













**The House met at eleven of the clock,**

**MR. CHAIRMAN, in the Chair.**

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**Q. No. 581**

**श्रीमती माया सिंह:** सर, मैंने मंत्री जी से जो सवाल किया था, उसमें मेरे पहले सवाल का जवाब आपने दिया है कि बी.आर.जी.एफ. के अंतर्गत अतिरिक्त जिलों को सम्मिलित किये जाने का प्रस्ताव विचाराधीन है। सर, यह तो सवाल का जवाब नहीं है और विचाराधीन से क्या मतलब है? मतलब, इसमें क्यों समय लग रहा है, कितना समय लगेगा तथा कब तक निर्णय हो पाएगा, अगर इसकी कोई निश्चित समय-सीमा ये बताते तो कोई बात भी थी। इसमें अतिरिक्त जिलों को शामिल किए जाने के प्रस्ताव को ये जो बता रहे हैं कि वे विचाराधीन हैं, तो मैं मंत्री जी से यह जानना चाहती हूँ कि इनमें से किन-किन प्रदेशों के किन-किन जिलों के प्रस्ताव विचाराधीन हैं और उनमें मध्य प्रदेश के कितने जिले शामिल हैं, जिनके प्रस्ताव उन्होंने भेजे हैं और अभी यहाँ ऐसे ही पड़े हुए हैं?

**SHRI V. KISHORE CHANDRA DEO:** Mr. Chairman, Sir, I would first like to inform this hon. House that it is the Planning Commission which decides which districts are to be chosen or identified for being given this Backward Region Grant Fund. Sir, at present, there are about 32 proposals. Out of this, 19 proposals pertain to new districts which

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have been carved out in different States. As far as other proposals are concerned, some have come from State Governments, some have come from hon. M.Ps., and some have come from the local bodies. These proposals are being considered by the Planning Commission. It is not my Ministry which decides about it. This is done on the basis of certain data. If the hon. Member wants to know the criteria, which the Planning Commissions applies for choosing these districts, I can mention those criteria. The basic parameters are: the economic status, the health status, the educational status, and the infrastructural inadequacy. The district is generally taken as a unit, as suggested by the Inter-Ministerial Task Group. Based on these facts, the Planning Commission decides. Still, no proposals have been finalized. Therefore, I am not in a position to say which are those districts which will be further recognised as backward regions for the purpose of BRGF grants being released. As soon as the Planning Commission decides, and I get the list in my Ministry, I will be able to divulge those details.

**Question No.581 (Contd)**

**श्रीमती माया सिंह:** सर, मेरा मंत्री जी से सवाल यह है कि अगर प्लानिंग कमिशन आपके पूरे कार्यकाल तक यह सब काम करके नहीं देता है, तो क्या हम ऐसे ही बैठे रहेंगे या क्या आपकी तरफ से इसके लिए कोई प्रेशर डाला जाता है, उनसे बात की जाती है?

सर, माननीय मंत्री जी से मेरा दूसरा सप्लिमेंट्री यह है कि उन्होंने 250 जिलों के सम्बन्ध में कहा है कि राज्यवार जारी निधियों का विवरण इसमें संलग्न है, जो अभी मंत्री जी बता रहे थे। मैं यह जानना चाहती हूँ कि क्या कोई ऐसे राज्य हैं, जिन्होंने 2009-10 के यूटिलाइजेशन सर्टिफिकेट नहीं दिये हैं, जारी नहीं किये हैं, फिर भी आपने बिना उपयोग के ब्योरे के 2010-11 के लिए उनको पैसे जारी कर दिए हैं? मंत्री जी मुझे यह भी बताएँ कि इसमें बी.आर.जी.एफ. के कामों के सम्बन्ध में जो शिकायतें आती हैं, उनकी जाँच के लिए क्या आपका कोई मॉनिटरिंग सिस्टम है या आपने इस प्रोग्राम का analysis किया है, इसका अध्ययन किया है कि इसका इम्पैक्ट क्या हो रहा है और इसकी जो गुणवत्ता है, उसको सुनिश्चित करने के लिए आप क्या कदम उठा रहे हैं?

(Followed by 1b/KLS)

KLS/VNK/1B-11.05

**SHRI V. KISHORE CHANDRA DEO:** Sir, first of all, I would like to inform the hon. Members, through you, Sir, that as far as identifying

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these districts is concerned, it is the job of the Planning Commission. Whenever we get any request from any hon. MP or from a State Government or from any person who wants to include a particular district in the list, we immediately forward it to the Planning Commission. It is not true to say that the Planning Commission keeps it pending for ever, for long periods of time. There is a process involved and there are certain criteria which have to be fulfilled. This information has to come from the State Governments and all this takes time. As soon as these statistics and figures are available, the Planning Commission has been systemically dealing with the subject in an appropriate manner. Sir, as far as utilization certificate is concerned, we first give 90 per cent of the funds in the first instalment and unless utilization certificate is issued by the concerned State Government that, at least, 60 per cent of funds are utilized, no further funds are released. There is no case where funds have been released without receipt of utilization certificate. I am not aware of any such case so far. As per the annexure, the list which is attached with the annexure, ...(Interruptions)... You can point out any one case where

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money has been released without the utilization certificate having been sent to the Centre and I will inquire into the matter. But so far no such case has been brought to my notice. As far as complaints are concerned, yes, we have received a lot of complaints. All these complaints are forwarded or sent by us to the State Governments and from there they go to the districts and replies also come to us. If there are any further points to be made or any further aspects to be raised regarding those complaints, we again refer them to the State Governments. As far as we are concerned, the job of my Ministry in the Central Government is just to ensure that the utilization certificates come in time and the progress report reaches us.

**श्रीमती माया सिंह:** सर, इसमें लिखा है...(व्यवधान)...

**श्री सभापति:** नहीं, नहीं, आपके सवाल हो गए।

**श्रीमती माया सिंह:** सर, इसमें स्टेट्स का जो ब्यौरा दिया गया है, उसमें सूचित उपयोग जीरो-जीरो लिखा हुआ है, इसलिए मैं माननीय मंत्री जी से जानना चाहती हूँ। ...(व्यवधान)...

**श्री सभापति:** माया जी, अगर उसमें inaccuracies हैं, तो आप in writing point out कीजिए।

**Question No.581 (Contd)**

**SHRI D. BANDYOPADHYAY:** Sir, this is one of the highly targeted programmes of the Government of India to bring about a balanced development in the country. It is a very highly welcome programme. Every State sends a number of proposals and the hon. Minister has already informed about them. Sir, West Bengal has sent proposals for three districts, Darjeeling, Malda and Murshidabad, which are very backward districts, for which matters are pending. The Minister has already said that the matter is decided by the Planning Commission and they only execute it. But as an operational Ministry, he has something to do about it. May I, through you, Sir, request him whether he will process these three cases of West Bengal that have come to the Planning Commission, not to him, and see that they are included in the list of BRGF districts?

**SHRI V. KISHORE CHANDRA DEO:** Sir, whatever has come to us, it has already been sent to the Planning Commission. If there is any further information that the hon. Member has which the State Government would like to furnish, we will certainly send it to the Planning Commission with a request from us. Sir, I would also like to

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answer the earlier question which the hon. Member from the other side raised regarding the '0000'. This is about Arunachal Pradesh. This is for the year 2011-12. Now, the funds which are released in March, Sir, there is six months' time for them to send the utilization certificate...(Interruptions)...

**श्रीमती माया सिंह:** इसमें जम्मू-कश्मीर का देखिए।

**SHRI V. KISHORE CHANDRA DEO:** These are for the year 2011-12. This is for the last year. So, for 2011-12, the funds which were released in March, within six months, up to September, they are to give the utilisation certificate.

**SHRI RAMA CHANDRA KHUNTIA:** Sir, I would like to know whether Odisha Government has given any proposal to include all 30 districts of Odisha as backward districts as per the criteria Backward Regions Grant Fund. If so, what action has been taken on the issue by the Government of India?

**SHRI V. KISHORE CHANDRA DEO:** Sir, I am not sure whether the Government of Odisha has sent any such request directly to the Planning Commission. But whatever requests have come to us, they

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have already been forwarded to the Planning Commission. I have got the list of 32 proposals which are under consideration. I shall furnish the details to the hon. Member.

(Followed by 1C/DS)

KGG-DS/11.10/1c

**श्री मंगल किसन:** सर, मैं आपके ज़रिए माननीय मंत्री जी से यह जानना चाहता हूँ कि बीआरजीएफ प्रोग्राम आने के बाद 18,280 करोड़ रुपये खर्च किये गये हैं, तो इतनी राशि खर्च करने के बाद 250 required districts में क्या परिवर्तन हुए हैं? क्या बैकवर्ड एरिया को फॉरवर्ड एरिया के बराबर लाने के लिए बीआरजीएफ प्रोग्राम पर्याप्त है या इसके लिए सरकार के पास अन्य कोई योजना है? मंत्री जी यह बताने की कृपा करें।

**SHRI V. KISHORE CHANDRA DEO:** Sir, as far as implementation is concerned, it is done by the State Governments. We transfer the money to the Consolidated Funds of the States. It is for the State Governments to send it to the districts and from those to the local bodies. As far as we are concerned, we insist only upon the progress report and the utilisation certificate. As far as the success of the

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programme is concerned, we judge it on the basis of the amount that has been utilized.

As far as the other programmes about which the hon. Member has asked are concerned, there are new programmes with an integrated action plan, which is being monitored by the Planning Commission directly. For this, there were 50 districts earlier and now it has been increased to 78. This is to bridge the gap of the lack of development; the development has not taken place in these areas. There is a State component apart from the component which the Ministry sends from here. I think, in most of the areas where these schemes have been taken up, the progress is visible though may not be in the same manner in all the States.

(Ends)













**Q.No. 582**

**SHRIMATI VASANTHI STANLEY:** Thank you, Mr. Chairman, Sir. I would like to congratulate Mr. Mukul Wasnik for taking the initiative of coordinating with the MHA and holding this conference towards effective implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, in April. He has also quoted this in his answer. But, Sir, this has exposed the lack of strategy to combat caste violence. At least, 32,712 cases are reported against the Scheduled Castes and 5,885 crimes were committed against the tribals in 2010. Nearly 10 States account for 93 per cent of the crimes against the Scheduled Castes and some of the States account for 93 per cent of the anti-tribal atrocities. But, this shows the lack of interest by the States in initiating protection. Instead of putting in their full effort in booking the persons responsible for violating the laws, actually the welfare measures are being offered. In the Paramakudi case, in Tamil Nadu, when an open firing was done on the Scheduled Castes by the Police, the Police officers were transferred. A woman rightly asked, "I am ready to give back Rs.2 lakh towards welfare given by the Government. Will the Government give back the life of my

**Q. No. 582 (Contd.)**

husband?" So, the welfare versus the rights-based approach should not be there. I would like to know from the hon. Minister, through you, Sir, about the real approach of the Ministry to convince the States to have a real rights-based approach instead of welfare-based approach.

**SHRI MUKUL WASNIK:** Sir, this is a very important issue and we are all very concerned about this. But, as far as the implementation of these Acts regarding prevention of atrocities or protection of civil rights are concerned, Police and public order being a State-subject, it is primarily the State Governments' responsibility to implement these Acts. But, we are also concerned and the Government of India attaches high importance to protect the lives of the Scheduled Castes and the Scheduled Tribes. When we say this, we clearly imply that it is the right of every citizen to live with dignity and this right is available to the Scheduled Castes and the Scheduled Tribes. This is not just an issue of welfare, but an issue of right of every citizen which includes the Scheduled Castes and the Scheduled Tribes. Keeping this in

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mind, we try to follow up with the State Governments to ensure effective implementation of these Acts.

(Contd. by pk/1d)

-KGG/PK/11.15/1D

**SHRI MUKUL WASNIK (CONTD.):** I would like to mention here, specifically, that, from the year 1997 till 2011, the Ministry of Home Affairs issued 12 advisories to the State Governments, advising them as to how they should be implementing these Acts. The Prime Minister himself chaired an Inter-State Council meeting only to discuss the offences about untouchability as well as to protect the lives of the Scheduled Castes and the Scheduled Tribes. We are also having review meetings in almost all the States with high incidence of atrocities. I would like to assure the hon. Member that with this seriousness, we will continue to follow up with the State Governments.

**SHRIMATI VASANTHI STANLEY:** Sir, my second supplementary is this. It is, again, the follow up of the first question. So far, no special police stations have been set up except in Bihar, Chattisgarh and

**Q. No. 582 (Contd.)**

Madhya Pradesh. No special courts have been formed by most of the States. No periodical reviews of performance of Special Public Prosecutors and of prosecution of cases is being held. In some of the States like Bihar, Sir, Government has come up to pay DA to witnesses to present themselves in the court. But I appreciate the many steps being taken by the Department like special care given for health, hostel facilities and organising balwadis etc., etc. But I would like to know whether the Ministry will pay special attention to this that, right from booking of the FIR till booking of persons who are violating the Act, free assistance is given to the victims. Will the Ministry concentrate on this, particularly? There are already legal-awareness programmes, and all that, but that is not enough. Full free legal assistance should be given right from booking of the FIR till the conducting of the case and booking of persons who are violating the Act. Will the Ministry come forward to do this through the State Governments?

**SHRI MUKUL WASNIK:** Sir, there is a mechanism available at the District and the State levels of Vigilance and Monitoring Committees.

**Q. No. 582 (Contd.)**

These Committees are, basically, to review the cases, the progress made in each and every case. As far as relief is concerned, I would like to tell the hon. Member that relief and rehabilitation provided under the rules of this Act was provided in the year 1995. Recently, we have amended the rules and we have increased the relief and rehabilitation by almost 150 per cent. As far as legal aid is concerned, I would like to assure the hon. Member that sufficient care will be taken so that any victim of atrocity is not denied legal assistance.

**MR. CHAIRMAN:** Thank you. Mr. Venkaiah Naidu.

**SHRIMATI VASANTHI STANLEY:** Sir, the Minister has stated that, probably, from three to eight per cent ... (Interruptions)..

**MR. CHAIRMAN:** No supplementaries on supplementaries! ..(Interruptions).. Please sit down.

**SHRI M. VENKAIAH NAIDU:** Mr. Chairman, Sir, in view of the large number of pendency of cases, even according to the Minister's reply, by the end of 2010, there were 1,00,098 cases which were pending in various States. So, keeping this in mind, will the Central

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Government call a meeting of the Chief Ministers of the State, discuss with them about the ways and means of disposing of these cases at the earliest and, then, convincing the States which have not set up special courts, to set up special courts at the earliest?

**SHRI MUKUL WASNIK:** Sir, there is no proposal at the moment to call a meeting of the Chief Ministers on this issue. As I have mentioned earlier, in the year 2006, the Prime Minister chaired an Inter-State Council meeting and just about a month back, the Home Minister had convened a meeting of State Home Ministers, State Social Justice Ministers, the DGPs and all the other officers concerned, primarily, to discuss this issue. Therefore, we will follow up on the discussions which we had in the Conference, which the Home Minister had called. As far as setting up of Special Courts is concerned, today, there are almost about 170 Exclusive Special Courts which have been set up and there are States with Exclusive Special Courts where conviction rate has improved.

(Contd. by 1E/PB)

**Q. No. 582 (Contd.)**

**SHRI MUKUL WASNIK (CONTD.):** But we are asking the State Governments that they should set up Exclusive Special Courts, especially, in those districts where the conviction rate is low, where pendency is high and where registration of cases is on the higher side. We are following up with the State Governments and hope that the State Governments will respond.

As far as the special public prosecutors are concerned, in the rules it is provided that if any special public prosecutor is found wanting in his duties, then he can be denotified. We are requesting the State Governments that they should make use of this provision in the rules so that any public prosecutor who has failed to represent the case properly and effectively should be denotified.

**SHRI D. RAJA:** Sir, agreeing with my colleague, Mr. Venkaiah Naidu, I would like to put this question. As per the rules to the Act, District Collectors are expected to monitor the registration, prosecution and conviction of cases every month, and the Chief Ministers of the States are expected to review the situation every six months. These are not

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taking place regularly and systematically. As the Minister has admitted, there are no dedicated Special Courts to tackle these cases on time. In such a situation, there is a demand to amend the existing Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in order to strengthen several clauses so that justice is delivered on time. I would like to ask the Minister whether such amendments are pending with the Government or whether it is under its consideration and whether the Government will come forward with suitable amendments to the existing Act.

**SHRI MUKUL WASNIK:** Yes, Sir. We are in the process of amending the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. We have already sent the concept note to all the State Governments, including the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes. Most of the States have sent their comments, but about half-a-dozen States still remain to send their comments. As soon as we receive the comments, we will be taking further action on this. But I definitely

**Q. No. 582 (Contd.)**

agree that there is a need to amend the Atrocities Act and we are in the process of doing that.

**SHRI PRAVEEN RASHTRAPAL:** Sir, appreciating that the subject pertains to the State Government, the Central Government has got constitutional responsibility as far as this particular issue is concerned. According to Provision 21(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the Ministry is supposed to produce Annual Report and inform the Parliament about the status of implementation the SC/ST Act, 1989 and Rule, 1995. According to my information, this is not done during the last three years. I would like to know whether the Report for the year 2009-10, 2010-11 and 2011-12 is prepared by the Ministry and produced before the Government or the Parliament, or not.

And, second thing, Sir, is ...

**MR. CHAIRMAN:** One question, please.

**SHRI PRAVEEN RASHTRAPAL:** One second, please. It is a very important subject.

**MR. CHAIRMAN:** No, no. One question.

**Q. No. 582 (Contd.)**

**SHRI PRAVEEN RASHTRAPAL:** It is part (b) of the main question.

**MR. CHAIRMAN:** There is no part (b).

**SHRI PRAVEEN RASHTRAPAL:** Sir, in answer, these are (a), (b), (c), (d).

**MR. CHAIRMAN:** No; you are asking a supplementary question. Please ask one supplementary question. ...(Interruptions)...

**SHRI PRAVEEN RASHTRAPAL:** Sir, you would appreciate that this is part and parcel of a social discrimination. Right now, the National Human Rights Commission is on tour in the State of Gujarat.

**MR. CHAIRMAN:** No; no; that's not the question. You have asked one question. Let the Minister reply. ...(Interruptions)... राष्ट्रपाल जी, प्लीज बैठ जाइए। Let one question be replied. ...(Interruptions)...

**SHRI PRAVEEN RASHTRAPAL:** Sir, you are not allowing me to ask question about my own State. ...(Interruptions)...

**MR. CHAIRMAN:** You could have changed the order of your sentence. ...(Interruptions)...

**SHRI PRAVEEN RASHTRAPAL:** Sir, let me complete.

**MR. CHAIRMAN:** No, no.

**Q. No. 582 (Contd.)**

**SHRI PRAVEEN RASHTRAPAL:** Sir, I am withdrawing that State question because you are ...

**MR. CHAIRMAN:** No; you can't withdraw. You have asked a supplementary question. Let it be answered. That's all. ... (Interruptions) ...

**SHRI PRAVEEN RASHTRAPAL:** Sir, let me complete my question.

**MR. CHAIRMAN:** No, no; you have asked the question.

**SHRI PRAVEEN RASHTRAPAL:** Sir, the rate of acquittal ...

**श्री सभापति:** टाइम मत लीजिए। We have other questions also. ... (Interruptions) ...

**SHRI PRAVEEN RASHTRAPAL:** Please let me put this question.

**MR. CHAIRMAN:** Hon. Minister, please reply to the first question related to the reports.

(Followed by 1f/SKC)

1f/11.25/skc-mcm

**SHRI MUKUL WASNIK:** Yes, Sir. The rules provide that we should place the Annual Report, on the Table of both Houses of Parliament, on the implementation of the Prevention of Atrocities Act as well as the

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Protection of Civil Rights Act. We have tabled the Report during this Session itself. I would like to admit one aspect here. It so happens that the State Governments take a terribly long time in providing information on the status of implementation of these Acts and, therefore, sometimes we are not able to table the Reports on time. But, in this Session itself we have tabled some of the Reports.

(Ends)

**MR. CHAIRMAN:** Question No. 583.

**श्री अवतार सिंह करीमपुरी :** मान्यवर, हमने सप्लीमेंट्री मांगा था।

**श्री सभापति :** नहीं-नहीं, ठीक है। मैंने तीन सप्लीमेंट्री दिए हैं। इस पर कोई डिस्कशन नहीं होगा।

**श्री अवतार सिंह करीमपुरी :** हमें मौका नहीं मिला है, यह प्रश्न बड़ा इम्पोर्टन्ट है।.....(व्यवधान)

**MR. CHAIRMAN:** No, no. That is not right. (Interruptions)

**श्री अवतार सिंह करीमपुरी :** सर, .....(व्यवधान)

**MR. CHAIRMAN:** Please, hon. Members...(Interruptions)

**श्री अवतार सिंह करीमपुरी :** सर,.....(व्यवधान)

**Q. No. 582 (Contd.)**

**श्री सभापति :** आपने सवाल नहीं पूछा था।.....(व्यवधान) नहीं, आपने सवाल नहीं पूछा था। It is not listed here. (Interruptions)

**श्री अवतार सिंह करीमपुरी :** हमने सप्लीमेंट्री पूछा था।

**श्री सभापति :** आपका सप्लीमेंट्री कोई राइट नहीं है। Supplementary questions have to be rotated around the House. (Interruptions) देखिए, करीमपुरी जी, प्लीज, आप समय ले रहे हैं, दूसरों के सवाल आने वाले हैं।.....(व्यवधान) आप बैठ जाइए।.....(व्यवधान) आप बैठ जाइए।

**श्री अवतार सिंह करीमपुरी : \***

**श्री सभापति :** आप बैठ जाइए। This is not going on record. (Interruptions)

**श्री अवतार सिंह करीमपुरी : \***

**MR. CHAIRMAN:** Please sit down. (Interruptions) This is not going on record. Please sit down. (Interruptions) Please sit down.

**श्री अवतार सिंह करीमपुरी : \***

**MR. CHAIRMAN:** This is not going on record. Please sit down. (Interruptions) Mr. Karimpuri, please sit down. It cannot be

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\* Not recorded.

**Q. No. 582 (Contd.)**

answered like this..... (Interruptions) आप बैठ जाइए। देखिए, अभी दूसरे सवाल लेने हैं।

**श्री अवतार सिंह करीमपुरी :** \*

**MR. CHAIRMAN:** Is it the wish of the House that the Question Hour be disrupted? (Interruptions) Question 583. (Interruptions)

**श्री ब्रजेश पाठक :** सर, .....(व्यवधान)

**श्री सभापति :** पाठक जी, आप बैठ जाइए।.....(व्यवधान) प्लीज, बैठ जाइए।.....(Interruptions) Question 583. तिवारी जी, (Interruptions) आप बैठ जाइए, बैठ जाइए।.... (Interruptions)

**SHRIMATI RENUKA CHOWDHURY:** Sir, I object to this kind of behaviour. It is very offensive. (Interruptions)

**MR. CHAIRMAN:** Please, Mr. Karimpuri...(Interruptions) Please sit down. .... (Interruptions) आप अपनी जगह पर वापिस जाइए।.....(व्यवधान) आप बैठ जाइए।.....(व्यवधान) आप अपनी जगह पर जाइए, तिवारी जी को सवाल पूछने दीजिए।.....(व्यवधान) नहीं-नहीं, आप यहां नहीं आएंगे। देखिए, आप अपनी जगह पर वापिस जाइए।.....(व्यवधान) सवाल आपका नहीं है, आप सवाल पूछिए।.....(व्यवधान) यह नहीं पूछा है,

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\* Not recorded.

**Q. No. 582 (Contd.)**

इस लिस्ट में आपका नाम नहीं है।.....(व्यवधान) आपका हक नहीं है। आप अपनी जगह पर वापिस जाइए।.....(व्यवधान) देखिए, आप यहां नहीं रह सकते हैं। यह रिकार्ड पर नहीं जा रहा है। The television has been switched off. So, what are you trying to do? (Interruptions) What am I supposed to do? (Interruptions)

(Ends)

(followed on 1g/hk)









**प्रश्न संख्या 583**

**श्री शिवानन्द तिवारी :** सभापति जी, पंचायतों को काफी अधिकार दिए गए हैं और लगभग 29 विभाग पंचायतों के अधीन हैं। इन पंचायतों को एक तरह से सरकार की भूमिका में लाया गया है, लेकिन उसके लिए जो वाजिब इन्फ्रास्ट्रक्चर चाहिए, वह पंचायतों के पास नहीं है। मैंने देखा है कि पंचायतों के पास अपने भवन तक नहीं हैं। ऐसी हालत में पंचायतों का काम करना मुश्किल है और उनसे जो अपेक्षा की जाती है, वह पूरी नहीं हो सकती। हमारे यहां बिहार में 8,463 पंचायतें हैं और वहां भी ऐसी ही स्थिति है। अभी जो 12वें फाइनेंस कमीशन का पैसा मिला है, उसमें हमारी सरकार ने टारगेट रखा है कि हम इन पंचायतों के लिए अलग से एक सचिवालय बनाएंगे, ताकि पंचायतों को ये जो अलग-अलग विभागों की जवाबदेही दी गई है, उन सबका एक जगह पर बैठने का इंतजाम हो सके। मैं माननीय मंत्री जी से यह जानना चाहता हूं कि क्या इस तरह की कोई योजना मंत्री जी पूरे देश में बनाएंगे, ताकि पंचायतों को इन विभागों की जो जवाबदेही दी गई है, उन सबको एक जगह लाया जाए और सब लोग एक साथ बैठकर अपने कार्यों का निष्पादन करें?

