंथी मित्र आए। मुझे बड़ा कष्ट होता है, जब हमारे वामपंथी मित्र इन सब विषयों की चर्चा करते हैं। जिस दौरान ये सब निर्णय हुए, सब कुछ तय हुआ, तो आप सरकार के साथ ही थे। इसलिए, जब हमारे ये मित्र कहते हैं कि साहब, इसको कैंसल कर देना चाहिए, इसे हटा देना चाहिए, तो एक बड़ा सवाल उठता है। येचुरी साहब शायद नहीं सुन रहे हैं, ये दो बड़े निर्णय, जिस प्रकार से एयरपोर्ट अथॉरिटी ने 46 प्रतिशत रेवेन्यू लेकर तय किया कि इसमें अपनी भागीदारी होगी, ...(व्यवधान)... पी.पी.पी. मॉडल पर हो, दो बड़े निर्णय में इनकी भागीदारी रही है। पता नहीं, ये भूल गए हैं, भूल जाना चाहते हैं या इनकी यह आदत है, लेकिन जब दिल्ली एयरपोर्ट के निर्माण का कार्य प्रारम्भ हुआ और टेंडर का प्रोसेस शुरू हुआ, निविदाएँ आमंत्रित की गईं, तो ये पूरे तौर से सरकार में थे। 2007 में भी, जब एयर इंडिया और इंडियन एयर लाइंस का मर्जर हुआ, तब भी ये उसके साथ थे। मैं आपके विषय पर आ रहा हूँ। मंत्री महोदय, सुनिए तो सही, क्यों परेशान हो रहे हैं। ...(व्यवधान)... इश्यूज

तो उसी में आ रहे हैं। ...(व्यवधान)... आप क्यों परेशान हो रहे हैं, कुछ सच्ची बातें जाननी चाहिए। शुरुआती तौर पर दिल्ली एयरपोर्ट पर इन लोगों ने लगभग 12 हजार 800 करोड़ रुपए खर्च किए। ...(व्यवधान)... हाँ, काम की बात पर चले आएँगे। आप क्यों परेशान हो रहे हैं? ...(व्यवधान)... उसके बाद मुम्बई में लगभग 9000 करोड़, लेकिन मैं यही बताना चाहूँगा कि आज कोलकाता में एयरपोर्ट का निर्माण हो रहा है। हम लोगों ने दिल्ली एयरपोर्ट का निर्माण किया, बहुत अच्छा निर्माण किया। उसमें क्या कमियाँ हैं, तकनीकी रूप से देखा जाएगा, लेकिन लगभग उसी अनुपात के एयरपोर्ट का निर्माण कोलकाता में हो रहा है, जिसमें हम मात्र 2400 करोड़ रुपए खर्च कर रहे हैं। एक तरफ 12 हजार 800 करोड़ रुपए से जिसकी शुरुआत हुई थी, एक बार हम लोगों ने शुरु में तय किया था कि लगभग 6000 करोड़ रुपए ...(व्यवधान)... हाँ, 5 हजार 900 करोड़ रुपए खर्च करेंगे, उसको बढ़ा कर 8000 किया गया, उसको फिर बढ़ा कर 12 हजार 800 करोड़ रुपए किया गया। AERA ने कहा कि 12 हजार 800 करोड़ में से 300 करोड़ रुपए हम काट डालते हैं, आप उसको 12 हजार 500 करोड़ में बनाइए। फिर, उन्होंने अपना तर्क दिया कि उसमें ATC Tower नहीं था, फ्लाई नहीं था, टेमका नहीं था। यह तो एक बड़ा तथ्य है, महोदय, कि इसमें आखिर किस तरह से यह तय किया गया। उसके साथ-साथ जो दो सहमति दायर की, उनमें एक OMDA था, जिसके तहत वह एयरपोर्ट दिया गया और दूसरा State Agreement था। अब महोदय, सरकार जब निर्णय लेती है या जब

सरकार निर्णय लेगी, तो सरकार को मान्यता होगी, लेकिन State Agreement में कभी भी यह तय नहीं किया गया कि रिजनेबल रिटर्न क्या होगा। हम अगर निवेश करते हैं, तो तय करते हैं या बैंक जिस आधार पर लोन देती है, तो यह तय करती है कि रिजनेबल रिटर्न क्या होगा। स्वाभाविक है कि अगर हम व्यापारी हैं और बिजनेस के लिए आए हैं, तो हम अपनी माँग रखेंगे कि मेरा रेवेन्यू इंटरेस्ट इतना होना चाहिए या इसमें मुझे इतना लाभ होना चाहिए। उन्होंने कहा कि हमें इसमें ...(समय की घंटी)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Rudy, if you conclude within two minutes, your colleagues would get three minutes!

**SHRI RAJIV PRATAP RUDY:** Yes, Sir. ठीक है, सर।

Sir, the Government did not specify the reasonable return और उसको ओपन छोड़ दिया। उन्होंने कहा कि हमें 24 प्रतिशत रिटर्न मिलना चाहिए। फिर, बाद में उससे कहा गया कि यह 14 प्रतिशत होगा, तब एक Independent Consultant बनाया गया, सरकार के द्वारा नियुक्त किया गया। उस Independent Consultant ने कहा कि ठीक है और उसने एक पत्र लगा कर AERA को भेजा। AERA ने कहा कि इसको 16 प्रतिशत किया जाए। आज भी जो सहमति बनी है, उसमें AERA ने यह कहा है कि इसकी सहमति तो मैं दे रहा हूँ, लेकिन इसका ऑडिट मैं स्वयं कराऊँगा। तो स्वभाविक तौर से सरकार

ने जिस प्रकार से ये सभी निर्णय लिए और कहीं-न-कहीं कोई भी उद्योगपति अगर आएगा, निवेश करने आएगा, तब वह तो अपने प्रॉफिट के लिए ही आएगा।

(2पी/वी.एन.के. पर जारी)

-PSV/VNK-HK/2p/2.55

**श्री राजीव प्रताप रूडी (क्रमागत):** आज कहा जा रहा है कि उसमें बड़े losses हैं, उसकी उपयोगिता पूरी नहीं हो पा रही है, तो इसमें सरकार ही बता सकेगी कि आखिर वह क्या परिस्थिति थी, जिसमें इस प्रकार हुआ? उसमें बड़ा technical language है, Single Till, Double Till.

सर, जिस एयरपोर्ट के modernization की बात हम लोगों ने शुरू की, उसका basic fundamental क्या था? When the NDA Government decided to privatise the airports, what was the fundamental? The fundamental was that the Airports Authority of India, which were running the airports for the last 55 years, ये जो non-aeronautical revenue होते हैं, जो गैर-विमानन क्षेत्र का रेवन्यू होता है, उसको Airports Authority of India recognize नहीं कर पाती है, और in order to have the full potential of the non-aeronautical revenue, it is essential that we bring in the model of privatisation so that the best aeronautical revenue is received. What do we do here, Sir? We come back and sign an agreement where we say that of the non-aeronautical

revenue, जो पूरे सौ फीसदी पैसा एक खाता में जाना चाहिए, उसको हम लोगों ने तय करके कह दिया कि यह non-aeronautical revenue का मात्र 30 प्रतिशत ही पूरे खाते में जाएगा, that is how the system of double till came कि एक खाते में एक पैसा जमा करो और दूसरे खाते में दूसरा पैसा जमा करो। (समय की घंटी)। स्वाभाविक तौर से जिस दिन सरकार ने यह निर्णय किया...(व्यवधान)... सरकार 46 परसेंट रेवन्यू सीधा Airports Authority of India को दे देगी, वह भी पता नहीं, किस प्रकार से किया गया? वह अपने आप में एक बहुत बड़ा रेवन्यू है, क्योंकि एयरपोर्ट ऑथोरिटी को जितनी कमाई एयरपोर्ट चला कर नहीं हो रही थी, उससे ज्यादा कमाई बिना एयरपोर्ट चलाए होने लगी। स्वाभाविक तौर पर वह भी पैसा लेना चाहेगा और जब कोई भी उद्योगपति पैसा लगा कर अपना पूरा पैसा वापस नहीं ले पाएगा, तो स्वाभाविक तौर से कोई न कोई रास्ता निकालेगा। यह एक बड़ा सवाल होता है कि यह जो डबल टिल करके जिस प्रकार से यह तय किया गया.. क्योंकि इसकी capacity लगभग 60 बिलियन तक जाना है, अभी 37 बिलियन है। Out of this large plot of land, we will say, take 250 acres. Sir, the very fundamental of aviation success is how we can make the whole product cheap. The latest escalation which has come into existence between Delhi-Mumbai-Delhi. पहले आने वाले यानी उतरने वाले passengers को पैसा नहीं लगता था, सिर्फ जाने वाले को लगता था, अब एक प्रस्ताव के तहत

Uncorrected/Not for Publication — 21.05.2012

...(व्यवधान)... आज जो escalation है, it is 346 per cent. इसका मतलब यह हुआ कि दिल्ली-मुम्बई-दिल्ली की यात्रा करने वाले यात्री को इस निर्णय के बाद 1800 रुपए अतिरिक्त देने पड़ेंगे, यानी कि हवाई जहाज की कम्पनियां एक तरफ घाटे में चल रही हैं या घाटे में नहीं भी चल रही हैं, लेकिन जिस प्रकार से कीमत है और इस देश में इस एयरपोर्ट के निर्माण का जो उद्देश्य था कि यात्रियों की सुविधाएं बढ़ें, किराया कम हो और निश्चित रूप से आवागमन की सुविधा हो, वह पूरा नहीं हो रहा है।

The basic fundamentals which were achieved in 2004, after the reforms which were initiated in the NDA Government, have been completely lost. This Government has completely lost the track. With great pride, we can say that we were the people who started this revolution of aviation in this country, which has completely been lost in the track. That is one of the points. There are many more features, which we cannot take them up in such a short while, अगर हम चाहते हैं कि passengers का ग्रोथ हो, एयरक्राफ्ट का ग्रोथ हो, कर्मचारी बढ़ें, सर, प्राइवेट एयरलाइंस के बारे में चर्चा की जाती है, वहां भी हमारे ही बच्चे काम करते हैं, ऐसा नहीं है कि वह देश के खिलाफ है। We should have a policy.

Sir, Air India stands as a lead. We all understand that. Unfortunately, we cannot keep on harping on that issue. This is the

Uncorrected/Not for Publication — 21.05.2012

time when the country is going through a crisis as far as the civil aviation is concerned, including the crisis which has emerged out Air India. I think, on that subject, we will expect a reply from the Minister, which has not come as far as the Air India is concerned. There are many more issues in this sector on which we would like to hear the hon. Minister. But the most unfortunate part is that despite the issue of civil aviation, which we need to discuss at large, being listed in this House, has not been discussed. It is very sad. Having said that, I still would feel that the Minister would respond to some of the issues which I have raised.

(Ends)

**श्री प्रकाश जावडेकर (महाराष्ट्र):** सर, एयरपोर्ट modernization के समय बताया गया था कि बहुत अच्छा एयरपोर्ट देंगे, फ्री में देंगे, सब कुछ अच्छा होगा। यह भी बताया गया था कि सब कुछ अच्छा कैसे होगा। बताया गया था कि जमीन के बदले प्राइवेट आदमी इसको डेवलप करेगा। जमीन कितनी है? 250 एकड़। उसमें से 5 परसेंट उनको कमर्शियल exploitation के लिए दिया है। 250 एकड़ की कीमत आज क्या है? 25,000 करोड़ रुपए। आपका लॉस क्या है? कुछ हजार करोड़ बोल रहे हैं। यह कितना सही है, इसको बाद में देखते हैं। वे जमीन बेच कर लोगों को क्यों नुकसान पहुंचा रहे हैं? आपका ऑप्शन था कि वे 30

साल के बाद जमीन बेचेंगे और अगर आज वे हमसे वसूल करेंगे, तो यह अन्याय है।

(2q/MCM पर जारी)

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**श्री प्रकाश जावडेकर (क्रमागत)** : दूसरी बात, इन्कमिंग फ्री के जमाने में इन्कमिंग पैसेंजर को टैक्स लगाना कितना सही है? तीसरी बात, यह दुनिया का सबसे महंगा एयरपोर्ट कैसे बन गया? इसका जिक्र हमारे एक दोस्त ने किया कि सारी दुनिया में 45 सेकंड में एक एयरक्राफ्ट लैंड होता है और 45 सेकंड में उड़ता है। Distance between two subsequent take-offs and two subsequent landings is 45 seconds. In our case, it is still 145 seconds. Then, what is the use of modernization?

सर, लास्ट, इसका ऑडिट कौन करेगा, ऐरा-गेरा, कौन करेगा? हमें तो चाहिए कि केट को क्यों नहीं करना चाहिए? अगर हमसे पैसा ले रहे हो तो केट क्यों नहीं करेगा? इसमें 6 हजार करोड़ का 12,500 करोड़ कैसे हो गया? कोई हिसाब तो दे। एक कांट्रैक्ट दिया गया cost +20%, ऐसा कभी कांट्रैक्ट होता है। हमें इसका भी जवाब चाहिए। लास्ट में मेरी मांग है, सर, बहुत सवाल हैं, आपके मन में भी हैं, सबने पूछे हैं। क्या इस पर आप व्हाइट पेपर लाएंगे और क्या इसका आडिट कराएंगे? यह करना चाहिए, यह हमारी मांग है।

(समाप्त)

Uncorrected/Not for Publication — 21.05.2012

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Mr. Yechury, please finish it within five minutes. (Interruptions) I am not taking any new names. So many requests are there.

**SHRI SITARAM YECHURY (WEST BENGAL):** Sir, I thank you for giving me an out-of-turn chance to speak. Sir, our Party position has been stated by Mr. K.N. Balagopal, who moved the Resolution, but, I have been invoked as the Chairman of the Parliamentary Standing Committee by the former Minister. I do not want to go into those issues or clarify those issues. You mentioned that we were responsible at that time in the UPA-I Government. Yes, we were responsible for ensuring that beyond Delhi and Mumbai, which were already granted, no other airports would be privatized and all development would be done by the Airports Authority of India and that is what that Government did, and, that is what is happening. So, let that be clarified.

If you also remember, the number of Reports that we submitted to this august House raised this issue, and, on the basis of that, the AERA proposal was brought forward by the UPA-I Government. The AERA proposal came up, and, while examining the AERA Bill, we

Uncorrected/Not for Publication — 21.05.2012

said, you should also include what is being given for commercial exploitation, and, even those tariffs must come under regulation. That was the recommendation of the Committee, but, despite the recommendation, only aeronautical services were included but the commercial ones were not. Even now, I urge upon the Minister to do that. That is a separate point, Sir.

The point here is that you have a peculiar situation where both for embarkation and disembarkation, the passenger has to pay a development fee. This is unheard of anywhere in the world, and, if both the Airports are doing this, the fee that the passenger pays goes up four times. If you go from here to Mumbai and come back, as it was explained, you pay this fee four times, and, Sir, Rs. 1,800/- is what you pay. This is making the Delhi airport the most expensive in the world. I want to ask this question in the larger context. We have raised it in our Reports also. You, on the one hand, talk of incredible India, you, on the one hand, talk of increasing flow of tourists into India, and, you, on the other hand, are making these airports most expensive. This is the first point.

Uncorrected/Not for Publication — 21.05.2012

Secondly, Sir, AERA itself has noted, and, I want the Minister to kindly take note of it, that 250 acres of land was given for commercial exploitation, of which only 46 acres has been commercially exploited so far and from these 46 acres, they get Rs. 1,480 crores annually. The rest of the 200 acres has not been commercially exploited so far. Now, where does this revenue go? Does it get added into the Aeronautical Services or not? If that is the case, is there a loss? This auditing has to be properly done, and, that auditing can be done only by the CAG. (Interruptions) No, I will tell you why? 46 per cent of this is with your public sector unit, the Airports Authority.

(Contd. by VK-2R)

VK/2R/3.05

**SHRI SITARAM YECHURY (CONTD):** It has to be the CAG. As my colleague, Shri N.K. Singh, pointed out earlier, it is also a distortion of the bidding process. Earlier, it was known that you will allow them to do it. At that time, what was the norm? We have pointed it out in our report. The norm was, the Airports Authority of India was not allowed to levy user charges in any airport. You give this right to the

Uncorrected/Not for Publication — 21.05.2012

private airports, but you do not give this right to the Airports Authority of India. Why? There was a point that was being made, which I think is a correct point, that you should not burden the passengers; you improve your efficiency and earn profits. But because it is a public sector and is under the Government, you say, “You will not be allowed to raise money, but I will give this right to a private operator”. Now, unfairness also breaks a certain principle and that principle is not to burden the passengers extra. In this situation, I would sincerely appeal to the Minister and the Government that when a statutory motion is moved here, that needs to be either adopted or dropped. These are serious issues that have been raised. Calculating non-aeronautical revenues on the land that was given and having a proper audit of their accounts through the CAG are the issues on which we would like to have an assurance from the hon. Minister. At least, on these two points, let the Minister give an assurance that these will be looked into. In the interest of our country, this assurance should be given. That is what I am appealing to him. Thank you. (Ends)

**THE MINISTER OF CIVIL AVIATION (SHRI AJIT SINGH):** Mr. Vice-Chairman, Sir, we are discussing a notice given by Shri K.N.

Uncorrected/Not for Publication — 21.05.2012

Balagopal for a Statutory Motion for certain modifications in the Airports Authority of India Development Fee Rules. These rules pertain to the levy of Development Fee at major airports.

Sir, before I reply to the specific concerns raised by the hon. Members of this august House, I would like to give a brief summary of the events and legal provisions regarding development fee charged under the Airports Authority of India Development Fee Rules, 2011. The Central Government had notified Development Fee Rules in the Gazette of India dated 2<sup>nd</sup> August 2011. As per the powers given under Section 41 of the Act, for levy of DF under Section 22 A of the Airports Authority Act, 1994 read with Section 41 of the Act, the rules were laid before Lok Sabha on August 17, 2011 and Rajya Sabha on August 25<sup>th</sup>. As per Section 43 of Act, the rules under the Act are required to be laid as soon as after being made before both the Houses of Parliament for a total period of 30 days either in one Session or two or more successive sessions. Both the Houses, if agree, in making any modification of the rule, the rule or regulation shall thereafter have effect only in such modified form. That also makes it clear that that rules can operate in their original form until they are modified in the

Uncorrected/Not for Publication — 21.05.2012

manner prescribed. As per the Order of the Airports Economic Regulator Authority or AERA dated 8<sup>th</sup> November, 2011, the Authority has allowed to charge at IGI Airport Delhi a DF of Rs. 200 for domestic passengers and Rs. 1,300 from international passengers with effect from 1<sup>st</sup> December, 2011. Earlier, the Central Government vide letters dated 9<sup>th</sup> February, 2009 and 27<sup>th</sup> February, 2009 had allowed the collection of DF in respect of Delhi Airport and Mumbai Airport. However, the fee levied vide these letters of the Central Government has been declared ultra vires of the Airports Authority of India Act, 1994 by the hon. Supreme Court in a Civil Appeal No. 3611 of 2011 — Consumer Foundation vs. India and others. The Supreme Court in its order though has upheld the power of the Central Government to levy the fee, but has clearly said that the Central Government has no power to fix the rate at which development fee would be charged.

(Contd. By 2S)

RG/3.10/2S

**SHRI AJIT SINGH (contd.):** The power to fix the rate in respect of major airports lies with the AERA. The hon. Supreme Court, in the same case, has also directed the DIAL and MIAL, to account to the

Uncorrected/Not for Publication — 21.05.2012

Airport Authority, the development fees collected pursuant to two letters of the Central Government of 2009 and has also directed the Airports Authority to ensure that the development fees levied and collected by the DIAL and MIAL, so far, has been utilized for the purpose mentioned in clause (a) Section 22 A of the 1994 Act. The Airports Authority of India has informed that the fee collected, before the judgement of hon. Supreme Court of India, has been utilized for the purposes as per Section 22 A of the Act. The hon. Supreme Court has also directed that, henceforth, the fee collected shall be credited to the Airports Authority of India as per the orders passed by the AERA and will be utilized for the prescribed purposes as per the Act and in the manner under the rules which may be made as early as possible. Consequently, rules have been notified in the Gazette dated 2<sup>nd</sup> August, 2011.

Now, I will reply to amendments in the Motion. Firstly, let us see the legal provisions of the Development Fee. Under the Airports Authority of India Act, 1994, as amended in 2003, and further amended in 2008, Section 22 (i) (a) of the Act gives power to the Airports Authority of India to levy and collect Development Fee from

Uncorrected/Not for Publication — 21.05.2012

the embarking passengers at major airports at such rates as may be determined by AERA. The purpose for the levy of Development Fee is as under: Funding or financing of the cost of upgradation, expansion or development of the airport at which the fee is collected; establishment or development of a new airport in lieu of the airport referred to in clause (a); -- like, that was done in the case of Delhi airport -- and investment in equity in respect of shares to be subscribed by the Airports Authority in companies engaged in establishing, owning, developing or operating or maintaining a private airport in lieu of the Airport referred to in clause (a) — the PPP was allowed to collect the dues. Now, under the AERA Act of 2008, Major Airport has been defined in Section 2 of the Act as an airport which has or is designated to have a passenger throughput in excess of one-and-a-half million passengers per annum. The I.G. Airport of Delhi is a Major Airport. In terms of sub-clause (a) of clause (1) of Section 13 of the Act, the AERA can determine the amount of Development Fee in respect of major airports. Now, 'Action taken by AERA': In terms of Section 13 (b) of the AERA Act of 2008, read with Section 22 of the AAI Act of 1994, the AERA determines the

Uncorrected/Not for Publication — 21.05.2012

Development Fee to be levied at the I.G.I., New Delhi. It is Rs.200 per embarking passengers and Rs.1300 for international passengers. Accordingly, the AERA has also determined the Development Fee to be levied at the Mumbai Airport for a period of approximately 23 months. That means, both these levies will come to an end in March, 2014.

Rule 3, that is, collection of Development Fee: The Development Fee shall be collected by a person or a body of persons as is specified by the Authority and shall be deposited in such an account and at such intervals as may be specified by the Authority. Now, Sir, if you want, I will go into it word-by-word as mentioned in the Motion. Some words have been substituted for some words, etc.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Just give a general reply.

**SHRI AJIT SINGH:** Sir, the Motion states, “That in rule 3 at page 7, after the word “collected” the words “by a person or a body of persons as specified” be deleted. Now, the words ‘by a person or a body of persons as specified’ be deleted is not practical. The Airports

Uncorrected/Not for Publication — 21.05.2012

charges and fees are presently being levied on the passengers and are being collected through airline tickets.

(Continued by 2T)

SSS/2T/3.15

**SHRI AJIT SINGH (CONTD.):** It is only for the convenience of the passengers, the charges and fee be collected through the tickets. It is not practically possible to collect the fees/charges from the passengers directly by the Airports Authority. Sir, in the Motion ‘that in rule 3 at page 6 the following proviso and explanation be **added**: “Provided, the Development Fee shall not be collected for and on behalf of those operators/lessees who had been awarded contract to develop such airports before the introduction of Development Fee”. Sir, this proviso is added because the total value of contract was determined while awarding the contract without taking into consideration of Development Fee. Section 22 A of the Introduction of Development Fee was inserted in the AAI Act in 2003, much before the awarded contract to DIAL and MIAL in 2006. The motion is also *ultra vires*. The provisions of Section 22A of AAI Act have no such distinction, as has been made in the Act against the operators/lessees

Uncorrected/Not for Publication — 21.05.2012

who had been awarded contract to develop such airports before the introduction of Development Fee. Further, the motion is against the facts contained in the contractual agreement with the Joint Venture companies, as in those agreements no mention has been made about the total value of the contract. The bidding parameter for such projects was the revenue share with AAI, and not the value of the contract or the project cost. Further, the Development Fees was levied and collected once the amount of this fee has been determined by AERA, under the AERA Act, 2008. In these statutes, no exception has been made about those airports which were awarded contract of development prior to the framing of the rules. Rule 4 (3): Every Development Fee escrow account shall have the following sub-accounts maintained, controlled and operated by a Scheduled Bank as per the escrow agreement to be executed by the authority with such scheduled banks. Sir, in the Motions, the word, “and managed” have to be inserted after the words, “to be executed.” Sir, the escrow accounts are jointly managed by the account holders. In this, AAI is required to frame a standard operating procedure for operation of the said accounts by the JVCs along with AAI. Giving the management

Uncorrected/Not for Publication — 21.05.2012

function to AAI will unnecessarily burden without any commensurate benefit. Sir, Rule 4 (4): “The money collected as Development Fee shall be deposited in Development Fee receipt account.” The Motion says after the word “Account”, the following be added: “The money already collected before the introduction of the present Rule by certain operators shall be assessed and deposited in a separate account called “Development Fees Surplus Sub Account.” The money already collected by certain operators before the introduction of the present rule has already been utilised for the purpose assigned in Section 22A and to deposit it in a separate account called ‘Development Fees Surplus Sub Account’ is not practical. Even hon. Supreme court of India, in its judgment, while striking down the earlier levy, has not given any such directions, but has only said that DIAL and MIAL will account to the AAI the Development Fee collected, pursuant to the two letters of 2009 of the Central Government, and AAI will ensure that the Development Fee levied and collected by DIAL and MIAL have been utilised for the purposes mentioned in Clause (a) of Section 22A. Moreover, in this Motion, retrospective effect is being given to the rules which may not stand the test of the law. Rule 4(5):

Uncorrected/Not for Publication — 21.05.2012

“The Authority shall make an arrangement with the scheduled bank to transfer the money deposited in the Development Fee receipt account in the following order of priority.” They have given three names of banks. You can give there. The Motion says the following shall be **added** to the sub-rule. “The amount remaining in the Development Fees Surplus Sub Account shall be taken into account while improving the facilities of the airports run by the Airports Authority of India. Sir, the provision is *ultra vires* of Section 22A of the AAI Act which allows the levy to be only for specific purpose and to be utilised at the airport where collected. Further, the above stated purpose is not covered in the said provisions.

(Contd. by NBR/2U)

-SSS/NBR-LP/2U/3.20.

**SHRI AJIT SINGH (CONTD.):** Sir, Rule 5(9) says that if, at any stage, it is found that the Development Fee has not been utilized by the airport operator for the specified purpose, the airport operator shall pay penal interest at the SBI base rate plus 10 per cent per annum on such amount from the date of such withdrawal. The Motion says that for the word 'ten', the word 'twenty-five' be substituted. That is why

Uncorrected/Not for Publication — 21.05.2012

they want the base rate plus 25 per cent should be the penalty. Sir, this penal interest is in line with the penal interest provided in the OMDA between the JVC and the AAI which was approved by the EGoM set up for this purpose.

Rule 7 relating to the accounts of the authority. It says that the authority shall keep account of all money received and expenditure by it in accordance with the provisions of the Act. Sir, the Motion says that after the word 'Act', the following shall be added:

"The all accounts pertaining to collection and disbursal of development fee shall be audited by C & AG."

Sir, as per the provisions of Section 28 of the AAI Act, the accounts of the AAI have to be audited by the CAG. Automatically, this provision will be attracted in the case of this fee also.

Sir, I am extremely grateful to the hon. Member, Shri K.N. Balagopal, for raising such an important issue with regard to levy of development fee, airport charges and UDF. I am also grateful to Shri Balagopal for accepting that he is not blindly against the user fee. But, it should be as per legal provisions of the Constitution, legal

Uncorrected/Not for Publication — 21.05.2012

provisions of the AAI Act and the Aircraft Act. I am in full agreement with the hon. Member in this regard.

One of the prime concerns raised by the hon. Member, Shri Balagopal, is that after determination of airport charges recently by the order of the AERA, the Delhi Airport has become the costliest airport in the world. Several other hon. Members have also mentioned this point. I would like to mention here that aeronautical charges at the hilly airports were earlier enhanced in 2009 by only 10 per cent over the base charges of year 2000. It means, since 2000, only 10 per cent hike was made in airport charges and that too it was in 2009. After the AERA came into existence, the authority to determine the charges for major airports was vested with the AERA as per the Airport Economic Regulatory Authority Act, 2008. The charges were to be determined for a period of 5 years i.e., from 2009 to 2014. Sir, the AERA had to determine the charges by squeezing the period of recovery of 5 years to 2 years. These charges which were to be levied in 2009 for 5 years were only levied in 2012. That means, the AAI or DIAL is recovering the 5 years cost of charges in two years and that is why it seems so high.

Uncorrected/Not for Publication — 21.05.2012

**SHRI SITARAM YECHURY:** I think, last year also it had raised.

**SHRI AJIT SINGH:** No, no.

Since 2000, the charges were raised only once by 10 per cent.

I may mention here that the claim which was submitted by DIAL was to enhance the charges by 776 per cent. However, the AERA has allowed a total enhancement of 346 per cent only after carefully examining the relevant facts.

**श्री प्रकाश जावडेकर :** यह बताइए कि सरकार क्या करेगी? How can it be only 346 per cent?

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Not allowed. Let the Minister complete his speech.

**SHRI AJIT SINGH:** Okay. I will strike down the word 'only.' If that makes the hon. Members happy, I will do that. So, I will read it again. The AERA has allowed a total enhancement of 346 per cent after carefully examining all relevant facts. This is also to submit that AERA is an independent, quasi judicial authority. The orders of AERA are appealable in the appellate court. Those who are unhappy with this increase, maybe the airlines or airport...(Interruptions)...

(FOLLOWED BY KS "2W")

2w/3:25/ks-akg

**SHRI AJIT SINGH:** There seems to be some confusion regarding Development Fee, User Development Fee and Passenger Service Fee. I would like to clarify here that, while Development Fee for a major airport is to be charged as per the powers given under section 22A of the Airports Authority of India Act from the embarking passengers at such rates as determined by AERA for purposes mentioned in section 22, mainly for funding and financing the cost of upgradation, expansion or development of airports at which the fee is collected, Passenger Service Fee and the User Development Fee are determined by AERA as per the provisions of the Aircraft Act of 1934 and the rules made thereunder, that is, Aircraft Rules, 1937, wherein rule 88 and 89 of the Aircraft Act allows the licensee of airport to collect the PSF and UDF respectively. Under these rules, there is no bar on levy of these charges on disembarking passengers. The present Statutory Motion is regarding the Development Fee and not regarding PSF and UDF. The concern of the hon. Member that the fee collected as per the Executive Order of the Central Government should go to the

Uncorrected/Not for Publication — 21.05.2012

Government exchequer has also been answered by the hon. Supreme Court as mentioned in para 23 of the hon. Supreme Court's order. The hon. Member, Shri Balagopal has also raised the issue that levy of Development Fee is against article 265 of the Constitution. This aspect has been dealt with by the hon. Supreme Court in detail and it is only after that that the hon. Supreme Court has passed its order. The hon. Member has also raised an issue regarding allocation of five per cent of Demise Premises for commercial purposes. I would like to bring to the kind knowledge of this august House that this was a pre-bid condition. It was not added later. The bidders knew about it and it was factored at the time of bidding. It is also pertinent to mention here that the use of this land is restricted for the purposes specified in the Airports Authority of India Act, 1994, as mentioned in the contractual agreement. I would like to express my gratitude to the hon. Member, Dr. Najma Heptulla for appreciating the development that has taken place at the Delhi Airport. Hon. Members shall be happy to know that the Delhi Airport has been rated as the second-best in the ranks under the category of '25-40 million passengers' and sixth-best for all categories of airports in the world.

(Interruptions)

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Mr. Minister, be brief.

**SHRI AJIT SINGH:** I appreciate the suggestions made by the hon. Member, Shri Praveen Rashtupal in regard to transparency and right to information in PPP projects and for exhibiting our culture and civilization at the airports. Sir, Mr. N.K. Singh has also raised the issue of levy of five per cent and ten per cent which has been answered. It was a pre-bid condition. Mr. Agrawal mentioned about the AAI making money earlier. They have made Rs.1000 crores this year just from these two airports because they have 26 per cent share in the investment and more than 49 per cent of the revenue goes to AAI. In DIAL, it is 30.7 per cent. I have already answered to the embarkation-de-embarkation issues raised by Shri Bandyopadhyay. Mr. Naresh Agrawal raised many other issues. He wanted ATC to be brought under the AAI. It is already under AAI. Because it is a very technical subject as to whether it should not be under the AAI, this is at present under the consideration of the Government. Then, he asked why there is such a small terminal at the airport in Lucknow, which is such an old and cultural capital of UP. After this new terminal

Uncorrected/Not for Publication — 21.05.2012

becomes operational in June, the old terminal will be renovated and two more aerobridges will be added there. The Government is also considering both Varanasi and Lucknow Airports to be designated as international airports.

(cd. by 2x/kgg)

2x/3.30/kgg

**SHRI AJIT SINGH (contd.):** Sir, about other airports in Uttar Pradesh, I am glad that Mr. Agarwal has mentioned those.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** If you do not have the details, you can provide them in writing.

**SHRI AJIT SINGH:** I hope, the Government will provide the land so that we can extend the airstrips and develop new airports.

Sir, I would also like to add here that the suggestions made by many Members--including Mr. Yechury and hon. Members from the principal Opposition—will be given due consideration. We will look into them. Since the matter pertaining to the levy of development fee regarding DIAL and MIAL have already been decided by the Supreme Court, and for future cases the rules have already been framed, it may not be prudent to add any proviso or modify rules, as has been

Uncorrected/Not for Publication — 21.05.2012

suggested by the hon. Member. I would, therefore, like to request the hon. Member to kindly withdraw the Statutory Motion for modification in the Airport Authority of India Development Fee Rules.

(Ends)

...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, please. So much time has been spent. (Interruptions)

**SHRI N.K. SINGH:** Sir, we need to ask a few questions.

**SHRI SITARAM YECHURY:** Sir, the hon. Minister has appealed the hon. Member to withdraw the Motion. According to the rules, since it is a Statutory Motion, either it is withdrawn or it should be decided upon by voting. He has appealed for withdrawal. For the withdrawal, what are the assurances given by the Minister? Please allow the Members to put questions.

**SHRI AJIT SINGH:** Let Mr. Balagopal speak. I have already said that the issues raised would be looked into.

**SHRI K.N. BALAGOPAL:** Sir, I thank all the hon. Members for participating in an active discussion. This is a very important Motion which has come before the House. It is a Statutory Motion; it is not a

Uncorrected/Not for Publication — 21.05.2012

Private Member's Business. It is moved as per the Statute. The Minister has replied. But, from the reply it is not understood whether any single point is accepted by the Minister. Two aspects were raised in the issue. One is that technically and legally there are many flaws in the rules and hence that aspect needs to be corrected. The second is that there are many other aspects and, commercially, it is a total loot and nobody in the House is agreeing that a reasonable fee is charged. The right of the Parliament is to intervene into the rule-making also. As per the delegated legislation, we must see whether the order is in accordance with the provisions of the Constitution or the Act which is made. Then, it has to be seen whether the order contained imposition of taxation. There are many provisions. Actually, in our country, as our Leader of the Opposition said the other day, we are making laws; but, the actual rules are made by the Executive. We should take the law, over rules, as the watchdog. We are only making the brain; actually, the muscles and the teeth are made by the Executive. For biting, the rules are important. If a rule is against the concept or spirit of the Act, we need to question that then.

Uncorrected/Not for Publication — 21.05.2012

That is why I said, eleven years before, when hon. Pranab Mukherjee, Shri Dipankar Mukherjee and late Shri Arjun Singh were there, a Statutory Motion was raised. At that time, there was some assurance. I went through the debate. When this Statutory Motion is raised, I got an answer that Rs.1,480 crores were collected and the Supreme Court banned the collection saying, "It is illegal without the backing of the rules." Sir, I am aware of the time-constraint. I went into the aspect and I gave the notice for the Statutory Motion.

We gave notice for three Motions. One is this. The second was given by Comrade Yechury. The third was on the Nuclear Liability Bill. That is also not there. Here, every provision in this rule is against the spirit of the Act. That is why I moved. Section 3 of the Act says: "Collection of Development Fee — The development fee shall be collected by a person or body of persons as specified by the authority and shall be deposited in such account and in such intervals as specified by the authority." For this, I had said, "'a person or body of persons specified' should be deleted" because as per the AIRA Act, it is formed on the basis of the rules and provisions of the Aircraft Act, 1934.

TDB/2Y/3.35

**SHRI K.N. BALAGOPAL (CONTD.):** There is a right for subordinate legislation or delegated legislation. There is a right for delegating the authority. Sir, Section 5(2) of the Aircraft Act, 1934 says, “Without prejudice to the generality of the foregoing power, such rules may be provided for.” And Section 5(2)(a) says, “The authorities by which any of the powers conferred by or under this Act are to be exercised.”

Sir, I know it is very technical. But we have to say it technically. Because of this provision, the delegation is to be done only to the authorities. Here, it is given to a private party. My request to the hon. Minister is, please come with an amendment to the Aircraft Act, 1934, and we will accept. Here also, I know, this may be passed.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Balagopal, be brief.

**SHRI K.N. BALAGOPAL:** Sir, I will be brief. Why am I saying this? I am saying this because history should not blame us. This is the first time that such a serious question has come up. I have raised two-three points. One is that the private persons cannot collect it. Two, which is

Uncorrected/Not for Publication — 21.05.2012

the main point, the CAG should look into the accounts. Sir, one project started with Rs.8,000 crores. And, now, they are saying its cost is Rs.12,500 crores. The AERA Report itself says that there is 245 acres of land for commercial development. We are not against that. They have already leased 46 acres, and recovered about Rs.1,500 crores. Now, 200 acres are there. That is Rs.20,000 crores...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Balagopal, you briefly say what you want, and then conclude.

**SHRI K.N. BALAGOPAL:** Sir, these kinds of things are there. The rule which you are making is not legally sound. One thing I said was about Section 5(2)(a). Another thing is...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** There is no need of repetition. You say what you want. (Interruptions)

**SHRI K.N. BALAGOPAL:** Sir, the hon. Minister said that they have collected five years' fees in two years. Sir, you also heard it. The Chair represents the whole House. They have collected five years' fees in two years. So, they are levying a huge fee. What the hon. Minister said was heard by the whole House. The Act very clearly says, "The authorities shall determine the tariff once in five years." Sir, this is the

Uncorrected/Not for Publication — 21.05.2012

Act. The Act says, 'once in five years'; then, how can they fix it in every year? Sir, this is not proper.

Sir, the hon. Minister quoted Section 22(A) of the Airports Authority of India Act, several times.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Balagopal, do not go into the details again. It is repetition.

**SHRI K.N. BALAGOPAL:** Sir, I am not going into the details. What I am saying is, it is gross violation of legal provisions, and we have to look into the subordinate legislative power and delegated legislative power. The Executive has to be careful that the Parliament would look into it. Therefore, we have to do justice to history. We have to say that Parliament is very serious about the rules they are making. There is no question of any whip. There is no ruling party and opposition for this. The Executive has committed some mistakes, and those mistakes should be corrected by the Legislature. That is all I am saying.

(Ends)

**SHRI V.P. SINGH BADNORE:** Sir, I have a question. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Only one Member; no more. Put one question. That is all.

Uncorrected/Not for Publication — 21.05.2012

**SHRI V.P. SINGH BADNORE (RAJASTHAN):** Sir, the hon. Minister said that the AERA, the regulatory authority, is not under him; it is an autonomous body; he cannot give directions to it. Then, what can we all do? This is number one. So, my question is: can he give directions to the regulatory body or not? My very specific question on this is that the footfalls in the Airport, the expensive shopping, the restaurants, the bars, all that money is so much that the embarkation levy is not required. So, that is the point. If the hon. Minister cannot give directions to AERA, then, what is the point in arguing with him?

(Ends)

**SHRI N.K. SINGH (BIHAR):** Sir, I have a very short point to request for the hon. Minister's response. My first point is, first of all, I am grateful that the hon. Minister has said that there will be compulsory audit by the CAG. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Yes, Mr. Minister, would you like to respond?

**SHRI N.K. SINGH:** Sir, my second point is this. Is it true that in absolute terms, Delhi now becomes one of the world's most

Uncorrected/Not for Publication — 21.05.2012

expensive airports, which will deter tourism, which will deter the landing of aircraft... (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** What is the question? You have already spoken.

**SHRI N.K. SINGH:** Finally, has the AERA taken the total revenue stream into account before coming to a conclusion?

(Followed by 2z-usy)

USY-VNK/2Z/3.40

**SHRI TAPAN KUMAR SEN (WEST BENGAL):** Sir, I have a point to make. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, Mr. Tapan. (Interruptions) There are so many requests. (Interruptions)

**SHRI TAPAN KUMAR SEN:** Sir, it is my right. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** There is no time. I can go on allowing this. (Interruptions) Where is the time? We have a lot of business to do. (Interruptions)

**SHRI TAPAN KUMAR SEN:** Sir, the hon. Minister has told that there is no bar on charging a levy on the incoming passengers. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Okay. Okay. That's all. (Interruptions)

**SHRI TAPAN KUMAR SEN:** Sir, there is no bar. It is very much within the rights of the Government to consider and direct that incoming passengers should not be taxed in this way. (Time-Bell)

**SHRI PRAKASH JAVEDKAR:** Sir, I have also a point to make. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No; no. You have already spoken. (Interruptions) No; no. You have already spoken. (Interruptions) You have already expressed your viewpoint. (Interruptions) I have time constraint. (Interruptions)

**SHRI TAPAN KUMAR SEN:** Sir, the hon. Minister has assured that the CAG has the right to go into the accounts related to Development Fee. My point is that the Delhi Airport, DIAL and the MIAL, all together, are PPP. So, the whole account of the DIAL and the MIAL should undergo the scrutiny of the CAG. (Time-Bell)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Okay; okay. (Interruptions) Mr. Gujral, just put your question. (Interruptions)

Uncorrected/Not for Publication — 21.05.2012

**SHRI NARESH GUJRAL (PUNJAB):** Sir, the hon. Minister has said that the charges, which should have been recovered over five years, are, now, going to be recovered over two years. This is going to put a lot of pressure on the passengers. Why can't you go back and request them that will, again, be charged over five years so that the pressure on the passengers is reduced? (Time-Bell)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Javadekar, you put just one sentence question.

**SHRI PRAKASH JAVADEKAR (MAHARASHTRA):** Okay, Sir, just one sentence question. सर, मैं आपके माध्यम से माननीय मंत्री जी से पूछना चाहता हूँ कि पूरे सदन की भावना को ध्यान में रखते हुए वे इस charges को कम करने के लिए क्या करेंगे?

**THE MINISTER OF CIVIL AVIATION (SHRI AJIT SINGH):** Sir, first of all, I would like to say that this is a Statutory Motion, mentioning that the money collected by the DIAL and the MIAL, before the rules were framed by the AERA, is *ultra vires*, and, therefore, those rules should be changed. The Supreme Court has already said that money collected, before these rules were framed, should be accounted for by the AAI that that money has been used according to the Act. They

Uncorrected/Not for Publication — 21.05.2012

have already done it. So, that was the only issue. It is a Statutory Motion. I appreciate that the hon. Members, especially Mr. Rudy, wanted to discuss on the Ministry of Civil Aviation. And, that was Mr. Pathak's right to initiate the debate on that. Unfortunately, that has not come. But that does not give rights to the MPs to talk about all the other issues, which are not...(Interruptions) Please don't shout. (Interruptions)

**SHRI BALBIR PUNJ:** How can you...(Interruptions) We have a right to...(Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Minister, you can respond to the questions. That's enough. (Interruptions)

**श्री भगत सिंह कोश्यारी:** सर ...(व्यवधान)...

**SHRI BALBIR PUNJ:** How can he say like that? (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Whatever has been allowed by the Chair is on the record. Why do you bother? (Interruptions)

**SHRI AJIT SINGH:** Sir, I will answer that. (Interruptions) The House is debating...(Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please sit down.

(Interruptions) You answer only the questions. (Interruptions) Mr.

Punj, please take your seat. (Interruptions) Don't worry about

the...(Interruptions) The Chair has allowed you to speak.

(Interruptions) You don't worry. (Interruptions) Whatever you have

said is with my permission. (Interruptions) Mr. Minister, you respond

only to the questions. Don't say anything more. (Interruptions)

**SHRI AJIT SINGH:** Sir, what I said was that that this Statutory Motion is about...(Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Would you like to give some concession or not? Or, would you like to reconsider that or not? Tell about this. (Interruptions)

**SHIR AJIT SINGH:** Sir, my hon. friends have become agitated. I would like to answer that. I said that the Statutory Motion is about certain things. Hon. Members certainly have the right to speak about anything under the sun, but I have a right to answer only the issues which are pertinent to the motion. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That's what I am saying.

-USY/PK-MCM/3A/3.45

**SHRI AJIT SINGH:** So, please don't get agitated.

**श्री नरेश अग्रवाल :** अगर यह बात आप पहले कह देते तो झगड़ा ही नहीं होता।

**श्री अजित सिंह :** पूरी बात नहीं सुनी थी।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please sit down.

**SHRI AJIT SINGH:** Sir, I have already answered the issues relating to the Statutory Motion. Members have raised many other issues. Basically, they want to discuss the working of the Ministry of Civil Aviation.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No; they don't want that. ..(Interruptions).. The simple question is: Would you like to give them some concession? Say that!

**SHRI AJIT SINGH:** Sir, I think, to the questions raised by Shri Balagopal, I have tried to answer them. If there are any suggestions made by Members, the Government will look into them.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Yes; that is the point. So, Mr. Balagopal, the Government gives an assurance that the Government will look into it. Would you like to withdraw on that basis?

**SHRI K.N. BALAGOPAL:** Sir, I am pressing my Resolution.  
..(Interruptions)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** The Minister has assured that he will look into your suggestions. Taking that as an assurance, would you like to ....

**SHRI K.N. BALAGOPAL:** I am pressing, Sir. ..(Interruptions)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I shall now put ..(Interruptions).. the Motion for modification of rules to vote. The question is:

*“That this House resolves, in pursuance of section 43 of the Airports Authority of India Act, 1994, the Airports Authority of India (Major Airports) Development Fees Rules, 2011*

Uncorrected/Not for Publication — 21.05.2012

*published in the Gazette of India dated 2nd August, 2011  
vide notification G.S.R. 597(E) and laid on the Table of  
the House on the 25th August, 2011, be modified as  
follows:*

1. That in rule 3 at page 6, after the word “collected” the words “by a person or a body of persons as specified” be ***deleted***

2. That in rule 3 at page 6, the following proviso and explanation be ***added:***

“Provided, the Development Fee shall not be collected for and on behalf of those operators/ lessees who had been awarded contract to develop such airports before the introduction of Development Fee.”

Explanation: This proviso is added, because the total value of contract was determined while awarding the contract without taking into consideration of Development Fees.

3. That in rule 4, sub-rule 3, at page 6, **after** the words “to be executed”, the words “and managed” be ***inserted***.
4. That in rule 4, sub-rule 4, at page 6, after the word Account”, the following be **added:**  
“The money already collected before the introduction of the present Rule by certain operators shall be assessed and deposited in a separate account called “Development Fees Surplus Sub Account”.
5. That in rule 4, sub-rule 5(iii), at page 7, the following be

Uncorrected/Not for Publication — 21.05.2012

added as sub rule 5(iv) namely, -

- 5(iv) “The amount remaining in the Development Fees Surplus Sub Account shall be taken into account while improving the facilities of the Airports run by Airports Authority of India.”
6. That in rule 5, sub-rule 9, at page 8, for the word “ten” the word “twenty five” be **substituted**.
7. That in rule 7, at page 8, **after** the word “Act.” the following be **added**:
- “The all accounts pertaining to collection and disbursal of development fee shall be audited by C&AG.”
- And
- That this House recommends to Lok Sabha that Lok Sabha do concur in this Motion.”

**The motion was negatived.**

...(Interruptions)..

**SHRI PRASANTA CHATTERJEE:** Sir, we want division.

...(Interruptions)..

**SHRI TAPAN KUMAR SEN:** Sir, we want division. ..(Interruptions)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That should have been asked at that time. ..(Interruptions).. How can you have division now? ..(Interruptions)..

Uncorrected/Not for Publication — 21.05.2012

**SHRI RAJIV PRATAP RUDY:** Sir, we have already gone for the vote.

How can he intervene now? ..(Interruptions)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):**

I have not allowed. What are you saying? Please sit down. What do you want to say, Mr. Minister?

**SHRI AJIT SINGH:** Mr. Vice-Chairman, Sir, I would like to assure Mr. Balagopal and the other hon. Members, who have made suggestions, that I will examine them and come back to the House.  
 ..(Interruptions)..

**SHRI K.N. BALAGOPAL:** I am pressing, Sir. ..(Interruptions)..  
 I am pressing, Sir.

**श्री ब्रजेश पाठक :** सर, माननीय मंत्री जी के जवाब से हम सहमत नहीं हैं।.....(व्यवधान) सर, हम माननीय मंत्री जी के जवाब से संतुष्ट नहीं हैं। हम सदन से वाक आउट करते हैं।

(कुछ माननीय सदस्य सदन से चले गए)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Are you insisting for division?