**SHRI V. KISHORE CHANDRA DEO:** Mr. Chairman, Sir, I agree with hon. Member that infrastructure is the basic requirement for every Panchayat. Sir, we have 2,40,000 Panchayats in the country. I think,

**Q.No. 583 (Contd.)**

out of that, about 60,000 Panchayats do not have even buildings. In the BRGF Grant, there is a component for capacity building as far as the BRGF districts are concerned. As far as the Capacity-Building Grant is concerned, it can be utilized for building *panchayat ghars* in the BRGF districts. There are also a lot of schemes of the Ministry of Rural Development, which are being implemented through Panchayats. Therefore, the Minister of Rural Development also agreed that certain percentage from his Ministry's grant could be utilized for the purpose of strengthening the Panchayat infrastructure; that will enable implementation of their schemes. Already two per cent of NREGA Funds has been given by the Ministry of Rural Development for creating infrastructure in the Left Wing Extremism affected districts and in the IAP districts. In certain LWE districts in the Scheduled Areas, 75 per cent is given by the Central Government and 25 per cent has been borne by the State Governments and in the IAP districts 90 per cent is proposed to be given by the Central Government and 10 per cent will have to be contributed by the State Governments. Sir, this is a very important factor. The hon. Member

**Q.No. 583 (Contd.)**

had asked about one per cent grant from the MoRD. Yes, Sir, the Minister of Rural Development has suggested to the Planning Commission that one per cent of the grant from his Ministry be allotted for building up the infrastructure in Panchayats. This is still under the consideration of the Planning Commission. While the Planning Commission has agreed in principle, the detailed proposal has to be approved by the Planning Commission. This will have to be followed by approval of the EFC. The next step is the approval of the Cabinet Committee for Economic Affairs. Since these are grants which have been approved by Parliament, at the RE stage the Ministry of Rural Development will have to surrender one per cent of the Budget to the Ministry of Panchayati Raj, which will be augmented to this extent with the approval of Parliament. So, this cannot be done without the approval of Parliament. It is a suggestion. In principle, it has been agreed by the Minister of Rural Development. It has been agreed by the Planning Commission.

(Contd. by 1h/KSK)

**Q.No. 583 (Contd.)**

**SHRI V. KISHORE CHANDRA DEO (CONTD.):** It is being worked out and the moment this process is through, this fund can also be utilised for building up the infrastructure for Panchayati Raj institutions throughout the country.

**श्री शिवानन्द तिवारी :** सभापति महोदय, मेरा जो पहला सवाल था, उसका स्पष्ट जवाब हमें नहीं मिला है। हम यह जानना चाहते थे कि जिस तरह से दिल्ली या पटना में राज्य सरकार सचिवालय है, उसी तरह पंचायत सरकार के लिए कोई सचिवालय बनाने की आपकी कोई योजना है? इसके बारे में मंत्री जी ने कोई स्पष्ट जवाब नहीं दिया है।

महोदय, मेरा दूसरा सवाल यह है कि जितना काम आपने पंचायतों को दिया है, उस काम के लायक जो योग्यता चाहिए, जैसे मुखिया हैं, सरपंच हैं और बाकी लोग हैं, वे कोई technical आदमी नहीं हैं, तो जितनी भी जवाबदेही उनको दी गई है, उस जवाबदेही के आधार पर क्या उनको आप skilled लोगों की assistance देने की कोई योजना रखते हैं, ताकि पंचायतों को अपनी जवाबदेही के implementation में वे सहयोग कर सकें?

**Q.No. 583 (Contd.)**

**SHRI V. KISHORE CHANDRA DEO:** Sir, I would like to inform this august House that Panchayat Raj is a Concurrent List subject. Every State has its own Panchayat Raj Act. It differs from State to State.

**श्री शिवानन्द तिवारी :** सभी विभागों में राज्य सरकार की ही जवाबदेही हो रही है।

**श्री सभापति :** आप उनकी बात सुन लीजिए।

**SHRI V. KISHORE CHANDRA DEO:** Sir, there are 29 subjects which have been listed in the Constitution after the 73<sup>rd</sup> Amendment which are to be devolved to the local bodies. Many of the States have not devolved all these. We have been trying to persuade them, writing to them. Some States have done good job of devolving these powers — Kerala, West Bengal, Karnataka and Maharashtra. But it is different in every State. So, when it is a State subject, beyond a point, it is not possible for me to interfere or intervene. Depending on every Act on Panchayat Raj that every State has, they have to devolve the powers. In fact, it lies upon the State Governments also to provide infrastructure. But, we are willing to give our assistance to the extent possible, and with the availability of funds and whatever is allotted to

**Q.No. 583 (Contd.)**

us by the Planning Commission in the Twelfth Plan period, we have requested that some funds may be allocated for this purpose. If that is done, we will certainly help from here. But, unless the State Governments take the initiative, it will not be possible for us to do it alone in the present Constitutional scheme of things.

**श्री ईश्वर सिंह :** सर, मैं आपके माध्यम से माननीय मंत्री जी से कहना चाहता हूँ कि प्रश्न यह है कि पंचायती व्यवस्था को और अधिक प्रभावी और सुदृढ़ बनाने की आवश्यकता है। सर, पंचायती व्यवस्था सुदृढ़ और प्रभावी तब बने, जब गांव-देहात के अंदर जो महिला सरपंच चुनी जाती हैं, वे मुख्य धारा में आएँ, खासकर दलित वर्ग से। वैसे तो असल बात यह है कि पंचायत के अंदर जो महिलाएं चुनी जाती हैं, उनके पति ही मोहर रखते हैं और वे खुद ही सरपंच बने रहते हैं। स्टैम्प उनके पास होती है और उन महिलाओं को पता ही नहीं होता कि पांच साल में उनकी ड्यूटी क्या है? पांच साल तो वैसे ही गुजर जाते हैं और जो प्रभावशाली और बड़ी जाति के लोग होते हैं, वे ही सरपंची करते हैं, तो क्या मंत्री जी के संज्ञान में यह बात है? उन महिला सरपंचों को लोकतंत्र की मुख्य धारा में लाने की व्यवस्था वे कैसे करेंगे, यह मैं माननीय मंत्री जी से पूछना चाहता हूँ?

**SHRI V. KISHORE CHANDRA DEO:** Mr. Chairman, Sir, I will not fully agree with the hon. Member when he says that women in all

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Panchayats are remote-controlled by the men folk or the husbands. That may be the case in some places in some States, but we have very good examples, especially in our State where a large number of women have come into local bodies as Chairpersons of Zila Parishads, or, Panchayats. They have been doing very well. They have been asserting. In fact, the hon. Member will be glad to hear that in many cases, I have heard complaints in my State, in my district, where men come and say that women are not listening to them any more. I think this is a happy development that is taking place. I hope that this will happen in other States also.

For this, Sir, capacity building and training has to be given to these elected representatives. This is why, we give funds for capacity building. There are institutes for this purpose. There is the National Institute of Rural Development in Hyderabad. There are State institutes of rural development which also have training classes, programmes for these elected representatives. Recently, Mr. Chairman, Sir, you will be glad to know that in Jammu and Kashmir, elections were held after more than a decade. And, with the help of

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the Central Government, we have been able to give training to 40,000 elected representatives from that State. So, this is an ongoing process and all the woman representatives, who get elected, will also have this training and they will be made aware of their rights and duties.

(followed by 1j — gsp)

GSP-SC-11.40-1J

**DR. (SHRIMATI) NAJMA A. HEPTULLA:** Sir, my question has been asked by the hon. Member in a negative way.

**MR. CHAIRMAN:** Then, you could forego it.

**DR. (SHRIMATI) NAJMA A. HEPTULLA:** No, Sir, he asked it in a negative way. I want to put it in a positive way. Sir, we started with the 33 per cent reservation. The Parliament passed the legislation. Subsequently, some States have given 50 per cent reservation to women. I want to ask the hon. Minister as to what kind of support the Central Government is giving to the State Governments for capacity building of these women so that such complaints, as made by the

**Q.No. 583 (Contd.)**

hon. Member, do not arise. “प्रधान पति” की जो बात उन्होंने कही है, I do not agree with that.

What is the Central Government doing and what extra grant is being given to the State Governments for the capacity building of those rural women who are getting elected to the Panchayats? They are in very large numbers. Do you have any survey showing how much capacity is built with regard to these women?

**SHRI V. KISHORE CHANDRA DEO:** Out of the total elected representatives that we have in our country, I think, one-third of them are women. In fact, as the hon. Member has rightly mentioned, there are many State Governments which have given more than 50 per cent reservation to the women. I am proud to say that my State is also one of them. There are many other States which have done so. In fact, there is a proposal to give 50 per cent reservation in all the States. I think, that proposal has been cleared by the Cabinet, and, probably, as and when the time comes, either in this Session or the next Session, I hope this will be cleared by the Parliament also.

**Q.No. 583 (Contd.)**

As far as the capacity building is concerned, I do not have the exact numbers and figures of how many of them have been trained but this is a process, which is taken up by the State Governments and we are also assisting them as and when a request comes. I have also written to several Chief Ministers and the Ministers of Panchayati Raj offering them our help and assistance for capacity building for elected representatives of Panchayats.

**SHRI DEVENDER GOUD T.:** Sir, fortunately, the Prime Minister is also sitting here. Most of the States are not conducting elections regularly. In our own State, Andhra Pradesh, there have been no elections at all in the last three years. There is no Sarpanch, no Mandal President, no Chairman of Zila Parishad. They are not conducting elections on some pretext or the other.

Secondly, Sir, it took more than forty years for this country to give Constitutional guarantee to the Panchayati Raj Institutions. Even after twenty years, no State has devolved the powers to Panchayati Raj Institutions. I request the hon. Prime Minister to please call a Chief Ministers' Conference, especially for this particular subject, and,

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pressurize them in this regard; otherwise, decentralization will not take place.

Sir, I want to know from the hon. Minister as to what action the Government of India is taking against the States which are not conducting elections regularly. My second question, Sir,... (Interruptions)....

**MR. CHAIRMAN:** One question please. (Interruptions)

**SHRI DEVENDER GOUD T.:** How many States have devolved the powers to the Panchayati Raj Institutions?

**MR. CHAIRMAN:** Does it relate to the Question?

**SHRI DEVENDER GOUD T.:** Yes, Sir, it is related. (Interruptions) If it is not so, then, what action have you taken in that regard?

**SHRI V. KISHORE CHANDRA DEO:** Sir, as far as elections to the Panchayati Raj Institutions are concerned, grants from the Ministry of Panchayati Raj will be withheld in these cases. We have not been sending the grants due from my Ministry to the States, which have not held elections. As far as Andhra Pradesh is concerned, we have intimated to the Government of Andhra Pradesh from here that until

**Q.No. 583 (Contd.)**

elections are held, funds will not be released by the Central Government, and, this is as per general guidelines, which are valid for all the States. These funds do not lapse but these funds will not be released until and unless the elections are held. As far as elections in Andhra Pradesh are concerned, I am told by the State Government that elections have not been held because of a stay that was given by the High Court. We have advised them to actually vacate the stay and hold elections. Sir, as far as devolution of functions are concerned, we have been persuading and requesting the States in this regard, and, as I told you, many States have complied with it, and, they have been very, very responsive and positive.

(Contd. by 1K-SK)

SK/1k/11.45

**SHRI V. KISHORE CHANDRA DEO (contd.):** This is done in different degrees in different States. We are still pursuing the matter. But, beyond that, I think there is nothing that we can do. We will have to only convince the States and persuade them which we have been doing.

**SHRI DEVENDER GOUD T.:** Sir, this is nothing but a violation of the Constitution. ..(Interruptions)..  
..

**SHRI DEVENDER GOUD T.:** This is a violation of the Constitution,  
Sir. ..(Interruptions)..

**SHRI PRASANTA CHATTERJEE:** Sir, no elections have taken place ..(Interruptions)..  
..

**MR. CHAIRMAN:** We can't go into a discussion on this.  
..(Interruptions).. No, no, please. ..(Interruptions)..  
**THE CHAIRMAN:** All right. Let's hear from Mr. ...

**SHRI DEVENDER GOUD T.** : Sir, for the last three years  
..(Interruptions)..

(Ends)









**Q. No. 584**

**MR. CHAIRMAN:** Question no. 584; Shrimati Amibka Soni to answer the question.

**SHRI M. VENKAIAH NAIDU:** Sir, what happened to the concerned Minister?

**MR. CHAIRMAN:** The Minister is away. There is a request from the Minister. ..(Interruptions).. No, no, there is a request from the Minister which has been accepted by the Chair.

**SHRI ISHWARLAL SHANKARLAL JAIN:** Sir, I have to ask the question.

**MR. CHAIRMAN:** No, no, wait. First listen to the answer.

**SHRI ISHWARLAL SHANKARLAL JAIN:** The answer is already given in writing.

**MR. CHAIRMAN:** No, no, please follow the etiquette of the House. Now, you ask your supplementary question.

**SHRI ISHWARLAL SHANKARLAL JAIN:** I would like to seek your protection, Sir.

**MR. CHAIRMAN:** There is no protection involved; procedure is involved.

**Q.No. 584 (Contd.)**

**SHRI ISHWARLAL SHANKARLAL JAIN:** Sir, mine is a starred question. The Department writes that it is an answer to an unstarred question. Is it an unstarred question or is it a starred question?

**MR. CHAIRMAN:** It is a starred question. It is listed among starred questions.

**SHRI ISHWARLAL SHANKARLAL JAIN:** But here, it is written that it is an answer to an unstarred question.

**MR. CHAIRMAN:** It is a typographical error which is regretted. What is your supplementary question?

**SHRI ISHWARLAL SHANKARLAL JAIN:** My supplementary question is this. I am again pointing out to the second mistake. I had asked in question (b) “whether more and more workers have gone to the European countries for work during the last three years”. But answer is not given to that at all. My question was whether more and more workers have gone. The answer could be ‘yes’ or ‘no’. But they have not given that. They have just given the figures that these many persons have gone abroad to the European countries. My question was whether more and more people have gone to the European

countries in search of work. The answer has not been given to that at all. They are taking it lightly.

**MR. CHAIRMAN:** You can make the information available. Second question, please.

**SHRI ISHWARLAL SHANKARLAL JAIN:** Sir, my question is still ..(Interruptions)..  
..

**MR. CHAIRMAN:** Please listen to the answer.

**SHRI ISHWARLAL SHANKARLAL JAIN:** I pointed out the deficiencies that are there. I have to ask the question now. So, what is the reason behind people preferring to go to European countries in

**Q.No. 584 (Contd.)**

search of work? What is the reason? And, what type of work are they getting there? What types of jobs are they engaged into?

**SHRIMATI AMBIKA SONI:** Sir, it is a very difficult question to answer, especially when no records are kept. It is a free movement of citizens travelling to various countries abroad, as they travel to India. The Indian Embassies have a loose arrangement of Indian citizens who check in with the Embassies. They are working in different professions, I understand. We don't have that information available since this information is not maintained. I said right in the beginning that this information is not maintained. There are professionals, workers of Indian companies. It's a free choice of people how they want to work.

**SHRI ISHWARLAL SHANKARLAL JAIN:** Since our country is badly in need of foreign exchange, is the Government contemplating of creating any facility or any department that helps them to seek the job outside so that more and more people can go outside? The jobless figure will go down and our foreign exchange earning will also go up. As we are trying to increase our exports, this is also nothing but the

**Q.No. 584 (Contd.)**

same type of work to earn foreign exchange. Will the Government work on these lines?

(Followed by ysr-1l)

-SK/YSR-ASC/11.50/1L

**SHRIMATI AMBIKA SONI:** Sir, the trend shows that there is an increase in the number of people going to these 29 European countries. As India's economic status and power is growing, Indian companies are setting up offices in different parts of the world. These Indian companies abroad are employing more and more Indian citizens. The Ministry of Overseas Indian Affairs has undertaken some very proactive steps to ensure that those who are vulnerable amongst the emigrants in different countries, especially the emigration controlled passport holders, get the facility of resource centres where they can get help. During the *Pravasi Bharatiya Divas* in India, they told us about insurance for workers going abroad. The Indian Government is working on a path-breaking social security arrangements which we are signing with some of the European countries. Eight countries have already signed it. Now the people

**Q.No. 584 (Contd.)**

from India don't have to pay twice over for their social security contribution there. There are four countries with which these have already been signed but not yet notified.

**SHRI PREM CHAND GUPTA:** Sir, with your permission, I want to expand the scope of the question. This question is about Indian workers going to European countries for work. What is happening is that Indian workers or businessmen going abroad for work, but there is hardly any assistance being given by the Indian Embassy or the High Commission to our people. They are left in cold. They are not given any assistance or any protection. Sir, you might have read it in the newspapers. Recently, there were many instances involving Indian workers stranded in Africa. They were not given any assistance.

**MR. CHAIRMAN:** It was discussed yesterday. We need not go into that.

**SHRI PREM CHAND GUPTA:** Sir, I requested you that I had wanted to expand the scope of the question.

**MR. CHAIRMAN:** No. Please don't expand the scope of the question. You can't do that in a supplementary.

**Q.No. 584 (Contd.)**

**SHRI PREM CHAND GUPTA:** Sir, it is a question of Indians going abroad to work. Sir, I want to know from the hon. Minister about the protection given to our people who are going abroad to work.

**SHRIMATI AMBIKA SONI:** Sir, I may not be quite empowered to answer it. But still I will answer it. The Ministry has informed that they have successfully set up the Indian Workers Resource Centre in Dubai. This was set up in 2010. This is like one-stop service outlet for addressing the needs of emigrants like providing them information and assistance. The Ministry hopes to set up another six in the very near future. One will be in Malaysia.

**श्री मुख्तार अब्बास नक़वी :** सभापति महोदय, माननीय मंत्री ने अपने उत्तर में friendly countries, कई देशों का नाम दिया है, जिन्होंने छात्रों को वर्क परमिट भी दिया है। लेकिन कई ऐसे देश हैं, जिनसे वर्क परमिट के बारे में बात पेंडिंग चल रही है और वहां के छात्रों की बहुत ज्यादा मांग है कि उन्हें पढ़ाई के साथ-साथ वर्क परमिट दिया जाए। इसी के साथ-साथ कुछ देशों ने अधिकृत रूप से वहां पढ़ने वाले छात्रों को वर्क परमिट दिया हुआ है, लेकिन उसके बावजूद भी उनके साथ हिंसक और दुर्यवहार की घटनाएं हो रही हैं, जिनकी सरकार को जानकारी है।

**Q.No. 584 (Contd.)**

सभापति महोदय, मैं आपके माध्यम से यह जानना चाहता हूं कि क्या सरकार यह बताने का कष्ट करेगी कि जिन देशों के साथ वर्क परमिट पेंडिंग है, उसको तत्काल हल करने के लिए सरकार क्या रही है और कुछ देशों में, जैसे कि आस्ट्रेलिया है, वहां जो हिंसक और दुर्यवहार की घटनाएं हो रही हैं, सरकार उस बारे में क्या कर रही है?

**MR. CHAIRMAN:** Naqvi sahib, this is a valid question, but it does not relate to this question. It cannot be introduced in a supplementary.

**श्री मुख्तार अब्बास नक़वी :** सर, मेन क्वेश्चन में देखिए, इसमें विद्यार्थी और वर्क परमिट दोनों हैं। आप लास्ट में देखिए, दोनों हैं और यह क्वेश्चन इसी से रिलेटिड है।

(1M/LT पर जारी)

LP-VKK/11.55 /1m

**श्री मुख्तार अब्बास नक़वी (क्रमागत):** अगर माननीय मंत्री जी ने तैयारी नहीं की है तो माननीय प्रधानमंत्री जी यहीं पर हैं, मैं उनसे कहना चाहता हूं कि यह बहुत ही संवेदनशील और महत्वपूर्ण मुद्दा है।

**SHRIMATI AMBIKA SONI:** Sir, the Ministry does inform that this is as per the immigration policy of every single country. It depends on where the students are working and what the immigration policy of

**Q.No. 584 (Contd.)**

that country is. Work permits are not granted as a matter of rule to anybody who goes there. It depends on the country concerned. Secondly, the problems relating to students abroad are routed through the HRD Ministry.

**DR. YOGENDRA P. TRIVEDI:** Sir, actually, this is a two-way traffic. The workers and students from India go to the European countries and the workers and students from the European countries also come to our country. I do not know what is the trade surplus or trade deficit. But, I want to ask a simple question. In how many of these countries, Indians are discriminated? Some sort of a racial bias is there. Are we doing anything to any one of them? In Britain, there is an allegation that our students are being discriminated.

**SHRIMATI AMBIKA SONI:** Sir, the Ministry has not received any specific complaint of discrimination. Wherever such complaints come, I am confident that the Ministry addresses those complaints in a proactive manner but, surely, one cannot depend on the immigration policy for Indians and students based on this criterion.

**MR. CHAIRMAN:** Question No.585. (Interruptions)

**Q.No. 584 (Contd.)**

**SHRI M. VENKAIAH NAIDU:** Sir, I want your protection. The House would like to know what happened to the Minister. Why is the other Minister being allowed to answer? (Interruptions)

**MR. CHAIRMAN:** I will tell you. (Interruptions)

**SHRI M. VENKAIAH NAIDU:** Sir, we are here to better the functioning of Parliament. (Interruptions)

**MR. CHAIRMAN:** Let me answer the point raised by the hon. Member. There is an established practice in this House that if a Minister has to be away on some official business then, the Minister writes to the Chair that another Member of the Council of Ministers will stand in for him or her and answer the questions. There is a written request which has been received from the Minister. It has been accepted. I said this right in the beginning. (Interruptions)

**SHRI M. VENKAIAH NAIDU:** Sir, Parliament is in session. If there is an international conference, we do admit and understand. But, going for a political purpose to Andhra Pradesh when the House is in session...(Interruptions)...

**Q.No. 584 (Contd.)**

**MR. CHAIRMAN:** I do not know where he has gone. But, if the Parliament wishes to make such a rule, the Chair has no objection.  
(Interruptions)

**SHRI M. VENKAIAH NAIDU:** The Chair has got a letter.  
(Interruptions)

**MR. CHAIRMAN:** We can take another question. (Interruptions)

**SHRI M. VENKAIAH NAIDU:** What is being preferred to Parliament?  
(Interruptions) Is Party being preferred to Parliament? (Interruptions)

**MR. CHAIRMAN:** This is not something that has been invented.  
(Interruptions) It is a well established practice. (Interruptions)

**SHRI V. NARAYANASAMY:** Why is he questioning the Chair?  
(Interruptions) He has already given permission. (Interruptions)

**SHRI M. VENKAIAH NAIDU:** I am asking the Chairman to enlighten the House. (Interruptions) I can ask the Chairman to enlighten the House. (Interruptions) I don't know what is your problem.  
(Interruptions) Is it official programme? (Interruptions)

**Q.No. 584 (Contd.)**

**MR. CHAIRMAN:** I have explained the position to you. (Interruptions)

If it is anything beyond that, it is not in the power of the Chair.

(Interruptions)

**SHRI M. VENKAIAH NAIDU:** Sir, does the letter say 'official programme'?

**MR. CHAIRMAN:** There is a programme to which the Minister has gone. (Interruptions)

**SHRI M. VENKAIAH NAIDU:** Programme means Party programme. (Interruptions)

**MR. CHAIRMAN:** I do not know. (Interruptions)

**SHRI M. VENKAIAH NAIDU:** I leave it to the Chair...(Interruptions)...

**MR. CHAIRMAN:** Venkaiahji, please. (Interruptions)

**SHRI TIRUCHI SIVA:** If the Minister has informed the Chair, why should we go into the reasons? (Interruptions)

**MR. CHAIRMAN:** The Chair does not pry into the affairs of Members outside the Chamber. (Interruptions) The Parliament is sovereign to make such rules that there shall be no absentees from Parliament at any time of the day during sessions. But, that is the right of

**Q.No. 584 (Contd.)**

Parliament. It cannot be imposed by the Chair. The Chair has only communicated what is the established practice. The Chair has acted in accordance with the established practice. (Interruptions) Now, let us go to the next question.

(Ends)









**Q. No.585**

**DR. K.V.P. RAMACHANDRA RAO:** Sir, ATC is having problems due to lack of sufficient strength and new and latest gadgets. To what extent, will these problems be solved by creating a separate organisation of ATC?

**MR. CHAIRMAN:** I am afraid the Question Hour is over.

(Ends)







**अल्प सूचना प्रश्न संख्या 9**

AKG-KR/1N/12.00

**MR. CHAIRMAN:** Now, we will take up Short Notice Question No.9,  
Shri Sabir Ali.

**श्री साबिर अली :** सर, मैंने आन्सर देखा। बिहार में रक्सौल नेपाल का सबसे बड़ा सीमा इलाका है। तीन दशक पहले वहाँ एक एयरपोर्ट था, जो चलता था और वहाँ फ्लाइट उतरती थी। मैंने इसके लिए 2008 से लेकर 2011 तक चार चिट्ठियाँ लिखीं, इनके जवाब भी आए। इनसे पहले जो मंत्री थे, प्रफुल्ल पटेल जी, उन्होंने कहा कि रक्सौल एयरपोर्ट को ट्रेनिंग सेंटर के लिए खोला जाएगा, ताकि बच्चे वहाँ पर ट्रेनिंग लें और वहाँ पर एयरक्राफ्ट के मेंटेनेंस के लिए वर्कशॉप बनाई जाएगी, लेकिन इनके जवाब में इस बात को नकारा गया, यह बहुत दुखदायी है। मेरे पास इन्हीं के मंत्रालय की चिट्ठी है।

**श्री सभापति :** आपका सवाल क्या है?

**श्री साबिर अली :** सर, मैं सवाल पर आ रहा हूँ। सर, मुझे चेयर का प्रोटेक्शन चाहिए। अगर मंत्रालय से जवाब गलत आता है, तो बड़ी दुखद बात है। मेरे पास इनके मंत्रालय की चिट्ठी है। उन्होंने लिखा है कि एयरक्राफ्ट के मेंटेनेंस के लिए और पायलट की ट्रेनिंग के लिए रक्सौल एयरपोर्ट को ऑपरेट किया जाएगा। इन्होंने उस जवाब को नकार दिया है कि न तो हमने ऐसा कोई जवाब दिया है, न हमारे पास ऐसा कोई प्रोविजन है और न ही हम ऐसा सोच रहे हैं। इन्हीं के

**अल्प सूचना प्रश्न संख्या — 9 (क्रमागत)**

मंत्रालय से कंट्राडिक्टरी जवाब आया है। सर, यह बड़ा दुखदायी है। मेरा कहना यह है कि रक्सौल एक ऐसा क्षेत्र है, जो नेपाल के मिडिल में है और चीन के बॉर्डर के लिए सबसे ज्यादा उपयोगी है। चीन के साथ इस देश का जो सम्बन्ध है, यह किसी से छिपा नहीं है। बिहार 10.5 करोड़ की आबादी वाला प्रदेश है, जहाँ सिर्फ गया और पटना के अलावा कोई एयरपोर्ट नहीं है। वहाँ से आपको जितना ट्रैफिक चाहिए, वह मिलता है। मैंने चिट्ठी में इसके बारे में पूछा, तो इन्होंने दो चीजों को नकारा। एक तो इन्होंने नकारा कि वहाँ कोई इंक्रोचमेंट नहीं है। सर, उनका जवाब निगेटिव है। इसलिए मुझे यह कहना पड़ता है, मैं भाषण देने के लिए नहीं खड़ा हूँ, लेकिन मुझे आपका प्रोटेक्शन चाहिए, क्योंकि पहले उनके मंत्रालय ने यह एक्सेप्ट किया कि वहाँ इंक्रोचमेंट हुआ है, अभी इनका जवाब आता है कि इंक्रोचमेंट नहीं है। मैं उस शहर का रहने वाला हूँ। वहाँ इनकी जितनी जमीन थी, लोगों ने इंक्रोच कर ली। उसकी रनवे टूट गई, इनकी बिल्डिंग ध्वस्त हो गई और उसका कोई माई-बाप नहीं है। इनसे इतना भी नहीं हो सका कि अपनी जमीन का प्रोटेक्शन करें।

**श्री सभापति :** आप जवाब सुन लीजिए।

**श्री साबिर अली :** सर, मैं प्रत्यक्ष प्रमाण दे रहा हूँ, मेरे पास पहले की चिट्ठी है, 2008 से लगातार 4 साल हो गए मुझे चिट्ठी लिखते हुए। इस पर हमको एक शेर याद आता है।

**अल्प सूचना प्रश्न संख्या — 9 (क्रमागत)**

**श्री सभापति :** आप शेर मत सुनाइए, that will not go on record.

**श्री साबिर अली :** \*

**श्री सभापति :** देखिए, क्वेश्चन ऑवर में तकरीर नहीं होगी।

**श्री साबिर अली :** सर, यह दुख की बात है।

**श्री सभापति :** आपको सप्लीमेंट्री पूछना है या नहीं?

**श्री साबिर अली :** सर, मैं अपना सवाल रख रहा हूँ।

**श्री सभापति :** आप फौरन अपना सवाल रखिए।

**श्री साबिर अली :** सर, मैंने चिट्ठियाँ बहुत लिखी हैं। मेरा सवाल यह है कि ऐसी संवेदनशील जगह, जहाँ इसकी अति आवश्यकता है, वहाँ आपके पास अपनी जगह है, आपका एयरपोर्ट पहले चालू था, अगर आने वाले समय में आप वहाँ इसे नहीं खोलना चाहते हैं, तो क्या सरकार की पीपीपी में वहाँ एयरपोर्ट चालू करने की अभी कोई योजना है या नहीं?