**SHRI K.N. BALAGOPAL:** Yes, I am pressing, Sir.

(Followed by 3B/PB)

**SHRI SITARAM YECHURY:** Sir, it's an AREA's decision. We understand that; it's an AERA's decision. So, the Government or the Minister cannot give a categorical assurance. But the assurance he has given is that understanding the concerns expressed by the House and understanding the imposition of burdens on the travellers, this matter will be looked into by the Minister positively. ... (Interruptions) ...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** He said that he will examine it again. ... (Interruptions) ... Mr. Yechury is speaking. ... (Interruptions) ...

**SHRI SITARAM YECHURY:** ... and he will come back to the House. He said that. Just repeat it. ... (Interruptions) ...

**DR. V. MAITREYAN:** And, Sir, till that time, these charges are to be kept in abeyance, till he comes back. ... (Interruptions) ...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Minister, are you accepting what Mr. Yechury said?

Uncorrected/Not for Publication — 21.05.2012

**THE MINISTER OF CIVIL AVIATION (SHRI AJIT SINGH):** Sir, I said, the issues raised by Mr. Balagopal and other hon. Members of the House will be examined and I will come back to the House.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That's enough. Okay. The next item is the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2012.

**THE CONSTITUTION (SCHEDULED TRIBES) ORDER  
(AMENDMENT) BILL, 2012**

**THE MINISTER OF TRIBAL AFFAIRS (SHRI V. KISHORE CHANDRA DEO):** Mr. Vice-Chairman, Sir, with your permission, I beg to move:

That the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2012 as passed by the Lok Sabha be taken into consideration.

Sir, there,has been a long-standing demand for the inclusion of Medara in the 'List of Scheduled Tribes' in the State of Karnataka. To fulfil the long-felt demand, the entry at serial No. 37, occurring under Part IV, relating to Karnataka, of the Schedule to the Constitution

Uncorrected/Not for Publication — 21.05.2012

(Scheduled Tribes) Order, 1950 have to be amended by inserting "Medara" community after the community "Meda" Scheduled Tribes of Karnataka. At present, there are 50 communities appearing in the List of 'Scheduled Tribes' in Karnataka.

Sir, the Government of Karnataka have been for long recommending the inclusion of "Medara" community as a synonym of "Meda" community. Way back in 1995, it had recommended the inclusion of "Medara" along with "Medari", "Gauriga" and "Burud" communities as synonyms of "Meda", which is already listed at Entry Serial No. 37 relating to Karnataka of the Schedule to the Constitution (Scheduled Tribes) Order, 1950.

The State Government's proposals were considered favourably by the Government of India, but it was found that while the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002, notified on 7<sup>th</sup> January, 2003, included "Medari", "Gauriga" and "Burud" as synonyms of "Meda" in the ST list of Karnataka, "Medara" happened to be omitted. This omission was pointed out by the State Government in 2003. Sir, the Registrar General of India supported the State Government's proposal in 2006. The National

Uncorrected/Not for Publication — 21.05.2012

Commission took up the matter, sought additional information from the State Government, which was obtained in 2007, and, thereafter, recommended it favourably in the year 2009.

Sir, the Bill thus seeks to achieve the above objective of redressing the omission of this community in the Constitution (SC & ST) Orders (Amendment) Act, 2002, and to also fulfil the long-standing demand from the "Medara" community in Karnataka.

The amendment will entail additional recurring and non-recurring expenditure from the Consolidated Fund of India on account of benefits likely to be provided to the persons belonging to the Medara community out of the continuing schemes meant for the welfare of the Scheduled Tribes. The same will be sought to be accommodated in consultation with the Ministry of Finance within the

Annual Plan and Non-Plan outlay of the Ministry at the Revised Estimates stage. Sir, I commend the Bill to this House.

(Ends)

*The question was proposed.*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Hon. Members, this is a non-controversial Bill which is being welcomed by every section of the House. The time allotted to it is one hour. If everybody cooperates, we can finish this Bill in half-an-hour. Therefore, I request everybody, who is speaking on this Bill, to speak for three minutes only. Three-three minutes each. Okay; Now, Shri Bhupender Yadav.

(Followed by 3c/SKC)

3c/3.55/gs-sk

**श्री भुपेन्द्र यादव (राजस्थान):** माननीय उपसभाध्यक्ष महोदय, संविधान (अनुसूचित जनजातियां) आदेश (संशोधन) विधेयक, 2012 जो सदन में रखा गया है, यह कर्णाटक राज्य की एक अनुसूचित जनजाति को अनुसूचित जनजाति का दर्जा देने के लिए रखा गया है। संविधान के Article 342 में किसी

भी जनजाति को जनजाति का दर्जा देने का अधिकार है, वह हमने legislative को दिया है। सुप्रीम कोर्ट के जजमेंट भी आए हैं और उन निर्णयों में कहा गया है कि किसी भी अनुसूचित जनजाति को जनजाति का दर्जा देना, यह विधायिका का अधिकार है।

**(उपसभाध्यक्ष (श्री शान्ता कुमार) पीठासीन हुए)**

लेकिन अभी हाल में सर्वोच्च न्यायालय का एक निर्णय आया है। वह निर्णय मेरे को लगता है कि न्यायपालिका द्वारा विधायिका के कार्य में हस्तक्षेप किया गया है। मैं आपके माध्यम से मंत्री महोदय को जजमेंट बताना चाहता हूँ। यह जजमेंट ‘Rameshbhai Dahyaabhai Nayika *versus* the State of Gujarat’ है। इसमें सर्वोच्च न्यायालय ने जो कहा है, मुझे लगता है कि उसने अपनी शक्तियों से बाहर जाकर कहा है जिसके बड़े दूरगामी परिणाम होने वाले हैं। इससे पहले जो जजमेंट सर्वोच्च न्यायालय के थे, जो इस पर स्थिति क्लियर करने वाला जजमेंट था, वह 1990 का था। उस जजमेंट में यह कहा था, “The entries in the Presidential Order have to be taken as final, and the scope of inquiry and admissibility of evidence is confined within limitations. It is, however, not open to the Court to make any addition or subtraction from the Presidential Order.” कोर्ट को किसी को एडिशन करने का अधिकार नहीं था। गुजरात के मामले से पहले जो आनंद वाला 2006 का जजमेंट सुप्रीम कोर्ट का था, उस जजमेंट में यह कहा गया था कि अगर कोई फॉरवर्ड

कास्ट का आदमी किसी शैड्यूल्ड ट्राइब्स महिला से शादी कर लेता है, तो जो बच्चे हैं, वे शैड्यूल्ड ट्राइब्स की केटेगरी में नहीं आयेंगे। लेकिन सुप्रीम कोर्ट ने जो अपना लेटेस्ट जजमेंट दिया है, उसमें यह कहा है कि अगर कोई भी फॉरवर्ड कास्ट का आदमी शैड्यूल्ड ट्राइब्स महिला से शादी करता है और evidence के द्वारा यह प्रमाणित होता है कि वे बच्चे शैड्यूल्ड ट्राइब्स के रूप में पले हैं, तो वे शैड्यूल्ड ट्राइब्स की केटेगरी में आ जायेंगे। इसका परिणाम केवल शैड्यूल्ड ट्राइब्स पर नहीं होने वाला है। इसका परिणाम शैड्यूल्ड ट्राइब्स, शैड्यूल्ड कास्ट और ओबीसी पर भी होने वाला है, क्योंकि कोई भी शैड्यूल्ड कास्ट की महिला अगर अपर कास्ट में मैरिज करेगी, तो पिता की सम्पत्ति तो लेंगे वे अपर कास्ट के राइट से, लेकिन शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के जो राइट हैं, वे यह प्रमाण देकर करेंगे कि हमारा जो पालन-पोषण है, वह शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के रूप में हुआ। मेरे को लगता है कि यह बहुत गंभीर जजमेंट है। इसलिए Article 342 में, आप यह जो अमेंडमेंट लेकर आए हैं, यह आपका अधिकार है, यह legislation का अधिकार है। जब तक legislation इस चीज़ को तय नहीं करेगी, तब तक जो सर्वोच्च न्यायालय का यह निर्णय है, यह Article 342 का violation है।

महोदय, अभी एक दूसरा निर्णय और आया है। जो सबसे बड़ी समस्या इस समय शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स में है, वह फर्जी कास्ट सर्टिफिकेट की है। फर्जी कास्ट सर्टिफिकेट के कारण काफी संख्या में, अलग-अलग स्टेट्स

Uncorrected/Not for Publication — 21.05.2012

में हम लोगों ने कमेटियां बनाई हैं। मैं माननीय मंत्री जी को बताना चाहूंगा कि यह जो पहला जजमेंट है यह 'Rameshbhai Dahyaabhai Nayika *versus* the State of Gujarat' है, जिसने judicial discipline को तोड़ते हुए 2006 के जजमेंट से अपने आप को distinguished करते हुए, यह जो सर्वोच्च न्यायालय ने judicial discipline तोड़कर विधायिका के कार्य में हस्तक्षेप किया है, मुझे लगता है कि इस पर माननीय मंत्री जी को जबाव देना चाहिए।

दूसरा जो निर्णय आया है, वह "Anand *versus* Committee for Scrutiny and Verification of Tribal Claims and Others" है। जो ट्राइबल्स का verification है, उसके बारे में पहली बार सर्वोच्च न्यायालय ने कहा है कि जो ट्राइबल आईडेंटिटी Article 342 में पहचान की जाती है, जो उनके anthropologically distinctive feature है, उसके कारण पहचान की जाती है। सर्वोच्च न्यायालय ने कहा है कि pre-Independence documents देखे जायेंगे। मुझे लगता है कि Anandi *versus* Committee for Scrutiny and Verification और जो सबसे बड़ा जजमेंट Rameshbhai Dahyaabhai Nayika *versus* the State of Gujarat आया है, इसको re-consider करना चाहिए। जो Article 342 का स्कोप है, उस स्कोप में यह सीधा-सीधा हस्तक्षेप है और इसके दूरगामी परिणाम होंगे। जो आप इस प्रकार का अमेंडमेंट लायेंगे, उस अमेंडमेंट की आगे आवश्यकता नहीं पड़ेगी, यह सीधा constitutional crisis का विषय है। मुझे

लगता है कि इस पर विचार करना चाहिए और इस पर माननीय मंत्री जी को assurance भी देनी चाहिए।

(समाप्त)

**SHRI PRASANTA CHATTERJEE (WEST BENGAL):** Sir, actually there is nothing to oppose in this particular Bill. One community of Karnataka, the Megara community, is sought to be included in the list of Scheduled Tribes in that State. We support this Bill.

Sir, we know that there are about 500 communities in the whole country.

(contd. at 3d/hk)

HK-ASC/4.00/3D

**SHRI PRASANTA CHATTERJEE (CONTD.):** The Scheduled Tribes population is approximately 8.50 crore. Andaman and Puducherry are not included in this list. I would request the hon. Minister to bring a more comprehensive list. It has been discussed here many a time in this House that one community is recognized in one State and that particular community is not recognized even in an adjacent State. There are many examples of this. That is why repeated requests were made to prepare a comprehensive list and come back to the House.

Uncorrected/Not for Publication — 21.05.2012

The Riang community in Tripura is enlisted there. But this Riang community is not recognized in adjacent Assam State. Similarly, one community is recognized in Andhra, but the same community is not recognized in Odisha. In Tamil Nadu also, the problem is the same. In Odisha, Baiga is included as a Tribe. It is called in West Bengal as Baghal, but it is not included there in the Scheduled Tribe List. Such types of discrepancies are there. Our request to the hon. Minister, while supporting this Bill, is that you come with a comprehensive list in the House so that, at a time, we can give our opinion.

(Ends)

**श्री नरेन्द्र कुमार कश्यप (उत्तर प्रदेश) :** मान्यवर, बाबा साहब डॉ. भीमराव अम्बेडकर ने भारत के संविधान के अनुच्छेद-342 के अंतर्गत अनुसूचित जातियों को जाति में शामिल होने की प्रक्रिया को विस्तार से रखा है, जिसके आधार पर कर्णाटक के दो समुदायों को SC,ST में शामिल करने का प्रस्ताव, आज मंत्री जी इस विधेयक के जरिए लाए हैं। हम इसके विरोध में नहीं हैं, लेकिन सरकार ने भारतीय संविधान की मूल भावनाओं को क्या इस रिजर्वेशन के जरिए या ST में शामिल करने के जरिए, पूरा करने की कोशिश की है? मैं आपके सामने यह प्रश्न इसलिए प्रस्तुत करना चाहता हूँ कि भारतीय संविधान के अनुसार, भारत में

जब से अनुसूचित जाति, अनुसूचित जनजाति को रिजर्वेशन की पॉलिसी के आधार पर रखा गया है, क्या इस रिजर्वेशन की फॉर्मल्टीज को सरकार की ओर से पूरा करने की कोशिश की गई है? चूंकि संविधान का मत था कि जो सामाजिक, आर्थिक और शैक्षिक क्षेत्र में पिछड़े लोग हैं, उनको SC,ST में शामिल करके देश की सरकारें मुख्य धारा से जोड़ने का प्रयास करेंगी। क्या 64 साल के लम्बे अंतराल के बाद हमारी सरकार ने इसमें कोई सफलता हासिल की है, जिसे माननीय मंत्री जी अपने उत्तर में बताने की कृपा करें।

महोदय, मैं आपके माध्यम से सदन के संज्ञान में यह लाना चाहता हूं कि मुझे एक बार अंडमान निकोबार द्वीप में जाने का मौका मिला। हमारे बहुत से सदस्य भी वहां पर गए होंगे। महोदय, हमने वहां पर दो जगह देखी हैं, जिनमें एक जगह जारवा है, जिसमें 381 ST रहते हैं और दूसरी जगह ग्रेट अंडमान है, 97 लोग रहते हैं। आज भी उस जगह ऐसी व्यवस्था है कि आज भी उनको देश के आम नागरिकों से मिलने का अधिकार नहीं है। हमारी कमेटी वहां गई थी और हमने भी उनसे मिलने की कोशिश की थी कि चलो, चलकर देखो कि आदिवासी लोगों के सामने कौन-कौन सी मुश्किलें हैं। हमें यह बताया गया कि किसी को उन लोगों से मिलने का अधिकार इसलिए नहीं है, कहीं उनकी संस्कृति बाधित न हो जाए।

महोदय, हमने यह जानकारी हासिल की कि भारतीय संविधान लागू होने के बाद भी उन आदिवासियों के हालात ऐसे हैं कि आज भी उनके पढ़ने के लिए

स्कूल नहीं हैं, स्वास्थ्य केन्द्र नहीं हैं। हमें कई जगहों के बारे में पढ़ने को मिला है कि आज भी उनको कोई व्यक्ति छू भी नहीं सकता है।

(3E/LT पर जारी)

LP/GSP/4.05/3e

**श्री नरेन्द्र कुमार कश्यप (क्रमागत) :** उनको आज भी अछूत बनाकर रखा गया है। क्या माननीय मंत्री जी सदन के सामने इस दुष्प्रभाव को समाप्त करने का कोई आश्वासन देंगे?

मान्यवर, दूसरा मुद्दा यह है कि जम्मू-कश्मीर, जो हमारे देश का अभिन्न अंग है, मेरी निश्चित जानकारी है कि जम्मू-कश्मीर में गुजर और बक्रवाल, ये दोनों ही जातियाँ अनुसूचित जनजाति में शामिल हैं, लेकिन राजनैतिक तौर पर उनको रिजर्वेशन देने की, सरकार के द्वारा आज तक कोई व्यवस्था नहीं की गई है। मेरा यह भी एक निश्चित मत है कि एस.टी. की पॉप्युलेशन जम्मू-कश्मीर में 8 परसेंट है, लेकिन उनको केवल 2 परसेंट रिजर्वेशन मिलता है। क्या माननीय मंत्री जी, इस सदन में इस बात का भी आश्वासन देंगे कि जम्मू-कश्मीर में जनसंख्या के आधार पर आदिवासियों को रिजर्वेशन देने की व्यवस्था पर भी सरकार कोई विचार करेगी, अन्यथा आप इस प्रकार से अमुक-अमुक जातियों को शैड्यूल्ड ट्राइब्स में शामिल करके उनके विकास को आगे नहीं बढ़ा सकते हैं? मेरा अनुरोध है कि अगर सरकार किसी जाति को अनुसूचित जाति या अनुसूचित जनजाति में शामिल करने का फैसला लेती है, तो उससे पहले वह

यह फैसला भी कर ले कि क्या आप इन जातियों के सर्वांगीण विकास की जिम्मेदारी निभाने के लिए भी तैयार हैं या केवल राजनीतिक स्वार्थ की पूर्ति के लिए ही सारे काम किए जाते हैं? मेरा अनुरोध है कि इस बिल को पास करने से पहले इन जातियों के विकास के बारे में सोचें। इनके साथ जो भेदभाव होता है, रिजर्वेशन की पॉलिसी पूरी नहीं होती है, आज भी छुआछूत का माहौल पैदा किया जाता है, आज भी उनसे दूर रहने की कोशिश की जाती है, मंत्री जी, क्या इन दुर्भावनाओं को निर्मूल करने की आपकी कोई कोशिश होगी, इस पर भी अपना विचार जरूर रखें? आपका बहुत-बहुत धन्यवाद।

(समाप्त)

**SHRI D. BANDYOPADHYAY (WEST BENGAL):** Mr. Vice-Chairman, Sir, I rise to support the Bill. This short Bill is for introduction of one particular word for another but it raises a question which requires to be considered by the hon. Minister. Through you, Sir, I would urge upon him to consider my two points. Let the Anthropological Survey of India prepare a complete list of all the ethnic groups in India, who have been listed in different States in different ways, and, see whether that is an exhaustive list or not, and, thereafter, if they think that there are some communities left here or there, that should be reported to the National Commission for the Scheduled Tribes. Let the National

Uncorrected/Not for Publication — 21.05.2012

Commission for Scheduled Tribes look into the whole thing and come up with a suggestion to the Government that the following Members should be included either by notification or, rarely, for de-notification, so that it should be made absolutely up to date. These tit-bits amendment to the Constitution is not highly desirable. So, let there be a comprehensive registration, bringing in the left-out ethnic groups, who deserve to be scheduled, and, for some reason or the other, have not been scheduled. With these words, I support the Bill.

(Ends)

**डा. प्रदीप कुमार बालमुचू (झारखंड) :** सभापति महोदय, मैं इस विधेयक के पक्ष में बोलने के लिए खड़ा हुआ हूँ। यह विधेयक कर्नाटक की दो जातियों को सूचीबद्ध करने के लिए लाया गया है। यह बड़ी अच्छी बात है, सरकार के द्वारा जो प्रयास किया गया है, इसकी जितनी भी प्रशंसा की जाए, वह कम है, लेकिन इसके बाद दूसरे राज्यों में भी ऐसे ट्राइबल्स हैं, जिनको सूचीबद्ध करना, शैड्यूल्ड करना अति आवश्यक है। जैसे झारखंड में लोहरा जाति और घटवार जाति हैं, इनकी जनसंख्या करीब 7 लाख, 10 लाख जितनी है, इसके साथ ही ओडिशा में सार जाति के लोग हैं, ऐसी और भी जातियाँ हैं, जिनकी स्थिति बहुत ही दयनीय है, जो बहुत गरीब हैं, वे उस सांस्कृतिक वातावरण में रहते हैं,

लेकिन इसके बावजूद भी, अब तक, उनकी कोई पैरवी करने वाला नहीं है, कोई सुनने वाला नहीं है।

(3f/akg पर जारी)

AKG/3F/4.10

**डा. प्रदीप कुमार बालमुचू (क्रमागत) :** शायद इसके चलते आज तक उनको सूचीबद्ध नहीं किया जा सका। इस रिजर्वेशन को लाए आज 65 साल हो गए। जब एससी/एसटी के लिए रिजर्वेशन लाया गया था, उस समय उसका उद्देश्य था कि जो नीचे तबके के लोग हैं, जो ट्राइबल लोग हैं, उनको हम कैसे मुख्यधारा में जोड़ें। आज 65 साल हो गए, इसकी समीक्षा करने की जरूर आवश्यकता है कि सचमुच हमने जो रिजर्वेशन किया था, रिजर्वेशन करने का जो उद्देश्य था, हम वहाँ पहुँचे या नहीं। मुझे याद है कि इंदिरा गाँधी के समय 1974 में ट्राइबल सब प्लान लाया गया था, जिसके माध्यम से एक कंसोलिडेटेड फंड ट्राइबल क्षेत्र में, शैड्यूल्ड एरिया में भेजा जाता है। केन्द्र सरकार के द्वारा इतना पैसा दिया जाता है, मगर इसके बावजूद उस फंड का उपयोग ठीक तरह से नहीं किया जा रहा है और इसका डायवर्जन भी किया जा रहा है। इसके चलते उसका डेवलपमेंट नहीं हो रहा है। पैसे तो खर्च हो रहे हैं। आज ऐसी स्थिति क्यों हो गई? डेवलपमेंट नहीं होने के चलते ही, अगर आप उग्रवाद से प्रभावित क्षेत्र देखें, चाहे ओडिशा की बात करें, चाहे झारखंड की बात करें, चाहे छत्तीसगढ़ की बात करें, सब ट्राइबल लोग उसमें इन्वाल्व होते चले जा रहे हैं। जिसके हाथ

में बाँसुरी होनी चाहिए थी, उसके हाथ में बंदूक थमा दी गई। यह स्थिति पैदा हो गई। ऐसा क्यों हुआ? इसके लिए कौन जिम्मेदार है? मैंने यह जरूर कहा कि अगर यह डेवलपमेंट ईमानदारी से होता, तो मुझे लगता है कि जो नौजवान भटक रहे हैं, जो ट्राइबल भटक रहे हैं, जो बंदूक पकड़ रहे हैं, शायद वे निश्चित रूप से मुख्यधारा में आते। आज भी मैंने कहा कि रिजर्वेशन जरूर है और इसके माध्यम से हम कुछ कर सकते हैं। जो उग्रवाद है, जो इतनी जड़ जमा रहा है, जिसके प्रति सरकार पूरी तरह से चिन्तित है, मेरे हिसाब से यह लॉ एंड ऑर्डर की प्रॉब्लम नहीं है, यह पूरी तरह से सोशियो-इकॉनमिक प्रॉब्लम है। इसलिए इसको दूर करने के लिए उसी तरह से सोचने की आवश्यकता है।

उपसभाध्यक्ष महोदय, मैं आपके माध्यम से सरकार से अनुरोध करना चाहता हूँ कि इसमें जो लोग छूट गए हैं, जिन और ट्राइबल्स को लाना है, उनको भी मौका दिया जाए। हमें पूरा विश्वास है कि उन लोगों को इसमें लाने से, मुख्यधारा में जोड़ने से सब जगह शान्ति होगी और ट्राइबल्स का विकास होगा। धन्यवाद।

(समाप्त)

**श्री दिलीप कुमार तिकी (ओडिशा) :** आदरणीय उपसभाध्यक्ष महोदय, आज आप सभी महानुभावों के बीच आकर मुझे ऐसा लग रहा है जैसे भारतीय टीम में मेरा फिर से चयन हो गया है। इस सम्मान से मैं धन्य हुआ हूँ। यहाँ बैठे भारतीय राजनीति के सभी मंजे हुए खिलाड़ियों को प्रणाम और दिल से धन्यवाद। आपकी

आशा के अनुरूप अपनी इस संसदीय पारी को भी मैं उसी तन्मयता, लगन और सेवा भाव से खेलूँगा, जिसके कारण मैं आज यहाँ पहुँचा हूँ।

श्रीमान जी, हॉकी का खेल मेरा जीवन रहा है। 12 साल की उम्र में मुझे भारतीय खेल प्राधिकरण की योजना के तहत भवानी शंकर हायर सेकेंडरी स्कूल, सुन्दरगढ़ में पहला हॉकी कोच मिला। घर और हॉकी मय माहौल में मैं पला-बढ़ा और आज आपके सामने खड़ा गर्व महसूस कर रहा हूँ। मुझे 1995 में पहली बार देश के लिए हॉकी खेलने का अवसर मिला और उसके बाद मैं देश के लिए अपनी पूरी क्षमता के साथ खेलता रहा। मुझे भारतीय हॉकी टीम का सबसे लम्बे समय तक कप्तान रहने का सौभाग्य भी मिला। मैंने पद्मश्री, अर्जुन पुरस्कार जैसे कई प्रतिष्ठित सम्मान पाए। इसलिए मैं मानता हूँ कि व्यवस्था कमजोर हो सकती है, लेकिन नदारद नहीं। उसी व्यवस्था की बदौलत मैं आज इस महान संसद के सामने अपनी बात रख पा रहा हूँ। बस, व्यवस्था को बेहतर करने की जरूरत है।

(3जी/एससीएच पर जारी)

SCH/3G/4.15

**श्री दिलीप कुमार तिकी (क्रमागत):** महोदय जी, मैं ओडिशा के जिस इलाके से आता हूँ, वहाँ भाषा, बोल-चाल और व्यवहार का अर्थ हॉकी खेल रहा है। संसदीय भाषा मुझे अभी सीखनी है, इसलिए मुझे विश्वास है कि मेरे भाषण की कमियों को आप माफ करेंगे और खेल भावना से अपनी बात कहने का मौका देंगे।

महोदय जी, हमारे बीजू जनता दल के खेलप्रेमी मुख्य मंत्री श्री नवीन पटनायक जी, उनके मंत्रिमंडल, सभी विधायकों और पार्टी के सभी कार्यकर्ताओं का मैं आभार व्यक्त करता हूँ और इस सुनहरे पल के लिए उन्हें धन्यवाद देता हूँ। मैं राज्य सभा में अपनी पार्टी के नेता माननीय महापात्रा जी का भी आभारी हूँ। स्वर्गीय बीजू पटनायक जी एक खेल प्रेमी थे और फुटबॉल के भी वे अच्छे खिलाड़ी थे। उन्होंने सन् 1930 में भुवनेश्वर से पेशावर तक का रोमांचकारी सफर अपने मित्र के साथ साईकिल से तय किया था।

हालांकि मेरी इच्छा थी कि जब कभी खेल से जुड़े किसी मामले पर चर्चा हो तो मैं उसमें बोलूँ, लेकिन आज इस सदन में मैं अपना पहला भाषण इस संविधान संशोधन विधेयक पर देने जा रहा हूँ, जिसमें कर्णाटक के Medara समुदाय को ट्राइबल सूची में शामिल किया जा रहा है। इसका मैं समर्थन करता हूँ, लेकिन साथ ही मैं यह भी कहना चाहूंगा कि ओडिशा में बड़ी संख्या में ट्राइबल समुदायों को इस सूची में शामिल करने की काफी लम्बे समय, यानी 34 वर्ष से मांग होती रही है। ओडिशा के एसटी सूची में शामिल होने के लिए 134 समुदाय इंतजार कर रहे हैं। इसके बारे में आपके मंत्रालय में 1978 से प्रस्ताव लम्बित है। इसमें Amanatiya, Bhottara, Paraja, Gond, Kondh, Bhuyan, Bhumija, Gadaba, Dhurua, Kharia, Mankidia, Kolha, Koya, Savar, Oram, Jhodia और अन्य अनेक समुदाय के भाग शामिल हैं।

एसटी लिस्ट में 17 समुदायों का नये समुदाय के रूप में प्रवेश का मामला वर्षों से लटका हुआ है। इनमें से सबसे पुराना मामला 1978 का है। इनमें Kandha Kumbhar, Chapua Kamar, Paba, Kalanga, Kadar Kalanga, Kandhia, Paharia Kamar, Konda Reddy, Routia, Puran, Bhil, Luhura, Lohar, Kygarm Kagaram, Mooka Dora, Nooka Dora आदि शामिल हैं।

उड़ीसा में 62 ट्राइब्स हैं और हम जनसंख्या के 23% हैं। पिछले तीन दशक में हमारी संख्या 25% से घट कर 23% प्रतिशत रह गई है। हम जनसंख्या में अपने अनुपात के आधार पर अपना हक चाहते हैं। अगर वाजिब समुदायों को इस सूची में शामिल कर लिया जाता है, तो हमारा दखल बढ़ेगा और मेरे वंचित भाइयों और बहनों को उन योजनाओं का फायदा मिल सकेगा, जो उनके लिए चलाई जा रही हैं। मैं यह मांग भी करना चाहूंगा कि ओडिशा को विशेष राज्य का दर्जा दिया जाए ताकि ट्राइबल आबादी को वर्तमान दुःख और पिछड़ेपन के हालात से बाहर लाया जा सके।

राजनीति से मुझे परहेज नहीं है और मैं अपने इस नये दायित्व के साथ खेलों की सेवा करने की आशा रखता हूँ। सुन्दरगढ़ के धीमे, शांत गति के गाँव सौनामारा से निकल कर देश के लिए खेलने और आज राजनीति के गढ़ दिल्ली में आप जैसे विद्वानों के बीच बोलने का मुझे मौका मिला, इसके लिए मैं सदन का आभार व्यक्त करता हूँ। धन्यवाद, जयहिन्द।

(समाप्त)

**उपसभाध्यक्ष (श्री शान्ता कुमार):** धन्यवाद, दिलीप कुमार जी। आपके इस प्रथम भाषण के लिए आपको बहुत-बहुत बधाई।

(3h/psv-sss पर आगे)

SSS/3H/4.20

**SHRI N. BALAGANGA (TAMIL NADU):** Sir, like all the hon. Members of this House, at the outset, I support this Amendment Bill. Sir, the Bill covers the States of Karnataka and Manipur, which have certain tribal community people. While I support this Bill, I want to put forth the long-pending demand of the Tamil Nadu Government to the hon. Minister. Sir, a tribal community in Tamil Nadu, namely, Padugas community, is living in the hill stations of Ooty, Koonur and Nilgiri districts of Tamil Nadu. They have been demanding for the Scheduled Tribed status to their community. In this regard, the Tamil Nadu Chief Minister has also written two letters to the hon. Prime Minister of India. Sir, I urge upon the Minister to include this community and 'tribal status' should be given to the community. Thank you.

(Ends)

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**SHRI DEVENDER GOUD T. (ANDHRA PRADESH):** Sir, I rise to support this Bill. Ultimately, the Madera people of Karnataka State are going to get some benefit. Meanwhile, I would like to bring to the notice of the hon. Minister -- fortunately, he belongs to my State also -- a long-pending demand by certain sections of people in Andhra Pradesh. They are also demanding to include them in the 'ST List'. For example, the Boyas, we call them Valmiki Boyas. In certain parts of Andhra Pradesh, they are already STs. In certain parts, they are not STs. So, there is a long-pending demand from that section of people. Even in the remaining part of the State, they must be included as 'ST'. This is a very genuine demand, and, I don't know, perhaps, because of some political reasons they were not included in those days. It was because of the feudal nature of that area that some people obstructed them and for some political reason, they were not included as 'STs'. Kindly look into the matter, Sir; there is a long-pending demand from the people of Andhra Pradesh. Next is the Vodderas. Sir, in Karnataka they are STs. In majority of the States, throughout the country, they are all included in the List of STs, but not in Andhra Pradesh. They are BCs in Group A. There is also a long-

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pending demand from the Voddera community. Kindly look into that also because already, the Government of Andhra Pradesh has sent a request. There is a Resolution also from the State Assembly in this regard. Kindly include them in the ST List. The other people are also there, the Gangaputras, the fishermen communities are also demanding for inclusion in the ST List and Rajakas in the SC List and the others are Gangireddula, Budabukkala, Veeramusti, Thatupamala, Mondi, Poosala. Particularly, Mali, Sir, is in Adilabad district where predominantly, the majority of the people of that district are only tribals. Unfortunately, the Malis were left over. They are also demanding. Kindly look into this also. So, genuine demands from these communities are there. As early as possible, you bring it before this House and we will definitely support that. Kindly look into this. I would like to give one suggestion to the hon. Minister. He also knows it very well. Sir, in the States, for all the purposes of reservations, we take State as a unit. Particularly, in the case of STs, what is happening is, in certain districts their population is very less. In certain districts, predominantly 30-40 percent of the district population belongs to STs only. (Contd. by NBR/3J)

**SHRI DEVENDER GOUD T. (CONTD.):** So, naturally, when you make 'State' as a unit, in certain pockets of the State where their population is more they are not getting proper representation. This is the long pending demand of these communities. Please kindly look into this demand, because in a State like Andhra Pradesh the population of a district itself is 40 or 50 lakhs. So, I request the hon. Minister once again to kindly look into that and consider their demand.

With these words, I support the Bill moved by the hon. Minister  
Thank you.

(Ends)

**श्री बिश्वजीत दैमारी (असम):** सर, मैं इस बिल का समर्थन करता हूँ और मैं ऐसी ही समस्या से जुड़ा हुआ एक व्यक्ति हूँ, इसलिए इसका मुझे अंदाजा है कि यह विषय कितना महत्वपूर्ण हो सकता है। असम में वहाँ की जनजातियाँ जिन समस्याओं का सामना कर रही हैं, उनके विषय में भी मैं आपके माध्यम से माननीय मंत्री जी का ध्यान दिलाना चाहता हूँ। असम में कास्ट और सब-कास्ट सब मिला कर कुल 58 अनुसूचित जनजाति हैं। वहाँ इनको दो भागों में बांटा गया है। कुछ लोगों को पहाड़िया जनजाति और कुछ लोगों को मैदानी जनजाति में बांट दिया गया है। एक ही राज्य में इनको दो भागों में विभक्त कर दिया गया

है। इसका परिणाम यह हुआ कि जनजाति होते हुए भी उनको जनजाति का दर्जा नहीं मिलता है। उनकी कला, संस्कृति, रहन-सहन, आर्थिक व्यवस्था, आदि को लेकर जिस तरह से जनजाति को यह मार्यादा दी गई, यह मार्यादा प्राप्त होते हुए भी असम में जो लोग थोड़ा ऊपर यानी 50 फीट ऊपर रह गए, उनको अलग दर्जा दिया गया और जो लोग 50 फीट नीचे रह गए, उनको अलग दर्जा दिया गया।

असम में जिन लोगों को मैदानी जनजाति का दर्जा दिया गया, उन लोगों को हिल्स एरिया में वहां का परमानेंट निवासी होते हुए भी अनुसूचित जाति के हिसाब से जो दर्जा मिलना चाहिए, वह नहीं मिल रहा है। विशेष कर इन दो जिलों, कारबी आंगलॉंग autonomous council district और NC Hills autonomous district, के ट्राइबल्स को, जो कि पहले से ही मैदानी इलाके में परमानेंटली रहते हैं, उन लोगों को भी ट्राइबल्स का दर्जा नहीं मिल रहा है। इसके लिए आज मूवमेंट चल रहा है। स्पेशली वहां के जो बोडो लोग हैं, बोरो लोग हैं, कोसारी लोग हैं, वे लोग लगभग 37 वर्षों से इसके लिए fighting कर रहे हैं। इस fighting में हजारों लोग मारे भी गए हैं। यह दुख की बात है कि वहां की जो बोरो जनजाति है, उस बोरो जनजाति को हमारे संविधान ने कई जगह में अलग-अलग नाम से स्वीकृति दी गई है। असम में हम लोगों को चार नाम से स्वीकृति दी गई है- बोरो, बोरो कोसारी, कोसारी और मेष। वही बोरो लोगों को नागालैंड में कोसारी नाम से स्वीकृति दी गई। इसी बोरो लोगों को मेघालय में

बोरो कोसारी के नाम से स्वीकृति दी गई। वही बोरो लोगों को वेस्ट बंगाल में मेघ के नाम से स्वीकृति दी गई और इसी हिसाब से उसी नाम से हम लोग वहां scheduled tribes की लिस्ट में included हैं। भारत सरकार में इसको समझने वाला पहले कोई मंत्री नहीं निकला, कोई ऑफिसर नहीं निकला। इसके लिए हंगामा हुआ, इसके लिए बहुत लोग मर रहे हैं, आज भी मर रहे हैं। इसी तरह आंदोलन करते-करते 2003 में भारत सरकार के होम मिनिस्ट्री, असम सरकार और बोडो लिबरेशन टाइगर के बीच एक accord भी हुआ और तब commitment किया गया था कि पहाड़ी जिला यानी कारबी आंगलाँग और NC Hills autonomous district में रहने वाले बोरो लोगों को हिल्स में भी scheduled tribes का दर्जा दिया जाएगा। 2003 में इसकी स्वीकृति होने के बाद आज 2012 चल रहा है, लेकिन आज तक यह हो नहीं पाया। यह सिम्पल बात है। 1981 में RGI ने भी इसके लिए recommendation दिया, लेकिन recommendation देने के बाद भी यह हो नहीं पाया। वहां पर कोसारी का नाम enlisted है। लेकिन, 73 के बाद कोसारी के नाम में वहां के बोडो लोगों को, जिनको कि नागालैंड में भी कोसारी के नाम से जाति प्रमाण पत्र दिया जाता है, लेकिन कारबी आंगलाँग और NC Hills autonomous district में उसको यह दर्जा 1973 से नहीं दिया गया है।

(3k/MCM पर जारी)

**श्री बिश्वजीत दैमारी (क्रमागत) :** तो कोसारी के नाम में भी वहां पर यह स्टेटस मिल सकता है, लेकिन यह होते हुए भी नहीं दे रहा है। लेकिन मामला सीरियस है इसलिए मैं रिक्वेस्ट करना चाहता हूं कि इस विषय को, इस इश्यू को लम्बा नहीं करना चाहिए, क्योंकि कंटीन्युअसली इसके लिए आंदोलन चल रहा है और आंदोलन में बहुतसम्पत्ति का नुकसान होता है, लोग मरते हैं और इसके लिए आर्म स्ट्रगल हुआ है और यह जितना लेट होता रहेगा उतनी वहां पर समस्या बढ़ती रहेगी। इसलिए बोरो ऑलरेडि शैड्यूल्ड ट्राइब्स है। वहां का कला, इकॉनोमी, संस्कृति सब एक है।

**उपसभाध्यक्ष (श्री शान्ता कुमार) :** बस, आपकी बात आ गई।

**श्री बिश्वजीत दैमारी :** असम के शैड्यूल्ड ट्राइब्स की जो लिस्ट है, उस लिस्ट को मोडिफाई करके प्लेन को हिल्स और हिल्स को प्लेन सब में देना चाहिए, ताकि वहां की यह प्रॉब्लम परमानेंटली सोल्व हो जाए। थैंक्यू।

(समाप्त)

**उपसभाध्यक्ष (श्री शान्ता कुमार) :** श्री फगन सिंह कुलस्ते। उपस्थित नहीं हैं।

**श्री नंद कुमार साय (छत्तीसगढ़) :** धन्यवाद उपसभाध्यक्ष जी, माननीय मंत्री जी ने कर्णाटक में एक जनजाति समूह को आदिवासी का दर्जा दिया जाए, इसका जो विधेयक संशोधन के लिए प्रस्तुत किया है, उसका समर्थन करने के लिए मैं खड़ा हुआ हूं। अभी हमारे बहुत सारे मित्रों ने पूरे देश की स्थिति को मंत्री जी के

सामने और सदन के सामने रखा है। वास्तव में कई प्रदेश हैं, जहां एक्च्युअल में जनजाति समूह हैं, गरीब हैं, उनको अभी तक वे सुविधाएं नहीं मिल पा रही हैं। उपसभाध्यक्ष जी, मैं आपके माध्यम से माननीय मंत्री जी से निवेदन करूंगा कि सारी लिस्ट को पूरे हिन्दुस्तान में चैक करना चाहिए कि जो एकदम गरीब हैं, आदिवासी हैं, उनको शामिल किया जाना चाहिए। जैसा हमारे भुपेन्द्र जी ने प्रस्तुत किया कि बहुत सारी दूसरी जातियों ने कहीं विवाह करके जनजाति समूह में शामिल होने के लिए बहुत सारे उपक्रम अलग-अलग राज्यों में करवाए हैं। उसका बहुत बड़ा नुकसान होने वाला है। इसको भी रोकने की कोशिश करनी चाहिए। लेकिन एक्च्युअल में जो जनजाति हैं, उनको शामिल किया जाना चाहिए। जैसा सुप्रीम कोर्ट का एक निर्णय आया है, जिसको भुपेन्द्र जी ने अभी प्रस्तुत किया था, वह तो बहुत खतरनाक है। माननीय मंत्री जी, मैं चाहूंगा कि उस विषय को भी एग्जामिन करें। इस तरह का कोई निर्णय नहीं आना चाहिए, जिससे जनजाति समूह में या अनुसूचित जाति या बैकवर्ड क्लास में कोई विवाह करके उस वर्ग में शामिल हो जाए, उसकी बहुत सारी सामाजिक विकृतियां और कठिनाइयां पैदा हो सकती हैं। इसलिए इस तरह के कोई फैसले हैं तो उनको आप जरूर चैक करें, ऐसा मैं आपसे निवेदन करूंगा। माननीय उपसभाध्यक्ष जी, यह जो विधेयक प्रस्तुत किया गया है, इसको तो हम पास करेंगे लेकिन जो शेष जातियां अलग-अलग क्षेत्रों में, अलग-अलग राज्यों में बाकी हैं, उनको एग्जामिन करके पूरे देश की नए रूप में एक नई लिस्ट आनी

Uncorrected/Not for Publication — 21.05.2012

चाहिए। आजादी के 60 साल, 65 साल होने को हैं, जो जरूरतमंद हैं, जो किनारे पड़े हुए हैं उनको इसमें लाना चाहिए, शामिल करना चाहिए। ऐसा मैं आपसे निवेदन करूंगा। मैं इन्हीं बातों के साथ माननीय उपसभाध्यक्ष जी, मैं इस बिल का समर्थन करता हूँ। धन्यवाद।

(समाप्त)

(3L/SG पर आगे)

3l/4.35/kgg

**SHRI ANANDA BHASKAR RAPOLU (ANDHRA PRADESH):** Mr. Vice-Chairman, Sir, this is a Bill which is going to enable certain sections of the population to the historic Constitutional benefits of the Scheduled Tribes. All across the country, particularly in my State of Andhra Pradesh, there is a decades-long demand and urge to ensure the provision of Scheduled Tribes status by certain essentially forest-living and essentially tribal-cultured populace.

As mentioned just before by a Member, Boya Valmiki, the community which is even now completely dependant upon living by using oldest instruments in procuring fruits and other forest produce, as well as Waddar, the stone-crushing community, even after the

Uncorrected/Not for Publication — 21.05.2012

advanced technological support of stone-crushing, their dependence on manual stone-crushing is still in vogue.

Keeping the living standards of these two important communities in view, as there is every necessity to bring in a perceptible change in their living standards, I urge upon the hon. Minister, the Union Government, to ensure a socio-anthropological assessment to arrive at an understanding about their urge. Their urge is decades-long. They deserve the expeditious consideration. The Boya Valmiki and Waddar community of my State certainly deserve to be among the Scheduled Tribes for which I request the Union Government to seriously look into the matter.

With this request, I appreciate and support the Bill which will bring in a wonderful light in the living, which will improve their living standards in certain pockets of Karnataka.

I welcome this and thank you very much.

(Ends)

**SHRI BIRENDRA PRASAD BAISHYA (ASSAM):** Sir, thank you very much for giving me this opportunity. I am standing here to support this Bill with certain observations. Sir, I welcome the move of inclusion of

Uncorrected/Not for Publication — 21.05.2012

Waddar community of Karnataka in the list of Scheduled Tribes Communities and they would get the Constitutional benefits. It is a welcome move.

In this circumstance, I would like to draw the attention of the hon. Minister to the fact that for the last several years, Tai Ahom, Moran Matak, Koch Raj Bansi, Tea Garden and Ex-Tea Garden communities of Assam, are demanding inclusion of their communities in the list of Scheduled Tribes Communities. Among those communities, a few of them are already enjoying the Scheduled Caste status in other parts of the country. But, there is an exception in my State; there is discrimination in my State. In other parts of the country, they are getting the ST status and, in my State, they are not getting the ST status; they are demanding for inclusion of their community name in the list of ST Communities for the last several years.

Sir, in the year 1996, I would like to draw the attention of the hon. Minister to the fact that the Union Government included Koch Raj Bansi community of Assam as an ST community. From 1996 to 1997, they enjoyed the status of ST community in Assam. Right now, the Raj Bansi community in West Bengal enjoys the ST status. There is

Uncorrected/Not for Publication — 21.05.2012

discrimination in my State. A grave injustice is done towards this community because as the Government of India in the year 1996-97 gave them the ST status, many students belonging to this community took admission in the engineering and medical colleges. Even persons belonging to this community, as ST communities, were elected as Members to the Assam Legislative Assembly also. But, later, this status was withdrawn because a Bill got introduced in the Lok Sabha in the year 1997.

(Contd. by tdb/3m)

TDB-GS/3M/4.40

**SHRI BIRENDRA PRASAD BAISHYA (CONTD.):** Then, this Bill was sent to the Select Committee. The Select Committee also recommended for giving ST status to Koch Raj Banshi community. But, for the last several years, they are not getting justice. Ultimately, what is happening is this. The students of this community took admission in engineering colleges, medical colleges as ST students, but they are no longer getting the benefit of ST students. The Government has recognised them as OBC category students. It is a great injustice done to these students. Earlier, your Government, the

Uncorrected/Not for Publication — 21.05.2012

Union Government, gave them the ST status. And, now, this Government has withdrawn ST status from those people, and now they are in OBC category. This is grave injustice to these people. This is against the principle of natural justice. I request the hon. Minister to kindly look into this immediately. Sir, we have raised this issue several times in this House. Today, I want an assurance from the hon. Minister that they would be included in the ST category. Sir, the Koch Raj Banshi community, the Tai Ahom community, the Moran and Motak community, the tea garden and ex-tea garden community are also demanding ST status. Sir, tea garden and ex-tea garden communities are enjoying ST status in other parts of the country. (Interruptions)

**(THE VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair)**

Yes, Sir, in Assam, they are not getting ST status. This is great discrimination against my community. Sir, I once again request the hon. Minister to kindly include Koch Raj Banshi community as ST community. The other six communities, like, Tai Ahom community, Sutiya community, Moran and Motak community, tea garden, ex-tea garden community should also get ST status. I hope the hon. Minister

Uncorrected/Not for Publication — 21.05.2012

would come forward to recognize them as ST communities. With these words, Sir, I support this Bill. Sir, I congratulate the Waddar community of Karnataka for getting the ST status. With their inclusion as ST community, they will get the constitutional benefits. Thank you very much, Sir.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Shri A.V. Swamy. Take only three minutes.

**SHRI A.V. SWAMY (ODISHA):** Sir, I am speaking for the first time. Mine is the maiden speech, Sir. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** मैडन स्पीच है, तो don't speak today. (Interruptions)

**SHRI A.V. SWAMY:** Sir, this is a subject very close to my heart.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Kindly take my advice. Don't speak today. You take my advice. That is good for you. (Interruptions) I know that. I am only helping him. Swamyji, you are categorized in "Others". In the "Others Group", no time is left. माइनस 3 मिनट ज्यादा हो गए हैं, इसलिए मैडन स्पीच है, तो अगली बार बोलिए।

Uncorrected/Not for Publication — 21.05.2012

You take another time. Please cooperate. (Interruptions) That is good for you. Shri Kumar Deepak Das, take only three minutes; not a single minute more than that.

**SHRI KUMAR DEEPAK DAS (ASSAM):** Sir, I will take only two minutes. Sir, I thank you very much for giving me the opportunity to speak on this Bill. Sir, I am here to support the Bill. Our demand has already raised by hon. Member, Shri Birendra Prasad Baishya. The demand for granting ST status to Koch Raj Banshi, Moran and Motak, etc., the six tribes of Assam, has not been met so far. This demand has been passed by the Assam Assembly with a unanimous Resolution. But, till date, the Government has not taken any decision on that. This is a sorry state of affairs, Sir. I have only one request for the hon. Minister. Sir, recently, approval for inclusion of three communities, namely, Koch Raj Banshi, Moran and Motak, has come from our State, and it has been forwarded to the Registrar General and other concerned Departments. So, I would request the hon. Minister to give ST status to Koch Raj Banshi community, and declare them STs because they are recognized as STs in other parts of the country, like West Bengal.

(Contd. by 3n-usy)

USY/ASC/3N/4.45

**SHRI KUMAR DEEPAK DAS (CONTD.):** I would like to make one more request. After withdrawal of their ST recognition, they fall under general category in Delhi. Last time, when they sought admission in colleges under the OBC quota, the university authorities denied them admission under the OBC quota. So, they are, now, under the general category. I would like to request the hon. Minister to reconsider their case and give them justice because they are under-developed and backward community of our country.

With these words, I conclude my speech, Sir.