**SHRI AJIT SINGH:** Sir, for 30 years there has been no airport in Raxaul. No flight has taken place. We have studied and there is no demand from any airline. They are not asking us that they want to fly

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\* Not recorded.

**अल्प सूचना प्रश्न संख्या — 9 (क्रमागत)**

there. So, for 30 years nothing has happened. If the hon. Member says that he has our previous reply, I would request him to come to our Ministry and we can discuss it.

(Followed by 10/SCH)

SCH-TMV/12.05/10

**श्री साबिर अली:** सर, मेरे पास वह चिट्ठी है, जो एअर इंडिया और एअरपोर्ट अथॉरिटी की तरफ से आई थी, उसके रिप्लाई के साथ मैं इनके पास चला जाऊंगा। मेरा सिर्फ इतना ही कहना है कि आपके पास एअरपोर्ट की कोई योजना है नहीं, तो कोई एअरलाइन्स आपके पास कैसे आएगी? जब आप इसे अखबार में देंगे, अपना इंटरेस्ट बताएंगे, तभी कोई अपना इंटरेस्ट आपको भेजेगा।

सभापति जी, मैं आपके माध्यम से मंत्री जी को बताना चाहता हूं कि मैंने बहुत सी एअरलाइन्स के लोगों से बात की है, चूंकि वहां पर इतना ट्रैफिक है, इसलिए वे वहां जाने के लिए तैयार हैं। लेकिन आपका इंटरेस्ट क्या है? वहां एअरपोर्ट चालू करने में क्या आपका कोई इंटरेस्ट है, आप सिर्फ यह बताइए?

**अल्प सूचना प्रश्न संख्या — 9 (क्रमागत)**

वहां से तकरीबन दस जिलों के लोग और साथ ही नेपाल के लोग फ्लाई करने के लिए तैयार हैं।

**श्री अजित सिंह:** माननीय सभापति जी, जैसा मैंने कहा, हम माननीय सदस्य से बात करेंगे और मालूम करेंगे कि हम इसमें क्या कर सकते हैं। लेकिन आज की स्थिति के अनुसार हमारे पास जो जानकारी है और आप भी बता रहे हैं कि तीस साल से वह एअरपोर्ट ऑपरेशनल नहीं है। हमें नहीं लगता कि वहां पर फ्लाइट चलाने की अभी कोई संभावना है, लेकिन आप आइए, हम आपसे बात करेंगे। अगर आप कह रहे हैं कि आपके साथ एअरलाइन्स ने बात की है और वहां पर इतने लोग हैं, तो हम भी जरूर चाहेंगे। आपने बताया कि रक्सौल एक सेंसिटिव जगह है और वहां पर आस-पास के बहुत से लोग ट्रैवल करना चाहते हैं। हमें प्रसन्नता होगी अगर आप हमें इस बारे में कुछ डाटा दे सकें। वहां पर अगर एअरपोर्ट बन सकता है, तो उस पर हम जरूर विचार करेंगे।

**श्री नरेश अग्रवाल:** सभापति जी, मैं आपके माध्यम से माननीय मंत्री जी से कहना चाहता हूं कि एअरपोर्ट अथॉरिटी घाटे का सौदा नहीं है, वह फायदे का सौदा है। एअरलाइन्स जरूर घाटे में हैं, लेकिन एअरपोर्ट अथॉरिटी फायदे में है। माननीय मंत्री जी देश में कितनी ऐसी हवाई पट्टियाँ हैं, जो इस प्रकार की हैं, जिन हवाई पट्टियों को रिवाइव करके सेवा को बढ़ाया जा सकता है?

**अल्प सूचना प्रश्न संख्या — 9 (क्रमागत)**

मैं जानना चाहूंगा कि बिहार और उत्तर प्रदेश में, आप भी वहीं के रहने वाले हैं, ऐसी कितनी हवाई पट्टियाँ हैं, जिनमें अभी तक एअरलाइन्स इंटररेस्टिड नहीं हैं, लेकिन काम कर रही हैं? ...(व्यवधान)

**श्री सभापति:** यह सवाल रक्सौल पर है।

**श्री नरेश अग्रवाल:** सर, हम पूरे देश के बारे में पूछ रहे हैं।

**श्री अजित सिंह:** महोदय, पहली बात तो यह है कि यह सवाल रक्सौल के बारे में है। दूसरा, आज चार घंटे एविएशन मिनिस्ट्री के बारे में बहस है कि वहां क्या-क्या चल रहा है। मैं आशा करूंगा कि ये सब सवाल आप वहां पूछें, तब मैं आपको इसका जवाब दे सकूंगा ...(व्यवधान)

**श्री नरेश अग्रवाल:** मुझे बड़ी खुशी है कि कम से कम आपके दर्शन तो हो गए।

**श्री उपेन्द्र कुशवाहा:** सर, रक्सौल में विमान की आवाजाही के बारे में मंत्री जी ने जवाब दिया है। ठीक है, जब होगा करेंगे, लेकिन चूंकि वह इंटरनेशनल प्लेस है, उस हवाई अड्डे की जमीन का उपयोग करके वहां दूसरी एक्टिविटीज़ चालू की जा सकती हैं। पहले सवालकर्ता महोदय ने पूछा भी है कि विभाग की ओर से पहले उसमें कोई दूसरी एक्टिविटी या कोई ट्रेनिंग सेंटर वगैरह खोलने का प्रस्ताव था। मैं मंत्री महोदय से जानना चाहता हूं कि उस प्रस्ताव पर सरकार क्या कर रही है?

**अल्प सूचना प्रश्न संख्या — 9 (क्रमागत)**

**श्री अजित सिंह:** माननीय सभापति जी, जैसा मैंने कहा था कि यह हमारी जानकारी में नहीं है, लेकिन अगर वह कह रहे हैं कि उनके पास इस तरह के पहले के कोई जवाब और कुछ डाटा हैं, तो जरूर इस पर वे आ कर बात करें, हम उस पर विचार करेंगे।

**श्री रवि शंकर प्रसाद:** माननीय मंत्री जी, मैं आपको एक सूचना देना चाहता हूं कि रक्सौल बिल्कुल नेपाल के बॉर्डर पर है। नेपाल में जो तराई के लोग हैं, उनमें बहुत से बिहार मूल के लोग भी हैं, जिनको मधेशी कहते हैं और जो वहां की राजनीति में भी काफी आगे बढ़े हैं। उन लोगों की अकसर दिल्ली आने की इच्छा होती है, लेकिन इसके लिए उनको काठमांडु जाना पड़ता है या फिर पटना तक ड्राइव करके आना पड़ता है।

हमारे मित्र ने जो सवाल उठाया है, तीस साल से आपके द्वारा उस एअरपोर्ट का कोई मेंटेनेन्स नहीं हुआ है। अगर आप एअरपोर्ट को ठीक कर देंगे, जो आपके क्षेत्राधिकार में आता है, तो बहुत सारी प्राइवेट एअरलाइन्स वहां आएंगी और बहुत अच्छा बिज़नेस होगा। आप इस विषय की गंभीरता को समझें, मैं आपसे यही आग्रह करना चाहता हूं।

**श्री अजित सिंह:** मैं पहले ही कह चुका हूं, वहां पर जो एअरलाइन्स आना चाहती हैं, इसके बार में जो डाटा माननीय सदस्य के पास है, उस पर वे हमसे बात करें।

मैंने पहले भी कहा है कि वह एक सेंसिटिव जगह है और अगर वहाँ कोई सम्भावना होगी, तो उस पर हम जरूर विचार करेंगे।

(समाप्त)

**PAPERS LAID ON THE TABLE**

**SHRI AJIT SINGH:** Sir, I lay on the Table :-

I.(1) A copy each (in English and Hindi) of the following papers, under sub-section (1) of Section 619A of the Companies Act, 1956:—

(a) Annual Report and Accounts of the Air India Limited and its Subsidiaries, New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the above Company.

(2) Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (1) above.

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

(a) Annual Report and Accounts of Aero Club of India (ACI), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.

(b) Statement by Government accepting the above Report.

(c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

**(THE VICE-CHAIRMAN (PROF. P. J. KURIEN) in the  
Chair.)**

**SHRIMATI KRISHNA TIRATH:** 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 16 and sub-section (4) of Section 29 of the Commissions for Protection of Child Rights Act, 2005:—

- (a) Annual Report and Accounts of the National Commission for Protection of Child Rights (NCPCR), 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 Commission.

(2) Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (1) above.

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

- (a) Annual Report and Accounts of Central Adoption Resource Authority (CARA), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

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

- (a) Annual Report and Accounts of the Nehru Yuva Kendra Sangathan (NYKS), 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 Sangathan.
- (c) Statement giving reasons for the delay in laying the papers

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mentioned at (a) above.

**SHRI PABAN SINGH GHATOWAR:** Sir, I lay on the Table, a copy (in English and Hindi) of the Memorandum of Understanding between the Government of India (Ministry of Development of North Eastern Region) and the North Eastern Handicrafts and Handlooms Development Corporation Limited (NEHHDC), for the year 2012-13.

**SHRI V. NARAYANASAMY:** Sir, I lay on the Table :—

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), under sub-section (2) of Section 3 of the All India Services Act, 1951:—

G.S.R. 300 (E), dated the 18<sup>th</sup> April, 2012, publishing the Indian Administrative Service (Regulation of Seniority) Amendment Rules, 2012.

G.S.R. 301 (E), dated the 18<sup>th</sup> April, 2012, publishing the Indian Police Service (Regulation of Seniority) Amendment Rules, 2012.

G.S.R. 302 (E), dated the 18<sup>th</sup> April, 2012, publishing the Indian Forest Service (Regulation of Seniority) Amendment Rules, 2012.

II. A copy (in English and Hindi) of the Ministry of Personnel Public Grievances and Pensions (Department of Personnel and Training) Notification No. G.S.R. 76 (E), dated the 21<sup>st</sup> April, 2012, publishing the Central Information Commission (Group 'A' and Group 'B' posts) Recruitment Rules, 2012, under Section 29 of the Right to Information Act, 2005.

**SHRI JITIN PRASADA:** Sir, I lay on the Table :—

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Road Transport and Highways, under Section 10 of the National Highways Act, 1956:—

1. S.O. 2463 (E), dated the 8<sup>th</sup> October, 2010, regarding acquisition of land, with or without structure, from K.M. 364.125 to K.M. 59.000 (Kishangarh - Beawar Section) on National Highway No. 8 in Ajmer District in the State of Rajasthan.
2. S.O. 2616 (E), dated the 25<sup>th</sup> October, 2010, regarding acquisition of land, with or without structure, from K.M. 95.000 to K.M. 100.000 (Ahmedabad - Gujarat/MP Border) on National Highway No. 59 in Vadodara District in the State of Gujarat.
3. S.O. 2631 (E), dated the 25<sup>th</sup> October, 2010, amending Notification No. S.O. 126 (E), dated the 22<sup>nd</sup> January, 2008, to substitute certain entries in the original Notification.
4. S.O. 2738 (E), dated the 8<sup>th</sup> November, 2010, regarding acquisition of land, with or without structure, from K.M. 103.000 (Gujarat/Maharashtra Border) to K.M. 49.700 on National Highway No. 6 in Tapi District in the State of Gujarat.
5. S.O. 2766 (E), dated the 11<sup>th</sup> November, 2010, publishing Corrigendum (English Version) to Notification No. S.O. 1266 (E), dated the 1<sup>st</sup> June, 2010.

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6. S.O. 2834 (E), dated the 24<sup>th</sup> November, 2010, regarding appointment of competent authority for acquisition land from K.M. 346.000 to K.M. 412.000 on National Highway No. 12 in Jhalawar District in the State of Rajasthan.
7. S.O. 2877 (E), dated the 1<sup>st</sup> December, 2010, regarding appointment of competent authority for acquisition of land from K.M. 0.000 to K.M. 16.000 and K.M. 15.000 to K.M. 34.400 on National Highway No. 79A and 79 in the State of Rajasthan.
8. S.O. 2893 (E), dated the 3<sup>rd</sup> December, 2010, regarding acquisition of land, with or without structure, from K.M. 113.800 to K.M. 122.665 (Udaipur - Chittorgarh Section) on National Highway No. 76 in Udaipur District in the State of Rajasthan.
9. S.O. 2898 (E), dated the 6<sup>th</sup> December, 2010, publishing Corrigendum (Hindi Version) to Notification No. S.O. 2251 (E) dated the 13<sup>th</sup> September, 2010.
10. S.O. 2921 (E), dated the 9<sup>th</sup> December, 2010, regarding acquisition of land, with or without structure, from K.M. 298.050 to K.M. 341.047 (Reengus-Sikar Section) on National Highway No. 11 in Sikar District in the State of Rajasthan.
11. S.O. 2949 (E), dated the 15<sup>th</sup> December, 2010, regarding acquisition of land, with or without structure, from K.M. 287.000 to K.M. 298.050 (Jaipur-Reengus Section) on National Highway No. 11 in Sikar District in

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the State of Rajasthan.

12. S.O. 2956 (E), dated the 15<sup>th</sup> December, 2010, regarding acquisition of land, with or without structure, from K.M. 165.000 to K.M. 169.860 (Deoli-Jalawar Section) on National Highway No. 12 in Bhilwara District in the State of Rajasthan.
13. S.O. 39 (E), dated the 11<sup>th</sup> January, 2011, regarding acquisition of land, with or without structure, from K.M. 151.000 to K.M. 159.000 on National Highway No. 79, K.M. 0.000 to K.M. 29.600 (Chittorgarh Bypass) and K.M. 165.625 to K.M. 213.000 (Chittorgarh-Mangalwar Section) on National Highway No. 76 in Chittorgarh District in the State of Rajasthan.
14. S.O. 44 (E), dated the 11<sup>th</sup> January, 2011, regarding appointment of competent authority for acquisition of land from K.M. 298.050 to K.M. 341.047 on National Highway No. 11 in Sikar District in the State of Rajasthan.
15. S.O. 45 (E), dated the 11<sup>th</sup> January, 2011, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 38.000 (Kandla-Chandroda Section) on National Highway No. 8A (Extension) in Kachchh District in the State of Gujarat.
16. S.O. 268 (E), dated the 7<sup>th</sup> February, 2011, regarding acquisition of land, with or without structure, from K.M. 38.000 to K.M. 74.200 (Chhasra Mundra (Siracha Junction Section) on National Highway No.

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8A (Extension) in Kachchh District in the State of Gujarat.

17. S.O. 327 (E), dated the 11<sup>th</sup> February, 2011, regarding acquisition of land, with or without structure, from K.M. 271.500 to K.M. 318.600 (Surat-Dahisar Section) on National Highway No. 8 in Navsari District in the State of Gujarat.
18. S.O. 341 (E), dated the 14<sup>th</sup> February, 2011, regarding appointment of competent authority for acquisition of land from K.M. 180.000 to K.M. 224.500 (Padhi-Dahod Section) on National Highway No. 113 in the State of Gujarat.
19. S.O. 348 (E), dated the 14<sup>th</sup> February, 2011, regarding appointment of competent authority for acquisition of land from K.M. 280.300 to K.M. 375.740 (Hospet-Bellary-Andhra Pradesh/Karnataka Border Section) on National Highway No. 63 in Bellary District in the State of Karnataka.
20. S.O. 371 (E), dated the 14<sup>th</sup> February, 2011, regarding appointment of competent authority for acquisition of land from K.M. 0.000 to K.M. 268.700 on National Highway No. 63 in Uttara Kannada District in the State of Karnataka.
21. S.O. 402 (E), dated the 21<sup>st</sup> February, 2011, regarding appointment of competent authority for acquisition of land on National Highway No. 211 (New National Highway No. 52) (Aurangabad - Dhule Section) in the

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22. S.O. 437 (E), dated the 25<sup>th</sup> February, 2011, regarding acquisition of land, with or without structure, from K.M. 388.200 to K.M. 509.000 (Ratanpur-Ahmedabad Section) on National Highway No. 8 in Sabarkantha District in the State of Gujarat.
23. S.O. 458 (E), dated the 1<sup>st</sup> March, 2011, regarding acquisition of land, with or without structure, from K.M. 380.000 to K.M. 440.000 (Pimpalgaon - Nashik - Gonde Section) on National Highway No. 3 in Nashik District in the State of Maharashtra.
24. S.O. 459 (E), dated the 1<sup>st</sup> March, 2011, regarding acquisition of land, with or without structure, from K.M. 380.000 to K.M. 440.000 (Pimpalgaon - Nashik - Gonde Section) on National Highway No. 3 in Nashik District in the State of Maharashtra.
25. S.O. 562 (E), dated the 15<sup>th</sup> March, 2011, regarding acquisition of land, with or without structure, from K.M. 287.500 to K.M. 380.000 (Dhule - Pimpalgaon Section) and K.M. 440.000 to K.M. 470.000 (Vadape - Gonde Section) (Amravati - Gujrat/Maharashtra Border Section) on National Highway No. 3 in Nashik District in the State of Maharashtra.
26. S.O. 633 (E), dated the 25<sup>th</sup> March, 2011, regarding acquisition of land, with or without structure, from K.M. 271.500 to K.M. 318.600 (Surat-Dahisar Section) on National Highway No. 8 in Navsari District in the

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27. S.O. 734 (E), dated the 8<sup>th</sup> April, 2011, regarding acquisition of land, with or without structure, from K.M. 485.000 to K.M. 508.100 (Bhandara - Nagpur Section) on National Highway No. 6 in Bhandara District in the State of Maharashtra.
28. S.O. 795 (E), dated the 26<sup>th</sup> April, 2011, regarding appointment of competent authority for acquisition of land from K.M. 0.000 to K.M. 113.900 (Mumbai - Vadodara Expressway) in the State of Maharashtra.
29. S.O. 798 (E), dated the 26<sup>th</sup> April, 2011, regarding acquisition of land, with or without structure, from K.M. 652.000 to K.M. 723.000 on National Highway No. 7 in Nagpur District in the State of Maharashtra.
30. S.O. 822 (E), dated the 26<sup>th</sup> April, 2011, amending Notification No. S.O. 1500 (E), dated the 21<sup>st</sup> June, 2010, to substitute certain entries in the original Notification.
31. S.O. 918 (E), dated the 29<sup>th</sup> April, 2011, regarding acquisition of land, with or without structure, from K.M. 20.900 to K.M. 95.000 (Ahmedabad-Gujarat/MP Border Section) on National Highway No. 59 in Kheda District in the State of Gujarat.
32. S.O. 919 (E), dated the 29<sup>th</sup> April, 2011, regarding appointment of competent authority for acquisition of land from K.M. 167.000 to K.M. 360.000 on National Highway No. 6 in the State of Maharashtra.

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33. S.O. 967 (E), dated the 3<sup>rd</sup> May, 2011, regarding acquisition of land, with or without structure, from K.M. 3.000 to K.M. 59.300 (Nagpur - Saoner - Pandhurna Section) on National Highway No. 69 in Nagpur District in the State of Maharashtra.
34. S.O. 970 (E), dated the 3<sup>rd</sup> May, 2011, regarding acquisition of land, with or without structure, from K.M. 380.000 to K.M. 440.000 (Pimpalgaon - Nashik - Gonde Section) on National Highway No. 3 in Nashik District in the State of Maharashtra.
35. S.O. 981 (E), dated the 4<sup>th</sup> May, 2011, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 84.400 (Belgaum-Karnataka/Goa Boundary Section) on National Highway No. 4A in Belgaum District in the State of Karnataka.
36. S.O. 1081 (E), dated the 16<sup>th</sup> May, 2011, regarding acquisition of land, with or without structure, from K.M. 170.800 to K.M. 539.500 (Vadape - Gonde Section) on National Highway No. 3 in Thane District in the State of Maharashtra.
37. S.O. 1188 (E), dated the 26<sup>th</sup> May, 2011, regarding appointment of competent authority for acquisition of land on National Highway No. 6 in the State of Maharashtra.
38. S.O. 1193 (E), dated the 26<sup>th</sup> May, 2011, regarding acquisition of land, with or without structure, from K.M. 380.000 to K.M. 440.000 (Pimpalgaon - Nashik -

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Gonde Section) on National Highway No. 3 in Nashik District in the State of Maharashtra.

39. S.O. 1195 (E), dated the 26<sup>th</sup> May, 2011, regarding acquisition of land, with or without structure, from K.M. 5.330 to K.M. 192.520 excluding K.M. 183.050 to K.M. 185.500 (Pali Section) on National Highway No. 14 in Pali District in the State of Rajasthan.
40. S.O. 1319 (E), dated the 7<sup>th</sup> June, 2011, amending Notification No. S.O. 42 (E), dated the 11<sup>th</sup> January, 2011, to substitute certain entries in the original Notification.
41. S.O. 1357 (E), dated the 13<sup>h</sup> June, 2011, regarding acquisition of land, with or without structure, from K.M. 144.000 to K.M. 179.300 (Ahmedabad-Gujarat/MP Border Section) on National Highway No. 59 in Dahod District in the State of Gujarat.
42. S.O. 1366 (E), dated the 13<sup>th</sup> June, 2011, regarding acquisition of land, with or without structure, from K.M. 100.000 to K.M. 144.000 (Ahmedabad-Gujarat/MP Border Section) on National Highway No. 59 in Panchmahal District in the State of Gujarat.
43. S.O. 1563 (E), dated the 8<sup>th</sup> July, 2011, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 84.400 (Belgaum-Karnataka/Goa Boundary Section) on National Highway No. 4A in Belgaum District in the State of Karnataka.
44. S.O. 1565 (E), dated the 8<sup>th</sup> July 2011, regarding

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acquisition of land, with or without structure, from K.M. 1041.000 to K.M. 1065.000 (Nalbari - Bijni Section) on National Highway No. 31 in Nalbari District in the State of Assam, along with delay statement.

45. S.O. 1566 (E), dated the 8<sup>th</sup> July 2011, regarding acquisition of land, with or without structure, from K.M. 1077.693 to K.M. 1121.000 (Guwahati - Nalbari Section) on National Highway No. 31 in Kamrup District in the State of Assam, along with delay statement.
46. S.O. 1567 (E), dated the 8<sup>th</sup> July, 2011, regarding appointment of competent authority for acquisition of land from K.M. 7.400 to K.M. 26.000 on National Highway No. 235 in Meerut District in the State of Uttar Pradesh.
47. S.O. 1592 (E), dated the 11<sup>th</sup> July 2011, amending Notification No. S.O. 405 (E), dated the 16<sup>th</sup> February, 2010 to insert certain entries in the original Notification, along with delay statement.
48. S.O. 1598 (E), dated the 11<sup>th</sup> July 2011, regarding acquisition of land, with or without structure, from K.M. 168.500 to K.M. 265.000 (MP/Maharashtra-Border Dhule Section) on National Highway No. 3 in Dhule District in the State of Maharashtra.
49. S.O. 1599 (E), dated the 11<sup>th</sup> July, 2011, regarding acquisition of land, with or without structure, from K.M. 224.500 to K.M. 267.000 (Padhi-Dahod Section) on National Highway No. 113 in Dahod District in the

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50. S.O. 1670 (E), dated the 21<sup>st</sup> July 2011, regarding acquisition of land, with or without structure, from K.M. 1182.802 to K.M. 1307.900 (Chilakaluripet - Rudrakota Section) on National Highway No. 5 in Prakasam District in the State of Andhra Pradesh, along with delay statement.
51. S.O. 1706 (E), dated the 25<sup>th</sup> July, 2011, regarding acquisition of land, with or without structure, from K.M. 453.000 to K.M. 487.000 (Chariabahi-Teok Section) on National Highway No. 37 in Jorhat District in the State of Assam, along with delay statement.
52. S.O. 1707 (E), dated the 25<sup>th</sup> July, 2011, regarding acquisition of land, with or without structure, from K.M. 487.000 to K.M. 538.000 (Morabazar-Khaloighuguti Section) on National Highway No. 37 in Sivasagar District in the State of Assam, along with delay statement.
53. S.O. 1710 (E), dated the 25<sup>th</sup> July, 2011, regarding acquisition of land, with or without structure, from K.M. 402.500 to K.M. 426.820 on National Highway No. 37 in Golaghat District in the State of Assam, along with delay statement.
54. S.O. 1719 (E), dated the 25<sup>th</sup> July, 2011, regarding acquisition of land, with or without structure, from K.M. 299.000 to K.M. 378.200 (Hospet Chitradurga Section) on National Highway No. 13 in Bellary District

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in the State of Karnataka.