(Ends)

**श्री बसावाराज पाटिल (कर्णाटक) :** माननीय उपसभाध्यक्ष जी, सरकार ने कर्णाटक प्रदेश की एक गरीब और बहुत ही पिछड़ी मेदार नाम की कम्युनिटी को शैड्यूल्ड ट्राइब में जोड़ने का महत्वपूर्ण काम किया है। यह लोक सभा में पास होकर, इस सदन में आया है। मैं अपने हृदय से सरकार का समर्थन करते हुए, बधाई देता हूँ। इस बारे में माननीय सदस्यों की अच्छी भावनाएं आई हैं। देश के छोटे-बड़े, अलग-अलग प्रांतों में, कहीं तीन सौ, कहीं चार सौ और कहीं पांच सौ की संख्या में ट्राइब्स की कम्युनिटी है। ऐसे ही कर्णाटक में वाल्मीकि है और गोई नाम की कम्युनिटी आन्ध्र प्रदेश में बताई गई है। मैं समझता हूँ कि सरकार को

कोई एक ठोस निर्णय लेना चाहिए और इस प्रकार की समस्याएं बार-बार नहीं होनी चाहिए। मैं सरकार से इस प्रकार की मांग करते हुए, इस बिल का समर्थन करता हूं।

(समाप्त)

**श्री राम कृपाल यादव (बिहार) :** उपसभाध्यक्ष महोदय, मैं सबसे पहले तो आपका आभार व्यक्त करता हूं कि आपने मुझे इस महत्वपूर्ण विधेयक पर चर्चा करने का अवसर प्रदान किया। महोदय, मैं इस बिल का समर्थन करता हूं और माननीय मंत्री जी के प्रति आभार व्यक्त करता हूं कि आपने कर्णाटक की उस जाति को, जो वर्षों से छूटी हुई थी, आदिवासी की श्रेणी में लाने का काम किया है। इससे उनका जीवन स्तर ऊंचा होगा। महोदय, देश को आजादी मिले 65 साल हो गए हैं। आज भी आदिवासियों की संख्या अधिक है मगर उनको जो सुविधा मिल रही है, वह पूरे तौर पर नहीं मिल पा रही है, जिसकी वजह से उनकी स्थिति में सुधार नहीं हो रहा है। माननीय मंत्री को निश्चित तौर पर इसका ख्याल रखना चाहिए ताकि उनका जीवन स्तर ऊंचा हो और शैक्षणिक, आर्थिक और सामाजिक स्तर पर, उनकी स्थिति सुदृढ़ हो।

महोदय, मैं समझता हूं कि आज भी बहुत से ऐसे प्रदेश हैं, जहां कई ऐसे समुदाय के लोग आदिवासी में आने के योग्य हैं, नहीं आ पा रहे हैं। मैं माननीय मंत्री जी से निवेदन करूंगा कि एक सर्वे करना चाहिए और आपके पास बहुत से राज्यों से आए प्रस्ताव लम्बित हैं। पहले बिहार और झारखंड एक ही था तो

उसमें लगभग 22 से 24 परसेंट आबादी आदिवासियों की थी। अब वह आबादी घटकर दो परसेंट रह गई है। कई ऐसी जातियां हैं, जो एजिटेटिड हैं कि उनको आदिवासियों की श्रेणी में नहीं लाया गया है। उनमें एक लुहार जाति है, जो बिहार में बड़े पैमाने पर आंदोलन कर रही है। उनकी बहुत दिनों से डिमांड है कि उन्हें भी आदिवासी की श्रेणी में लाया जाए। सर, मैं आपके माध्यम से माननीय मंत्री जी से निवेदन करूंगा कि बिहार के इस प्रस्ताव पर निश्चित तौर पर गौर करने का काम करें। माननीय सदस्यों ने कई बार इस सदन में और उस सदन में इस मामले को उठाया है। इसलिए आप निश्चित तौर पर इस पर गौर करें और उनके हक को देने का काम करें।

महोदय, मैं आपके माध्यम से सरकार का ध्यान आकृष्ट करना चाहता हूं कि 1953 से लेकर 2004 तक दिल्ली में शैड्यूल्ड ट्राइब्स के लोगों के लिए आरक्षण की व्यवस्था थी, लेकिन इसके बाद से यह व्यवस्था नहीं है। मैं माननीय मंत्री जी से जानना चाहता हूं कि क्या शैड्यूल्ड ट्राइब्स के लोग दिल्ली से चले चले गए?

(30/LT पर जारी)

-USY/PK-LT/30/4.50

**श्री राम कृपाल यादव (क्रमागत) :** जिसकी वजह से आपने आरक्षण समाप्त कर दिया या उनके लिए ऐसी व्यवस्था नहीं हुई, उनको टॉर्चर किया गया, उनको

हक नहीं दिया गया, उनको परेशान किया गया, जिससे कि वे मजबूरी में पलायन करके दूसरे राज्यों में चले गए।

सर, मेरा एक और महत्वपूर्ण प्रश्न है। एक दूसरी बात यह है कि सभी जातियों का एक धर्म कोड है, मगर मैं समझता हूं कि जो आदिवासी जाति हैं, उनका कोई धर्म कोड नहीं है। पूरे देश के पैमाने पर जनगणना हो रही है और उसी के आधार पर रिजर्वेशन या दूसरी अन्य सुविधाएं मिलेंगी, केवल आदिवासी ही ऐसा है, जिसका कोई धर्म कोड नहीं है। आदिवासी खासतौर पर वह तबका है, जो प्रकृति की पूजा करने वाले लोग होते हैं, मगर मैं समझता हूं कि उनका कोई धर्म कोड नहीं है। सरना कोड, जो खास तौर पर उनके लिए महत्वपूर्ण है, मैं आपके माध्यम से माननीय मंत्री जी से निवेदन करूंगा कि सरना कोड को उनके धर्म कोड के रूप में निश्चित तौर पर परिवर्तित किया जाए, ताकि उनके धर्म की एक आइडेंटिफिकेशन हो सके, उनकी एक पहचान बन सके। .(समय की घंटी).मंत्री जी, क्योंकि यह नहीं हो पा रहा है, इसलिए मैं यह समझता हूं और मैं निश्चित तौर पर यह चाहूंगा भी कि आप एक आयोग का गठन कीजिए, क्योंकि कई राज्यों से यह मांग आई है, मैं इसको पुनः दोहराना चाहता हूं, आप विभिन्न प्रदेशों में जाकर, जो आदिवासी लोग हैं, उनको आइडेंटिफाई करके, यहां जो संविधान संशोधन करने की बात कही जा रही है, उसको कीजिए और उनको उनके अधिकार देने का काम कीजिए। ..(समय की घंटी)..मैं अंत में यह कहता हूं, क्योंकि मैं यह समझता हूं कि आज भी आदिवासी बड़े पैमाने पर

पीड़ित हैं और आदिवासियों को उनका हक नहीं मिल रहा है, जैसा कि प्रदीप बालमुचू जी ने कहा, मैं इस बात से बिल्कुल सहमत हूँ कि क्योंकि उनको हक और न्याय नहीं मिल रहा है, इसलिए वे नौजवान मजबूरी में भटक रहे हैं और नक्सल और दूसरे अन्य उग्रवाद की तरफ भाग रहे हैं। यह चीज वहाँ पर ज्यादा देखी गई है, जहाँ पर खास तौर पर आदिवासियों की संख्या ज्यादा है, इसलिए मेरा निवेदन होगा कि उनके हालात को सुधारने के लिए, उनकी ठीक ठाक व्यवस्था हो जाए, उनकी आर्थिक और सामाजिक स्थिति सुधरे, उनको रोजगार मिले, उसके लिए सरकार जरूर पहल करने का काम करेगी। माननीय प्रधान मंत्री जी आ गए हैं, इसलिए मेरा उनसे विशेष तौर पर निवेदन होगा कि वे इस महत्वपूर्ण काम में योगदान देकर सरकार की एक पहचान बनाने का काम करें। यदि इस देश का आदिवासी पिछड़ा रहेगा, पिछड़ी पंक्ति में रहेगा तो इस देश का सुधार कभी नहीं हो सकता है। ..(समय की घंटी)..इतना बड़ा जो आदिवासियों का समूह है, उसका जरूर खयाल रखिए। माननीय प्रधान मंत्री जी, आपसे निवेदन करते हुए और उपसभाध्यक्ष जी, विशेष तौर पर आपके प्रति आभार प्रकट करते हुए कि आपने 3 मिनट से ज्यादा बोलने का मौका दिया है, आपको धन्यवाद देता हूँ।

(समाप्त)

**उपसभाध्यक्ष (प्रो. पी.जे.कुरियन) :** आप बैठिए।

Uncorrected/Not for Publication — 21.05.2012

**SHRIMATI B. JAYASHREE (NOMINATED):** Sir, I support this Bill. At the same time, I would like to say that there is another tribe in HD Kote, near Mysore district, called 'Betta Kurubaru.' But those tribes are not included in any of the Scheduled Tribe groups.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** So, you want them all to be included.

**SHRIMATI B. JAYASHREE:** Yes, Sir. They are totally different kind of a people. They are not getting any kind of facility, not even education, food and other things. I will give the project regarding this to the hon. Minister. Thank you, Sir.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, reply by the hon. Minister.

**THE MINISTER OF TRIBAL AFFAIRS (SHRI V. KISHORE CHANDRA DEO):** Sir, I would first like to make it clear that this Amendment Bill, which is there before the House today, actually, seeks to correct an error that had taken place. Sir, in the year 2002, three communities were notified as synonyms of the Meda community. They were Medari, Gauriga and Burud. Due to some reason or the other, Medari

Uncorrected/Not for Publication — 21.05.2012

happens to be omitted. So, actually, what they are seeking to do is to just amend this Schedule Order by correcting a mistake that had taken place about a decade go. If you look at it that way, actually, the Medaris have been victimised to some extent. They had to suffer for a decade because of this lapse. So, there is only one community, and not two, as some hon. Members have stated, which is a synonymous of Meda. This is, basically, a correction that is being sought to be made.

Sir, while speaking, at the outset, hon. Member Bhupender Yadav, referred to a Supreme Court judgement, Shri Rameshbhai Dayabhai Nayak Versus State of Gujarat.

(Contd. by 3P/PB)

PB/3p/4.55

**SHRI V. KISHORE CHANDRA DEO (CONTD.):** Mr. Vice-Chairman, Sir, I have not gone through this judgment. It is not there in my records. But, however, I would like to inform the hon. Member that I will go through this judgment. I will get it examined by my Ministry. I have noted the points that the hon. Member has made, and if there is

anything that has to be done from the side of my Ministry, we will certainly intervene.

Sir, the hon. Members, Shri Prasanta Chatterjee and Shri Bandyopadhyay, had wanted a comprehensive list to be made for the entire country. Sir, it is a fact that some communities which are recognized as 'Scheduled Tribes' in one State are not recognized as 'Scheduled Tribes' in another State. Even within the same State, in some districts, certain communities are recognized; in other districts, they are not recognized. These discrepancies do exist; I am aware of them. I would like to apprise the hon. Members, through you, Sir, about the procedure for either including or deleting a particular community in the 'List of Scheduled Tribes'. Sir, there are certain criteria, of course, which are there as basic guidelines to be observed before a community is recommended to be included in the List of Scheduled Tribes. Sir, basically, they are: indications of primitive trades, a distinctive culture, the geographical isolation, shyness of contact with community at large, and backwardness. These include anthropological studies and ethnographic studies related to these communities. It is based on these studies and other statistics that

Uncorrected/Not for Publication — 21.05.2012

these communities are recognized. Sir, I would like to make it very, very clear that every State has its own List of Scheduled Tribes, Scheduled Castes and other communities. Mr. Vice-Chairman, Sir, basically, this is a State subject, and in our federal scheme of things, it actually devolves upon the State to first recommend that a community be included or removed from a particular list. So, without the recommendation of the State, there is nothing that I can do in this particular matter. You will appreciate this fact because I don't think it would be appropriate or proper for the Central Government to intervene in this sphere which is the domain of a particular State or a Union Territory. So, Sir, the procedure is that after basing the facts on these criteria which I had mentioned, State recommends these cases to be included in the Scheduled Tribe List or to be deleted from it because it is the same procedure that has to be adopted either for inclusion or for deletion. So, once it comes over here, the Ministry of Tribal Affairs refers it to the Registrar General of India. Based on certain statistics and other records which are available with them, the Registrar General of India either accepts it, gives us a clearance for a particular community to be included, or they reject it. Sir, when they

Uncorrected/Not for Publication — 21.05.2012

reject it, sometimes, they give reasons for its rejection, and, in such cases, we refer it back to the State Government for further information or for providing comments as far as those communities are concerned. So, if that process is successfully cleared, then it has to go to the National Commission for Scheduled Tribes, and only after the National Commission for Scheduled Tribes recommends it and sends it to me can I bring it before this House, and after the consent of both Houses of Parliament, send it to the President for getting it notified. So, this is the procedure involved.

So, if we try to make a comprehensive list, that list will never come because I will have to wait for all the States, all the Union Territories. It is their exclusive preserve; it is their right. So, if I start waiting for all Union Territories, for every State, the whole procedure will have to be stalled -- and they don't send these suggestions at one time. Sometimes, they come periodically; sometimes they come in batches; and the whole procedure will have to be stalled, if I have to make a comprehensive list. The comprehensive list is very, very difficult because it is not necessary that one community which is recommended to be included by one State in the List of Scheduled

Uncorrected/Not for Publication — 21.05.2012

Tribes will also be recommended by another State. So, these are certain discrepancies which do exist, and I think it is beyond me to change this until, of course, this whole thing is brought into the Central List. Then, it would be a different ball game altogether. Now, it lies with the States. So, as things stand today, we will have to follow certain procedures which are being followed. Of course, my Ministry can take an active role by trying to persuade the Registrar General when some matters are pending there for a long time.

(Contd. by 3q/SKC)

3q/5.00/skc

**SHRI V. KISHORE CHANDRA DEO (CONTD.):** We can write back to the States and request them to send their clarifications or suggestions, at an earlier date. We have been doing this. The Ministry has been pursuing it with these authorities, but it will not be possible for us to overrule them.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Just a minute, please. Hon. Members, it is 5.00 p.m. now. There is a Half-an-Hour Discussion listed here. If the House agrees, we would take it up

Uncorrected/Not for Publication — 21.05.2012

immediately after disposing of the present business, in a couple of minutes from now.

**SHRI D. RAJA:** Sir, let the Minister conclude. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I said, there is a Half-an-Hour Discussion to be taken up at 5.00 p.m. We would take it up after disposing of the Bill, in a couple of minutes from now.

**SHRI NARESH AGRAWAL:** Sir, what about discussion on the Lokpal? (Interruptions)

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJEEV SHUKLA):** Sir, I have already spoken about it with the hon. Member concerned, and we have agreed to take it up tomorrow. I have already spoken to the concerned Member and he has agreed.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** All right. Hon. Members, you have heard the hon. Minister's statement. He has said that it would be taken up tomorrow. I hope, you all agree.

**SOME HON. MEMBERS:** Yes, Sir.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please carry on, Mr. Minister.

**SHRI V. KISHORE CHANDRA DEO:** Sir, Shri Prasanta Chatterjee had raised the point about a particular community, the Riyang community, which he said, is not listed in Assam. That is correct. It is not only the Riyangs, but even the Santhals are not listed in Assam. They are listed in Bengal, Madhya Pradesh, Jharkhand and Chhatisgarh, but not in Assam. The fact is, the proposal will have to come from the Government of Assam, it will have to go through this process and only then will I be able to take a call on this.

Sir, Shri Narendra Kashyap referred to certain communities living in the Andaman & Nicobar Islands. He is absolutely right about them, and I agree with what he has said. It is a matter of concern to all of us that these primitive communities in the Andaman and Nicobar Islands are still in a rather backward and primitive stage. Sir, I would like to mention to the hon. Member that actually, there are two extreme views as far as these communities are concerned. There is one school of thought that feels that these communities should be kept in isolation, left as they are, at the mercies of nature. There is yet another school of thought which says that they should be immediately drawn into the mainstream, exposed to the mall culture, or the junk-

Uncorrected/Not for Publication — 21.05.2012

food culture, whatever you may call it. These are two extreme views. I think, we must take a moderate view. As far as the Ministry is concerned, we are taking into consideration the views of anthropologists, experts and the people who have visited these areas. And after getting a report and going through it, we would decide on the course of action that needs to be taken.

Sir, the hon. Member also spoke about the pitiable condition of certain people in Jammu & Kashmir. Some suggestions have been received from the Jammu & Kashmir Government. We have sent them back to the Jammu & Kashmir Government for clarifications, which the RGI had wanted. Once they are cleared, we will be able to take a decision on that.

Dr. Balmuchu from Jharkhand has mentioned about diversion of funds meant for tribal areas. Mr. Vice-Chairman Sir, I would like to mention here that funds are sent by the Centre to the State Governments, and it is for the State Governments, actually, to see to it that these funds reach the people and for the right purpose that they are sent for. Wherever there is any misuse or diversion of funds, if

Uncorrected/Not for Publication — 21.05.2012

hon. Members bring such matters to my notice, I shall certainly get these matters inquired into.

Sir, Shri Dilip Tirkey and another hon. Member from Odisha had referred to certain tribes in Odisha, which the State Government had recommended for inclusion. The State Government of Odisha had recommended 167 communities to be included in the list of Scheduled Tribes. Out of the 167, 149 cases are pending with the Registrar General of India; 16 cases have been sent back to the State Government for further clarifications and justifications. As far as one tribe, called the Sahara tribe, is concerned, in 2010, we had asked for clarifications. We have just received them. And in the month of March, we have sent it back to the RGI, along with the clarifications that have been received from the State Government of Odisha.

(contd. at 3r/hk)

HK/3r/5.05

**SHRI V. KISHORE CHANDRA DEO (CONTD.):** Shri Balaganga of Tamil Nadu spoke about the Paduka Tribes in Tamil Nadu. It is true that Paduka tribes were recommended by the State Government. They are from the Nilgiris. They were twice rejected by the Registrar

Uncorrected/Not for Publication — 21.05.2012

General of India. Normally, once the case is rejected twice, we drop the case. But in this particular case, since the hon. Chief Minister had written to the hon. Prime Minister and the Prime Minister had referred it to me, we had again, after getting inputs from the State Government, referred it to the Registrar General of India with clarifications that were required. The moment it is cleared from there, we will be able to take some decision. Sir, hon. Member from Andhra Pradesh, Shri Devender Goud, mentioned about the Valmikis. He is right that the Valmikis, living in Scheduled Areas, are declared as Scheduled Tribes. The Valmikis, living outside the Scheduled Areas, are categorized as Backward Class. The Vodderas also, he says, require the ST status in Andhra Pradesh. Andhra Assembly might have passed a Resolution, as you rightly mentioned. As far as I am concerned, the Resolution of the Assembly will not be sufficient. A specific recommendation will have to come from the State Government with justifications, justifying those norms and criteria which have been laid down. Once the State Government sends it officially to me, only then can I process it and send it to the Registrar General of India for further action. Shri Nand Kumar Sai has said that

Uncorrected/Not for Publication — 21.05.2012

the entire List should be reviewed and the entry of new community should be reviewed. The entry of all new communities is reviewed in the manner in which I have explained earlier. But to review the entire List will be undoing what has already been done. I think, that will not serve any purpose. In fact, it may put a lot of people belonging to the Scheduled Tribes into great difficulty. But as far as new entries are concerned, one has to be very careful about it. After all, this should not be misused. Every new entry that comes has to go through the process, which I have mentioned earlier. Shri Biswajit Daimary, Shri Birendra Prasad Baishya and Shri Kumar Deepak Das have all mentioned regarding certain Tribes in Assam. As far as Assam is concerned, the Karbis and the Dimsas of the plain districts have been referred to the Registrar General of India. We are awaiting remarks of the Registrar General. As far as other communities are concerned, the Ahoms, the Muttocks, the Moran, the Chutias, which were all mentioned by my friends, have been referred to the State Governments for further clarifications and justifications to certain points that were raised by the Registrar General of India. Once the State Government sends them back to us, we will again send them

Uncorrected/Not for Publication — 21.05.2012

with these clarifications to the Registrar General of India. Sir, the change of nomenclature of 'Miri' to 'Mising' and inclusion of Thengal Kacharis have all been referred to RGI for comments. As far as the Bodo-Kacharis are concerned, the National Commission for Scheduled Tribes has asked for additional information and this is under process. Once the NCST clears it, it will have to be ...(Interruptions)...

**SHRI BIRENDRA PRASAD BAISHYA:** What about the Koch Rajbongshi?

**SHRI V. KISHORE CHANDRA DEO (CONTD.):** Sir, the Koch Rajbongshi has been rejected by the RGI on the ground that they are already in the List of OBCs. If there is any further justification, we shall again send it up to them for the second time. Shrimati B. Jayashree mentioned about the Kurubas. All these things, as I mentioned to you, will have to come first ...(Interruptions)... Shri Basawaraj Patil from Karnataka has also raised certain issues. Once they come from the State Governments, we will certainly do our best and, without wasting any time over it, send it to the RGI for his comments and do our best. These are case specific and you cannot generalize them or group them together as one. But as and when anything comes before us, we shall do our best. With these

words, I commend that this Bill be passed.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, the question is:-

"That the Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Karnataka, as passed by Lok Sabha, be taken into consideration."

*The motion was adopted.*

(Followed by 3s/GSP)

GSP-VNK-3S-5.10

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We shall now take up Clause-by-Clause consideration of the Bill.

**Clause 2 was added to the Bill.**

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

**SHRI V. KISHORE CHANDRA DEO:** Sir, I beg to move:

That the Bill be passed.

*The question was put and the motion was adopted.*

(Ends)

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\* Pp 855 onwards will be issued as supplement.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, let us have further discussion on the Marriage Laws (Amendment) Bill, 2010. (Interruptions) The Anand Marriage (Amendment) Bill, 2012 is a non-controversial Bill. If the House agrees, we can take it up first, and, I think, no discussion is needed. (Interruptions) Okay, let us take up the Anand Marriage (Amendment) Bill, 2012. Hon. Minister to move the Bill.

### **THE ANAND MARRIAGE (AMENDMENT) BILL, 2012**

**THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED):** Sir, I move:

“That the Bill further to amend the Anand Marriage Act, 1909, be taken into consideration.”

Sir, the hon. Members are fully aware of the purpose of bringing this Bill. It has a very positive and beneficial purpose. I do want to acknowledge that across the floor, everybody, in a very positive

Uncorrected/Not for Publication — 21.05.2012

manner, has participated in this consensual approach to reach out to a community that, for many, many years... (Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Then, should we pass it without discussion?

**SHRI SALMAN KHURSHEED:** Sir, this is a small amendment but it is a very significant amendment for those who have been asking for it. I request the House to pass this Bill without further discussion.

(Ends)

*The question was proposed.*

**सरदार सुखदेव सिंह ढिंडसा (पंजाब):** धन्यवाद, उपसभाध्यक्ष महोदय। महोदय, मैं आनन्द विवाह (संशोधन) विधेयक, 2012 पर अपनी भाषा पंजाबी में बोलने के लिए इजाजत चाहता हूँ।

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** ठीक है, आप पंजाबी भाषा में बोलिए।

**SARDAR SUKHDEV SINGH DHINDSA\* :** Chairman Sir I want your permission to speak on the Anand Marriage Act in my mother tongue Punjabi, I am thankful to you .

Firstly I am thankful to the law minister who has accepted the long pending demand of the Sikhs. I am especially thankful of the

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\* English version of the original speech made in Punjabi.

Uncorrected/Not for Publication — 21.05.2012

Hon'ble Prime Minister who after having got passed the bill from the cabinet has brought it today in the August House.

As law minister has said that it is a very small bill. This Act came into being in the year 1909 but the N.R.I's who are about 40 lakhs in number faced one major problem under the Act that when they wanted to get there marriage registered it was not done under The Anand Marriage Act. So when they went to embassies for Visa's for their spouses than they were questioned that in the passport the religion is mentioned as Sikh but the certificate of marriage is under the Hindu Marriage Act and so there visa application was rejected.

This demand for registering Sikh marriages has been pending for long and Sardar Tarlochan Singh who was a member of this August House had brought a Private members bill in this regard also. I am thankful of the Parliamentary Standing Committee of law and justice who under the chairmanship of Dr. Natchiappan had passed it unanimously in December 2007 with a recommendation that this amendment in the bill be accepted. I am thankful of all the sections who have accepted it and have chosen to unanimously pass it.

Uncorrected/Not for Publication — 21.05.2012

Lastly I want to put across to the law minister two three things that this issue was a smaller one and it got accepted put there are other bigger pending issues.

Shrimoni Akali Dal is a party representing the Sikhs but it is a Secular Party and also includes Hindus & Muslims as members who are M.L.A's and Ministers. But anywhere in the world if any Sikh faces problem he is represented by Shrimoni Alali Dal so it is called the Party of the Sikhs but it is a secular party.