55. S.O. 1725 (E), dated the 25<sup>th</sup> July 2011, regarding acquisition of land, with or without structure, from K.M. 40.000 to K.M. 144.400 (Pune - Solapur Section) on National Highway No. 9 in Pune District in the State of Maharashtra.
56. S.O. 1792 (E), dated the 3<sup>rd</sup> August, 2011, amending Notification No. S.O. 1096 (E), dated the 4<sup>th</sup> August, 2005, to substitute certain entries in the original Notification.
57. S.O. 1818 (E), dated the 8<sup>th</sup> August, 2011, regarding acquisition of land, with or without structure, from K.M. 295.700 to K.M. 299.000 (Hungund - Hospet Section) on National Highway No. 13 in Bellary District in the State of Karnataka.
58. S.O. 1854 (E), dated the 10<sup>th</sup> August, 2011, regarding appointment of competent authority for acquisition of land from K.M. 264.000 to K.M. 331.000 on National Highway No. 74 (New National Highway No. 30) in Pilibhit District in the State of Uttar Pradesh.
59. S.O. 1856 (E), dated the 10<sup>th</sup> August, 2011, regarding acquisition of land, with or without structure, from K.M. 439.000 to K.M. 453.000 on National Highway No. 37 in Jorhat District in the State of Assam, along with delay statement.
60. S.O. 1925 (E), dated the 19<sup>th</sup> August, 2011, regarding appointment of competent authority for acquisition of

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land from K.M. 82.000 to K.M. 124.000 on National Highway No. 24B in Raibareilly District in the State of Uttar Pradesh.

61. S.O.1960 (E), dated the 25<sup>th</sup> August, 2011, regarding appointment of competent authority for acquisition of land on National Highway No. 11 in Sikar District in the State of Rajasthan, along with delay statement.
62. S.O.1961 (E), dated the 25<sup>th</sup> August, 2011, regarding appointment of competent authority for acquisition of land on National Highway No. 15 (Bikaner - Suratgarh Section) in Bikaner District in the State of Rajasthan, along with delay statement.
63. S.O.1962 (E), dated the 25<sup>th</sup> August, 2011, regarding appointment of competent authority for acquisition of land from K.M. 0.000 to K.M. 161.000 (Ajmer - Nagaur Section) on National Highway No. 89 in Nagaur District in the State of Rajasthan, along with delay statement.
64. S.O.1963 (E), dated the 25<sup>th</sup> August, 2011, regarding appointment of competent authority for acquisition of land from K.M. 5.400 to K.M. 80.000 on National Highway No. 113 in Chittorgarh District in the State of Rajasthan, along with delay statement.
65. S.O. 1994 (E), dated the 27<sup>th</sup> August, 2011, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 84.400 (Belgaum - Goa/ Karnataka Border Section) on National Highway No.

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4A in Belgaum District in the State of Karnataka.

66. S.O. 1996 (E), dated the 27<sup>th</sup> August, 2011, regarding acquisition of land, with or without structure, from K.M. 12.900 to K.M. 127.000 (Junagadh Section) on National Highway No. 8D in Junagadh District in the State of Gujarat.
67. S.O. 1997 (E), dated the 27<sup>th</sup> August, 2011, amending Notification No. S.O. 393 (E), dated the 15<sup>th</sup> February, 2011, to insert certain entries in the original Notification.
68. S.O. 1999 (E), dated the 27<sup>th</sup> August, 2011, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 84.400 (Belgaum - Goa/ Karnataka Border Section) on National Highway No. 4A in Belgaum and Uttar Kannada Districts in the State of Karnataka.
69. S.O. 2018 (E), dated the 29<sup>th</sup> August, 2011, regarding acquisition of land, with or without structure, from K.M. 70.000 to K.M. 71.300 (Bamitha - Satna Section) on National Highway No. 75 in Chattarpur District in the State of Madhya Pradesh, along with delay statement.
70. S.O. 2038 (E), dated the 2<sup>nd</sup> September, 2011, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 22.000 (Gwalior - Bhind Section) on National Highway No. 92 in Gwalior District in the State of Madhya Pradesh, along with delay statement.

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71. S.O. 2039 (E), dated the 2<sup>nd</sup> September, 2011, regarding acquisition of land, with or without structure, from K.M. 77.200 to K.M. 77.800, K.M. 95.200 to K.M. 95.700, K.M. 95.700 to K.M. 96.000 and K.M. 104.200 to 106.900 (Bhind - Itawa Section) on National Highway No. 92 in Bhind District in the State of Madhya Pradesh, along with delay statement.
72. S.O. 2160 (E), dated the 22<sup>nd</sup> September, 2011, regarding acquisition of land, with or without structure, from K.M. 348.800 to K.M. 423.750 (Maharashtra/Karnataka border - Sangareddy Section) on National Highway No. 9 (New National Highway No. 65) in Bidar District in the State of Karnataka, along with delay statement.
73. S.O. 2162 (E), dated the 22<sup>nd</sup> September, 2011, regarding acquisition of land, with or without structure, from K.M. 459.350 to K.M. 502.370 (Bharol - Dahisar Section) on National Highway No. 8 in Thane District in the State of Maharashtra.
74. S.O. 2167 (E), dated the 22<sup>nd</sup> September 2011, publishing Corrigendum to Notification No. S.O. 2638 (E), dated the 25<sup>th</sup> October, 2010.
75. S.O. 2181 (E), dated the 22<sup>nd</sup> September, 2011, regarding appointment of competent authority for acquisition of land from K.M. 165.000 to K.M. 186.000 on National Highway No. 91 in Mahamayanagar District in the State of Uttar Pradesh.

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76. S.O. 2218 (E), dated the 26<sup>th</sup> September 2011, regarding acquisition of land, with or without structure, from K.M 237.000 to K.M. 318.000 (Mulbagal - Kolar - Bangalore Section) on National Highway No. 4 in Kolar and Bangalore Rural Districts in the State of Karnataka.
77. S.O. 2233 (E), dated the 28<sup>th</sup> September, 2011, regarding appointment of competent authority for acquisition of land from K.M 195.000 to K.M. 418.000 (Bijapur - Gulbarga - Homnabad Section) on National Highway No. 218 in Bijapur District in the State of Karnataka.
78. S.O. 2240 (E), dated the 28<sup>th</sup> September, 2011, regarding appointment of competent authority for acquisition of land from K.M. 64.110 to K.M. 113.670 on National Highway No. 56 in Chattarpati Shahuji Maharaj Nagar District in the State of Uttar Pradesh.
79. S.O. 2248 (E), dated the 28<sup>th</sup> September, 2011, amending Notification No. S.O. 1096 (E), dated the 4<sup>th</sup> August, 2005, to substitute certain entries in the original Notification.
80. S.O. 2250 (E), dated the 28<sup>th</sup> September, 2011, amending Notification No. S.O. 1096 (E), dated the 4<sup>th</sup> August, 2005, to substitute certain entries in the original Notification.
81. S.O. 2280 (E), dated the 30<sup>th</sup> September, 2011, regarding acquisition of land, with or without structure, from K.M 378.200 to K.M. 418.500 (Hospet -

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Chitradurga Section) on National Highway No. 13 in Davangere District in the State of Karnataka.

82. S.O. 2325 (E), dated the 10<sup>th</sup> October, 2011, regarding appointment of competent authority for development and maintenance of the stretch from K.M. 391.000 on National Highway No. 76 and terminating at K.M. 11.700 on State Highway No. 33 which further joins National Highway No. 12 at K.M. 240.000 in the State of Rajasthan.
83. S.O. 2376 (E), dated the 15<sup>th</sup> October, 2011, regarding appointment of competent authority for acquisition of land from K.M. 100.372 to K.M. 142.220 on National Highway No. 93 in Bulandshahr District in the State of Uttar Pradesh.
84. S.O. 2382 (E), dated the 15<sup>th</sup> October 2011, regarding appointment of competent authority for acquisition of land from K.M. 93.700 to K.M. 283.300 (Panaji - Mangalore Section) on National Highway No. 66 in the State of Karnataka.
85. S.O. 2384 (E), dated the 15<sup>th</sup> October, 2011, regarding acquisition of land, with or without structure, from K.M. 485.000 to K.M. 508.100 (Bhandara - Nagpur Section) on National Highway No. 6 in Bhandara District in the State of Maharashtra.
86. S.O. 2417 (E), dated the 19<sup>th</sup> October, 2011, regarding appointment of competent authority for acquisition of land from K.M. 166.725 to K.M. 360.000 on National

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Highway No. 6 in the State of Maharashtra.

87. S.O. 2434 (E), dated the 25<sup>th</sup> October, 2011, amending Notification No. S.O. 1096 (E), dated the 4<sup>th</sup> August, 2005, to substitute certain entries in the original Notification.
88. S.O. 2455 (E), dated the 28<sup>th</sup> October, 2011, amending Notification No. S.O. 395 (E), dated the 15<sup>th</sup> February, 2011, to insert certain entries in the original Notification.
89. S.O. 2460 (E), dated the 28<sup>th</sup> October, 2011, amending Notification No. S.O. 391 (E), dated the 15<sup>th</sup> February, 2011, to insert certain entries in the original Notification.
90. S.O. 2466 (E), dated the 28<sup>th</sup> October, 2011, amending Notification No. S.O. 394 (E), dated the 15<sup>th</sup> February, 2011, to insert certain entries in the original Notification.
91. S.O. 2491 (E), dated the 3<sup>rd</sup> November, 2011, regarding acquisition of land, with or without structure, from K.M. 316.000 to K.M. 334.900 (Bhopal - Biaora Section) on National Highway No. 12 in Bhopal District in the State of Madhya Pradesh, along with delay statement.
92. S.O. 2492 (E), dated the 3<sup>rd</sup> November, 2011, regarding acquisition of land, with or without structure, from K.M. 334.900 to K.M. 359.200 (Bhopal - Biaora Section) on National Highway No. 12 in Sehore District

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in the State of Madhya Pradesh, along with delay statement.

93. S.O. 2501 (E), dated the 4<sup>th</sup> November 2011, amending Notification No. S.O. 348 (E), dated the 14<sup>th</sup> February, 2011, to insert certain entries in the original Notification.
94. S.O. 2571 (E), dated the 14<sup>th</sup> November, 2011, amending Notification No. S.O. 1096 (E), dated the 4<sup>th</sup> August, 2005, to substitute certain entries in the original Notification.
95. S.O. 2573 (E), dated the 14<sup>th</sup> November, 2011, amending Notification No. S.O. 1096 (E), dated the 4<sup>th</sup> August, 2005, to substitute certain entries in the original Notification.
96. S.O. 2608 (E), dated the 22<sup>nd</sup> November, 2011, regarding acquisition of land, with or without structure, from K.M. 400.100 to K.M. 421.775 (Bhopal - Biaora Section) on National Highway No. 12 in Raj Garh District in the State of Madhya Pradesh, along with delay statement.
97. S.O. 2639 (E), dated the 25<sup>th</sup> November, 2011, regarding acquisition of land, with or without structure, from K.M. 422.000 to K.M. 528.300 (Chitradurga - Shimoga Section) on National Highway No. 13 in Chitradurga District in the State of Karnataka, along with delay statement.
98. S.O. 2640 (E), dated the 25<sup>th</sup> November, 2011, regarding acquisition of land, with or without structure,

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from K.M. 359.200 to K.M. 376.500 and K.M. 394.900 to K.M. 400.100 (Bhopal - Biaora Section) on National Highway No. 12 in Raj Garh District in the State of Madhya Pradesh, along with delay statement.

99. S.O. 2641 (E), dated the 25<sup>th</sup> November, 2011, regarding appointment of competent authority for acquisition of land from 50.700 to K.M. 209.500 (Patiala - Sangrur - Bathinda Section) on National Highway No. 64 in the State of Punjab, along with delay statement.
- 100 S.O. 2720 (E), dated the 30<sup>th</sup> November, 2011, amending Notification No. S.O. 1096 (E), dated the 4<sup>th</sup> August, 2005, to substitute certain entries in the original Notification.
- 101 S.O. 2721 (E), dated the 30<sup>th</sup> November, 2011, amending Notification No. S.O. 333 (E), dated the 11<sup>th</sup> February, 2011 to substitute certain entries in the original Notification, along with delay statement.
- 102 S.O. 2809 (E), dated the 16<sup>th</sup> December, 2011, amending Notification No. S.O. 1667 (E), dated the 21<sup>st</sup> July, 2011 to substitute certain entries in the original Notification, along with delay statement.
- 103 S.O. 2859 (E), dated the 29<sup>th</sup> November, 2011, publishing Corrigendum to Notification No S.O. 1266 (E), dated the 1<sup>st</sup> June, 2010.
- 104 S.O. 48 (E), dated the 10<sup>th</sup> January, 2012, regarding appointment of competent authority for acquisition of

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land from K.M. 180.000 to K.M. 248.650 (Suratgarh-Sriganga Nagar Section) on National Highway No. 15 in Sri Ganganagar District in the State of Rajasthan.

- 105 S.O. 49 (E), dated the 10<sup>th</sup> January, 2012, regarding appointment of competent authority for acquisition of land from K.M. 248.650 to K.M. 249.200 on National Highway No. 15 in Firozpur District in the State of Punjab.
- 106 S.O. 51 (E), dated the 10<sup>th</sup> January, 2012, amending Notification No. S.O. 1096 (E), dated the 4<sup>th</sup> August, 2005, to substitute certain entries in the original Notification.
- 107 S.O. 77 (E), dated the 17<sup>th</sup> January, 2012, regarding acquisition of land, with or without structure, from K.M. 117.600 to K.M. 268.475 (Kerala-Kollegal Section) on National Highway No. 212 in Chamrajanagara District in the State of Karnataka.
- 108 S.O. 78 (E), dated the 17<sup>th</sup> January, 2012, regarding acquisition of land, with or without structure, from K.M. 135.000 to K.M. 149.000 (Bamitha-Satna Section) on National Highway No. 75 in Satna District in the State of Madhya Pradesh.
- 109 S.O. 92 (E), dated the 19<sup>th</sup> January, 2012, regarding appointment of competent authority for acquisition of land from K.M. 0.000 to K.M. 161.000 (Ajmer-Nagaur Section) on National Highway No. 89 in Ajmer District in the State of Rajasthan.

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- 110 S.O. 93 (E), dated the 19<sup>th</sup> January, 2012, regarding acquisition of land, with or without structure, from K.M. 229.829 to K.M. 228.976 (Rewa-Hanumana Section) on National Highway No. 7 in Rewa District in the State of Madhya Pradesh.
111. S.O. 94 (E), dated the 19<sup>th</sup> January, 2012, regarding acquisition of land, with or without structure, from K.M. 228.976 to K.M. 194.210 (Rewa-Hanumana Section) on National Highway No. 7 in Rewa District in the State of Madhya Pradesh.
- 112 S.O. 187 (E), dated the 30<sup>th</sup> January, 2012, regarding acquisition of land, with or without structure, from K.M. 70.000 to K.M. 71.300 (Bamitha-Satna Section) on National Highway No. 75 in Chattarpur District in the State of Madhya Pradesh.
- 113 S.O. 205 (E), dated the 1<sup>st</sup> February, 2012, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 50.700 (Zirakpur-Patiala Section) on National Highway No. 64 in Patiala District in the State of Punjab.
- 114 S.O. 206 (E), dated the 1<sup>st</sup> February, 2012, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 50.700 (Zirakpur-Patiala Section) on National Highway No. 64 in Mohali District in the State of Punjab.
- 115 S.O. 271 (E), dated the 14<sup>th</sup> February, 2012, amending Notification No. S.O. 1096 (E), dated the 4<sup>th</sup> August,

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2005, to substitute certain entries in the original Notification.

116 S.O. 275 (E), dated the 14<sup>th</sup> February, 2012, amending Notification No. S.O. 1096 (E), dated the 4<sup>th</sup> August, 2005, to substitute certain entries in the original Notification.

117 S.O. 277 (E), dated the 14<sup>th</sup> February, 2012, amending Notification No. S.O. 1096 (E), dated the 4<sup>th</sup> August, 2005, to substitute certain entries in the original Notification.

118 S.O. 312 (E), dated the 22<sup>nd</sup> February, 2012, regarding declaration of certain Highway to be National Highways.

II.A copy each (in English and Hindi) of the following Notifications of the Ministry of Road Transport and Highways, under Section 37 of the National Highways Authority of India Act, 1988 :—

S.O. 1171 (E), dated the 25<sup>th</sup> April, 2011, regarding entrustment of National Highway No. 47C to National Highways Authority of India.

S.O. 1791 (E), dated the 3<sup>rd</sup> August, 2011, regarding entrustment of National Highway No. 48 to National Highways Authority of India.

S.O. 2247 (E), dated the 28<sup>th</sup> September, 2011, regarding entrustment of certain stretches of National Highway No. 95 in the State of Punjab and National Highway No. 11 and 12 in the State of Rajasthan to National Highways Authority of India.

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S.O. 2249 (E), dated the 28<sup>th</sup> September, 2011, regarding entrustment of the stretch from K.M. 207.200 to K.M. 222.000 (Hazipur-Patna Section) of National Highway No. 19 in the State of Bihar to National Highways Authority of India.

S.O. 2433 (E), dated the 25<sup>th</sup> October, 2011, regarding entrustment of certain stretches of National Highway No. 205 in the State of Andhra Pradesh and National Highways No. 45, 210 and 220 in the State of Tamil Nadu to National Highways Authority of India.

S.O. 2570 (E), dated the 14<sup>th</sup> November, 2011, regarding entrustment of stretch from K.M. 88.000 to K.M. 238.000 (Orissa/Chhattisgarh Border-Aurang Section) of National Highway No. 6 in the State of Chhattisgarh to National Highways Authority of India.

S.O. 2572 (E), dated the 14<sup>th</sup> November, 2011, regarding entrustment of certain stretches of new National Highway Nos. 123, 148D, extension of National Highway Nos. 58, 458 and 758 in the State of Rajasthan to National Highways Authority of India.

S.O. 2719 (E), dated the 30<sup>th</sup> November, 2011, regarding entrustment of certain stretches of New National Highway Nos. 31, 128 and 335 in the State of Uttar Pradesh to National Highways Authority of India.

S.O. 50 (E), dated the 10<sup>th</sup> January, 2012, regarding entrustment of stretch from K.M. 0.000 to K.M. 127.650 (Raipur-Bilaspur Section) of National Highway No. 200

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in the State of Chhattisgarh to National Highways Authority of India.

S.O. 270 (E), dated the 14<sup>th</sup> February, 2012, regarding entrustment of certain stretches of National Highway Nos. 23 and 56 in the State of Rajasthan to National Highways Authority of India.

S.O. 272 (E), dated the 14<sup>th</sup> February, 2012, amending Notification No. S.O. 418 (E), dated the 22<sup>nd</sup> March, 2007, to omit certain entries in the original Notification.

S.O. 273 (E), dated the 14<sup>th</sup> February, 2012, amending Notification No. S.O. 910 (E), dated the 21<sup>st</sup> April, 2010, to omit certain entries in the original Notification.

S.O. 274 (E), dated the 14<sup>th</sup> February, 2012, amending Notification No. S.O. 1939 (E), dated the 9<sup>th</sup> August, 2010, to omit certain entries in the original Notification.

S.O. 276 (E), dated the 14<sup>th</sup> February, 2012, regarding entrustment of certain stretches of New National Highway Nos. 5 and 205 in the State of Punjab and New National Highway No. 5 in the Union Territory of Chandigarh to National Highways Authority of India.

S.O. 257 (E), dated the 10<sup>th</sup> February, 2012, publishing Corrigendum to the notification No S.O. 1171 (E), dated the 23<sup>rd</sup> May, 2011.

III. A copy (in English and Hindi) of the Ministry of Road Transport and Highways Notification No. S.O. 2313 (E), dated the 7<sup>th</sup> October, 2011, amending Notification No. S.O. 76 (E), dated the 20<sup>th</sup> January, 2005, to substitute certain entries in the original

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Notification, under sub-section (3) of Section 50 of the Control of National Highways (Land and Traffic) Act, 2002.

**SHRI D. NAPOLEON:** Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:—

- (i) (a) Annual Report and Accounts of the National Institute of Social Defence (NISD), New Delhi for the year 2009-10, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (i) (a) above.
- (ii) (a) Annual Report and Accounts of the Pt. Deendayal Upadhyaya Institute for the Physically Handicapped (IPH), 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 Institute.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (ii) (a) above.
- (iii) (a) Annual Report and Accounts of the National Institute for the Orthopaedically Handicapped (NIOH), Kolkata, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.
- (c) Statement giving reasons for the delay in laying the

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papers mentioned at (iii) (a) above.

- (iv) (a) Annual Report and Accounts of the Swami Vivekanand National Institute of Rehabilitation Training and Research (SVNIRTAR), Cuttack, Odisha for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (iv) (a) above.
- (v) (a) Twenty-seventh Annual Report and Accounts of the National Institute for the Mentally Handicapped (NIMH), Secunderabad, Andhra Pradesh, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (v) (a) above.

(Ends)

(Followed by 1P/VK)

**REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION**

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**श्रीमती माया सिंह (मध्य प्रदेश):** महोदय, मैं राज्य सभा के 223वें सत्र के दौरान सभा-पटल पर रखे गए कानूनी आदेशों के संबंध में एक सौ सत्तानवेवाँ प्रतिवेदन (अंग्रेजी तथा हिन्दी में) प्रस्तुत करती हूँ।

(समाप्त)

**REPORT OF THE DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON RURAL DEVELOPMENT**

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**SHRIMATI MAYA SINGH (MADHYA PRADESH):** Sir, I lay on the Table, a copy (in English and Hindi) of the Thirty-first Report of the Department-related Parliamentary Standing Committee on Rural Development on 'The Land Acquisition, Rehabilitation and Resettlement Bill, 2011' of the Ministry of Rural Development (Department of Land Resources).

(Ends)

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**STATEMENT RE. IMPLEMENTATION OF FIRST, FOURTEENTH,  
NINETEENTH, THIRTY-FIRST AND FORTY-THIRD REPORTS OF  
THE DEPARTMENT-RELATED PARLIAMENTARY STANDING  
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES AND  
PENSIONS**

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**THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL,  
PUBLIC GRIEVANCES AND PENSIONS (SHRI V.  
NARAYANASAMY):** Sir, I make a statement regarding Status of  
implementation of recommendations contained in the First Report on  
Demands for Grants (2004-05), Fourteenth Report on Demands for  
Grants (2006-07), Nineteenth Report on Demands for Grants (2007-  
08), Thirty-first Report on Demands for Grants (2008-09) and Forty-  
third Report on Demands for Grants (2010-11) of the Department-  
related Parliamentary Standing Committee on Personnel, Public  
Grievances and Pensions pertaining to the Ministry of Personnel,  
Public Grievances and Pensions.

(Ends)

**STATEMENT RE. IMPLEMENTATION OF ONE HUNDRED AND  
FIFTY-SECOND REPORT OF THE DEPARTMENT-RELATED  
PARLIAMENTARY STANDING COMMITTEE ON TRANSPORT,  
TOURISM AND CULTURE**

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**THE MINISTER OF STATE IN THE MINISTRY OF TOURISM (SHRI  
SULTAN AHMED):** Sir, I make a statement regarding Status of  
implementation of recommendations contained in the One Hundred  
and Fifty-second Report of the Department-related Parliamentary  
Standing Committee on Transport, Tourism and Culture on the Action

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Taken by the Government on the observations/recommendations contained in the One Hundred and Fortieth Report on 'Promotion of Tourism in Jammu & Kashmir' pertaining to the Ministry of Tourism.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Special Mentions to be laid on the Table of the House.

### **SPECIAL MENTIONS \***

9A/MCM

#### **DEMAND TO TAKE NECESSARY STEPS TO IMPROVE THE HEALTH SERVICES IN THE COUNTRY**

**श्री अवतार सिंह करीमपुरी (उत्तर प्रदेश) :** महोदय, हमारा देश विश्व स्तर पर एक समृद्ध देश बनने के लिए संघर्ष कर रहा है और लोकतांत्रिक प्रणाली को लागू करने की दिशा में हमारे देश ने भले ही बड़ी उपलब्धि हासिल कर ली हो, परन्तु स्वास्थ्य के क्षेत्र में आज भी हमारा देश दुनिया के बहुत सारे देशों से पीछे है और विशेषकर भारत के ग्रामीण क्षेत्रों में स्वास्थ्य की स्थिति बहुत खराब है। स्वास्थ्य केन्द्रों की बेहतर स्थापना व अच्छे डॉक्टर्स तथा अस्पतालों की व्यवस्था न होने के कारण अनेकों गरीब लोग छोटी-बड़ी बीमारियों से अपने आप को अलग नहीं कर पाते। बड़े शहरों व महानगरों में महंगे इलाज व यातायात की कमी से बहुत सारे मरीज दम तोड़ जाते हैं। गर्भवती महिलाओं को और अधिक

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\* Laid on the Table

परेशानियों का सामना करना पड़ता है। यदि उन्हें प्रसव के लिए शहरों में जाना पड़े तो अस्पतालों की दूरी की वजह से प्रसव क्रिया भी रास्ते में ही हो जाती है। अनेकों बार इस संबंध में देश के अंदर बड़े आन्दोलन व संघर्ष हुए हैं। परन्तु अभी तक सरकार स्वास्थ्य के क्षेत्र में बहुत बड़ी सफलता हासिल नहीं कर पायी है।

यहां पर यह भी बताना उचित समझता हूं कि प्रत्येक 1000 जनसंख्या पर एक डॉक्टर का होना सरकार का लक्ष्य है। परन्तु हमारे देश में प्रत्येक 2000 जनसंख्या पर एक डॉक्टर अभी तक मिलता है और इससे भी ज्यादा निराशा की बात यह है कि हमारे देश में साढ़े सात लाख डॉक्टर (MCI) रजिस्टर्ड हैं, जिनमें से दो लाख डॉक्टर स्वास्थ्य सेवा के क्षेत्र से दूर हैं। स्वास्थ्य कार्यों को व्यवस्थित करने के लिए 10.7 लाख नर्सों की जरूरत है, लेकिन स्वास्थ्य सेवाओं के लिए 6 लाख नर्सों भी उपलब्ध नहीं हो पा रही हैं।

अतः मैं आपके माध्यम से सरकार से मांग करता हूं कि भारतवर्ष में डॉक्टर व नर्सों की कमी को पूरा करके स्वास्थ्य के क्षेत्र में देश को स्वावलम्बी बनाने की कृपा करें, ताकि आम आदमी को समय पर सस्ता इलाज उपलब्ध हो सके।

(समाप्त)

9B/HMS

**DEMAND TO IMPLEMENT UNIFORM SYSTEM OF EDUCATION TO  
REMOVE SOCIAL IMBALANCE FROM THE COUNTRY.**

**श्री नरेन्द्र कुमार कश्यप (उत्तर प्रदेश) :** महोदय, भारत में लोकतंत्र के 60 वर्षों को संसदीय परम्पराओं के अनुसार उत्सव के रूप में मनाया गया है, परन्तु भारतवर्ष में आज भी ऐसी अनेकों चुनौतियां हैं, जिनका सामना करना देश की लोकतांत्रिक सरकार की जिम्मेदारी है। अनपढ़ता बहुत बड़ी समस्या है जिसका समाधान आजादी के 64 वर्षों के उपरान्त भी नहीं हो सका है। हमारे देश में आबादी का प्रतिशत हमेशा बढ़ता गया, लेकिन शिक्षा के संस्थान उस अनुपात में नहीं बढ़ सके हैं, विशेषकर भारत के ग्रामीण क्षेत्रों में शिक्षा का स्तर आज भी निम्न दर्जे का है, जिसका सबसे बड़ा अपवाद दोहरी शिक्षा प्रणाली है। हमारे देश के ग्रामीण व शहरी क्षेत्रों में सीबीएससी, आईसीएससी, कॉन्वेंट में हिंदी माध्यम से शिक्षण कार्य होता है और आर्थिक रूप से सम्पन्न समाज तो इन स्कूल, कॉलेजों में अपने बच्चों को पढ़ाकर उच्च शिक्षा में आगे बढ़ा देता है, परन्तु ग्रामीण क्षेत्रों व शहरों की दलित, मलिन व पिछड़ी बस्तियों में रहने वाले दलित, पिछड़े, अल्पसंख्यक व सामान्य वर्ग के गरीब बच्चे, हिंदी माध्यम वाले सरकारी स्कूल व कॉलेजों में पढ़ने के लिए मजबूर होते हैं, जिनमें अध्यापकों का हमेशा अभाव रहता है। स्कूल व कॉलेजों में बच्चों के बैठने व खेलने आदि के संसाधनों की कमी रहती है।

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महोदय, दोहरी शिक्षा प्रणाली भारत में गरीब व अमीर बच्चों के बीच बहुत बड़ा असंतुलन पैदा कर रही है। गरीब बच्चे मायूस व कमजोर मनोबल के कारण उच्च शिक्षा पाने से महरूम हैं।

अतः मैं आपके माध्यम से सरकार से अनुरोध करता हूँ कि भारत में एकल शिक्षा प्रणाली लागू करके, सामाजिक असंतुलन समाप्त कर देश के दलित, पिछड़े, अल्पसंख्यक व सामान्य वर्ग के गरीब बच्चों को आगे बढ़ाने का मौका दें।

(समाप्त)

9C/KLG

**DEMAND TO SET UP THE OFFICE OF COMMISSIONER  
IN PATNA FOR PROPER IMPLEMENTATION OF WELFARE  
PROGRAMMES FOR BIDI WORKERS IN BIHAR.**

**श्री अली अनवर अंसारी (बिहार):** उपसभाध्यक्ष महोदय, बिहार के बीड़ी श्रमिकों के साथ केन्द्र सरकार का श्रम विभाग घोर उपेक्षा बरत रहा है, जिससे वहां बीड़ी श्रमिकों के कल्याण के लिए बनी योजनाएं लागू नहीं हो पा रही हैं। सरकारी आंकड़े के अनुसार बिहार में कार्यरत बीड़ी श्रमिकों की संख्या नौ लाख बत्तीस हजार एक सौ बयालीस है, जिसमें पुरुष चार लाख बत्तीस हजार तिरेसठ, महिलाएं पांच लाख बयालीस हजार सात एवं बाल श्रमिक अट्ठाइस हजार छः सौ बहत्तर हैं।

महोदय, केन्द्र सरकार ने बीड़ी श्रमिकों के कल्याण के लिए कई योजनाएं चला रखी हैं, लेकिन बिहार में बीड़ी श्रमिक कल्याण आयुक्त का

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कार्यालय नहीं होने के कारण योजनाओं का कार्यान्वयन नहीं हो पा रहा है। बिहार सरकार और बिहार के कई माननीय सांसदों द्वारा भी सन 2001 से ही पटना में आयुक्त कार्यालय खोलने की मांग की जाती रही है। तत्कालीन श्रम मंत्री के आश्वासन के बाद भी यह कार्यालय आज तक नहीं खुला। वित्तीय वर्ष 2007-2008 से 2010-11 तक बीड़ी मजदूरों के लिए एकीकृत आवास योजना के अंतर्गत कुल 1528 घर ही स्वीकृत हुए। इनमें भी प्रशासनिक लापरवाही के चलते कुल 1010 घर ही बनाए जा सके, जबकि बिहार सरकार ने इस योजना के अंतर्गत राज्य सरकार के अंशदान पहले जमा कर दिए। महोदय, सरकारी उपेक्षा के चलते बीड़ी मजदूरों के बच्चों के लिए छात्रवृत्ति योजना, मातृत्व लाभ सब में बिहार पिछड़ गया है। यहां यक्ष्मा रोग से ग्रसित बीड़ी मजदूरों का इलाज नहीं हो पा रहा है। यहां के बीड़ी मजदूरों के आई-कार्ड तक नहीं बनाये जा रहे हैं।

अतः हम सरकार से मांग करते हैं कि पटना में तत्काल आयुक्त कार्यालय खोला जाए तथा बीड़ी मजदूरों के कल्याणार्थ तमाम योजनाएं विशेष अभियान चलाकर लागू की जाएं।

(समाप्त)

Kgg/9d

**GRAVE INJUSTICE METED CUT TO GROUP-B OFFICERS OF IIS  
(INDIAN INFORMATION SERVICE) WITH REGARD TO THEIR PAY  
SCALES FIXED BY THE 6<sup>TH</sup> PAY COMMISSION,**

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**SHRI PRAVEEN RASHTRAPAL (GUJARAT):** According to informed source, in a detailed note to the Department of Expenditure, Ministry of Finance, the secretary of the I&B Ministry explained how the Group-B segment of the Indian Information Service "is important in projecting the Governments of profile." However, the Finance Ministry was apathetic on the request.

The Anomaly Committee recommended an IIS Group-B officer Grade Pay of Rs. 4,800 and non-functional selection Grade (Grade Pay of Rs. 5,400 in PB-3) after 4 years of regular service. However, the recommendations by the I&B Anomaly Committee also met the same fate as that of the I&B secretary.

The Commission recommended merging the Junior and Senior grades in the Group-B segment of the IIS. Both the Ministries accepted the recommendation and issued orders accordingly. However, the Finance Ministry, the sources say, was reluctant to issue a formal order which would facilitate a little financial benefit to about 80 officers amounting to less than Rs. 15 lakh.

It is really shocking that section officers who were drawing the Pay scale of Rs. 6,500 were given Rs. 8,000 after 4 years of service,

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but the same benefit was not allowed to the IIS Group-B officers. The D.O. letter dated 19.11.2010 from Secretary of I&B Ministry addressed to Secretary, Department of Expenditure, Finance Ministry, is self explanatory and requires urgent action by the same Ministry.

(Ends)

NB/9E

**DEMAND TO INCREASE IMPORT DUTY ON APPLE ON THE  
LINES OF ORANGE TO PROTECT THE INTERESTS OF  
APPLE GROWERS IN HIMACHAL PRADESH**

**श्रीमती बिमला कश्यप सूद (हिमाचल प्रदेश) :** उपसभाध्यक्ष जी, हिमाचल प्रदेश भारतवर्ष के उन सभी सब्जी एवं फल उत्पादकों में से एक है, जहां कई प्रकार की सब्जियां तथा फल पैदा किए जाते हैं। मान्यवर, हिमाचल प्रदेश सेब, आलू, नाशपाती, चैरी, आड़ू, खुमानी तथा प्लम आदि अनेक फलों को पैदा करने वाला राज्य है। सेब न केवल पूरे भारतवर्ष में सप्लाई होता है, बल्कि विदेशों को भी निर्यात किया जाता है।

महोदय, अंग्रेजी में एक कहावत है - "An Apple a day, keeps the Doctor away", परन्तु खेद का विषय है कि सेब पर आयात शुल्क 53 फीसदी

से घटाकर 29 फीसदी कर दिया गया है, जब कि इसके विपरीत संतरे पर आयात शुल्क 100 फीसदी से 130 फीसदी तक बढ़ाया गया है।

मान्यवर, हिमाचल प्रदेश के लाखों सेब बागवानों के साथ इस तरह का भेदभाव क्यों हो रहा है? हिमाचल प्रदेश सरकार और केन्द्र सरकार के मंत्रियों के बीच इस मामले को हल करने के लिए कई बार पत्र व्यवहार व बातचीत हुई, लेकिन प्रदेश के सेब बागवानों की इस मांग को केन्द्र सरकार ने फिर से खारिज कर उदासीन रवैया अपनाया है, जो बड़े दुःख की बात है।

अतः मेरा आपके माध्यम से केन्द्र सरकार से अनुरोध है कि संतरे की तर्ज पर ही सेब पर भी आयात शुल्क 53 फीसदी से बढ़ाकर 100 फीसदी कर दिया जाए तथा आढ़तियों द्वारा सेब उत्पादकों से वसूले जाने वाले कमीशन को भी खत्म कर दिया जाए, ताकि हिमाचल प्रदेश के लाखों फल उत्पादकों को उचित दाम मिल सकें। धन्यवाद।

(समाप्त)

MP/9F

**DEMAND TO TAKE STEPS FOR SPEEDY DISPOSAL OF CASES  
OF SEXUAL HARASSMENT AND RAPE IN THE COUNTRY**

**डा. प्रभा ठाकुर (राजस्थान) :** उपसभाध्यक्ष महोदय, अनेक कठोर कानूनों के बावजूद आज देश में ऐसी स्थिति है कि दिल्ली सहित अनेक राज्यों में बलात्कार एवं यौन शोषण संबंधी घटनाओं में वृद्धि ही दिखाई देती है। छोटी-छोटी बच्चियों एवं बालकों के साथ हो रहे अमानवीय दुष्कर्म बढ़ने का कारण शायद यही है कि अपराधियों को कानून का कोई डर नहीं रहा, क्योंकि आम तौर पर ऐसे मामलों में सज़ा मिलने में ही कई वर्ष लग जाते हैं तथा अधिकांश अभियुक्त या तो पकड़े नहीं जाते या उन्हें सज़ा नहीं मिलती। अनेक ऐसे मामलों में मेडिकल रिपोर्ट को भी अपराधी धनबल अथवा किसी और प्रभाव से प्रभावित कर देते हैं, तथा अधिकांश पीड़ितों को न्याय नहीं मिल पाता। इस चिंताजनक स्थिति के निवारण के लिए कुछ सुझाव प्रस्तुत हैं —

मेडिकल परीक्षण रिपोर्ट 15 से 20 दिन के अंदर दिया जाना अनिवार्य किया जाए। ऐसे मामलों की सुनवाई जिन अदालतों में हो, उनका फैसला तीन-चार माह के भीतर निश्चित किया जाए। गलत मेडिकल रिपोर्ट देने पर संबंधित डॉक्टर अथवा पुलिस अधिकारी के लिए भी दंड का प्रावधान हो। डी.एन.ए. प्रोफाइलिंग की सुविधा हर जिले में हो। अभियुक्तों को कठोर दंड मिलने पर ही ऐसी वारदातों में कमी आ सकेगी।

(समाप्त)

TDB/9G

**DEMAND FOR IMMEDIATE APPOINTMENT OF CHAIRMAN OF  
CAUVERY WATER DISPUTES TRIBUNAL**

**SHRI A. ELAVARASAN (TAMIL NADU):** Sir, I would like to urge the Government to take immediate measures for appointment of a new Chairman to the Cauvery Water Disputes Tribunal in place of the previous Chairman who has resigned recently. The Government of Tamil Nadu had filed a Civil Miscellaneous Petition before the Tribunal to take up the pending applications filed by the party States and the Central Government, under section 5(3) of the said Act and, dispose of the same at the earliest. After a week, the Tribunal had also issued a notice about the listing of this petition before it last month, but because of resignation of earlier chief, it could not be taken. The resignation of Chairman of the Cauvery Tribunal has caused deep concern and anxiety in the minds of people of Tamil Nadu. The Tribunal cannot function without Chairman as required under section 4(2) of the Inter-State River Water Dispute Act. As per section 5A of the said Act, the proceedings of the Tribunal can be continued only if a person is nominated as Chairman. Hon. Chief Minister of Tamil Nadu

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has already insisted the Government to take immediate measures for appointing new Chairman to this Tribunal so as to take up the pending applications filed in the Tribunal, and the Tribunal can be continued only if the Chairman is appointed. Therefore, in view of the importance of this issue, I once again urge the Government to appoint the Chairman for the Cauvery Tribunal as soon as possible.

(Ends)

PK/9H

**DEMAND FOR STREAMLINING TELEPHONE AND INTERNET  
SERVICES PROVIDED BY MTNL AND BSNL IN COUNTRY**

**SHRI RAMA CHANDRA KHUNTIA (ODISHA):** Sir, there are always interruptions and noises in the MTNL and the BSNL telephones and also on the Internet. People have more confidence in them, as they are public sector units and have better infrastructure. Members of Parliament have been given the MTNL and the BSNL telephones. But because of poor service, carelessness of these Corporations, people have lost the confidence and they are mostly shifting to private mobile companies.

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Even some high officials of the BSNL and the MTNL companies keep mobiles belonging to private companies. On the other hand, the profit-earning BSNL and the MTNL companies have been suffering losses since the last three years. Why? Who is responsible for this?

Sir, as far as interruption in my own telephone no. 09437029595, Bhubaneswar, of BSNL is concerned, Internet is not working. I made a complaint, talked to the GM, Mobile, BSNL, but, still, my telephone is not working. In rural areas, BSNL Telephone Exchanges are not working. Landline telephones and mobile phones have not been working in rural remote areas for months together and nobody bothers to receive the complaint. That is the reason why the number of landline telephones and mobile phones of the BSNL and the MTNL is decreasing and private companies are capturing the market. This is a serious and alarming situation.

I, therefore, urge upon the Government to develop and expand the infrastructure, ensure better service and stop all deputation allowances in the MTNL and the BSNL. Making Code of Conduct more stringent will make the MTNL and the BSNL perform for its

survival and also compete with the other private mobile and telephone companies.

(Ends)

PB/9J

**NEED TO EXTEND FACILITY OF MINIMAL INVASIVE ROBOTIC  
SURGERY TO CGHS AND ECHS BENEFICIARIES  
IN THE COUNTRY.**

**SHRI KANWAR DEEP SINGH (JHARKHAND):** Sir, a revolutionary advanced treatment in minimal invasive surgery through robotic surgical system has been introduced in India. It is performed through 1-2 cm incisions by a surgeon using a robotic surgical system called DA VINCI, which enables surgeons performing these surgeries to be more precise. This has advantages of faster recovery and resumption of normal routine within 10 days or sooner, lesser pain and trauma. It also improves dexterity of the surgeon. The robotic surgery thus can be performed for cardiac thoracic, urology, gynaecology, general, head, neck and orthopaedic procedures. It is a blessing in disguise as major heart surgeries are performed through three to four incisions. Unlike the traditional methods of surgery, the chest is not opened to access the heart. There is less pain, shorter hospitalization, faster

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recovery, lesser blood loss and risk of infection, and minimal scarring.

In India, the first-ever robotic surgery was performed in 2002 at New Delhi. Since then, the robotic systems in India have increased from 1 to 22. This robotic surgery has been practised in many countries for the past 22 years. The idea is to make India self-sufficient and make this advanced form of surgery easily available in India.

I request the Health Minister to promote this latest technique of minimal invasive robotic surgery and extend the benefit of this advanced treatment to the beneficiaries of C.G.H.S. and the Defence Minister to extend this benefit to E.C.H.S. beneficiaries and also introducing this surgical technique in the medical facilities of the Armed Forces as it will be a boon to the injured due to the faster recovery period.

(Ends)

(Followed by 1Q)

RG/12.15/1Q

**STATUTORY MOTION FOR RESOLUTION THAT THE  
INFORMATION TECHNOLOGY (INTERMEDIARIES GUIDELINES)  
RULES, 2011, LAID ON THE TABLE OF THE HOUSE ON 12<sup>TH</sup>  
AUGUST 2011, BE ANNULLED.**

**SHRI P. RAJEEVE (KERALA):** Sir, I move:

“That this House resolves that the Information Technology (Intermediaries Guidelines) Rules, 2011 issued under clause (zg) of sub-section (2) of Section 87 read with sub-section (2) of Section 79 of the Information Technology Act, 2000 published in the Gazette of India dated the 13<sup>th</sup> April, 2011 vide Notification No. G.S.R 314(E) and laid on the Table of the House on the 12<sup>th</sup> August, 2011, be annulled; and  
That this House recommends to Lok Sabha that Lok Sabha do concur in this Motion.”

Sir, after a long time, our Parliament is discussing a Statutory Motion. This is one of the rarest occasions in Parliamentary proceedings. Normally, Parliament would not get an opportunity to discuss rules. Statutory Motion is the only opportunity for Parliament to discuss rules. Parliament has the power to make laws. But the

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power to make rules is delegated to the Executive. The legal requirement is that the rule should be in accordance with the parent Act. But, nowadays, we find that most of the rules are *ultra vires* the parent Act. The Information Technology (Intermediaries Guidelines) Rules, 2011, is a clear-cut illustration of this trend, which needs to be curbed by the supreme law-making body of the country, that is, Parliament. The World Summit on the Information Society is going to be held in Geneva tomorrow, where different aspects, including Government-control on internet by our country, are going to be discussed. We are discussing this Motion today, and this would reflect on the Conference which is to be held in Geneva.

Coming to the grounds for this Statutory Motion, I would like to state one important thing. I am not against any regulation on internet, but I am against the control on internet. What is the difference between regulation and control? Recently, Justice Markandey Katju correctly made a distinction between control and regulation. In control, there is no freedom. In regulation, there is freedom within the reasonable restrictions given under our Constitution. The Information Technology (Intermediaries Guidelines) Rule is an attempt to control

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the cyber space. It is an attempt to curtail freedom of speech and expression which has been ensured under article 19 (1) (a) of the Constitution. Sir, we have enough legal provisions to regulate the internet. The I.T. Act, 2000, has a very strong provision to regulate internet. I would like to invite the attention of this august House to Section 69 of the Act. Section 69 (1) gives powers to issue direction for blocking, for public access, any information through any computer resource. This Section has correctly specified what the offendable things are. Now, I quote Section 69 (1): “If satisfied that it is necessary or expedient so to do in the interest of the sovereignty or integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence, relating to above, it may subject to the provisions of sub-section (2).” These are correct formulations. This is in accordance with article 19 (2) of the Constitution. But, in addition to that, Section 69 (3) talks about intermediaries. What are intermediaries? Now, when we use the I-pad in Parliament, we get the internet access through the MTNL. So,

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that is an intermediary. Likewise, Google and Yahoo are intermediaries.

(Continued by 1R)

SSS/1R/12.20

**SHRI P. RAJEEVE (CONTD.):** Facebook and Twitter are intermediaries. Web hosters are intermediaries. These are intermediaries. In the Act itself there are strong provisions to control these intermediaries. 69 A (3), “The intermediary who fails to comply with the direction issued under sub-section (1) shall be punished with an imprisonment for a term which may extend to seven years”. Section 69 A (3) is a very strong provision in the Act itself. Sir, the Government has made rules on the basis of Section 69, i.e. the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009. Sir, if the formulation of procedure is very correctly framed, then, how can the content be blocked by an intermediary? The designated officers are there. Specific Committees are there. Reviewing Committees are there and as per this Rule, there is a strong provision to control the intermediaries also. A provision to not only regulate, but even to

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‘control the intermediaries’ is there in the Act itself. Then, Sir, there are too many criminal provisions in the IT Act. While coming to Section 66 A of the IT Act, “causing annoyance or inconvenience electronically has a penalty of three years and does not require a warrant to arrest.” That is the provision of the Act itself. That shows the IT Act itself and the rule in accordance with several sections of the Act give power to the Government, and also to the intermediaries, to deal with all these things. Then, what is the urgency for the new rule? Sir, in 2004, Avnish Bajaj, the CEO of Baazee.com, an auction portal, was arrested for an obscene MMS clip that was put up for sale on the site by a user. The Baazee.com case, a well-known case, resulted in an appeal by the industry to amend the Information Technology Act by providing protection to intermediaries from liabilities arising out of user-generated content. Sir, the intermediaries have no editorial control on the content. That is true. Then, certain protection should be there. For this, the IT (Amendment) Act, 2008 amended Section 79 of the IT Act, 2000 to provide for safe harbour protection to intermediaries. The safe harbour protection available to intermediaries is conditional upon their observing “due diligence” while discharging

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their duties under the Act and observing guidelines issued by the Government in this regard. Sir, these guidelines prescribing “due diligence” to be observed by intermediaries were notified in April 2001 in the form of IT (Intermediaries Guidelines) Rules 2011. Sir, why should these rules be annulled? That is the content of the Statutory Motion. Firstly, Sir, these rules are *ultra vires* to the parent Act. Section 79 intended to give harbour protection to the intermediaries. The purpose of Section 79, amended Section, is to give harbour protection to the intermediaries from other liabilities, but this rule has gone against the intent of Parliament by introducing a private censorship mechanism. Sir, this is private censorship. Delhi High Court in 2002 has specifically stated that pre-censorship cannot be countenanced in the scheme of our Constitutional framework. That is the verdict of Delhi High Court in 2002. These Rules, the new Rules, which we are discussing now, cast an obligation on the intermediaries to remove access to any content within 36 hours on receiving a complaint from an affected person, that falls under the category of a wide vague undefined list of “unlawful” content specified in the Rules.

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That is true. The rule should act, but *de-facto* they are compelled to remove the content.

(Contd. by NBR/1S)

-SSS/NBR-MCM/1S/12.25.

**SHRI P. RAJEEVE (CONTD.):** That is the reality. It has been experienced by several organisations and other people by giving some complaints and the content was removed within 36 hours. The unlawful content has been mentioned under Rule 3(2) of Intermediaries Guidelines. Rules 3(2) says, "Such rules and regulations, terms and conditions or user agreement shall inform the users of computer resource not to host, display, upload, modify, publish, transmit, update or share any information." Then, Sir, 3(2)(b) specifically states what are the offendable contents, but without defining what are these. Sir, I would not like to take more time to read all these things. But, I would only say any information that is grossly harmful, harassing, blasphemous, defamatory, obscene, pornographic, pedophilic, libellous and there are several things has to be informed to the computer users. It is neither defined in the Rules nor is defined in the Act.

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But, Sir, Section 69 of the Act specifically defined unlawful content. The correct formulation of Section 69 specifically defined unlawful content which came under the purview of Article 19(2) of the Constitution. But, Rule 3(2) of the Intermediaries Guidelines goes beyond the Act which is a clear violation of the Act.

Sir, my second point on the *ultra vires* of the parent Act is Section 69. Sir, Section 69 of the Act gives power to the Government to issue direction for interception or monitoring or decryption of any information through any computer resource. Sir, Section 69(2) provides for procedures and safeguards subject to which such interception or monitoring may be carried out. The executive has made a rule on the basis of Section 69. It clearly specifies what are the provisions and procedures followed by the executive to take information with regard to the user. But, Sir, Sub-Rule 7 of Rule 3 of the Intermediaries Guidelines mandates the intermediary to provide information of any such assistance to Government agencies without any safeguards. This is a clear violation of the Act. This is clearly against the guidelines specifically framed by the Supreme Court in Telephone Tapping Case. This is a clear violation of Section 69 of the

IT Act and this could have serious implications on the right to privacy of citizens.

I come to Section 88 of the Act. There is a provision for Cyber Regulations Advisory Committee. Soon after commencement of the Act, Cyber Regulations Advisory Committee consisting of -- who? -- the interests of principally affected or having special knowledge on the subject matter to advise the Government on framing the rules. In the Act itself, there is a provision to constitute an Advisory Committee. Sir, Information Technology, cyber space, etc., are new sectors and hence expertise is required. So, the Government has correctly framed Section 88 in the IT Act to constitute Cyber Regulations Advisory Committee to advise the Government for framing the rules. These rules, without seeking any advice from the Committee, have been framed. It is because even after one decade this body has not yet been formed. The advisory mechanism or body to guide the Government on framing the rules has not yet been constituted even after one decade of the Act! This is a very serious thing.

Sir, the apex court of the country has quoted several rules which are *ultra vires* of the parent Act. I am sure, as an eminent lawyer, our

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hon. Minister, Mr. Kapil Sibal, is well aware of the fundamental principles of the Subordinate Legislation that essential legislative function cannot be undertaken by the executive since it is the sole prerogative function of the Parliament. It is the sole prerogative function of the Parliament. It should not be delegated to the executive. If the Government wants any change, it has to come to Parliament. That is my first ground on this Motion.

Secondly, this rule is violation of the Constitution.

(CONTD. BY KS "1T")

1t/12.30/ks

**SHRI P. RAJEEVE (CONTD.):** Article 19(1) of the Constitution ensures the right to freedom of speech and expression. Article 19(2) of the Constitution specifically defines the 'reasonable restrictions'. But, Rule 2 goes beyond article 19(2) of the Constitution. The Supreme Court held in the *Express Newspaper Private Limited versus the Union of India* case that if any limitation on the exercise of the Fundamental Right under article 19(1) does not fall within the purview of article 19(2) of the Constitution, it cannot be upheld. This was the verdict given by the apex Court in that case. In several cases, such as

that of *Mohini Jain versus the State of Karnataka*, the Supreme Court of India quashed the rule saying that it was *ultra vires* of the Constitution, stating that the rule violates the principle of natural justice.

The rule does not provide an opportunity to the user who has posted to reply to the complaint and justify his or her case. This whole mandates the intermediary to disable the content without providing an opportunity to hear the user who posted the content. In some countries like America and the European Union countries, there is a provision to hold the content, remove the content for some days and after hearing the user who posted the comment, there is a provision to repost it. Such safeguards are not here. This is a clear violation of the principle of natural justice and it is highly arbitrary.