I would not take extra time but I want to raise a major issue that one big demand of the Sikhs is about Article 25 of the Constitution I don't want to raise this matter now but as you are also from minority community and don't hesitate to take bold steps kindly think over this demand. Big agitations have been held against Article 25 in the past. The real issues of the Sikhs would be solved when Article 25 of the Constitution is amended. I request that in future kindly think over this long pending demand of the Sikhs, this is my demand from the Shrimoni Akali Dal, thank you Sir. (Ends)

**(FOLLOWED BY YSR-3T)**

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** श्री अविनाश राय खन्ना जी। सिर्फ दो मिनट।

**श्री अविनाश राय खन्ना (पंजाब):** सर, आज एक इतिहास रचने जा रहा है। मैं सिख इतिहास की दो-तीन बातों को यहाँ रखना चाहता हूँ। जो गुरु ग्रन्थ साहिब है, हमने इसको लाइव गुरु माना है, क्योंकि अगर हम गुरु ग्रन्थ साहिब की formation को देखें, उसमें जो लिखा है, उसको देखें, तो सभी पंथों, सभी ग्रन्थों और सभी महापुरुषों की वाणी को लेकर इस ग्रन्थ को तैयार किया गया है। जो सिख मैरिजिज़ होती हैं, वे इस ग्रन्थ की हाजिरी में होती हैं। यह मान्यता है कि मेरी मैरिज जो Sikh rites से हुई है, वह मेरे गुरु के सामने हुई है, इसलिए कई बार जो difficulties, जिनके बारे में ढिंडसा साहब ने बताया है, उनको मिटाने के लिए आनन्द कारज एक्ट में जो थोड़ी-सी अमेंडमेंट की गयी है, इसके लिए मैं बधाई देता हूँ।

इसके लिए मुझे अपने माननीय प्रधान मंत्री जी से शिक्रवा भी है और ग़िला भी है। जब हमने अमृतसर में गुरुग्रन्थ साहिब के 400वें साल का दिवस मनाने की घोषणा की, तो प्रधान मंत्री जी वहाँ गये, लेकिन वहाँ इन्होंने पंजाब के बारे में कोई भी घोषणा नहीं की। हमने जब आनंदपुर साहिब में सिख हेरिटेज बनाया, तो वहाँ भी इनको बुलाया, लेकिन वहाँ ये नहीं आए। मैं कहता हूँ कि जब देश को एक सिख होम मिनिस्टर मिला, तो पंजाबियों को एक खुशी थी, जब राष्ट्रपति मिले, तब भी खुशी थी और जब सिख प्रधान मंत्री आए, तब भी हमें बहुत खुशी

हुई। ..(व्यवधान).. लेकिन सर, जो sentiments हैं, उनकी भी थोड़ी respect करें। आज बहुत देर के बाद यह अमेंडमेंट आयी है, तो मैं इसके लिए आप सब का धन्यवाद करता हूँ, लेकिन आगे से जब भी ऐसे कार्यक्रम हों, तो ये हमारी रिक्वेस्ट से वहाँ जरूर आएँ। बहुत-बहुत धन्यवाद।

(समाप्त)

**डा. एम.एस. गिल (पंजाब):** सर, मैं बड़ी खुशी से इस बिल का समर्थन करता हूँ। बात बड़ी सीधी-सादी है कि हम सब, जो पगड़ी वाले यहाँ बैठे हुए हैं, हमारी शादी गुरुद्वारे में ग्रन्थ साहिब के चार चक्कर लगा कर बीच में पंथियाँ पढ़ कर होती है। यह nineteenth century से हो रही है। सन् 1909 में इसी फेडरल पार्लियामेंट ने इसका छोटा-सा क़ानून बनाया और मान्यता दी। अब, आज के जमाने में एक दिक्कत आ गयी। हम बड़ी देर से यह कह रहे हैं कि आज के युग में authenticated certificate चाहिए, जिसे दुनिया मान ले, वह नहीं मिल रहा था और खास कर कहीं और जाकर लो, वह अच्छा नहीं लगता था। मुझे बहुत खुशी है कि सिखों का, पंजाबियों का, उनका-हमारा, सबका इकट्ठा जो थोड़ा गिला था, अर्ज़ थी, उसे आज आप सर्वसम्मति से पूरा कर रहे हैं। मुझे यह तसल्ली है कि आपने भी कह दिया और ऐसा ही होना चाहिए। इससे हमें थोड़ी-सी राहत मिल जाएगी, क्योंकि अगर इस रूल के अंतर्गत आप सर्टिफिकेट नहीं देंगे, तो उससे ले लेंगे, क्योंकि हम तो अपनी शादी का सर्टिफिकेट ले चुके। तो,

ऐसी बात नहीं है, लेकिन यह चीज़ समझनी चाहिए। मैं सारी उम्र से खन्ना जी और दिंडसा जी को जानता हूँ और इनके साथ मेरे रिश्ते हैं।

(3यू/एमसीएम पर जारी)

MCM-VKK/3U/5-20

**डा 0एम0एस 0गिल) क्रमागत :** (उन पर यह ख्याल आया कि यार ,कभी तो खुले दिल से थोड़ा धन्यवाद भी कर दो। पहले भी बहुत सरकारें रहीं ,लेकिन यह नहीं हुआ। मैं भी देखता रहा हूँ ,मैं 2004 से यहां बैठा हूँ ,मैंने ऊपर-नीचे बहुत हाथ जोड़े ,लेकिन नहीं हुआ। मैं आज बड़े स्पष्ट रूप में प्रधान मंत्री ,केबिनेट ,खासकर सलमान खुर्शीद जी ,आज के लॉ मिनिस्टर और हमारी कमेटी के जो श्री नाच्चीयप्पन जी हैं ,जिस कमेटी ने यह किया था ,धन्यवाद करता हूँ। ).....व्यवधान (मैं जो कह रहा हूँ ,मुझे कहने दीजिए। I think what I want to say. आज यह पास हो रहा है। हम इनका धन्यवाद करते हैं ,आभारी हैं। यह आप मुफ्त में पंजाब को और सिखों को खुशी दे रहे हैं। बहुत मेहरबानी।

)समाप्त(

**SHRI AVTAR SINGH KARIMPURI (UTTAR PRADESH) \*** : Sir I with your permission, because this is an issue involving the Sikhs all over the, would wish to speak in my mother tongue Punjabi about The Anand Marriage amendment bill 2012. Which is welcomed by the

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\* English version of the original speech made in Punjabi.

Uncorrected/Not for Publication — 21.05.2012

Sikhs all over the world and we also welcome this. In the year 2007 the Parliamentary Standing Committee had unanimously recommended that the Government should immediately address the demands of the Sikhs after bringing in the Anand Marriage amendment bill. But despite the unanimous recommendation of Parliamentary Standing Committee the Government has staken this step after 5 long years. But despite this delay in taking this step it is a right step in the right direction. It has some weaknesses but we want it to be passed at this stage and in future as per the demands of the Sikhs steps should be taken i.

Amongst the Sikhs marriage is a very sacred ceremony in Shri Guru Granth Sahab it is written that the relationship of husband and wife is not limited to being together but there should be trust, love and understanding amongst them, though they are two individuals but they should be one soul. Such should be the level of understanding amongst the married couples.

The beginning in this regard was made in the year 1909 and we have moved further in this direction in the year 2012. I while supporting

Uncorrected/Not for Publication — 21.05.2012

this suggest that we should think on the weaknesses in this in the future.

Especially I thank Ms. Mayawati the National President of the Bahujan Samaj Party and leader of the Bahujan Samaj Party Parliamentary Board under whose presence I have been allowed to speak on this issue regarding the Sikh Community and I also thank her for the regard she has in her heart about the Sikh Community. (Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Okay. Now, Shri Kanwar Deep Singh. Please take less than three minutes. (Interruptions) I told you that I will call you. There is an order. Your name is here. Now, Shri Kanwar Deep Singh. (Interruptions)

**श्री कनवर दीप सिंह) झारखंड :** (सर ,हमें तीन मिनट में कुछ करने के लिए नहीं सिखाया जाता।

)3W/KLG पर आगे(

VK-KLG/3W/5.25

**SHRI KANWAR DEEP SINGH (JHARKHAND):** Mr. Vice-Chairman, Sir, I am thankful to you for providing me this opportunity to speak on this Bill. I welcome the provisions of this Bill and I feel it addresses the

Uncorrected/Not for Publication — 21.05.2012

main identity crisis amongst the Sikhs that while the wedding rituals were true to the Sikh religion, the certificate of registration was under the Hindu Marriage Act. I am also thankful to Shri Salman Khursheed, the Union Law Minister, who has very kindly agreed to the genuine demand of the Sikh minority community and has introduced this Bill.

Sir, the Sikh community has always stood with the nation. They have made maximum sacrifices for the freedom of the country. Even now it is Punjab which has been producing enough food grains to keep India free from famine.

I am personally aware that wherever a Sikh is settled in the world, he becomes a flag-bearer for India. The Sikh NRIs have attained quite high positions in many countries. The new Bill will be of great help particularly to Sikhs residing abroad, as they prefer organising weddings in India, but have difficult times convincing Governments abroad that though the Anand Karaj is a Sikh act, the marriage certificate is under the name of a different religion.

I am sorry to point out that this small demand of the Sikhs has come too late. Every community in India has a separate marriage law,

Uncorrected/Not for Publication — 21.05.2012

but the Sikhs have been denied of their basic rights. Till today, they are given a certificate under the Hindu Marriage Act.

I am happy that the Indian Government headed by Dr. Manmohan Singh has realized it and to fulfill their small genuine demand, has brought forward this Bill in this House. We should support the Bill and pass it unanimously.

Sir, I must here add for the information of the hon. Members of this House, through you, that when Ms. Mamata Banerjee became the Chief Minister of West Bengal, she appointed a Sikh as Minister in her Cabinet. She also issued directions that the Punjabi language should be given the status of a second language along with other languages in the State.

When she was the Railway Minister, she started Sikh pilgrimage trains from various parts of the country. Ms. Mamata Banerjee has truly proven how the minorities are to be given help, not just by issuing statements but by taking proper actions.

I request the Government that the various other demands of the Sikhs should also be accepted and all minorities should be given due respect and other facilities all over the country.

Uncorrected/Not for Publication — 21.05.2012

In the end, while thanking the Law Minister, I would say, “देर आयद दुरुस्त आयद”। Thank you. (Ends)

**उपसभाध्यक्ष(प्रो० पी.जे.कुरियन):** श्री बलविंदर सिंह भुंडर, तीन मिनट।

**SHRI BALWINDER SINGH BHUNDER (PUNJAB) \*:** Chairman Sir firstly I want to withdraw the amendment I had moved as I don't want to pursue this amendment, Secondly I want to thank the Prime Minister and the concerned minister, third important point is that the Venkataramiah Chaliah Commission which had recommended that the word 'Sikh' which has been incorporated in the Explanation II to Article 25 of the Constitution be removed which has been a long pending demand of the Sikhs. I request this demand be also accepted. I am happy that after a long time without an agitation our small demand has been accepted and we are very happy and thank the whole house, the Law Minister and the Prime Minister. The Sikh Community thought it is small in numbers but has been known for its bravery all over the world.

Though we have our separate religion under "Sri Guru Granth Sahib ji ", separate appearance, separate culture and the traditions

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Uncorrected/Not for Publication — 21.05.2012

than why our demands are not being met if they have been considered and met in the case of Parsis and Jews; Muslims have their own separate code, and Hindus also have their own separate code then why the Sikhs have been clubbed with Hindus. While thanking I want to say that the Hon'ble Law Minister who also belongs to the Minority Community and is known for his kindness and large heart should look into our demands and extend this large-heartedness so that we get our due for the sacrifices we have made for the Country.

I request that this bill be passed tomorrow in the Lok Sabha so that this genuine long pending demand of the Sikh Community is met.

(Ends)

(Followed by 3X)

-KLG/RG/SC/5.30/3X

**श्री नरेश अग्रवाल (उत्तर प्रदेश) :** उपसभाध्यक्ष महोदय, मैं माननीय मंत्री जी और माननीय लॉ मिनिस्टर को समाजवादी पार्टी की तरफ से बधाई देता हूँ कि सिख समाज की जो बहुत बड़ी समस्या थी, उसको सॉल्व करने के लिए आज वे यह अमेंडमेंट लाए। सर, उत्तर प्रदेश में लाखों की संख्या में सिख बसते हैं। वहां पर चुनावों में जिस तरह से सिख समाज ने समाजवादी पार्टी का साथ दिया, उसके लिए मैं उनको धन्यवाद देता हूँ। हमारी सरकार उत्तर प्रदेश में है। आपने

सिखों की इस समस्या का समाधान किया है। हम सदन को विश्वास दिलाते हैं कि उत्तर प्रदेश में सिखों की अन्य जो समस्याएं होंगी, हमारी उत्तर प्रदेश की सरकार तत्काल उन समस्याओं का समाधान करेगी और सिख समाज का जो गौरव है, उसको बनाए रखेगी। इतना ही कहकर मैं आपको धन्यवाद देता हूं।

(समाप्त)

**THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN**

**KHURSHEED):** Sir, I am grateful to all the hon. Members, and I do want to underscore this spirit of co-operation, understanding and sensitivity that is being displayed to each other's aspirations and concerns. मेरे सम्मानित साथी श्री जयराम रमेश जी ने मुझसे कहा है कि इस शुभ काम को हिन्दी भाषा में ही आगे बढ़ावा देना चाहिए इसलिए मैं अंग्रेजी छोड़कर आपको हिन्दी में ही संबोधित कर रहा हूं। मैं सभी सम्मानित साथियों के प्रति आभार प्रकट करता हूं, विशेषतया अपनी स्टैंडिंग कमेटी के प्रति आभार प्रकट करता हूं कि उन्होंने इतनी दूरदर्शी और उदार सोच से आज हमें एक ऐसे काम को करने का अवसर दिया है, जिससे एक बात बड़ी स्पष्ट हो जाती है कि यह सरकार, माननीय प्रधान मंत्री जी मौजूद हैं, हमेशा हर उचित मांग को, हर समुदाय के, हर वर्ग के और हर क्षेत्र के लोगों को सहानुभूतिपूर्वक और पूरी उदारता के साथ सहयोग देने के लिए तत्पर रहती है, तैयार रहती है। सिर्फ एक निवेदन है कि कभी-कभी हम एक-दूसरे के बारे में शायद गलतफहमी में यह

समझ जाते हैं कि हमारी मांग अनुचित है, उचित नहीं है। जो भी मांग आती है, उस पर हमें संतुलित होकर विचार करना चाहिए और हम लोग करेंगे। अगर आप समझते हैं कि इसके आगे भी कुछ संभव है तो हम बैठकर, एक-दूसरे से विस्तार से बात करके, संवाद करके, डायलॉग के माध्यम से आगे क्या कदम उठाए जा सकते हैं, वे कदम उठाने के लिए हमेशा तैयार रहेंगे। मैं फिर से हाऊस को धन्यवाद देता हूं और आपसे निवेदन करूंगा कि इस बिल को पारित किया जाए।

(समाप्त)

**SHRI NARESH GUJRAL (PUNJAB):** Sir, I would just take half-a-minute. Since this historic Bill is going to be passed now, I would like to mention this. Many Sikhs, who were married under the Anand Marriage Act, got the certificate under the Hindu Marriage Act. Many of them are settled abroad. They may wish to change their certificates. They have been married before, but they may now wish to change their certificate. So, kindly issue instructions to the Embassy that those Sikh families, which wish to change their certificate, may be allowed to do so.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, I put the motion to vote. The question is:

“That the Bill further to amend the Anand Marriage Act, 1909, be taken into consideration.”

*The motion was adopted.*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We shall now take up Clause-by-Clause consideration of the Bill.

*Clause 2 was added to the Bill.*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, we shall take up Clause 3. There are four amendments, Amendment (Nos.1 to 3) by Shri Balwinder Singh Bhunder and Amendment (No.4) by the Minister. Mr. Bhunder, are you moving your amendments?

**SHRI BALWINDER SINGH BHUNDER:** No, Sir.

**CLAUSE 3 — Insertion of new Section 6 (Registration of Marriages)**

**SHRI SALMAN KHURSHEED:** Sir, I move:

“That at page 2, lines 16 and 17, the words and figure “the Registration of Births, Marriages and Deaths Act, 1969 or” be deleted.”

Uncorrected/Not for Publication — 21.05.2012

I would just like to say that this Amendment has become necessary because the Amendment relating to the Registration of Births, Marriages and Deaths Act, 1969, has been referred to the Standing Committee, and therefore, it will be inappropriate to have this included in the text of the Bill at this stage.

*The question was put and the motion was adopted.*

*Clause 3, as amended, was added to the Bill.*

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

(Followed by 3Y)

SSS-GS/5.35/3Y

**SHRI SALMAN KHURSHEED:** Sir, I move:

That the Bill, as amended, be passed.

*The question was put and the motion was adopted.*

**SHRI SALMAN KHURSHEED:** Sir, I wanted to request the Foreign Minister to make the statement that whatever is necessary to make it convenient for Sikhs to get their certification will be done.

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** He can do that later if he wants.

**सरदार सुखदेव सिंह ढिंडसा :** सर, क्या आप इस बिल को कल लोक सभा में ले जायेंगे? ...(व्यवधान)...

(Ends)

**THE MARRIAGE LAWS (AMENDMENT) BILL, 2010**

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Hon. Members, we have completed the discussion on the Marriage Laws (Amendment) Bill, 2010. What remains was the reply by the Minister. Hon. Minister may now reply to the discussion.

**THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED):** Sir, I am ready with my reply. I have had extensive consultations with hon. Members. I have discussed with the Leader of the Opposition. Hon. Member, Jaya Bachchanji, who has some very, very serious concerns about family values and...

**श्री अविनाश राय खन्ना :** मंत्री जी, आप हिन्दी में बोलिए।

**श्री सलमान खुरशीद :** मैं, आपका आभारी हूँ कि आपने मुझे याद दिलाया कि मुझे मातृभाषा में बोलना चाहिए और ममता की भाषा में ही बोलना चाहिए। ... (व्यवधान) ... मुझे पंजाबी में बोलने के लिए थोड़ा और समय दे दीजिए। अभी हिन्दी में बोलने दीजिए।

सर, मैं यह कहना चाह रहा था कि बहुत सदस्यों से मेरी चर्चा हुई है और बहुत सारे स्टेक होल्डर्स हैं, जिनके विचार इस पर आए हैं, उनसे भी विस्तार से बात हुई है। हम एक बहुत बड़ा कदम उठाने जा रहे हैं, पहली बार हमारी

व्यवस्था में एक irretrievable breakdown of marriage को हम recognise करने जा रहे हैं। यह स्वाभाविक है, इस पर बहुत सारे प्रश्न उठे हैं कि क्या इससे महिलाओं को तो असुविधा नहीं होगी, क्या इसको लेकर अव्यवस्था तो पैदा नहीं होगी? इस पर हमने विस्तार से चर्चा की है। मैं यह मानता हूँ कि जो हम आपके सामने, हाऊस के सामने, अब जो संशोधन लेकर आ रहे हैं, उन पर इस चर्चा के प्रकाश में, मैं समझता हूँ कि ये सब लोगों को संतुष्ट कर देगा। क्योंकि अभी भी, कुछ लोगों के मन में कुछ संदेह होंगे, मैं यह मानता हूँ कि इसमें कुछ समय लगेगा। सर, अगर हाऊस चाहे, तो मैं आज ही जबाव आपको प्रस्तुत करता हूँ और अगर हाऊस का विचार यह है कि इसको थोड़ा रुक कर आपके सामने लाऊँ।

**श्री नरेश अग्रवाल :** आप रुककर ले आइए।

**श्री सलमान खुर्शीद :** मैं आपसे सिर्फ निवेदन यह करूँगा कि हमने प्रयास यह किया है कि जो हम इस समय कदम उठा रहे हैं, उससे किसी को कष्ट न हो। सर, यह फैमिली वेलफेयर का ऐसा क्षेत्र है, इसमें बहुत सारे अनुभवी लोग, नये-नये विचार लेकर आते रहेंगे और आगे चलकर इस पर और भी जो कार्यवाही करने की आवश्यकता है, समय-समय पर वह कार्यवाही की जा सकती है। लेकिन आज अगर हम ऐसी कोई दीवार खींचकर यह कह देंगे या खाई बनाकर यह कह देंगे कि हमें अपने कानून में और परिवर्तन इस समय नहीं करना है, तो फिर दुनिया के सामने हम बहुत पीछे हो जायेंगे। यह परिवर्तन इसलिए अनिवार्य

हो गए हैं कि समाज बदल रहा है और बदलते समाज के परिप्रेक्ष्य में हमें अपने कानून में भी संशोधन करने की आवश्यकता है। लेकिन सूझबूझ से और समझदारी से करें, विशेषतः बच्चों को और उन बच्चों को जिनकी देखभाल में कोई विशेष समस्याएं आती हैं या महिलाओं को कोई कष्ट न हो, इस पर हम पूरी तरह से संवेदनशील रहे हैं। अगर सबका विचार यह है, आज हाउस की सेंस यह है कि इसको आज नहीं लेकर कभी और हम लें, तो मैं अपना जबाव आपके सामने तब प्रस्तुत कर दूंगा।

**सरदार सुखदेव सिंह ढिंडसा:** यह तो हमने भी कहा है कि इसमें कुछ कमियां हैं, इसको बाद में लिया जाए। ...(व्यवधान)...

**श्री नरेश अग्रवाल :** माननीय उपसभाध्यक्ष जी, यह सेंसेटिव मैटर है। तमाम पुरुषों की तरफ से बातें कही गई हैं, तमाम महिला संगठनों ने अपनी बातें कही हैं और माननीय मंत्री जी के पास तमाम प्रतिवेदन आए भी हैं। मैं कहूंगा कि इस पर एक बार फिर से विचार कर लिया जाए, क्योंकि जीवन का एक रिश्ता ऐसा होता है, जो पवित्र रिश्ता माना जाता है। इसमें अगर कहीं दरार पड़ती है, तो उसका जो भी हल निकले, वह अच्छा निकलना चाहिए। आप थोड़ा-सा रुक जाइए। कोई जल्दी नहीं है, आप इसको अगले सेशन में ले आइए। जो अन्य सुझाव आपके पास आए हैं, आप उन सुझावों को भी देख लीजिए। उसके बाद आप बिल लेकर आएंगे, तो ज्यादा उचित होगा। इसको पूरा हिन्दुत्व स्वीकार भी करेगा। मेरा आपसे यही निवेदन है।

(समाप्त)

(ASC/3Z पर आगे)

-SSS/NBR-ASC/3Z/5.40.

**श्री सलमान खुरशीद :** सर, अगर यह पूरे सदन का मत है, तो मैं अवश्य उसको मानूंगा। वैसे कहने को तो extreme views मेरे सामने आए हैं, कुछ लोगों ने कहा है कि आप इसको छुएं भी नहीं और कुछ लोगों ने कहा है कि आप जो कर रहे हैं, वह बहुत कम है। इसलिए हमारे लिए कहीं न कहीं बीच का रास्ता निकालना अनिवार्य था और हमने बीच का ही रास्ता निकाला है। जब मैं जवाब दूंगा तब मैं इन चीजों को हाऊस के सामने विस्तार से रखूंगा। मुझे पूरा विश्वास है कि जब हाऊस के सामने ये सारी बातें आएंगी, हमने जो प्रस्ताव रखें हैं, सबको तौलने के बाद, हाऊस उनको स्वीकार करेगा। इसके लिए जो भी उचित समय हाऊस तय करेगा, मैं तभी अपना जवाब दूंगा।

(समाप्त)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** So, if it is the consensus of the House that this Bill be deferred, it is deferred.

Now, we will take up the Supplementary List of Business i.e., further consideration of the motion moved by Shri V. Narayanasamy i.e., the Lokpal and Lokayuktas Bill, 2011. Mr. Minister, you move that the Bill be passed.

Uncorrected/Not for Publication — 21.05.2012

**DR. V. MAITREYAN:** Sir, what about the Item No. 4 of today's List of Business? It has to be taken up before the Supplementary List of Business.

**SHRI V. NARAYANASAMY:** We will consider after the Lokpal.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** After this, we will take that up.

#### **THE LOKPAL AND LOKAYUKTAS BILL, 2011 -- CONTD.**

**THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY):** Sir, I am grateful to you for considering to take up the Bill. The discussion on this Bill, to provide for establishment of a body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto as passed by Lok Sabha, is continuing.