Fourthly, this rule prohibits the posting of certain content on the Internet while it may be lawful in the other media. For example, an article may be permitted in the print media, it may be permitted on television, the visual media, but the same article might be prohibited from being reproduced in a web edition.

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Sir, the Ministry issued a clarification in 2011. In that clarification, the Ministry had claimed, and stated:-

"These due diligence practices are the best practices followed internationally by well-known mega-corporations operating on the Internet".

Sir, it might be true. But self-regulation should not be equated with Government control. The Ministry, in the same clarification, also stated, and I quote:-

"The terms specified in the Rules are in accordance with the terms used by most of the Intermediaries as part of their existing practices, policies and terms of service which they have published on their website. In case any issue arises concerning the interpretation of the terms used by the Intermediary, which is not agreed to by the user or affected person, the same can only be adjudicated by a court of law".

What is the logic, Sir? Their attitude is, 'run away from defining these terms'. The Ministry has stated that the Intermediaries have defined

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these terms; if you have any objection to the definition, then, you can approach the court of law. What a logic, Sir! We are creating an avenue for judicial interpretation. We are running away from our own responsibilities. This is totally against the basic principles that we follow in law-making and in rule-making.

Finally, Sir, I would like to submit what the international approach is. The U.N. Human Rights Council says, and I quote:-

"Censorship measures should never be delegated to a private entity. No one should be held liable for content on the Internet of which they are not the author. Indeed, no state should use or force Intermediaries to undertake censorship on its behalf".

This is what the declaration of the U.N. Human Rights Council states. That is the duty of the Government. As per the Act itself, there are certain provisions by which the Government can intervene and regulate the Internet. Several rules are there as per section 69 of the Act. But these rules in accordance with section 79 of the I.T. Act go beyond the Fundamental Rights enshrined in the Constitution, they also go beyond the principles which are being followed internationally

and they also go against the declaration of the U.N. Human Rights Council.

(cd. by 1u/kgg)

1u/12.35/kgg

**SHRI P. RAJEEVE (contd.):** Finally, Sir, we should recognize multi-stakeholder nature of internet. Tomorrow, in Geneva, there is a very serious debate on this multi-stakeholder. India has proposed some code and some Government control measures. I support some part of it. But, we should protect multi-stakeholder nature of the internet. This is a very serious attack on the freedom of speech and expression. This is a very clear violation of the parent Act, which is *ultra vires* to the parent Act, and *ultra vires* to the Constitution. This is against the principles of natural justice.

So, I request the House to annul this rule itself to protect the rights of Parliament. Do not delegate these powers to the Executive. If the Minister wants any change, let him come to the House with an amendment Bill and make the rules accordingly. With these words, I conclude. Thank you, Sir.

***The question was proposed.***

(Ends)

**THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY):** Mr.

Vice-Chairman, Sir, let me, first of all, compliment the hon. Member, Shri Rajeeve, for familiarizing all of us that we have a role in overseeing even subordinate legislations. Otherwise, most of us were under the impression that the law is framed by Parliament, and rules and regulations are framed by the Government and placed on the Table of the House. I think, he deserves a compliment for educating us on this rule that Parliament has a supervisory control as far as subordinate legislations are concerned, and, if need be, we can express our vote of disapproval to the subordinate legislations.

Sir, we are dealing with a very difficult issue. We can allow ourselves to be carried away by either a popular sentiment which is always against any form of restraint or censorship; we can also allow ourselves to be carried away by a certain amount of anguish and irritation as to the kind of material we see on the internet or on various sites. The fundamental principle is that it is extremely difficult, if not impossible, to control technology. It would not even be desirable to do so. It is impossible to defy technology. So, the days of censorship, the days of withholding back information is all over. I always believe

that if the internet had been in existence, the internal Emergency of 1975 would have been a big fiasco. You could restrain and create awe by censorship of the print media and control the electronic media, but you could never control the internet. Therefore, there would be a free flow of information; information would come from all over the world. There would be angry exchange of articles and the circulation would have been so wide that the whole fear psychosis which was built up would itself have been demolished. Therefore, these institutions which have come up by virtue of technology have a great role to play.

But, then, there is the other danger. The other danger is, there is a situation of incitement of certain offences in the society. There is hate speech. There is religious hatred being created. There is caste hatred being created. There is an incitement to violence being created. You can have a flow of information which can then end up creating frenzy as far as the society is concerned. If that kind of frenzy is created, you will see the negative impact of allowing this kind of information. Therefore, we have to take a balanced approach as to how to go about in the matter, the rules which have been prepared by the Government and placed on the Table of the House. In fact, rules

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themselves are attempting to devise a mechanism. The mechanism is that, on account of technology, there is inflow of information. Suppose, there is inflow of information into the YouTube. Those who own or administer YouTube do not censor every article--or any piece of information, a video or an audio--that goes on to the YouTube. Anybody can enter the information at any point. Their only authority or domain would be to remove it once it enters.

(Contd. by tdb/1w)

TDB/1W/12.40

**SHRI ARUN JAITLEY (CONTD.):** Now, the information is going to be so large; the content is going to be so large, that they would not even be aware of what is actually contained therein. Therefore, most sites invent the procedure by which they have internal alerts. So, if there is anything which is pornographic, the alert goes up and it is immediately taken off. This can go off, not in minutes, it can go off in seconds itself. If there is something which relates to incitement of an offence, there will be several indications of alerts within the internal system. Then, there is a system of 'outside alerts'. You don't catch that objectionable material, but somebody else brings it to your notice.

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Therefore, you have to then take it off. In that sense, the rule really says that every intermediary will be given the following information, which he cannot carry. If his internal and external alerts bring it to his notice, it is incumbent on him to take it off within 36 hours. This is the architecture which this rule appears to have devised. Don't put anything on these knowingly, which is objectionable. But if, unknowingly, something appears on your site, and if the alert brings it to your notice, then it will have to be taken off. The difficulty will arise -- this procedure, *prima facie*, appears to be reasonable -- if the kind of information which is sought to be objected to and removed becomes too wide, and then becomes a threat to free speech. My limited point is -- and I urge the hon. Minister that I have no serious personal objection against the architecture that he has devised -- it is an architecture where there is no prior censorship; it is an architecture where anything can go on these sites. If something is objectionable, and if it is by an alert system brought to your notice, then, within a reasonable period of time, you take it off. Now, you see the kind of information which is being restrained. I draw the hon. Minister's attention to Regulation No.3; it is contained in sub-clause (2) of

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Regulation No.3. Now, take category (b) out of that. Here, Mr. Rajeeve's point is that link it to what are the restrictions in article 19(2) of the Constitution. There is a clause which incorporates some of them; then, it adds something more. There are certain laws which prohibit carrying of certain kind of information. That may be in addition to article 19(2). For instance, an obscene display of women; somebody else's copyrights; somebody else's patents; somebody else's trade information, you can't carry that. Now, this broadly deals with these categories. But, then, the expressions used in some of the cases are so wide that my fear is that at some stage, they could even be used to curtail some amount of free speech. In clause (b) you said, "If that information is grossly harmful". Now, the word 'harmful' is absolutely subjective. Now, there is information which some my friends in the Government may consider very harmful to them. I may think it is my right to express that information. It is 'harassing'. Now, 'harassing' is not a word which is capable of a strict legal definition. It can be stretched to such an extent: are we going to empower the Executive? I can understand that anything which harasses an individual lady, if it was specific, I may have had no objection. But if

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you say, 'it is harmful', 'it is harassing', it is not proper. The third word is 'blasphemous'. I would urge the hon. Minister to kindly replace this word with what is contained in Indian law. Now, we have a very secular penal law that anybody who creates incitement against any religion or who expresses disrespect is liable. Now, 'blasphemous', internationally, at least, in some countries, is very narrowly defined. In England, for instance, 'blasphemy' is only against one religion.

(Contd. by 1x-cls)

KLS/1X-12.45

**SHRI ARUN JAITLEY (CONTD):** So, blasphemy is only against one religion. If blasphemy is an offence, it is against Christianity. It is not an offence against Islam, Hinduism, or Zoroastrianism. You have the judicial pronouncements in the British Courts when a restraint was sought on the Satanic Verses, they said, no, you are saying that this is blasphemous of Islam, but this is an offence available only against Christianity. So, the word really comes from the English Dictionary, and, therefore, rather than using the word 'blasphemous', I have no difficulty if the words were, 'anything which incites religious hatred or disrespect to any religion' are used. You can have that power. Now

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this 'defamatory' in this, I have a positive objection to it. I am entitled to defame somebody as long as I can plead truth as a defence. Therefore, every time I get up and on the net an allegation is made that somebody is corrupt, it is obviously defamatory. But then the person making that allegation has a right to plead that what I have said is true. Now you seek to restrain anything which is defamatory. So, both in common law and also in our penal law, defamation is permissible as long as you can justify the defamation. You can either justify or you can have a qualified privilege in a response to defamation, and then to say that anything defamatory will not be allowed, if I get up and say that I have a serious objection that so and so is *prima facie* guilty in such corruption scandals, it is obviously defamatory. But I am entitled to say so as long as I can plead truth as a defence. So, anything which is defamatory, I think, if it goes off the net completely, then we will probably have a very boring internet as far as this country is concerned because a lot of material which comes up enlightens people and informs us of what kind of things which are taking place. Similarly, there are words 'libellous', 'disparaging'. Now somebody can get up and criticise my party or criticise me, it is

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disparaging as far as my party or my criticism is concerned. Do I have a right to say that it be taken off the net? I think, the words which have been used are being capable of stretched in a manner that there is a huge possibility of a future misuse. Sub-clause (f) says, 'deceives or misleads the addressee about the origin of such messages or communicates any information, which is grossly offensive or menacing in nature'. Now 'offensive' or 'menacing' are not being capable of put in a definitional narrow jacket. Now something maybe offensive for some and may not be offensive for some. Similarly, (g) is, 'impersonates another person'. Sir, my grievance is that both in Parliament, in our media and public discourse, we are losing a sense of humour. There are cases of impersonation that I see, particularly, on the Twitter. I have had somebody impersonating a site as my site. I made a grievance and I found a lot of humours and funny things, including ridiculous to me coming from that particular impersonator. You have somebody imitating people in high places. As long as it is a part of permissible humour, it is all right, but if it is a case where somebody is committing an offence through impersonation, I think, there is a need for law to

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step in. But if it is a case where somebody has a satirical site or a satirical space on the Twitter, this is not intended to really stop that. In (i), there are two cases. I have no difficulty with the first part of (i), that is actually reproduction of article 19 (2) where reasonable restrictions are possible, and it says, 'threaten the unity, integrity, defence, security, sovereignty of India, friendly relations with foreign states or public order or causes incitement of a commission of a cognizable offence'. These are the words literally picked up from the Constitution. We have accepted them. They have stood the test of time, I have no difficulty. Then it says, 'or prevents the investigation of an offence.' Now do I not have a right to criticise an investigative agency? We have seen misuse of investigating agency.

(Contd by 1Y/PK)

-KLS/PK/1Y/12.50

**SHRI ARUN JAITLEY (CONTD.):** I can criticise it in the print media; I can't do it on the Net. The last one, again, I think, is very broad. I would urge the Minister to retain only the first language, "friendly relations with foreign States". That is the language of the Constitution, article 19 (2). Now, you are bringing a new category

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saying , “or is insulting any other nation”. Now, in a huge discourse on Foreign Policy on national relationships, we are entitled to criticise other States. The Government of India may use its restrained language; we, in Parliament, may use its restrained language, but on the Net, you will find a number of comments about a country where Osama Bin Laden was eventually found. We also in politics say, ‘Terror as an instrument of State Policy, the Government is encouraging it.’ We criticise the institutions. My fear is that they will come within the meaning of the words, ‘insulting any other nation’. Therefore, a legitimate criticism, which is Constitutionally permissible, which doesn’t really offend foreign relations with friendly States, is something which is permissible. So, if I may just, in a nutshell, say, I am with the architecture that the hon. Minister is creating, because, if, as I said, there is some kind of a communal or caste problem, the Net can go viral and you can have a frenzy in the society, certain kind of information which creates disorder in the society may have to be restrained. But, then, to say, ‘take that power and then extend it by the use of such words where legitimate expression may become difficult’, there would be apprehension.

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Powers are, normally, assumed under these rules on the assumption that they won't be misused. We feel the pinch only when they are misused. Therefore, I would urge the Minister to kindly reconsider the language of the kind of restraints that he wants to bring as a result of this notification. Thank you, Sir.

(Ends)

**DR. E.M. SUDARSANA NATCHIAPPAN (TAMIL NADU):** Sir, I am very happy that the hon. Members are taking up these issues for a wide discussion. But, at the same time, in our House Committees, there is a Committee on Subordinate Legislation. When these types of issues come, we can request the Committee on Subordinate Legislation to go in depth and take the evidence from the Government to know whether there is a necessity for such a rule or not. Since the so-called Plenary Session of the Parliament is having sufficient work in hand, we have created House Committees where this type of issues can be raised. But even then, our hon. Member has attracted the attention of the media, and also of the House, to take cognizance of this issue. But, Sir, after reading the rule which has now been framed, I find it to be a very carefully drafted one. I fully respect the

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Leader of the Opposition for making certain observations. Those are all to be considered by the Government. But, at the same time, when this particular rule is drafted, I feel, every word is having its own meaning, because the wider aspect of the extreme cases are there. We can take the extreme case of using the Twitter or Face Book, any Government can be collapsed. Egypt and Lebanon have already faced the situation; it created a situation where people opposed the Government. In the same way, I can take small example of today's newspaper. Today's 'Hindustan Times' says, "Innocent lost - Facebook photo at the root of the killer rage" -- this is the heading which is given in the 'Hindustan Times', simply because some group of people have created a message in the Facebook and on seeing the photograph, that person was killed. This is what is happening now. Many of the countries including the USA are now considering in which way we can regulate this freedom, which is given to the people of their own country. When that is the situation, our country is very much correct in having a regulatory system which was on the basis of the enactment made by this Parliament as the Information Technology Act, 2000.

(Contd. by 1Z/PB)

**DR. E.M. SUDARSANA NATCHIAPPAN (CONTD.):** Under that Act, there is a particular Rule. For the convenience of the hon. Members, I will read that Rule. It is Rule 3. The title itself is very, very carefully put up. Its title is: ‘Due diligence to be observed by the intermediary.’ Sir, one can see how sophisticated language has been used here. We can appreciate it. “The intermediary shall observe the following due diligence while discharging his duties, namely, (1) The intermediary shall publish the rules and regulations, privacy policy and user agreement for access or usage of the intermediary computer resources of any person.” It goes on like that. Then, Sir, I would like to quote Rule 2, which is challenged by the hon. Member, Mr. Rajeev. It says, “(b) is grossly harmful, harassing, blasphemous, defamatory, obscene, pornographic, paedophilic, libellous, invasive of another’s privacy -- this is very, very important — hateful, or racially, ethnically objectionable, disparaging, relating or encouraging money laundering or gambling, or otherwise unlawful in any manner whatever; (c) harm minors in any way; (d) infringes any patent, trademark, copyright or other proprietary rights; (e) violates any law

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for the time being in force; (f) deceives or misleads the addressee about the origin of such messages or communicates any information which is grossly offensive or menacing in nature; and (g) impersonate another person.”

Sir, these things are already available in the Indian Penal Code and all other legislations which are covering the privacy of a particular individual. Sir, the reputation of a person can be very easily damaged by way of messaging something on Twitter, Facebook, etc. What is the remedy? The remedy is now provided under the Regulatory Authority under this enactment, which is the Regulator. That Regulator can prescribe certain rules and guidance which are to be followed. Now, Section 89 of the Act talks about the power of the Controller to make regulations. It says: “(1) the Controller may, after consultation with the Cyber Regulation Advisory Committee and with the previous approval of the Central Government by notification in the Official Gazette make regulations consistent with the Act and the Rules made thereunder to carry out the purposes of this Act.”

This is purely a regulatory mechanism which was provided through the enactment, which was made by way of a Parliamentary

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legislation and which is also very necessary. Sir, we have to look into the print media. If some damaging information is published in the print media about somebody, any individual or a group of people or an organization or any Government official has got a right to challenge it by way of filing a defamation suit, and also by way of criminal prosecution against that individual. This right has been given to us. Under the Constitution, we have got every right to see that our reputation is not damaged. Every individual has got it. He may be a billionaire or a millionaire or an ordinary person; everybody has got the right and the capability to use the legal provisions. If something is televised in the television, then also, we have got the Regulatory Authority under the Television Cable Networking Act by which that can also be controlled. But there is no regulation at all for the Internet. Even America is now thinking as to how much liberty it can give to it or how it can restrict it. All the European countries are worried about it because a lot of false information is put therein every minute and it is going throughout the world. To whom it goes? Who is taking it? Who is taking up arms? Who is indulging in the Unlawful Activities? Nobody knows! Nobody can control it. None of the State has got the capacity

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to control this information as to where it goes and how they are going to use it, how they are going to plan it. This is the greatest challenge before the civil society.

(Contd. by 2a/SKC)

2a/1.00/skc-asc

**DR. E.M. SUDARSANA NATCHIAPPAN (CONTD.):** We are facing cyber crime. It happens every day. Lives of so many people are destroyed, and even Governments have been pulled down. Even riots have taken place in some areas because of it. How do we control it? This is something which even the United Nations is pondering over. They are trying to work out ways to control such things. Now, when such is the case, I feel sorry that the words used in this particular rule are very soft. The words used are “due diligence”. This would not be able to control it.

Sir, I feel that all of us must support this law and this particular rule. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Hon. Members, we have a lot of business listed for today. We have to finish the present discussion, and then, we have The Copyright (Amendment) Bill and

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other Bills as well. So, let us do away with the lunch-hour. Nobody has any objection to that. (Interruptions)

**DR. E.M. SUDARSANA NATCHIAPPAN:** I would request everybody present here that let us support this law. (Interruptions) It is the right time for us to express our views. Even the media is being affected in some cases. Even the print and television media are being affected by these internet messages and messages on Twitter, Facebook, and other such things. Huge funds are allocated for managing the intermediaries. These intermediaries ought to be regulated. It is the thought of the international community now, and even the United Nations and other organizations have come forward with new regulations. (Interruptions)

**DR. NAJMA A. HEPTULLA:** Sir, let us adjourn for lunch. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That is what I had talked about a little while ago; let us do away with the lunch hour. Everybody accepted it.

**DR. NAJMA A. HEPTULLA:** No, Sir. The sense of the House must be taken. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I had said, let us do away with the lunch hour, and nobody objected to it. (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** Sir, it is necessary to take the sense of the House. (Interruptions)

**SHRI N.K. SINGH:** Sir, the sense of the House must be taken. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Okay; I agree. (Interruptions)

**DR. NAJMA A. HEPTULLA:** Sir, it cannot come from the Chair. It should have originated from the House. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I do agree. (Interruptions) आप बैठिए, आप बैठिए। ...(व्यवधान).. I do agree. I had announced it then and since nobody objected to it, I thought it was a consent. (Interruptions) Okay. What does the Government have to say? (Interruptions)

**श्री राम कृपाल यादव :** उपसभाध्यक्ष महोदय, जब आपने घोषणा की तो हमने सुना ही नहीं।। ...(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** All right. The House is supreme. The House could decide. The only point is, since we have

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a lot of business to be taken up, especially the present one and the Bill too, if the House so agrees, we could do away with the Lunch Hour.

**SOME HON. MEMBERS:** No, Sir.

**SHRI N.K. SINGH:** Sir, the Government has burdened this House today with excessive business. (Interruptions)

**SHRI M. VENKAIAH NAIDU:** Sir, we shall have lunch and come back. (Interruptions)

**श्री विनय कटियार :** सर, पाकिस्तान में अल्पसंख्यकों के साथ जो व्यवहार हो रहा है, पहले इस विषय को ले लिया जाए। ...(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I did not ask you to do away with the lunch; I have only said, let us do away with the lunch hour. (Interruptions)

**श्री विनय कटियार :** उपसभाध्यक्ष महोदय, हम सब लोग सहमत हैं कि पाकिस्तान में अल्पसंख्यकों के साथ जो व्यवहार हो रहा है, यह विषय पहले ले लिया जाए, मेरा इतना ही निवेदन है। ...(व्यवधान).. इस सेशन को पूरा करने के बाद, इसको ले लिया जाए। ...(व्यवधान)..

**श्री बलबीर पुंज :** उपसभाध्यक्ष जी, पाकिस्तान में अल्पसंख्यकों पर अत्याचार होते रहे हैं और इस मुद्दे को हम लोग संसद में उठाने की कोशिश करते रहे हैं। ...(व्यवधान)..

**श्री मुख्तार अब्बास नक़वी :** आपको पाकिस्तान के नाम पर क्यों परेशानी हो रही है? ...(व्यवधान).. यह राष्ट्रीय महत्व का मुद्दा है। ...(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I would not be able to understand it if all of you speak at once. (Interruptions)

**श्री मुख्तार अब्बास नक़वी :** इसके बाद इसी पर चर्चा होनी है। ...(व्यवधान)..

**श्री बलबीर पुंज :** पाकिस्तान में अल्पसंख्यकों के साथ अन्याय हो रहा है। ...(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** The House is adjourned for lunch up to 2.00 p.m.

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The House then adjourned for lunch  
at five minutes past one of the clock.

HK-It/2b/2.00

The House re-assembled after lunch at two 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):** Mr. Natchiappan, did you finish your speech?

**DR. E.M. SUDARSANA NATCHIAPPAN:** No, Sir.

**श्री विनय कटियार :** उपसभाध्यक्ष जी, हम आपको disturb नहीं करना चाहते हैं। मेरा यह कहना है कि पाकिस्तान के अंदर यह जो अल्पसंख्यकों का मामला है, जिसकी आपने इसमें चर्चा भी रखी है, मेरा ऐसा कहना है इस समय जो बिल चल रहा है..(व्यवधान)..

**उपसभाध्यक्ष (प्रो. पी.जे.कुरियन) :** आप बैठ जाइए, इस पर 5 बजे चर्चा हो जाएगी। ..(व्यवधान)..

**श्री विनय कटियार :** सर, आप मेरी बात तो पूरी होने दीजिए। मेरा एक निवेदन है, मेरा यह कहना है कि बिल पर जो बहस चल रही है, आप इसको पूरी कर लें, इसके बाद इसको ले लें। ..(व्यवधान)..

**उपसभाध्यक्ष (प्रो. पी.जे.कुरियन) :** वह 5 बजे लिया जाएगा।

**श्री विनय कटियार :** उपसभाध्यक्ष जी, यह जान-बूझकर हो रहा है, ..(व्यवधान)..देखिए, यह बहुत ही गंभीर और आपातकालीन स्थिति है।

**उपसभाध्यक्ष (प्रो.पी.जे.कुरियन) :** देखिए, रूल के अनुसार 5 बजे होना है, That is the rule. ...(Interruptions)...

**श्री विनय कटियार :** ऐसा कोई रूल नहीं है।

**उपसभाध्यक्ष (प्रो.पी.जे.कुरियन) :** क्या यह Short Duration Discussion है?

**श्री रवि शंकर प्रसाद :** यह बहुत गंभीर विषय है..(व्यवधान)..

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**श्री विनय कटियार :** ऐसा कोई रूल नहीं है और यह विषय भी बहुत गंभीर है, ..(व्यवधान)..पाकिस्तान में हिंदुओं का जो मामला है, उनके साथ जो अन्याय हो रहा है..(व्यवधान)..

**श्री रवि शंकर प्रसाद :** पाकिस्तान में उनके साथ क्या हो रहा है, ..(व्यवधान).. उनके साथ अन्याय हो रहा है, आप इसके बाद उसको लीजिए। ..(व्यवधान)..

**श्री विनय कटियार :** सर, हम किसी के कार्य का विरोध नहीं कर रहे हैं। मेरी आपसे केवल इतनी प्रार्थना है कि आप इस चर्चा को समाप्त करने के बाद सीधा इस विषय को ले लीजिए। पाकिस्तान में अल्पसंख्यकों के साथ जो हो रहा है, वहाँ पर जो मानवाधिकार का उल्लंघन हो रहा है, उनके साथ जो अत्याचार हो रहा है, आप इस विषय को ले लीजिए और इसके बाद बाकी विषय लीजिए, नहीं तो हमें यह विषय टलता हुआ नजर आता है।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You made your point. ... (Interruptions)...

**श्री प्रकाश जावडेकर :** 5 बजे का कोई रूल नहीं है, यह Short Duration Discussion है, this is not Special Mention. ... (Interruptions)... This is Short Duration. ... (Interruptions)...

**उपसभाध्यक्ष (प्रो.पी.जे.कुरियन) :** आप बैठिए ..(व्यवधान)..

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJEEV SHUKLA):** How can we take it for

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discussion now? ...(Interruptions)... It can be taken up after four of the clock. ...(Interruptions)...

**श्री विनय कटियार :** यह नहीं हो सकता है, क्योंकि अन्य विषय भी 5 बजे के बाद हो सकते हैं। क्या आप चाहते हैं कि पाकिस्तान में हिंदू लोग मारे जाएं..(व्यवधान)..इसकी चर्चा पहले होनी चाहिए ..(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You made your point. ...(Interruptions)... Let me ask the Government. ...(Interruptions)...

**श्री विनय कटियार :** यह पाकिस्तान का रोज का आंकड़ा है ..(व्यवधान).. हर महीने 25 से 30 हिंदू अल्पसंख्यकों का धर्म परिवर्तन किया जा रहा है, ..(व्यवधान)..उनके परिवारों को लूटा जा रहा है, ..(व्यवधान).. उनको बर्बाद किया जा रहा है, इसलिए इस चर्चा को पूरा करने के बाद इस विषय ले लीजिए. ..(व्यवधान)..

**उपसभाध्यक्ष (प्रो.पी.जे.कुरियन) :** विनय जी, मैंने सुन लिया है, आप बैठिए..(व्यवधान).. Let me take the view from them. ...(Interruptions)... I have heard you. ...(Interruptions)... I took cognizance of it. ...(Interruptions)... I have heard you. ...(Interruptions)...मैंने सुन लिया है, मैंने बात समझ ली है, आप मुझे consult तो करने दीजिए..(व्यवधान).. Allow me to consider. ...(Interruptions)... आप बैठिए..(व्यवधान).. Let me ask from the

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Government. ...(Interruptions)... According to the order in the List of Business, after this Resolution, there is a Bill. That is the order. It is up to the House to change it. I would like to know from the Government. ...(Interruptions)... Would you like to say anything? ...(Interruptions)...

(Followed by 2c/KSK)

AKG-KSK/2C/2.05

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY**

**AFFAIRS (SHRI RAJEEV SHUKLA):** Sir, we have already slotted time for this discussion after the Government Bills and the discussion on the working of the Ministry of Civil Aviation. So, we will take it up in the later part of the day.

**श्री विनय कटियार :** फिर सदन में कोई चर्चा नहीं होगी। ... (व्यवधान) ...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It will be taken up...(Interruptions). It cannot be changed like that.

**श्री विनय कटियार :** उपसभाध्यक्ष जी, यह विषय जान-बूझ कर बाद में रखा गया। आप इस पर चर्चा करा लीजिए।

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) :** इस पर चर्चा होगी। ... (व्यवधान) ...

**श्री विनय कटियार :** यह विषय सदन के अन्दर न आने पाए ... (व्यवधान) ...  
अगर यह कहें कि बाद में चर्चा होगी ... (व्यवधान) ...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Dr. Natchiappan please,...(Interruptions).

**श्री विनय कटियार :** सर, यह मामला बहुत गम्भीर है। ऐसा बिल्कुल नहीं होगा।  
... (व्यवधान) ...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You have made your point. That is enough...(Interruptions).

**श्री विनय कटियार :** सर, यह मामला बहुत गम्भीर है। ऐसा बिल्कुल नहीं होगा।  
... (व्यवधान) ...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Katiyarji, you made your point. That is enough. Now, Dr. Natchiappan.

**DR. E.M. SUDARSANA NATCHIAPPAN:** Thank you, Mr. Vice-Chairman, Sir. I would like to...(Interruptions).

**श्री विनय कटियार :** ऐसा बिल्कुल नहीं होगा। ... (व्यवधान) ...

**श्री रवि शंकर प्रसाद :** सर, आप हम लोगों के सेंटिमेंट को समझिए, इस पर आप आधे घंटे की चर्चा तो करा दें।

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) :** इस पर चर्चा होगी।

**श्री विनय कटियार :** बस इतना बता दीजिए कि चर्चा कब होगी?

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**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) :** बिल के बाद चर्चा होगी, लेकिन बिल के बाद एक रिज़ोलुशन है। The Members can decide. See, the House is supreme. I have no problem. I can go by the decision of the House. Even to change the order of the List of Business, if the House wants, I have no objection. That is my position. Now, we have started this Resolution. Let us finish it and then, we will decide.

**श्री विनय कटियार :** आप इसे इस रिज़ोलुशन के बाद लेंगे?

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, after we finish it, I will take the sense of the House on your suggestion.

**श्री राजीव शुक्ल :** इसके बाद एक बिल और बिल के बाद आपका विषय लिया जाएगा। यह दो बजे हो या पाँच बजे, इससे क्या फर्क पड़ेगा।

**श्री विनय कटियार :** इस रिज़ोलुशन के बाद लिया जाएगा न?

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) :** मंत्री जी ने कहा कि बिल के बाद इसे लिया जाएगा।

**श्री नरेश अग्रवाल :** माननीय उपसभाध्यक्ष जी, सवेरे 10.30 बजे जो बैठक हुई, उसमें सारे दल के लोग थे, उसमें आज का पूरा कार्यक्रम तय हो गया। आपकी तरफ से भी लोग मौजूद थे। इसके बाद जबर्दस्ती अपने सदस्यों की संख्या के बल पर वे कार्यक्रम को कैसे चेंज करा लेंगे और आप भी पीठ से कैसे निर्देश देंगे?

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That is the point.

**श्री नरेश अग्रवाल :** बिना सबकी सहमति के न तो इसे संसदीय कार्य मंत्री चेंज करा सकते हैं, न कोई दल चेंज करा सकता है। ... (व्यवधान) ... यह तो सारे दलों के नेताओं की सहमति से होगा कि क्या काम होगा। आप अपने आप कैसे कर देंगे? ... (व्यवधान) ...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) :** विनय कटियार जी, आप ज़रा बैठिए। अग्रवाल जी, आप भी बैठिए। ... (व्यवधान) ... Mr. Vinay Katiyar, take your seat. I am on my legs. See, the point Mr. Naresh Agrawal made is correct. In the morning, leaders of the parties, informally agree about the List of Business. Of course, it is informal, but it is a gentleman's agreement. They have agreed on the List of Business. After that, coming here and asking to change the same is not fair. But, however, if the House is in total agreement with this, I also have no objection. The hon. Minister has said that after the Bill, it can be taken up. If there is a consensus in the House on this, I have no objection.

**SHRI RAVI SHANKAR PRASAD:** Sir, then it will not be taken up...(Interruptions).

**श्री विनय कटियार :** अभी जो चर्चा हो रही है, वह हो जाए, उसके बाद ले लीजिए।

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) :** मैंने बता दिया। Yes, Dr. Natchiappan...(Interruptions). I gave my ruling...(Interruptions).

**श्री विनय कटियार :** हम आपकी रूलिंग को चैलेंज नहीं कर रहे हैं। हम इसे मानेंगे, लेकिन सवाल यह उठता है ... (व्यवधान) ...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) :** मैंने रूलिंग दे दी। ... (व्यवधान) ...

**SHRI TIRUCHI SIVA:** Sir, before the Bill, we have decided to take up the other Motion....(Interruptions). In the morning meeting, we decided that after the Bill, the other Motion will be taken up.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Yes, that is also there. What can I do?... (Interruptions). Now, sit down.

**श्री विनय कटियार :** उपसभाध्यक्ष जी, कई बार जो तय होता है, सदन के अन्दर उससे पहले बड़े महत्वपूर्ण विषय लिए जाते हैं। यह हमेशा प्रैक्टिस में भी रहा है।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I can change the order only if there is complete consensus. Otherwise, I cannot do it. That is the problem. Here, other Members have objection.

श्री विनय कटियार : \*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, you are not permitted. It won't go on record....(Interruptions). It won't go on record. You know the rules. There is no consensus.

श्री विनय कटियार : \*

**SHRI RAVI SHANKAR PRASAD:** Minorities in Pakistan are being denied human rights. It is a question of sentiment. It is a larger issue also...(Interruptions).

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That is very important subject. But, the House has to agree.

श्री विनय कटियार : सर, पाकिस्तान के अन्दर हिन्दू समाज के साथ जो हो रहा है ... (व्यवधान) ...

(2डी/जीएसपी पर आगे)

GSP-SCH/2D/2.10

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, you please sit down. (Interruptions) Please. You made your point. (Interruptions)

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\* Not recorded.

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**श्री विनय कटियार:** एक-दो माननीय सदस्य कह रहे हैं कि नहीं हो रहा है ...**(व्यवधान)** इनकी पार्टी कह रही है कि हो रहा है ...**(व्यवधान)** नरेश अग्रवाल जी हमारे पुराने मित्र हैं ..**(व्यवधान)** **(Interruptions)**

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** The Leaders can sit and decide it. **(Interruptions)** I can suggest the leaders to separately decide and come to me. **(Interruptions)**

**श्री विनय कटियार:** इस पर हम adamant हैं ...**(व्यवधान)** इस पर हम adamant हैं कि पहले आप इस पर बहस करवाइए, इसके बाद दूसरे सब्जेक्ट को लीजिए ...**(व्यवधान)**

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, please. **(Interruptions)** Mr. Natchiappan, please speak. **(Interruptions)**

**DR. E.M. SUDARSANA NATCHIAPPAN:** Mr. Vice-Chairman, Sir, I would like to... **(Interruptions)**...

**श्री विनय कटियार:** \*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It will not go on record. **(Interruptions)** मैं सहमत हूं, लेकिन मैं क्या करूं? ...**(व्यवधान)**

**श्री नरेश अग्रवाल:** \*

**श्री विनय कटियार:** \*

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\* Not recorded.

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It is not going on record. (Interruptions) Mr. Vinay Katiyar, it is indiscipline. (Interruptions) Please. This is indiscipline. (Interruptions)

**श्री मुख्तार अब्बास नकवी:** सर, यह मुद्दा बहुत महत्वपूर्ण है, हम लोग आश्वासन चाहते हैं. ...(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Yes, महत्वपूर्ण है। Naqvi ji, it is very important. It is listed. It will be taken up. You take your seat. (Interruptions)

**श्री मुख्तार अब्बास नकवी:** इसके अलावा कोई चर्चा नहीं होगी ...(व्यवधान)  
सबसे पहले इसी पर चर्चा होगी ...(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, please. आप ऐसा नहीं बोल सकते ...(व्यवधान)

**श्री विनय कटियार:** इस पर चर्चा होगी और चर्चा हो कर रहेगी ...(व्यवधान)

**श्री मुख्तार अब्बास नकवी:** यह राष्ट्रीय महत्व का मुद्दा है ...(व्यवधान) जानबूझ कर इसे हटाने की कोशिश की जा रही है ...(व्यवधान)

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

**श्री थावर चन्द गहलोत:** सर, ये जानबूझ कर इसे नहीं आने देना चाह रहे हैं ...(व्यवधान) 21-22 तारीख को दूसरा बिज़नेस आ जाएगा ...(व्यवधान)

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**श्री मुख्तार अब्बास नक़वी:** सर, यह सदन की भावना है ...(व्यवधान)

**श्री विनय कटियार:** आप हाउस को एडजर्न कर दीजिए ...(व्यवधान)

**श्री रवि शंकर प्रसाद:** सर, इस पर चर्चा ...(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Ravi Shankar Prasad, you are a senior leader. (Interruptions) Please advise them.

(Interruptions) What can I do? I can go by Rules. (Interruptions)

**श्री रवि शंकर प्रसाद:** सर, मेरा आपसे निवेदन है कि ...(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Hon. Members, what Mr. Vinay Katiyar is saying, is an important subject. I agree.

(Interruptions) आप चुप रहिए ...(व्यवधान) पहले आप सुनिए ...(व्यवधान)

But to change the order of the List of Business, I have to take the consent of the House, and, you found that there is no consensus.

There is objection. (Interruptions) What can I do?

**श्री मुख्तार अब्बास नक़वी:** कुछ ऐसे मुद्दे होते हैं, जिनमें ऑर्डर चेंज हो सकता है ...(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It is for the House only.

It is not for me. (Interruptions)

**श्री मुख्तार अब्बास नक़वी:** यह बहुत महत्वपूर्ण मुद्दा है और इस पर चर्चा ..(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It is up to the House.

(Interruptions)

**श्री थावर चन्द गहलोत:** सर, मेरा एक प्वाइंट ऑफ ऑर्डर है ..(व्यवधान) मेरा एक प्वाइंट ऑफ ऑर्डर है ..(व्यवधान)

**SHRI D. RAJA:** Sir, after this item is over, let us.. (Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Yes. They are not agreeing. Let them agree. (Interruptions) If all of you speak, then, how will I listen? (Interruptions) What is the Point of Order? (Interruptions) One of you should speak. Others may take their seats. (Interruptions)

**श्री थावर चन्द गहलोत:** सर, मेरा एक प्वाइंट ऑफ ऑर्डर है।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It is under which Rule?

**श्री थावर चन्द गहलोत:** कार्यविन्यास का जो नियम 23 है, उसके अनुसार जो बिज़नेस लिस्ट बनती है, अगर हाउस चाहे तो उसमें संशोधन होता है ... (व्यवधान) मैं आपसे निवेदन करना चाह रहा हूँ ... (व्यवधान)

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** हाउस नहीं चाहता है ... (व्यवधान)

**श्री थावर चन्द गहलोत:** सर, आप मेरा निवेदन तो सुनिए ... (व्यवधान) आप मेरा निवेदन तो सुनिए ... (व्यवधान) नियम 23 में कार्यविन्यास से संबंधित प्रावधान है कि अगर बिज़नेस लिस्ट बन गई, अतिमहत्वपूर्ण मामला है और हम

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आपसे निवेदन कर रहे हैं ...(व्यवधान) आप पहले हाउस की राय जान लें और फिर इस चर्चा करवा लें ...(व्यवधान) पहले भी ऐसा हो चुका है ...(व्यवधान) ऐसा पहले भी हुआ है, आज भी किया जाना चाहिए, यह अति महत्वपूर्ण मामला है ...(व्यवधान) यह बहुत ज्यादा जरूरी मामला है ...(व्यवधान)

(2e-psv पर जारी)

-SCH/PSV-SK/2E/2.15

**श्री थावर चन्द गहलोत (क्रमागत):** सरकार इस पर चर्चा कराना नहीं चाहती है। ...(व्यवधान)... सरकार इस पर चर्चा कराना नहीं चाहती है, इसका अर्थ यह निकलेगा। ...(व्यवधान)... और यह अर्थ निकलना ...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I will give the ruling.  
..(Interruptions)..

**श्री विनय कटियार:** इसी बात पर अभी चर्चा होनी चाहिए। ...(व्यवधान)...

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** बैठिए, बैठिए। ...(व्यवधान)... You see ..(Interruptions).. Please ..(Interruptions).. This is nothing about obstinacy. The point is, there is a List of Business and there is an order. I agree that if the House wants, it can change it. ..(Interruptions).. I put the question here. ..(Interruptions).. No, please. ..(Interruptions).. I took the view..(Interruptions)...

**श्री विनय कटियार:** सर, ...(व्यवधान)...

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I am on my legs. I will allow you. No problem. ..(Interruptions).. Katiyar ji, please. ..(Interruptions).. Katiyar ji, I am on my legs. At least, respect the basic rules. Please respect the basic rules of the House. When the Chair is on his legs, please don't stand up and talk. आपको रूल्स भी पढ़ने चाहिए। आप सुनिए। ...(व्यवधान)... There is a proposal. I asked the House. This side is not agreeing. That side is not agreeing. ..(Interruptions)..

**SHRI THAAVAR CHAND GEHLOT:** Everybody is agreeing. ..(Interruptions)..

**श्री मुख्तार अब्बास नकवी:** सर, यह नहीं होगा। ...(व्यवधान)... इस पर चर्चा को खत्म करने के बाद ...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Do you want ..(Interruptions).. Yes, Mr. Maitreyan, what do you want to say? ..(Interruptions).. Please ..(Interruptions).. I allowed Mr. Maitreyan. ..(Interruptions).. I allowed Mr. Maitreyan. ..(Interruptions).. Mr. Naqvi, you are a senior Member.

**DR. V. MAITREYAN:** Sir, we are already in the middle of a discussion. Let that discussion be over. After that, you take the sense of the

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House, if necessary, with the division, and then take a decision.

..(Interruptions)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Okay. I accept that.

Your proposal is accepted. Yes, Mr. Natchiappan, please proceed.

..(Interruptions)..

**श्री मुख्तार अब्बास नक़वी:** सर, ...(व्यवधान)... पाकिस्तान में हो रहे अत्याचार और हिंसा ...(व्यवधान)... पाकिस्तान में हो रहे अत्याचार...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, no. Let this be

over. ..(Interruptions).. You cannot do like this. ..(Interruptions)..

You cannot do like this. ..(Interruptions)..

**श्री थावर चन्द गहलोत:** सर, ...(व्यवधान)... यह एक महत्वपूर्ण विषय है।  
...(व्यवधान)... इसमें परिवर्तन करके आज इस पर चर्चा करायी जाए।  
...(व्यवधान)...

**SHRI TIRUCHI SIVA:** Sir, in the morning, when the President of that Party was also there, none of them raised this issue at that time.

..(Interruptions)..

**श्री थावर चन्द गहलोत:** महोदय, आपसे यह आग्रह है कि यह एक महत्वपूर्ण मामला है। ...(व्यवधान)... सरकार की तरफ से यह मैसेज़ नहीं जाना चाहिए कि आप इस पर चर्चा नहीं कराना चाहते। ...(व्यवधान)...

**श्री नरेश अग्रवाल:** माननीय उपसभाध्यक्ष जी, मेरा एक point of order है। ...(व्यवधान)...

**श्री प्रकाश जावडेकर:** सर, ...(व्यवधान)... इस पर चर्चा लम्बित है। ...(व्यवधान)...

**संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री राजीव शुक्ल):** नरेश जी, एक मिनट शांत रहिए। ...(व्यवधान)... प्रकाश जी, एक मिनट। ...(व्यवधान)... आप मेरी पूरी बात तो सुन लीजिए, फिर आप बोल लीजिएगा।

अगर हम इस पर चर्चा कराना नहीं चाहते, तो इसे हम आज के बिजिनेस में क्यों डालते? हम इस पर पूरी चर्चा कराना चाहते हैं, लेकिन उससे पहले जो बिल है, उसे तो पास हो जाने दीजिए। उसके बाद हम इस पर चर्चा करायेंगे। ...(व्यवधान)...

**श्री मुख्तार अब्बास नक़वी:** नहीं, आप यह ensure करिए कि इस पर जो चर्चा है, उसके बाद...(व्यवधान)...

**श्री राजीव शुक्ल:** इस पर आज ही चर्चा होगी। ...(व्यवधान)... आज चर्चा होगी। ...(व्यवधान)...

...(व्यवधान)...

..(Interruptions)..

श्री मुख्तार अब्बास नकवी: सर, ...(व्यवधान)... आप क्या सेंस लेना चाहते हैं?  
...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** In the List of Business  
 ..(Interruptions).. We are discussing it. ..(Interruptions).. This is  
 unfair. ..(Interruptions).. I don't agree with this. ..(Interruptions)..  
 This is indiscipline. ..(Interruptions).. This is nothing but indiscipline.

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**SHRI SITARAM YECHURY:** Sir, may I suggest? ..(Interruptions)..  
 Let the continuing discussion be over and then we will take the sense  
 of the House. ..(Interruptions)..  
**श्री नरेश अग्रवाल:** सर, मेरा एक point of order है।  
**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** आपका point of order क्या है?  
**श्री नरेश अग्रवाल:** सर, आपने अभी नियमावली के नियम 23 का रेफरेंस लिया  
 और उसके आधार पर आपने एक रूलिंग दी। हम उस रूलिंग को चैलेंज नहीं  
 कर रहे हैं। हम उसे शिरोधार्य करते हैं, क्योंकि उस चेयर से जो भी निर्णय  
 होगा, हमें स्वीकार है। लेकिन, कहीं-न-कहीं जब नियमावली का variation  
 होता है, तब अपनी बात कहने का हमें अधिकार है। ...(व्यवधान)... हम आपके  
 निर्णय को चैलेंज नहीं कर रहे हैं। ...(व्यवधान)...

(2एफ/वी.एन.के. पर जारी)

-PSV/VNK-YSR/2.20/2F

**श्री नरेश अग्रवाल (क्रमागत):** लेकिन जिस निर्णय से नियमावली पर अंतर पड़  
 रहा है, मैं उन चीजों के बारे में कहना चाहता हूँ। ...(व्यवधान)... अगर सुबह  
 सभापति जी के साथ सभी दलों के नेताओं की बैठक न की होती और बैठक के  
 बाद अगर business नहीं तय हुआ होता, तब तो आप नियम 23 को अप्लाई कर  
 सकते थे और इस सदन की राय ले सकते थे। ...(व्यवधान)... जब सुबह सभी  
 दलों के नेताओं की राय हो गई, उसके बाद नियम 23 के अंतर्गत दोबारा हाउस

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में यह नहीं हो सकता है, जब तक कि इसमें सभापति खुद न चाहें। इस पर उपसभाध्यक्ष निर्णय नहीं ले सकते हैं। ...(व्यवधान)...

**उपसभाध्यक्ष (प्रो. पी.जे.कुरियन):** बैठिए, बैठिए। ...(व्यवधान)... I am on my legs. ...(Interruptions)... It is not allowed. ...(Interruptions)...

**श्री विनय कटियार:** सर ...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Katiyarji, I am on my legs. ...(Interruptions)... I am on my legs. ...(Interruptions)... Please sit down. ...(Interruptions)... Hon. Members, I am telling you that we cannot proceed like this. Shri Naresh Agrawal said something. There is a point in that. ...(Interruptions)...

**SHRI PRAKASH JAVADEKAR:** Sir, your ruling ...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please sit down. ...(Interruptions)... Please take your seat. ...(Interruptions)... Mr. Javadekar, please sit down. ...(Interruptions)... After this, I will give you time. This is not fair. Please try to understand. Shri Naresh Agrawal raised a point. ...(Interruptions)... Please sit down. ...(Interruptions)... I am on my legs. Try to understand it. As Shri Naresh Agrawal said, there's an informal decision. It's a gentleman's agreement. ...(Interruptions)... All the leaders agreed to it.

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...(Interruptions)... Let me complete. ...(Interruptions)... I am telling you, I will name you if you proceed like this. ...(Interruptions)... Please listen to the Chair. Have patience. ...(Interruptions)... Please listen to the Chair.

**श्री विनय कटियार:** सर, हम देश के लिए तैयार हैं।...(व्यवधान)... हम हिन्दुओं को बचाने के लिए तैयार हैं।...(व्यवधान)...

**उपसभाध्यक्ष (प्रो. पी.जे.कुरियन):** आप बैठिए।...(व्यवधान)... Mr. Ravi Shankar Prasad, please ask him to behave. ...(Interruptions)... Please ask him to behave. ...(Interruptions)... The House is adjourned for ten minutes.

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**The House then adjourned at twenty three minutes  
past two of the clock.**

VKK-DS/2g/2.30

**The House re-assembled at thirty-three minutes past two of the clock,  
THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN) in the Chair.**

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**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):** The  
House is adjourned for ten minutes.

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**The House then adjourned at  
thirty-three minutes past two of the clock.**

KR/MCM/2H/2.40

**The House reassembled at forty-three minutes past two of the  
clock, THE VICE-CHAIRMAN (DR. E.M. SUDARSANA  
NATCHIAPPAN) in the Chair.**

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**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):** The  
House is adjourned for 15 minutes.

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**The House then adjourned at forty-four minutes past two of the clock.**

KLG-TMV & RG/2.55 & 3.00/2J & 2K

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

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Hon. Members, we will continue with the discussion and finish it as early as possible. The remaining Members will speak for only five minutes and we will finish this discussion...(Interruptions)

**श्री नरेश अग्रवाल:** सर, पहले कौन सा लिया जाएगा?

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** This will continue. After this, we will take up the Pakistan issue for one hour...

**श्री नरेश अग्रवाल:** सर, हमारी थोड़ी सी आपत्ति है।

**उपसभाध्यक्ष (प्रो० पी.जे.कुरियन):** बोलिए।

**श्री नरेश अग्रवाल:** हम इसके विरोधी नहीं हैं। पूरे विश्व में कहीं की भी माइनोंरिटी हो, हम तो माइनोंरिटी के पक्षधर हैं, लेकिन नियम 37 की जो बात कही गई है, जो नियम 37 का सवाल उठा, आप नियम 37 देख लीजिए। ... (व्यवधान) नहीं, नियम 37 की बात है। ... (व्यवधान) ..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I will handle him. You leave it to me.

**श्री नरेश अग्रवाल:** सर, हम तो चर्चा के पक्ष में हैं। मुझे खुद तकलीफ है कि देश के प्रधानमंत्री माइनोंरिटी से हैं, लेकिन माइनोंरिटी के हितों की बात ही नहीं कर

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रहे हैं। पाकिस्तान के प्राइम मिनिस्टर से उन्होंने इतनी बार बात नहीं की। आप यह नियम 37 देखिए, लिखा है, and I read: “No variation in the Allocation of Time Order shall be made except by the Chairman, who may make such variation if he is satisfied after taking the sense of the Council that there is a general agreement for such variation.”

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I am coming to that.

**श्री नरेश अग्रवाल:** सर, हम प्रस्ताव करते हैं, एज ए मेम्बर हम यह प्रस्ताव कर रहे हैं, ...(व्यवधान).. This is my right, इस सभा में हम समाजवादी पार्टी की तरफ से एज ए मेम्बर प्रस्ताव प्रस्ताव कर रहे हैं कि विश्व में कहीं भी अगर माइनॉरिटी के खिलाफ अत्याचार हो, तो यह सदन चर्चा करे। हम तो इतना भी कहते हैं कि आप इस कॉपी राइट को पहले रोक दिया जाये, पहले इस पर चर्चा करा लीजिए, यह ज्यादा जरूरी है। श्रीमन्, आज माइनॉरिटी कहीं भी हो, किसी भी रूप में हो, मैं तो यह कहता हूँ कि कॉपी राइट जरूरी नहीं है, जितना यह जरूरी है कि विश्व में कहां-कहां माइनॉरिटी पर अत्याचार हो रहे हैं, उस बारे में पहले सदन में चर्चा की जाये, मगर यह चर्चा खाली ऐसे ही न की जाए, प्रधान मंत्री जी यहां मौजूद हों। बिना प्रधान मंत्री जी की मौजूदगी के चर्चा का कोई औचित्य नहीं है। श्रीमन्, राज्य मंत्री, संसदीय कार्य मंत्रालय जवाब दे दें, इससे हम सहमत नहीं हैं, हमारी समाजवादी पार्टी इससे सहमत नहीं है। आप चर्चा तब करायें, जब प्रधान मंत्री जी यहां मौजूद हों, उनकी मौजूदगी में हम चर्चा करें,

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अपनी बात कहें और प्रधान मंत्री जी उनका उत्तर दें, तब मैं समझूंगा कि यह सदन इस विषय को गंभीरता से ले रहा है, सरकार गंभीरता से ले रही है, अन्यथा हम इससे सहमत नहीं हैं।

**SHRI K.N. BALAGOPAL:** Sir, I want a clarification from you. In the List of Business, there are two Statutory Motions. The first one relates to the I.T. Rules, which we are discussing now. The other one relates to the Authority of India (Major Airports) Development Fee Rules, 2011. I gave a notice for my Motion in the month of August, 2011, when it was listed for the first time. For the last eight months, it has been continuing in the list. And, in December, the Chair said that the period was over. Then, I petitioned, after which, there was a consultation with the Law Ministry, and it was admitted again. Sir, this is the last Session for considering that Motion. And it is mandatory on the part of the Chairman and on the part of the House that when a Member gives a Motion, then, within thirty days, it should be considered. The rule is also that if this House concurs with this Motion, then, it will have to go to the Lok Sabha, and the Lok Sabha also has to concur with it. This is a constitutional requirement. Sir, I

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fear that there is a very serious conspiracy on the part of some people because the Airports User Fee, which they were collecting earlier,..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That is over. You have made your point.