Sir, on 29<sup>th</sup> December, 2011, there was an elaborate discussion in this august House on the Bill that has been passed by the Lok

Uncorrected/Not for Publication — 21.05.2012

Sabha. Sir, more than 197 notices of amendments were given by the hon. Members. After elaborate discussion and participation by hon. Members, I started my reply but could not complete the same. Therefore, I would like to continue my reply from where I had left. I will be brief and will not take much time of the House. The Bill has gone through not only the Standing Committee but also the Lok Sabha and there was an elaborate discussion in the Rajya Sabha. Actually, the hon. Leader of the Lok Sabha, Shri Pranab Mukherjee, came and expressed his views on the Bill. Apart from that, the hon. Prime Minister had called four meetings with the political leaders for the purpose of arriving at consensus on the Bill. Therefore, I would like to submit, after it was passed by the Lok Sabha, several views were expressed by the hon. Members of this House on the Bill. Some of the issues raised by the hon. Members were contradictory to each other. Therefore, after the Bill was deliberated upon in this House on 29<sup>th</sup> December, 2011, hon. Prime Minister has called a meeting of the floor leaders of the Rajya Sabha on 23<sup>rd</sup> March, 2012, heard their views and the differences have been narrowed down. Thereafter, the Government considered them.

Uncorrected/Not for Publication — 21.05.2012

I would like to dwell upon, very briefly, about the salient features of the Bill. I briefly mentioned the same last time. The Lokpal takes care of the categories of public servants -- Group "A", "B", "C" and "D." There was a sense in this august House on three issues -- Citizens Charter, the Lokayukta has to be in line with Lokpal and third issue deliberated upon was to bring in bureaucracy within the ambit of Lokpal. These are the issues on which there was consensus in this House. Therefore, in line with that, the Bill has been brought in this august House.

As far as Lokpal is concerned, the Selection Committee is headed by the Prime Minister. (CONTD. BY KS "4A")

4a/5:45/ks-lp

**SHRI V. NARAYANASAMY** (contd.): The members of the Committee include hon. Speaker of the Lok Sabha, hon. Leader of the Opposition in Lok Sabha, Chief Justice of India or a Judge of the hon. Supreme Court nominated by the Chief Justice of India and an eminent jurist nominated by the President of India. They have been given the authorization to select the Lokpal. There is also a provision for a Search Committee. There is adequate representation both in the Selection Committee and the... (Interruptions) I am not going into the details. I am only mentioning it briefly.

Sir, as far as the Lokpal Bill is concerned, there is an inquiry wing, there is a prosecution wing and, whenever a matter is referred to the Lokpal, the CVC will inquire into it and submit its report to the Lokpal. Investigation will be done by the CBI and the CBI will also submit its report. Sir, the Bill has provisions in regard to attachment of property, confiscation of property, etc. There is a provision detailing the procedure of removal of the Lokpal. If there are any wrongdoings on the part of officers of the inquiry wing or the prosecution wing of the Lokpal, the Bill has provisions under which

Uncorrected/Not for Publication — 21.05.2012

action can be taken against such officers. All these things have been covered in the Bill. Some major issues were raised by hon. Members in this House. They have all been addressed. Sir, I do not want to go into the details. But I do want to say that for the purpose of preliminary inquiry, investigation and trial, a time-frame has been fixed. Therefore, I request this hon. House to consider it for the purpose of passing it. The Bill should be passed on the basis of consensus and in line with the sense of the House. (Ends)

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Does anybody want to speak on this?

**SHRI NARESH AGRAWAL:** Sir, ...

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Do you want to say something?

**SHRI NARESH AGRAWAL:** I want to move a Resolution.

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Yes, please.  
(Interruptions) No, I have called him.

**SHRI NARESH AGRAWAL (UTTAR PRADESH):** Sir, I move:-

That the Lokpal and Lokayukta Bill, 2011, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members:-

1. Shri Shantaram Naik
2. Shri Satyavrat Chaturvedi
3. Shri Shadi Lal Batra
4. Shri Arun Jaitley
5. Shri Rajiv Pratap Rudy
6. Shri Bhupender Yadav
7. Shri Satish Chandra Misra
8. Shri K. N. Balagopal
9. Shri Shivanand Tiwari
10. Shri D. Bandyopadhyay
11. Shri Tiruchi Siva
12. Shri D.P. Tripathi
13. Prof. Ram Gopal Yadav
14. Dr. V. Maitreya
15. Dr. Ashok S. Ganguly

The Select Committee will submit its report within three months and it will be taken up for consideration by the Rajya Sabha in the Winter Session.

श्रीमन्, मैंने इसी वजह से यह प्रस्ताव किया था, क्योंकि प्रधान मंत्री जी यहाँ बैठे हैं..(व्यवधान).. I have said within three months. The Select Committee will give its report to the House within three months. (Interruptions) एक मिनट सर, ..(व्यवधान)..कमेटी अपनी रिपोर्ट देगी, जिसको अगले सत्र में लाया जाएगा..(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** All right. Now, you take your seat. You have moved it! (Interruptions) Listen please. (Interruptions) No, please. You allow me to do my job. (Interruptions) Please. (Interruptions) Let me, please. (Interruptions) What is this? (Interruptions) What do you want?

**श्री राजीव प्रताप रुडी :** उनके पास सूची थी, उन्होंने पूरी सूची पढ़ दी। यह क्या है?..(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** No, what do you want?

**श्रीमती माया सिंह :** इन्होंने पूरी लिस्ट पढ़ दी..(व्यवधान)..

**SHRI RAJIV PRATAP RUDY:** Sir, the Bill is the property of the House. The matter has been taken up by the Government.

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** No, please. (Interruptions) Mr. Rudy...

**SHRI RAJIV PRATAP RUDY:** Why can't you listen? This is a matter which is very important. The matter was listed. A special supplement was given to us. It was taken up by the Minister. We all admit that. He has raised a point of view. There are no views and, already, a proposal to send it to the Select Committee...

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** No, no.

**SHRI RAJIV PRATAP RUDY:** He has read out the names. What is this procedure? (Interruptions) Where has this come from? Who gave this list? सर, यह बड़ा अजीब सिस्टम है, नई परम्परा है..(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Please.

**SHRI RAJIV PRATAP RUDY:** How has this happened?

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Please.

(Interruptions) Now, let me explain. (Interruptions)

(continued by 4b/kgg)

4b/5.50/kgg-akg

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN) (CONTD.):** Mr. Rudy, let me explain. Please take your seat. (Interruptions) That is not going on record. (Interruptions)

**SHRI RAJIV PRATAP RUDY:** Sir, \*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Rudy, I have heard your point. Allow me to say now. (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** How could suddenly a Member move for referring it to a Select Committee? (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Hon. Members, the hon. Minister has spoken and he wants to have it passed today. Shri Naresh Agrawal moved a motion. (Interruptions) Please, let me say. Having names or not is up to him, the mover. (Interruptions) Hon. Leader of the Opposition indicated just now that he would like to intervene. Hence, I am calling the Leader of the Opposition. (Interruptions)

**SHRI SITARAM YECHURY:** Sir, then I too would like to say.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Yes, you also will get a chance. (Interruptions) I have not put the motion to vote.

**SHRI RAVI SHANKAR PRASAD:** Sir, we have great regard for your

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\* Not recorded.

Uncorrected/Not for Publication — 21.05.2012

experience as a Presiding Officer. Now, hon. Minister has proposed the Bill. We have discussed it earlier. We are yet to intervene and put our points across. Not even a remote suggestion came about a Select Committee and suddenly we find a Resolution with names!  
(Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That is his view. I will allow you also. (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** The country is watching us. No one has... (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I will allow you. You can rule it out by whatever Motion you bring. I have now called the Leader of the Opposition.

**THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI PAWAN KUMAR BANSAL):** Sir, before the hon. Leader of the Opposition speaks, I only wish to bring to the notice to the hon. Member, Shri Rudy, who often refers to the rules, that the procedure that has been followed is by a particular Member. Kindly look into the rules relating to a Select Committee. A motion for sending a Bill to a Select Committee can be moved by any Member at any time giving whatever

Uncorrected/Not for Publication — 21.05.2012

names he considers fit. If you are not agreeable to the names, you may please discuss amongst yourselves. You can even mention different names. (Interruptions) I would only request that if there is ... (Interruptions) I would only request that you may move any Motion. The rule is clear. (Interruptions) If the Motion for referring a Bill to a Select Committee is made, then it acquires precedence over everything.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Okay.

**SHRI PAWAN KUMAR BANSAL:** I have to make it clear, Sir. If a Motion for referring a Bill to a Select Committee is moved, that has to be taken up before anything else. It is for the House to accept it or not.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I know it. (Interruptions) Mr. Mitra, Mr. Rudy, please sit down. (Interruptions) Everybody knows that a Motion for Select Committee can be moved by any Member. (Interruptions) Please allow me to say. I am ready to listen to you. (Interruptions)

(Followed by tdb/4c)

**THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI PAWAN KUMAR BANSAL):** Sir, it is Rule 72(1), which says, “The Members of a Select Committee on a Bill shall be appointed by the Council when a Motion that the Bill be referred to a Select Committee, is made.”

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I think there is no dispute over that. The Minister has read it. I need not read it. See, the point I am making is, it can be moved at any time, by any Member. This is in the rules. That is what I am saying. (Interruptions) Listen to me, I am on my legs. (Interruptions) Don't do that. I am on my legs. Now, Mr. Naresh Agrawal has moved a Motion. It is listed with his name. It is up to the House to accept it or reject it; there is no problem. Now, the floor is for the hon. Leader of the Opposition. (Interruptions)

**SHRI V.P. SINGH BADNORE:** Sir, I have a point of order.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Under which rule?

**SHRI V.P. SINGH BADNORE (RAJASTHAN):** Sir, it is under Rule 71. (Interruptions) It says, “No motion that a Bill be taken into consideration or be passed shall be made by any Member other than

Uncorrected/Not for Publication — 21.05.2012

the Member in charge of the Bill and no motion that a Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses or be circulated for the purpose of eliciting opinion thereon shall be made by any Member other than the Member in charge except by way of amendment to a motion made by the Member in charge". (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** He said it is amendment. (Interruptions)

**SHRI V.P. SINGH BADNORE:** But the names cannot come.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You reject the names. He said it is his amendment. (Interruptions) Shri Agrawal said it is amendment. (Interruptions)

**SHRI V.P. SINGH BADNORE:** Sir, the point is, he cannot give the names. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You can reject the names. He said it is amendment.

**SHRI V.P. SINGH BADNORE:** Sir, under this, there is no mention. He cannot mention the names.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** See, he already said, it is amendment.

**SHRI V.P. SINGH BADNORE:** That is not his prerogative. He cannot do it. (Interruptions) He can't do it.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** He said, it is amendment. It is already said. (Interruptions)

**श्री रघुनन्दन शर्मा:** यह रूलिंग पार्टी का ...(व्यवधान)

**श्रीमती माया सिंह:** उन्होंने मोशन मूव किया है, लेकिन नाम की जो लिस्ट बनाई है ...(व्यवधान)

**SHRI PAWAN KUMAR BANSAL:** Sir, in reply to what the hon. Member has said, I would like to draw the attention of the House to two rules, very briefly. First is, Rule 69, which says, "When a Bill is introduced, or on some subsequent occasion, the Member in charge may make the following Motion in regard to his Bill. One of it is that it be referred to a Select Committee of the Council.

Now, Sir, I refer to Rule 71, the last part, which the hon. Member read. I am just reading the last words, "...Member in charge except by way of amendment to a motion made by the Member in charge". Now, here the case is, a motion was moved by the Member

Uncorrected/Not for Publication — 21.05.2012

in charge, that the Bill be taken for consideration. The hon. Member, Shri Naresh Agrawal moved a Motion, which is an amendment to that Motion. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I said it is an amendment. (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** Sir, I have a point of order. (Interruptions)

**SHRI DEVENDER GOUD T.:** Sir, it is most unfortunate the way things are taking place in the House. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Under which rule?

**SHRI RAVI SHANKAR PRASAD(BIHAR):** Sir, it is Rule 69, page 28, it clearly stipulates, what the hon. Minister was referring to, “When a Bill is introduced or on some subsequent occasion the Member in charge may make one of the following motions in regard to the Bill: (ii) that it be referred to a Select Committee of the Council.” Sir, under that, a proviso is there, which is the procedure part. The point of order is that any request for reference to Select Committee can be made only and only by the Member in charge. That is my submission. (Interruptions)

The point is, here the Member in charge of the Bill is, obviously, the

Uncorrected/Not for Publication — 21.05.2012

hon. Minister of State for Personnel, Public Grievances and Pensions, who moved the Bill. In this light, with greatest of respect, any other Member, in terms of this Rule, and in teeth of this Rule, cannot move a Motion for referring it to a Select Committee. Therefore, Sir, with the greatest respect, the motion moved is not permissible in terms of this Rule. That is very wrong. (Interruptions) This is a wrong tradition. Don't encourage it. (Interruptions)

**SHRI RAJIV PRATAP RUDY:** Sir, the whole country is looking at us. (Interruptions) They will hold us responsible for this. (Interruptions)

**श्रीमती माया सिंह:** सर, रूलिंग पार्टी पहले से ही मन बना कर बैठी है कि सिलेक्ट कमेटी में इसे भेजेंगे ...(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please allow me to speak. (Interruptions) Let me respond to Shri Ravi Shankar Prasad.

**श्रीमती माया सिंह:** रूलिंग पार्टी सिलेक्ट कमेटी को भेजने का मन पहले से ही बना कर बैठी है ...(व्यवधान) सर, यह कोई बात नहीं है ...(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Let me respond to Shri Ravi Shankar Prasad. (Interruptions)

(Followed by 4d-usy)

**THE VICE-CHAIRMAN(Prof. P.J. KURIEN)(CONTD.):** Let me respond to Mr. Ravi Shankar Prasad. (Interruptions) Hon. Members, it is in your hands; it is not in my hands. (Interruptions) You can decide anything and in any way. I have no problem. But let me clarify what he has said. According to Rule 71 any Member can move an amendment. (Interruptions) That is what he said. I allowed him to move an amendment; and, he said that it is an amendment. If the amendment is not in order, you can reject it. (Interruptions) But I have allowed him to move an amendment. He said that it is an amendment. (Interruptions) The House has every right to reject the amendment. (Interruptions) The name is up to him. You need not accept. (Interruptions) The House need not accept. (Interruptions) But please don't say that a Member has no right to move an amendment. That is not the correct position. (Interruptions) Please listen to me. (Interruptions) A Member has a right to move an amendment. (Interruptions) It is about the Select Committee. (Interruptions) He has moved an amendment. You may or may not accept that amendment. (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** I have a point of order under Rule 71. (Interruptions) Let me read rule 71. (Interruptions) It says, "No motion that a Bill be taken into consideration or be passed shall be made by any Member other than the Member in charge of the Bill and no Motion that a Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses or be circulated for the purpose of eliciting opinion thereon shall be made by any Member other than the Member in charge..." (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It further says, "... except by way of amendment to a motion." (Interruptions) What do you mean by that? Mr. Ravi Shankar Prasad, I am not a lawyer. (Interruptions) What I have read is, "Except by way of amendment to a motion." (Interruptions)

**SHRI RAJIV PRATAP RUDY:** Where is the motion? (Interruptions) Where is the motion? (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That's what I said. That is the question of procedure. You can raise it. (Interruptions) You can raise it. (Interruptions) You can raise it. (Interruptions) I agree, you can raise it. (Interruptions) You can raise that point.

Uncorrected/Not for Publication — 21.05.2012

(Interruptions) The Member has moved, you may reject it.

(Interruptions) What are you saying? (Interruptions) That is for

the Member. (Interruptions) Now, I have called the hon. Leader of

the Opposition. (Interruptions) I have called the hon. Leader of the

Opposition. (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** There is a proper procedure to be followed in this House. (Interruptions)

**SHRI RAJIV PRATAP RUDY:** Where is the motion?

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Hon. LoP please.

(Interruptions) Hon. LoP please. (Interruptions) Please sit down.

I have called the hon. LoP. (Interruptions)

**SHRI SITARAM YECHURY:** There is a point of order, Sir.

(Interruptions) There has to be a motion for an amendment to be moved. Where is the motion? (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That is up to you.

(Interruptions) You can say that it is... (Interruptions)

**SHRI SITARAM YECHURY:** How can you have an amendment without a motion? (Interruptions)

Uncorrected/Not for Publication — 21.05.2012

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I have not put the motion. (Interruptions) I have not put the amendment. (Interruptions)

**SHRI SITARAM YECHURY:** Where is the motion? (Interruptions)

**THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY):** Sir, I have a point of order. (Interruptions)

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** आप अपना point of order बोलिए। ... (व्यवधान)...

**SHRI V. NARAYANASAMY:** Sir, kindly see sub-clause 2 of rule 70. (Interruptions)

**श्रीमती माया सिंह:** नारायणसामी जी, आप तो पहले से ही हैं। ... (व्यवधान) ... आप यह क्या पढ़ रहे हैं? ... (व्यवधान)...

**श्री वी. नारायणसामी:** आप kindly सुनिए। ... (व्यवधान) ... आप मेहरबानी करके सुनिए। ... (व्यवधान) ... It says, "At this stage no amendments to the Bill may be moved, but if the Member in charge moves that the Bill be taken into consideration, any Member may move as an amendment

Uncorrected/Not for Publication — 21.05.2012

that the Bill be referred to a Select Committee of the Council."

(Interruptions) Kindly read it. (Interruptions)

(Contd. by 4e — PK)

-USY/PK-VNK/4E/6.05

**SHRI V. NARAYANASAMY (CONTD.):** ....any Member may move as an amendment that the Bill.. (Interruptions).. Kindly read. ..(Interruptions)..

**श्री पुरुषोत्तम खोडाभाई रुपाला:** सर, amendment कहाँ है? ...(व्यवधान)...

**SHRI V. NARAYANASAMY:** ...be referred to a Select Committee of the Council or a Joint Committee of the House with the concurrence of the House, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion." ..(Interruptions).. Members have got every right to move a Motion for Select Committee under rule 70, sub-clause 2. ..(Interruptions)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, hon. Members, it is very clear. ..(Interruptions)..

**श्री राजीव प्रताप रुडी:** सर, सरकार नहीं चाहती है...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please read Rules 70 and 71. Please read rules 70 and 71. ..(Interruptions).. It is very

Uncorrected/Not for Publication — 21.05.2012

clear. Any Member can move. ..(Interruptions).. The Rules, 70 and 71, are very clear. Now, I call the hon. Leader of the Opposition.

**SHRI BIRENDRA PRASAD BAISHYA:** Sir, I have a point of order.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No point of order. Sit down. Hon. Leader of the Opposition is on the floor. I have given the floor to him. He is on his legs.

**श्री राम कृपाल यादव:** सर, इसको लाने की जरूरत नहीं है। ...(व्यवधान)...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** आप नाराज़ मत होइए, कृपया आप बैठ जाइए। You are my friend, I have told you.

**THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY):** Mr. Vice-Chairman, Sir, the Government last evening circulated an amendment to the Official Bill of the Government. We received copies of it yesterday evening. It was suddenly added in the agenda today, knowing fully well that today is the last but one day of the Session of the House. Now, a proposal came today that the matter be referred to a Select Committee. Sir I am glad the hon. Prime Minister is here. Let us all bear in mind that the credibility of the Parliamentary institution now is at stake. This debate started in the 1960's. This Bill was first introduced in another shape 42 years ago.

Uncorrected/Not for Publication — 21.05.2012

And, for one reason or the other, we have kept delaying it, postponing it, and dribbling the ball. We almost came close to taking a decision on 29<sup>th</sup> of December last year. The numbers in this House were very clear. To the Government's proposal, we had certain reservations. It is very easy for the Government to say that 190 amendments were made. The proposed amendments were really, broadly under four heads — with regard to control of the investigative agency, with regard to the appointment and removal mechanism of the Lok Pal, who all are going to be covered by the Lok Pal, and whether the Lokayukta should be appointed under a Central legislation or every State's own system must decide as to what the character of the Lokayukta in the States is going to be. These were the four broad heads on which there was a serious difference of opinion between the Government and the Opposition. If on 29<sup>th</sup> of December the vote had been taken, perhaps, some of these amendments would have gone through. What would have happened? We would have had the Lok Sabha reconsidered or a Joint Session, which is something which is known to Parliamentary democracy. Instead, we were told around midnight --reasons were raised — 'that Parliament cannot sit on or

Uncorrected/Not for Publication — 21.05.2012

after midnight.’ Disturbances were caused and again, after 42 years, we deferred. I will only urge the Government and the hon. Prime Minister, let us be upfront and straightforward. Let us answer one basic question: Do we want a Lokpal or don’t we want a Lokpal? You had, from 29<sup>th</sup> of December till today, throughout the Budget Session, enough time to consult everybody. The Government has consulted us in an all-Party meeting. The Government has also consulted us informally. We have given our view. Now the Government is to take a call. Look at the amendment which was moved yesterday. We got an impression that the Government is suddenly on the last but one day going to come with this amendment. The amendment is all right; we accept your suggestion. Under Article 252, the Lokayukta now will only be a model law. It will, otherwise, be subject to Resolution passed by each of the States.

(Contd. by 4F/PB)

PB/4f/6.10

**SHRI ARUN JAITLEY (CONTD.):** The competence of Parliament to decide that, the condition precedent is that two State Legislatures must have passed a Resolution. Sir, the Government yesterday came

Uncorrected/Not for Publication — 21.05.2012

out with an incompetent proposal, something not in consonance with the Constitution. Without a Resolution of two States, an amendment under Article 252 is proposed here, knowing fully well that without a Resolution of two States, that amendment can't even be considered by Parliament. Obviously, if it would have come up for consideration, the matter would have been deferred again, and some more months, if not years, would be added to these forty-two years.

Today, if the Government feels that on these four issues, there is a serious conflict of opinion, the Government can be upfront, straightforward and say, 'This is the last but one day. It can't be decided tomorrow. We want a Select Committee.' The Minister can get up and make a proposal. It does not need a friendly Opposition on whose shoulders it will rest this proposal. Let the Government be upfront and say, 'Do we want a Lokpal or Do we not want a Lokpal? What do we do about these four areas on which there is a difference of opinion?' And, what is the mechanism that they want? If they want a Select Committee, let the Government come up and say, 'Yes, we want a Select Committee. Let this be sorted out by a Select Committee in the House.'

Uncorrected/Not for Publication — 21.05.2012

But we want, and the country expects a straightforward answer from us rather than these kind of games being played either on the 29<sup>th</sup> of December last year or today.

(Ends)

**SHRI SITARAM YECHURY (WEST BENGAL):** Mr. Vice-Chairman, Sir, about the question of Select Committee, I entirely agree that if the Government wants the Select Committee, we have no objection. Let there be a Select Committee. But the Rules are clear. Sir, you have been reading Rule 71. It is: ‘an amendment to a Motion may be made by a Member.’ Where is the Motion for the Select Committee? ...(Interruptions)... A Motion that this be considered by a Select Committee must be moved by the Government, and anybody can move an amendment. Without a Motion, you are talking of an amendment. If you read both Rules, 73 and 71, together, in conjunction, you will see that first, a Motion has to be moved and then an amendment can be considered.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Rule 72 says, ‘any Member can move.’ ...(Interruptions)...

**SHRI SITARAM YECHURY:** Sir, my point is, let the Government, let the Minister of Parliamentary Affairs move a Motion for a Select Committee. Let Mr. Naresh Agrawal, our esteemed colleague, the hon. Member, move the amendment to give the names of whom he suggests. We may agree; we may disagree. Or, if the Government so decides, they can give the names themselves, which shall be the most appropriate and the correct way. Please understand it. The hon. LoP has explained the history. We have said this before a number of times here in the House; we have said it in the All Party meeting called by the hon. Prime Minister; we have said it also to a delegation of Ministers who came to meet us to discuss all these amendments. There are broadly the four areas, and we have a fifth area in addition to what the LoP said. The question of Lokayuktas is a State subject; the question of appointment and removal must be more transparent and democratic; the question of investigative agency being under the Lokpal for the cases referred to them, etc. And, the fifth issue that we have is the question of ‘including private corporates’, which I mentioned. You are now putting a check on the demand side of corruption, but you are not putting a check on the supply side of

Uncorrected/Not for Publication — 21.05.2012

corruption from where it comes, and unless you check the supply of this money that goes into corruption, you cannot really control the demand. So, these were the areas. Now, we all know those areas. We debated it for a long time, and I think all of us have spoken, at least, three times on this issue. Now, these issues cannot be discussed and decided by us. I have, again, submitted amendments to the Bill that they have given. Now, if you want to consider all those amendments one-by-one in the House and then discuss it, fine. If you don't think that that is feasible, then you propose a Select Committee. That will be perfectly agreeable to us. You propose a Select Committee. But, as the Rule Book says, the Member or the Minister-in-charge has to do it. So, the hon. Minister has to do it. Let him propose it, and we have no objection to accept it. (Ends)

(Followed by 4g/SKC)

4g/6.15/skc-mcm

**THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL,  
PUBLIC GRIEVANCES AND PENSIONS (SHRI V.  
NARAYANASAMY):** Sir, I move:

That the Bill to provide for the establishment of a body of Lokpal

Uncorrected/Not for Publication — 21.05.2012

for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members:-

1. Shri Shantaram Naik
2. Shri Satyavrat Chaturvedi
3. Shri Shadi Lal Batra
4. Shri Arun Jaitley
5. Shri Rajiv Pratap Rudy
6. Shri Bhupender Yadav
7. Shri Satish Chandra Misra
8. Shri K. N. Balagopal
9. Shri Shivanand Tiwari
10. Shri D. Bandyopadhyay
11. Shri Tiruchi Siva
12. Shri D.P. Tripathi
13. Prof. Ram Gopal Yadav
14. Dr. V. Maitreyan
15. Dr. Ashok S. Ganguly

Sir, the hon. Leader of Opposition and the hon. Leader from CPI(M), Shri Sitaram Yechury, have raised some issues.

Sir, it is the commitment of this Government to have a Lokpal at the Centre, in the Government of India, dealing with public servants.

Uncorrected/Not for Publication — 21.05.2012

That is our commitment, and there is no going back on it. I would like to reiterate this on the floor of this august House today.

Sir, questions on technicalities have been raised by hon. Members. The hon. Member from SP has moved the Motion. To remove all doubts on technicalities, which the hon. Members have talked about, I would like to submit that the Lokpal and Lokayukta Bill, 2011, will be referred to the Select Committee of the Rajya Sabha, which would consist of 15 Members. The Select Committee may be allowed to submit its Report on the deliberations on the first day of the last week of the Monsoon Session of Parliament.

**The question was proposed.**

(Ends)

**सुश्री मायावती (उत्तर प्रदेश):** माननीय उपसभाध्यक्ष जी, सरकार ने लोकपाल बिल को लेकर जो अपनी बात रखी और उसके बाद एक माननीय सदस्य ने यह प्रस्ताव रखा कि इसको सलेक्ट कमेटी को भेजा जाए, मैं समझती हूँ कि यह नियमों के हिसाब से बिल्कुल सही नहीं है। सदन के नेता प्रतिपक्ष ने जो कुछ अपनी बात कही है, मैं उससे आपने आपको सम्बद्ध करती हूँ। माननीय मंत्री जी ने अभी बाद में अपनी बात रखी और प्रस्ताव रखा है, तो उसको आप हाउस में एक अन्य पार्टी के माननीय सदस्य का रिफ्रेंस देकर बार-बार यह कहें कि

उन्होंने यह प्रस्ताव रखा तथा इसमें उन्होंने नाम सजेस्ट किए हैं, मैं समझती हूँ कि यह ठीक नहीं है। माननीय मंत्री जी को अपनी जिम्मेदारी का अहसास होना चाहिए, आपको अपना प्रस्ताव खुद रखना चाहिए तथा वे यह कहें कि हम इस लोकपाल विधेयक पर अभी चर्चा नहीं करना चाहते हैं, हम इसको सलेक्ट कमेटी को भेजना चाहते हैं और हम यह चाहते हैं कि कमेटी में फलां-फलां पार्टी से सदस्य अपनी ओर से रखें। आप अपनी कमजोरी दूसरी पार्टियों के ऊपर डालकर अपनी जिम्मेदारी से नहीं हटें। जो लोकपाल विधेयक है, इसके बारे में आप जनता के बीच में यही कहते हैं कि हम इस विधेयक को जल्दी लाएंगे, इसी सत्र में लाएंगे, जबकि इसको किसी न किसी बहाने आगे के लिए टाल दिया जाता है। हमारी पार्टी भी नहीं चाहती है कि यह विधेयक जल्दबाजी में पास हो। इसके हर पहलू के अंदर डिटेल् में चर्चा हो। आप सलेक्ट कमेटी को भेजें, लेकिन आप उसको जल्दबाजी में नहीं, हाऊस को चलाने का जो एक नियम है, उसकी जो नियमावली बनी हुई है, उसके तहत आप अपनी जिम्मेदारी को निभाएं और properly प्रस्ताव को रखें और उसके ऊपर सभी दलों के नेताओं की आप राय लें। उस राय पर जो आम सहमति बनती है तथा यदि सभी की यही राय है कि इसको सलेक्ट कमेटी को दे दिया जाए, तो वह ज्यादा ठीक रहेगा। लेकिन माननीय मंत्री जी यह कहें कि हम इसको लाना चाहते थे और इसी बीच उठकर एक मेम्बर बोल दें कि हम इसको सलेक्ट कमेटी को देना चाहते हैं, तो यह तो कुछ समझ में नहीं आ रहा कि यह क्या तरीका है। क्या यह सरकार

अपनी जिम्मेदारी को बराबर निभा रही है? मैं समझती हूँ यह सरकार अपनी जिम्मेदारी को बराबर नहीं निभा रही है। हम चाहते हैं कि लोकपाल विधेयक के ऊपर गंभीरता से विचार-विमर्श हो।

(4h/KLG पर जारी)

4H/KLG-HK/6.20

**सुश्री मायावती (क्रमागत):** लेकिन वह मोशन गवर्नमेंट की ओर से आए। अगर आप इसको सेलेक्ट कमेटी को भेजना चाहते हैं, तो मिनिस्टर प्रॉपर्टी इसे हाउस में रखें। सभी दलों के नेताओं से इसके बारे में राय लें कि वे इसके लिए सहमत हैं या नहीं। मुझे लगता है कि अगर आप इसको प्रॉपर्टी हाउस में रखेंगे, तो सभी दलों के नेता मानेंगे, क्योंकि वे भी नहीं चाहते हैं कि यह जो करप्शन को लेकर बिल है, यह जल्दबाजी में पास हो जाए। आप इसको प्रॉपर्टी लेकर चलें और अपनी जिम्मेदारी से न हटें, माननीय मंत्री जी से मेरा यह कहना है। इन्हीं लफ्जों के साथ मैं अपनी बात समाप्त करती हूँ। धन्यवाद।

(समाप्त)

**SHRI DEVENDER GOUD T. (ANDHRA PRADESH):** Sir, I will take one minute. I am sorry to say the way the Government is trying to push it up ...(Interruptions)... The whole nation is looking to us कि इसके बारे में यहां पर क्या करने वाले हैं? Sir, I want to bring to your notice

Uncorrected/Not for Publication — 21.05.2012

the seriousness of this Bill. ...(Interruptions)... आप एक मिनट में without any preparation, the Government wants to send it to the Select Committee. Let them do it. Straightaway, they can move the Motion itself. Why are you troubling the other Members unnecessarily? ...(Interruptions)... दूसरे के कंधे पर बंदूक लगाकर आप क्यों मारना चाहते हैं? Take appropriate time. ...(Interruptions)... Discuss it with Members and then pass the Bill. ...(Interruptions)...

(ends)

**श्री राम कृपाल यादव (बिहार):** माननीय उपसभाध्यक्ष जी, पूरे सदन को स्मरण होगा कि जब इस बिल पर चर्चा हो रही थी, सभी माननीय सदस्यों ने अपनी बात रखी थी और सदन में एक ऐसी स्थिति उत्पन्न हो गई थी, जिसकी वजह से माननीय मंत्री जी ने जवाब देने का काम नहीं किया और सदन स्थगित कर दिया गया। आज आपने दुबारा इस बिल को सदन में इंटरोड्यूस किया है। मैं समझता हूँ कि बहुत सारे प्रश्न, जैसे जिस प्रश्न को मैंने उठाया था, वह आज भी वैसे ही खड़ा है। मैं समझता हूँ कि इस बिल के माध्यम से हमारी पार्टी का अपना स्टैंड है। क्या हम चाहते हैं कि इस बिल के माध्यम से कि जनतांत्रिक व्यवस्था को इस देश में खत्म किया जाए?

**उपसभाध्यक्ष (प्रो० पी.जे.कुरियन):** हो गया। श्रीमती माया सिंह।

**श्री राम कृपाल यादव:** सर, मुझे बोलने दीजिए। ..(व्यवधान).. आपको क्या मेरी बात अच्छी नहीं लगती? ... (व्यवधान)... हमें सदन से बाहर कर दीजिए। मुझे बोलने दीजिए। सर, आप हमारी भावना को तो सुन लीजिए।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You mentioned your point. ...(Interruptions)....

**श्री राम कृपाल यादव:** सर, मैंने कोई पॉइंट नहीं रखा। सेलेक्ट कमेटी का जो कहा गया, उस पर बोलने का मेरा विचार है।

**उपसभाध्यक्ष (प्रो० पी.जे.कुरियन):** बोलो, जल्दी बोलो।

**श्री राम कृपाल यादव:** सर, मैं कह रहा था कि जनतांत्रिक व्यवस्था को खत्म करने का यह बिल है। जब ऑल पार्टीज की मीटिंग माननीय प्रधान मंत्री जी ने बुलाई थी, मैंने पार्टी की तरफ से अपना स्टैंड रखा था कि इस बिल की कोई आवश्यकता नहीं है, क्योंकि अगर यह बिल आएगा तो देश में लोकतंत्र समाप्त होगा। मैं समझता हूँ कि निश्चित तौर पर ..(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You are not speaking about the Motion. ...(Interruptions)...

**श्री राम कृपाल यादव:** इस देश की महान जनता का आपने सोचा है। क्या आप इस बिल के माध्यम से जनतांत्रिक व्यवस्था खत्म करना चाहते हैं?

**उपसभाध्यक्ष (प्रो० पी.जे.कुरियन):** आपने मोशन के बारे में कुछ बोलना है तो बोलो।...(व्यवधान).. This is not the time for speech. ... (Interruptions)... Let me say. ... (Interruptions)...

**श्री राम कृपाल यादव:** सर, सुन तो लीजिए।

**उपसभाध्यक्ष (प्रो० पी.जे.कुरियन):** आप बैठिए। This is not the time to speak about the Bill. The Motion has come. I have to put the Motion to vote. I allowed some Members to speak. So, speak on that Motion. There is no rule to allow you to speak on the Bill. ... (Interruptions)...

**SHRI SITARAM YECHURY:** How can we speak on a loose motion? ... (Interruptions)... Let the Government come with a concrete motion. ... (Interruptions)...

**श्री राम कृपाल यादव:** ठीक है, सर। एक मिनट में मैं अपनी बात खत्म करूंगा। मैंने निवेदन किया कि माननीय मंत्री जी ने एक प्रस्ताव दिया है, सामाजवादी पार्टी के माननीय सदस्य नरेश अग्रवाल जी ने एक प्रस्ताव दिया है कि इस बिल को प्रवर समिति को सौंपा जाए। मैं समझता हूँ कि कई माननीय सदस्यों ने 100 से अधिक संशोधन देने का काम किया था और उन संशोधनों पर मंत्री जी अपना उत्तर नहीं दे पाए हैं और न उनका कोई सोल्युशन निकला है। मेरी पार्टी का मानना है, हमने कहा था इसमें से प्रधान मंत्री को हटाओ। इसमें और भी कई

तरह की समस्याएं हैं, जिनको माननीय सदस्यों ने अपने ढंग से रखने का काम किया है।

(4जे/एससी पर जारी)

GSP-SC-4J-6.25

**श्री राम कृपाल यादव (क्रमागत) :** मैं समझता हूं कि निश्चित तौर पर सेलेक्ट कमेटी का प्रस्ताव बहुत ही उत्तम है, लेकिन वहीं दूसरी ओर मैं यह भी कहना चाहूंगा कि मुझे अफसोस हुआ कि जो प्रस्ताव गवर्नमेंट की तरफ से आया है उसमें हमारे जैसी छोटी पार्टियों को स्थान नहीं दिया गया है, महिलाओं को स्थान नहीं दिया गया है, माइनॉरिटी को स्थान नहीं दिया गया है।  
..(व्यवधान)..

**उपसभाध्यक्ष (प्रो० पी.जे.कुरियन) :** बस, अब हो गया। श्रीमती माया सिंह।

**श्री राम कृपाल यादव :** हमारे जैसी छोटी पार्टियों की आवाज़ को क्या नहीं सुनना चाहते हैं?

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please sit down.

(Interruptions)

**श्री राम कृपाल यादव :** कुछ लोगों के माध्यम से प्रवर समिति बनाकर हमारे विचारों को ..(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I have called Shrimati Maya Singh. (Interruptions) What do you want to say?  
(Interruptions) That is not going on record.

**श्री राम कृपाल यादव :** \*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That is not going on record. I have called Shrimati Maya Singh. (Interruptions)

**श्रीमती माया सिंह (मध्य प्रदेश) :** उपसभाध्यक्ष महोदय, दूसरी बार हमारे साथ \* पहली बार, जब यह बिल आया था, तब पूरी तैयारी के साथ और लेट नाइट तक हम बैठने के लिए तैयार थे, लेकिन सदन की चेयर से जो निर्णय आया, वह निर्णय सबको मालूम है, मैं उसे दोहराना नहीं चाहती हूं। इस बार भी हमारे पूरे सांसद यहां पर तैयार थे कि इस बिल पर चर्चा होगी। हमारे स्पीकर्स पूरी तैयारी के साथ आए हैं, लेकिन हमारे साथ फिर \* इस बात की मुझे पीड़ा है, यह मैं आपसे अधिकार से कहना चाहती हूं।

(समाप्त)

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\* Not recorded.

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\* Expunged as ordered by the Chair.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I have to make one point clear. The hon. Member has said something about the Chair. It is not that. After the motion has been moved, one hon. Member wanted to move an amendment. He said that he wanted to move an amendment. (Interruptions) Let me complete. (Interruptions) Let me say. (Interruptions) I agree. In any case, in this House, it has always been the practice by any Chair, including me, to allow the Members from every Party to speak or say whatever they want after the Minister's reply. I have not done this for the first time. I am sorry for what has been mentioned by my sister, Shrimati Maya ji because this is not the first time that I am allowing Members to ask questions or raise their points after the Minister's reply. Please go through... (Interruptions) Please.

**SHRI V.P. SINGH BADNORE:** Sir, the hon. Member... (Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I am more sinned against than sinning. (Interruptions) Please go through the records. I say it for all the Members of the House and for all those people watching this House. Whenever I have been sitting in the Chair, if a

Uncorrected/Not for Publication — 21.05.2012

Minister has replied on a Bill, I have allowed everyone, who wanted to speak, not one or two Members but everyone. That is all what I did in this case. (Interruptions) Therefore, if you allege that, it is unfair. I have to say this. If Mr. Naresh Agrawal has mentioned some names, it is not my fault. I have not given him any names. So, this kind of allegation... (Interruptions)...Please. Please. I am on my legs.

**SHRI V.P. SINGH BADNORE:** Sir, I have a point of order. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, I am on my legs. No point of order. (Interruptions) So, I submit to the House that I have done only what I always used to do after the Minister's reply. This House has witnessed that. Secondly, Shri Naresh Agrawal has moved something. It is for the House to consider it as what they want. They can reject it, they can accept it as amendment, whatever. I have no view on that. (Interruptions) Please. I have only said that according to the Rule 70 and 71, as I understand, a Member can move that. That is all what I said. If I am wrong on the rule side, hon. Leader of the Opposition, who is a very erudite and learned lawyer, can correct me. I am ready to accept that. There are lawyers on this

side also but according to my understanding of Rule 70 and 71, a Member can move it.

(Contd. by YSR-4K)

-GSP/YSR-GS/6.30/4K

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN) (CONTD.):** That is number two. If the Chair's ruling is wrong, there are ways to correct it. Three, there is an official motion from the Government before the House. It is for the House to decide ...(Interruptions)...

**SHRI V.P. SINGH BADNORE:** Sir, I have a point of order. ...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I have not taken my seat. ...(Interruptions)... I have not taken my seat. ...(Interruptions)... Let me sit first. ...(Interruptions)... You should know the rules. I am on my legs. Regarding what Naresh Agrawalji said, it is up to you to decide it. I have nothing to do with it. I usually allow Members to speak after the Minister. So, this time also I allowed you. But here is a Motion which is moved by the Government. ...(Interruptions)... It is already moved. The House has to decide on

Uncorrected/Not for Publication — 21.05.2012

it. That's all what I have to say. ...(Interruptions)... Shri V.P. Singh, what is your point of order? ...(Interruptions)...

**SHRI V.P. SINGH BADNORE:** Sir, we have agreed to what you have said. The motion has been moved by the Minister. The reference is to Rule 72. It says that the members of a Select Committee on a Bill shall be appointed by the Council, not by a Minister, when a motion that the Bill be referred to a Select Committee is made. He has given the names. He can't give the names. ...(Interruptions)... Sir, listen to me. Two, no member shall be appointed to a Select Committee if he is not willing to serve on the Committee. So, you have to take permission of the Member first, then only names will come. They have to take the consent of the Member. How can you do it in an *ad hoc* manner? You cannot do it in an *ad hoc* manner. Sir, it cannot be done in an *ad hoc* manner. ...(Interruptions)...

**श्री नरेश अग्रवाल :** माननीय उपसभाध्यक्ष जी। ...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It need not be a discussion. ...(Interruptions)... The Leader of the Opposition has spoken on it. ...(Interruptions)... That is enough. ...(Interruptions)... The point of order is ruled out because the House

Uncorrected/Not for Publication — 21.05.2012

is deciding whether to send it to a Select Committee, not a Member.

...(Interruptions)... I have to put the motion to vote.

...(Interruptions)...

**SHRI SITARAM YECHURY:** Sir, I have a suggestion. Let the Government not come up with loose motion. Let them do something concrete. ...(Interruptions)... You put it before us, we will support it. ...(Interruptions)...

**SHRI V. NARAYANASAMY:** Whatever it is, I have moved the motion. ...(Interruptions)... I can move the motion any time. ...(Interruptions)...

**SHRI BIRENDRA PRASAD BAISHYA:** Sir, what is happening here? ...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Don't be angry. Why Members get angry? ...(Interruptions)...

**श्री शान्ता कुमार :** सर, मुझे दो मिनट बोलने का समय दे दीजिए। ...(व्यवधान)... सर, मैं एक निवेदन यह करना चाहता हूँ कि जो मोशन अभी पेश किया गया है। ...(व्यवधान)...

**श्री प्रेम चन्द गुप्ता :** उपसभाध्यक्ष जी। ...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I will allow you after him. ...(Interruptions)... Please sit down. ...(Interruptions)...

**श्री शान्ता कुमार :** सर, इसे सलेक्ट कमेटी के पास भेजने के लिए जो मोशन पेश किया गया है, इसके बारे में, मैं यह कहना चाहता हूँ कि पूरा देश हमें देख रहा है। बजट सेशन शुरू हुए इतने दिन हो गए, 29 दिसम्बर को हम सब इस बिल को पास करने के लिए बिल्कुल तैयार थे। मैं एक निवेदन और करना चाहता हूँ कि सुप्रीम कोर्ट हिमाचल के एक मामले में रूलिंग दे चुका है, “मास्टर इज द हाउस, नॉट द प्रेजाइडिंग ऑफिसर।” उस दिन पूरा House उस बिल को पास करना चाहता था, लेकिन आपने इस बिल को पास नहीं होने दिया। मैं यह पूछना चाहता हूँ कि आज बिल को पास न करके सलेक्ट कमेटी को भेजने की जरूरत क्या थी ? आप इस बिल को पास क्यों नहीं करना चाहते हैं?

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Shanta Kumarji, please sit down. ...(Interruptions)...

**श्री शान्ता कुमार :** आप वाद-विवाद में बिल को पास कर लेते।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Baishyaji.

**श्री शान्ता कुमार :** पूरा भारत यह सोच रहा है कि जिस किसी तरीके से भ्रष्टाचार के सवाल को आप टरकाना चाहते हैं। ...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Baishyaji.

**श्री शान्ता कुमार :** आप इस बिल को पास नहीं करना चाहते हैं।  
...(व्यवधान)... आपकी इस बिल को पास करने की नीयत नहीं  
है।...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Shanta Kumarji, please  
take your seat. ...(Interruptions)... It is not going on record.

**श्री शान्ता कुमार : \***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Shanta Kumarji, please  
take your seat. ...(Interruptions)... That is not going on record. That  
is over. ...(Interruptions)... Now, Baishyaji.

**श्री शान्ता कुमार : \***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** What Shanta Kumarji  
says will not go on record. ...(Interruptions)... Baishyaji, what do  
you want to say?

(Followed by VKK/4L)

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\* Not recorded.

**SHRI BIRENDRA PRASAD BAISHYA (ASSAM):** Sir, I want to speak. Please allow me to speak. Sir, we are discussing a very important topic today. For the last several months, we have been discussing about the Lokpal.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please speak on the Motion. Nothing more will go on record. If you want to speak on the Motion, you speak.

**SHRI BIRENDRA PRASAD BAISHYA:** Sir, I am totally speaking on the Motion. Please allow me to speak.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Do you have any objection?

**SHRI BIRENDRA PRASAD BAISHYA:** Yes, Sir.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please state that.

**SHRI BIRENDRA PRASAD BAISHYA:** Sir, from the very beginning, we are in favour of Lokpal. Today, we are discussing a very important issue. But, there is a procedural lapse. According to rule 71, every Member has a right to move the amendment. But, without moving the Resolution, how can he move the amendment? And how can he give

the names of the Members? What is this? This is the problem.

(Interruptions) Sir, one minute please. (Interruptions)

(Ends)

**श्री प्रेम चन्द गुप्ता (बिहार):** मान्यवर, सरकार इसको सिलेक्ट कमेटी में भेजना चाहती है। हमारी पार्टी का इसमें कोई सदस्य नहीं है। मैं जानना चाहता हूं कि हमारी जैसी एक छोटी पार्टी को या किसी और दूसरी पार्टीज के, जिनके अपने व्यूज हैं, उनको क्यों नहीं मौका दिया जा रहा है और कमेटी में क्यों नहीं इन्क्लूड किया गया है? क्या हमारी पार्टी के कोई व्यूज नहीं हैं? ...(व्यवधान)... एक महिला को भी रखिए। हम इसके लिए कहां मना करते हैं? आप महिला को रखिए, आप मर्दों को रखिए या किसी को भी रखिए, लेकिन हमारी पार्टी को क्यों नहीं रखा गया है?

(समाप्त)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, hon. Members.

(Interruptions) Shri Agrawalji, do you want to say anything about your Motion? (Interruptions) Would you like to withdraw that in view of the Government Motion?

**SHRI NARESH AGRAWAL:** I don't want to withdraw. I want to say something. (Interruptions) श्रीमन्, हम संशोधन का प्रस्ताव लाए हैं और नियमों के अधीन लाए हैं। इसको तमाम माननीय सदस्यों ने उठाया है। हमने

समिति में नाम दिए हैं, मैं समझता हूँ कि वे नाम काफी ठीक थे, लेकिन नियमों में भी दिया हुआ है, ...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, no. (Interruptions)  
Agrawalji, I am not permitting you. (Interruptions)

**श्री नरेश अग्रवाल :**श्रीमन्, मैंने जो नाम दिए, ...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Agrawalji, Government Motion is there. आप बैठिए। Then, nothing to say. (Interruptions) You have already spoken. Please sit down. (Interruptions) It is over. Please sit down. (Interruptions) Hon. Members, all what happened is, the Minister replied and there was a Motion. But, Government Motion came. Therefore, that Motion is invalid or infructuous. Now, only the Government Motion stands. I am going to put it to vote.

I shall now put the Motion moved by Shri V. Narayanasamy to vote. The question is:

That the Bill to provide for the establishment of a body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members:-

Uncorrected/Not for Publication — 21.05.2012

1. Shri Shantaram Naik
2. Shri Satyavrat Chaturvedi
3. Shri Shadi Lal Batra
4. Shri Arun Jaitley
5. Shri Rajiv Pratap Rudy
6. Shri Bhupender Yadav
7. Shri Satish Chandra Misra
8. Shri K. N. Balagopal
9. Shri Shivanand Tiwari
10. Shri D. Bandyopadhyay
11. Shri Tiruchi Siva
12. Shri D.P. Tripathi
13. Prof. Ram Gopal Yadav
14. Dr. V. Maitreya
15. Dr. Ashok S. Ganguly

**The motion was adopted.**

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** The House stands adjourned to meet tomorrow at 11 a.m.

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**The House then adjourned at thirty-nine minutes past six of the clock till eleven of the clock on Tuesday, the 22<sup>nd</sup> May, 2012.**