**SHRI K.N. BALAGOPAL:** It was Rs.1,200. Now it has been increased by Rs.365 per person. The Airports Authority of India Act, which we passed, says that...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That is over now.

**SHRI K.N. BALAGOPAL:** It says that only on embarking passengers, they will levy this fee. Now they say that even from disembarking passengers, they will charge this fee...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** This is no discussion. You have made your point.

**SHRI K.N. BALAGOPAL:** Sir, I want your ruling.

(Followed by 2L)

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Balagopalji, you raised a pertinent point, but your Resolution will be taken up, if not today, there are three more days. It will be included in the List of Business. With regard to what Nareshji has said, I am happy that Nareshji also fully endorses and agrees that there should be a discussion on the subject raised by them. In fact, you only wanted that the reply should be elevated to a higher level. That means आप उनकी बात से पूरी तरह सहमत हुए, आपको बस इतना चाहिए कि Prime Minister यहाँ आएँ। On that the Chair cannot direct the Government that which Minister should come and answer. That is the position. You know that. इसका मतलब है कि आप भी सहमत हैं। You are also in agreement with this discussion. That means I understand there is consensus. Therefore, I am giving a ruling. We now continue with the discussion of this Resolution. After that, for one hour or a maximum of one hour and fifteen minutes we will take up the Short Duration Discussion and after that we will take up The Copyright (Amendment) Bill. Further, I would assure that the point raised by Shri Balagopal, for which I have already given a ruling, thus stands. This has the

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consent of all parties, including the hon. Leader of the Opposition. Therefore, I request that the remaining Members should take only five minutes to speak.

**DR. E. M. SUDARSANA NATCHIAPPAN :** Sir, I will just quote Rule 3 (2) (i) Objectionable content includes anything that “threatens the unity, integrity, defence, security or sovereignty of India and/or friendly relations with foreign States or public order or causes incitement to the commission of any cognizable offence or prevents investigation of any offence or is insulting any other nation.” These are all issues which have to be looked into. Therefore, I feel that the Resolution need not be passed. It can be withdrawn. Thank you.

(Ends)

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) :** करीमपुरी जी, आप सिर्फ 5 मिनट में बोलिए। अगर इससे कम समय लेंगे, तो ज्यादा अच्छा है।

**श्री अवतार सिंह करीमपुरी (उत्तर प्रदेश) :** जी, मैं आपसे cooperate करूंगा। सर, Information Technology के इस मोशन पर यहां डिस्कशन हो रहा है। सैक्शन 79 के अंतर्गत इन Intermediaries को लीगल प्रोटेक्शन दिया गया है। मैं महसूस करता हूं कि यह जो नया प्रपोजल है, इसके तहत जो E-mail

providers हैं, Google है, Facebook है, Twitter है, Yahoo है, उनको प्रोटेक्शन नहीं मिलेगा, क्योंकि अगर कोई भी यह कहता है कि यह जो मैटर फीड किया गया है, हमें इसके ऊपर ये ऐतराज़ हैं, तो उन्हें 36 घंटे के भीतर उसे revoke करना पड़ेगा। उनके खिलाफ जो कंप्लेंट है और जिसने intermediaries को create किया है, उसे भी clarification का वक्त नहीं दिया गया। मेरा यह कहना है कि जो नए रूल्स हैं, उनके मुताबिक हम यह तो कहते हैं कि अगर कोई नफरत भरी स्पीच देता है, कोई racial attack करता है या pornography है, ऐसी जो चीजें हैं, उनके ऊपर तो यह प्रावधान हो सकता है, लेकिन अगर हम हर फील्ड में ऐसा कर दें, तो मैं समझता हूं कि हम यह सही नहीं करने जा रहे हैं। आदरणीय मंत्री जी रूल्स में अमेंडमेंट की बात सोचकर आए हैं, नए रूल्स के बारे में सोचकर आए हैं, लेकिन बहुजन समाज पार्टी की यह राय है कि intermediaries की जो आर्गनाइजेशन है, एक बार उनके साथ भी वार्तालाप कर ली जाए कि वे क्या चाहते हैं, क्योंकि हमें इसे सेंसर नहीं करना चाहिए, बल्कि issue की sensitivity को देखना चाहिए। (2M/MP पर जारी)

-SSS/NBR-MP/2M/3.10.

**श्री अवतार सिंह करीमपुरी (क्रमागत) :** कि जिससे हमारे नेशन पर, हमारी generation पर कोई बुरा असर पड़ता है, हम उसके बारे में सोचकर आगे बढ़ें, न कि हम ऐसा sensor कर दें कि यह सारा जो नेटवर्क है, यह meaningless हो

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जाए। इसलिए हम आपके माध्यम से मंत्री जी से अपील करेंगे कि वे जो रूल्स के अमेंडमेंट्स के लिए proposal लेकर आए हैं, इसको कृपया reconsider करें और जो उनकी intermediary की organizations हैं, उनके साथ बैठकर बातचीत करें। साथ ही यहां भी जो political parties के लीडर हैं, उनके साथ भी बातचीत करके अगर आगे बढ़ा जाए, तो ज्यादा अच्छा होगा।

(समाप्त)

**SHRI N.K. SINGH (BIHAR):** Thank you very much, Sir.

Considering the limitation of time, I have only a couple of points to make. The first and foremost, let me say, in principle, is, I am not opposed to the formulation of these rules to put restrictions which, I believe, are reasonable.

My first point really, Sir, to the hon. Minister is, these rules are not in consonance with the best international practices. If you look at the Report called Detailed Country-by-Country information on Internet censorship is provided by the OpenNet Initiative or Reporters Without Borders or Freedom House, all these Reports suggest that most of these restrictions in other countries are somewhat milder and somewhat narrower as has been defined under the Digital Millennium Copyright Act of the US. So, the hon. Minister may like to review the

entire framework of these rules to put these rules at par with the best international practices.

My second point really is, many of the words and terms which have been used, particularly in Article 3 of these rules, are ambiguous in nature, because these have not been defined either in the rules or necessarily in the parent Act.

My third point really is, in the application of these rules, they are not at par with the restrictions which are available on the other forms of media. So, it would be somewhat restrictive if only these rules are applicable to one particular form in which communication is being done and really not applicable to other forms.

My fourth point really Sir, is, some of these restrictions could, the hon. Minister may like to consider, be in consonance with the provisions of Article 19(1) constituting an infringement of the Right of the Freedom of Speech.

The fifth point is, there is lack of transparency in relation to the application of these rules.

And, my last point really on this is, there is a presumption that all complaints which are filed for removal of offensive matter are

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necessarily correct. This is particularly sad when the person who has initially put it on the net is not being heard and action is taken unilaterally.

I would, therefore, end by saying that the hon. Minister may like to review all these things. And pending a review of this, send it to the Council which is mandatory and which can review the best international practice and bring it on the best footing for that.

(Ends)

**SHRI DEREK O'BRIEN (WEST BENGAL):** Sir, I will begin by a self-depreciatory comment, because I am a little bit Internet addict. I spend about 2-3 hours everyday on Internet. And then, I will quickly go to a self-congratulatory comment where recently I had the privilege of being listed in a list which talked about influencing commentary in India.

That apart, I think, there are some key issues here. The first one is, I myself come from a State where I lived 3½ decades of my life. So, we, now, know what the value of freedom of expression is and what freedom of speech is.

(CONTD. BY KS "2N")

2n/3.15/ks-sc

**SHRI DEREK O'BRIEN (CONTD.):** And, that has been a major change in the last one year. So, we know that. But, the key thing today is to understand that the content which is uploaded on the Internet, unlike any other medium today, cannot be pre-empted. Any attempt to pre-empt this would be foolhardy.

Now, Sir, that having been said, steps need to be taken to limit the damage after that, because there is no doubt in anyone's mind that the most egalitarian, the most emancipatory, the most open of all spaces, is the Internet. I think, once we allow the first thing to happen — because you cannot stop the first — the second is important. For example, Sir, if you say 'freedom of expression', I am entitled to my freedom of expression. But what happens if someone impersonates me, uses another mail account — I think, the LoP mentioned this? What happens to one's freedom of expression then? This is where the freedom of expression, in fact, goes beyond the *lakshman rekha*.

Sir, in so many ways we are celebrating this freedom of expression, but I think, in this freedom on the Internet, it cannot be a highway only with green lights; there need to be some amber lights.

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Someone was suggesting that those amber lights can be self-regulatory which happens sometimes on the Internet. But that doesn't always happen because people hack into accounts. I will give you, as an example, a very non-political, a very poignant story of an 18-year old boy who got admission into an international college; then, he got a regret letter from that college because someone had hacked into the college account and, then, sent him the regret letter. The boy lost a chance to study in the U.S.

The Left Front in Bengal in the 1960s and 70s was famously mixing up the terms 'computer' and 'compounder' and it is an irony that today they are talking about the freedom on the Internet because, for true freedom, Sir, it needs not only responsibility, but there also needs to be drawn a line. My only suggestion is, you cannot pre-empt the uploading, but steps need to be taken to pre-empt the damage. Sir, like every human framework, as much as we celebrate the joys and the freedom of the social media, I think, as is being suggested, there needs to be some — I wouldn't use the word 'curbs' but — kind of way of keeping an eye on it. And the Internet Service Providers also have a responsibility.

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I would like to end, Sir, with quoting somebody who died long years ago but his words are so relevant even when we are discussing a subject as new as the Internet. I am talking of Rabindra Nath Tagore who said, "I would let the winds of the world blow through the doors and windows of my house, but I will not be blown away". Thank you, Sir.

(Ends)

**प्रो० राम गोपाल यादव (उत्तर प्रदेश) :** धन्यवाद उपसभाध्यक्ष महोदय, यह जो Statutory Resolution है, इसमें कुछ बिन्दुओं पर मुझे आपत्ति है। एक बात तो यह है कि यह आम चलन हो गया है कि सबॉर्डिनेट लेजीस्लेशन के तहत जब भी नियम बनाए जाते हैं, बायलॉज बनाए जाते हैं, तो आम तौर पर जो मुख्य कानून होता है, उसका अतिक्रमण कर देते हैं और ऐसा समझते हैं कि संसद में या कहीं भी अगर यह मुद्दा आएगा तो लोग उसको ओवरलुक कर देंगे और जैसा चाहे, वैसा कानून बना देंगे। जब भी कोई बायलॉज सबॉर्डिनेट लेजीस्लेशन के जरिए बनता है, तो कभी भी वह मदर ऐक्ट को वॉयलेट नहीं कर सकता। इसमें ऐसा लग रहा है कि जो मूल कानून है, कुछ उपबंध उसका अतिक्रमण कर रहे हैं, जो नहीं होना चाहिए।

दूसरा, हमें संविधान ने आर्टिकल 19 के तहत अभिव्यक्ति की स्वतंत्रता दी है, जिसके अंतर्गत प्रेस और पब्लिकेशन, ये सारी फ्रीडम्स प्राप्त हैं। यह सही है

कि उन पर रीज़नेबल रेस्ट्रिक्शंस हैं, लेकिन रीज़नेबल रेस्ट्रिक्शंस के नाम पर हमने इस देश में देखा है कि किस तरह से पूरी तरह से स्वतंत्रता का हनन किया गया, स्वतंत्रता को छीना गया और लोगों के मुंह से निकले हुए किए भी शब्द के आधार पर उनको जेलों में डाल दिया गया।

(2ओ-जीएस पर जारी)

KGG-GS/20/3.20

**प्रो० राम गोपाल यादव (क्रमागत):** ऐसा हुआ है। इसलिए मेम्बर्स की यह आशंका निराधार नहीं हो सकती कि जो नियम और उपनियम बनाए गए हैं, इनके जरिए भी अंततोगत्वा सेंसरशिप जैसी बात आ सकती है। हमारे देश में लोगों को कई तरह की स्वतंत्रताएं प्राप्त हैं, उन पर अंकुश लग सकता है।

उपसभाध्यक्ष महोदय, समय की कमी है, इसलिए मुझे ज्यादा कुछ नहीं कहना है। मैं सिर्फ इतना ही कहना चाहूंगा कि जब मंत्री जी बोलने के लिए खड़े हों, तो यह आश्वासन जरूर दें कि कोई भी ऐसा नियम, उपनियम, जो मूल कानून का उल्लंघन करता है, वह आपरेटिव नहीं होगा। इनके माध्यम से किसी भी तरह की फ्रीडम का हनन नहीं किया जाएगा। हां, जहां ambiguity है, जहां ambiguous है, किसी की कोई परिभाषा नहीं है, उस पर मनचाहे तरीके से कहा जा सकता है कि यह इसके अंतर्गत आता है, इसको सेंसर कर दिया जाए, इसको रोक दिया जाए। इंटरनेट पर तमाम तरह की सर्विसेज़ होती हैं, उन पर पाबंदी लग सकती है। इस तरह की अवांछनीय पाबंदियां नहीं लगाई जायेंगी, ये

आश्वासन माननीय मंत्री जी की तरफ से इस सदन को देना चाहिए, यह मेरा उनसे अनुरोध है।

(समाप्त)

**SHRI TIRUCHI SIVA (TAMIL NADU):** Mr. Vice-Chairman, Sir, at the outset, before going into the merits of the Motion, I would say that the Motion moved is a very good precedent of establishing supremacy of Parliament. Sir, the rules drafted and notified by the Government could be perused by Parliament is a fact that has been established today by the Motion moved by Mr. Rajeeve.

Realising the constraint of time, I would like to say only one point. Gaining access to private communication on internet is more or less amounting to tapping of phones. Anyhow, Parliament recognized that fact and directed the Government to propose some safeguards. These safeguards were prescribed by the Information Technology Procedure and Safeguards for interception, monitoring and decryption of Information Rules, notified by the Government. Now, the mover has got a reservation with regard to sub-rule 7 of rule 3 of the new rules because he says that the Government agencies can have access to any internet connection, private communication, without safeguards.

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Another thing is, as the Leader of the Opposition has pointed out, with regard to clause 2(b). There are some terms which may be stretched and could be used to the convenience of any person. Sir, on any account, every one is very clear that the freedom of expression, which is a fundamental right, cannot be compromised for anything. At the same time, the technological developments which have been increased to a larger extent bring along with them some implications. So, I would suggest to the Minister--that after taking into consideration all the views which have been expressed by the hon. Members here, the basic intention of the mover of the Motion and the views of the Leader of the Opposition--to defer these rules to the Cyber Regulation Advisory Committee. Also, I would urge the Subordinate Legislations Committee of this House to take cognizance of these rules and examine these.

I think, only after a perusal, the apprehensions which the Members have, could be eluded. So, I think, the Minister would accept the suggestion. Though the rules are already operational, I think, the Minister could defer it to the Cyber Regulation Advisory Committee. Thank you, Sir.

(Ends)

(Followed by tdb/2p)

TDB/2P/3.25

**SHRI D. RAJA (TAMIL NADU):** Mr. Vice-Chairman, Sir, at the outset, I would like to compliment my hon. colleague, comrade Rajeeve, for raising this very important issue through a Motion. Sir, the Notification on the Intermediary Guidelines of Rules, 2011 to the Information Technology Act was issued on 11<sup>th</sup> April, 2011. After almost a year, the Rajya Sabha is scrutinizing the validity of these rules. I think the rules must be in accordance with the Constitutional provision on the question of fundamental rights, liberties as well as, in accordance with the primary objective of the very Act itself. The rules appear contrary to the Act or contrary to the Constitutional provisions or contradictory to these provisions. Then, we need to re-look at these rules and scrutinize it. I am one who stands for freedom of expression, freedom of writing, freedom of thought, and everything. Having said that, Sir, whatever the Government does, it should not snatch away institutionally guaranteed liberties of individuals as well as organisations. Now, it appears, although the Government has been taking steps to control the media and the citizens in their private

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communications or in the formal communications, I think, the Government should be cautious in addressing this issue. I do believe that there must be some regulatory mechanism for it. I find that even the Leader of the Opposition has read out the entire portion, i.e, due diligence to be observed by intermediary. Here, 'I' talks about unity, integrity, defence and all these things. I think the common good of the society, the common good of the humanity and the supreme interest of the nation cannot be compromised at any cost. There, the Government has a responsibility. As citizens, we do have a responsibility.

Sir, India has been emerging as a knowledge power, as a power for information technology. Sir, Indian citizens are now defined as 'netizens'. Netizens are those who have access to Internet and other things. So, Internet, Facebook, Twitter and all these things are new instruments of communications. Once upon a time, they were not known. It is not that the Left does not understand the difference between computer and compounder, as my friend says. We do move, again, with the change of time and change of science and technology. What we need is, there must be a balance between freedom and

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necessity. The hon. Minister will have to look at some of the apprehensions expressed as far as the rules are concerned. Once the hon. Minister responds positively, I think, the House will be able to solve this Motion. With these words, Sir, I conclude.

(Ends)

**THE MINISTER OF COMMUNICATIONS AND INFORMATION**

**TECHNOLOGY (SHRI KAPIL SIBAL):** Mr. Vice-Chairman, Sir, first of all, I want to congratulate the Mover of the Motion, Rajeeveji, for having brought these rules to the attention of the House. We have had a very informed debate. The Leader of the Opposition has, in his inimitable style, agreed with the broad contours and architecture of the rules, but has cautioned the Government, and rightly so, that the restrictive words in the rules might lead to an interpretation, which, in turn, might lead to harassment and impact on the fundamental right of free speech. I think there can be no doubt about that. I, on behalf of the Government, can assure this House that this Government does not stand for censorship; this Government does not stand for infringement of free speech. Indeed, this Government does not stand for regulation of free speech.

KLS/2Q-3.30

**SHRI KAPIL SIBAL (CONTD):** Now, why are we discussing this issue today in the context of rules that have been framed? Sir, we are dealing with a new medium. If you have the print medium and you have the electronic medium, all the companies who provide information through the print medium and electronic medium are registered in India, they are subject to Indian laws. But in the context of new medium, which is the internet, there is no registration of any of these mediums in India, and, therefore, they are not subject to Indian laws. If there is a terrorist attack that takes place and source of it is in some other part of the world and we wish to seek information about the source of that terrorist attack, it is not provided to us on the ground that they are not subject to Indian law. If people are trading in drugs, these are the cases that have happened in courts; actually people have gone to courts. If somebody is trading in a certain kind of psychotropic substance, the information is on the net. You say, please remove that site from the net and please inform us as to who are the persons behind it, the response is that they are not subject to Indian law. Now, I am not saying that we should subject them to

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Indian law *per se* but I am saying that these are very serious issues that arise in the course of the functioning of the State. I am sure that all the distinguished Members of this House will realize that many of these have impact on the security of the State, many of these things impact public order. If you have certain sites on the internet, which are incendiary, which are hate speeches, what is the mechanism to deal with it? Now if you look at the Acts and rules you will realize that we have not infringed on the rights of the media at all. There is no government intervention in any of this. Let me, Sir, just point out and I will finish very quickly because you want to go on to the other matter, kindly look at section 66 (a) of the Act, punishment for sending offensive messages through communication, this is now a substantive provision of the Act. I am not talking of section 69 but of section 66 (a) - punishment for sending offensive messages through communication, any information that is grossly offensive as a menacing character shall be punishable. This is provided in the substantive Act. We are not talking of the rules here. This is the substantive provision of the Act which has been passed by the Parliament. Section 66 (b), punishment for dishonestly receiving

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stolen computer resource, let us leave that; punishment for identity theft, you impersonate somebody, that is identity theft. That is the substantive provision of the Act. And the rules we are talking about are in the context of these substantive provisions. There is excessive delegation of legislation here. The mover of the Motion read only section 69, but I am reading some of the other substantive provisions which indicate that all these rules are consistent with the provisions of the Act. Punishment for cheating any impersonation by using computer resource- the Leader of the Opposition talked about how impersonation can be, but it is a substantive offence. It is not something that is in the rules. The rules are in aid of the substance which is part of the statute. Punishment for violation of privacy which again is substantive provision; punishment for cyber terrorism, section 66 (f), again is a substantive offence; punishment for publishing or transmitting of obscene material in an electronic form is a substantive offence. Then you go on to section 69. So, the point I was trying to make is that there is a host of substantive provisions in the Act which declare substantive offences and the rules that have been framed are consistent with the Act.

-KLS/PK/2R/3.35

**SHRI KAPIL SIBAL (CONTD.):** So, the argument that the mover of the Motion has made is that this excessive delegation, with great respect, has no substance.

The second argument is that you are, actually, infringing; that the Government is trying to control the media. Now, Sir, let me indicate what the Act says; we will go to the rules a little later. Section 79 says, “Notwithstanding anything contained in any law for the time being in force but subject to the provisions of sub-sections (2) and(3), an intermediary shall not be liable for any third party information, data or communication link made available or hosted by him, the provisions of sub-section (1) shall apply, ( c ) this is important -- if the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as the Central Government may prescribe in this behalf.” So, the inter-mediary will not be liable subject to two things — due diligence and following such guidelines as the Central Government may make in that behalf. That is part of the Act; it has nothing to do

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with the rules. Now what is 'due diligence'? That is what is prescribed in the rules. Therefore, if you look at sub-section 2, rule 3 of the rules framed under section 79, rule 3 is about 'due diligence' - due diligence to be observed by intermediary. It is not Government's interference. Government is not taking any action. But what is the 'due diligence' that the intermediary should observe? What is that? Such rules and regulations, terms and conditions or User Agreement shall inform the users. That means the intermediary must inform the users. The Government is not going to interfere in any of this. It is the 'due diligence' of the intermediary that is now being defined in the Act, which is the substantive provision of the Act, under section 79. So, he will inform the user of the computer resource not to host, display, upload, modify, publish, transmit, update or share any information that belongs to another person; that is impersonation; that is grossly harmful, harassing, blasphemous, defamatory, obscene, pornographic, paedophilic, libellous, invasive of another's privacy; that harms minors, infringes patent, trademark, copyright or other proprietary rights, violates any law for the time being in force, and impersonates another person. The Leader of the

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Opposition talked about ‘prevents investigation of any offence or is insulting any other nation.’ Why did this ‘prevents investigation of any offence’ come about? It came about because of sub-rule 4. Sub-rule 4 says: “The intermediary on whose computer system the information is stored.” Supposing it deals with drugs. I am just giving an example. “.. or hosted or published upon obtaining knowledge by itself or been brought to actual knowledge by an affected person -- it is not necessarily the Government; it could be anybody — in writing or through e-mail, signed with electronic signature about any such information, as mentioned in sub-rule 2 above, shall act within 36 hours and where applicable, work with user...” Who will act? Not the Government! If I provide an intermediary with information about a drug which is a psychotropic substance, which is being traded on the Net and which is being brought to India, then, in that situation, that information is given to the intermediary, and he must act within 36 hours, and, where applicable, work with user or owner of such information to disable such information. I pause here. This is the intermediary’s decision; it is not the Government’s decision. The intermediary can say ‘no’.

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There is no prescription that he has to remove. There is no direction that he has to do what the Government says. The prescription is, we inform him that that is what is going on; please do some thing about it in 36 hours. He may write to us saying, or he may inform us, that there is nothing wrong with him. There is nothing that the Government can do. So, this impression ‘that it is the Government which is interfering in the freedom of expression’ is completely erroneous. The Government is informing the intermediary, consistent with his obligations of due diligence, under section 79 of the Act, that you are required to exercise due diligence when it comes to some of these things.

(Contd. by 2S/PB)

PB/2s/3.40

**SHRI KAPIL SIBAL (CONTD.):** But it is your choice. Where you want to work with the person who supplied the information, work with him where applicable and do what you want to do. Where does the Government come? Where have we interfered with that infringement? Where have we infringed the Right to Freedom of Expression? Nowhere; because the Government is not in the picture. The

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Government is only saying that this is the kind of due diligence that is expected out of it. So, this impression ‘that the Government is wanting to do something and wanting to restrict the right is unfair.’

Then, I was coming to what the Leader of the Opposition mentioned. And, Sir, it further says, ‘.... information to disable such information that is in contravention of sub-rule (2). Further, the intermediary shall preserve such information and associated records for, at least, 90 days for investigation purposes.’ Now, why did the question of investigation come that prevents investigation of any offence? That’s because if the information is relating to a drug or terrorist act, he must preserve that information. Otherwise, how do we prosecute? If he immediately remove that information and doesn’t pass it onto Government, how will the Government investigate? That is why in sub-rule (4), ‘prevents investigation of an offence came in.’ So, there, again, I would like clarify it to the learned Leader of the Opposition that it is in this context that where there are offences of this nature, the source and the material must be preserved for a period of, at least, 90 days so that if the investigation agency in India wants that information to investigate and prosecute, it can access to it. If we

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don't have this provision, we will never be able to prosecute. These are essential things. You know, I don't want a full debate on it. But I am just indicating to you that there is no attempt by Government to interfere in 'Freedom of Expression.'

Now, I come to the other point that my good friend raised, and I just want to point this out. Incidentally, I might mention that every jurisdiction in the world has these provisions, and I can point out law after law. Every jurisdiction in the world has it, including the US, including Europe, and I have these provisions with me. Of course, we are more liberal -- and we are proud of it -- than Europe and we are more liberal than the United States of America, and I am proud of that. But the fact is, let's not cut our arms in order to ensure that they do justice.

Now, Sir, the other point that I want to make is, I have the guidelines; and whatever has been set out is consistent with the guidelines of the Net Providers themselves. Take, for example, the guidelines of Yahoo. What do the guidelines of Yahoo say? It is the same thing that 'please, you agree not to use.' What are we saying? 'You agree not to use' -- Yahoo services to what? It is, 'Upload,

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post, email, transmit or otherwise make available any content that is unlawful, harmful, threatening, abusive, harassing, tortuous, defamatory, vulgar, obscene, libellous, invasive of another's privacy, hateful or racially, ethnically or otherwise objectionable.” This is much wider than our prescription, much wider. This is their own advice to their own users that please don't do this. So, if we, in Government, advise the intermediary, it's a violation of 'freedom of expression.' If the Net Provider advises its own user, it is nothing. Yet, I understand the sentiments of the House, and I request you to look at Article 19(2) of the Constitution of India. What are the words used in the 19(2)? It says, “Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interest of the sovereignty and integrity of India, -- there is no problem in that -- the security of the State, friendly relations with foreign States ...” Instead of saying 'abusive of a foreign State', you can use 'friendly', we will change that; there is no issue. Then, it further says, '... public order, decency ...' Sir, does the Constitution define 'decency'?

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Nobody defines 'decency.' The Constitution has not defined 'decency.' Ultimately, what happens? If there is an issue of decency, it is decided by the courts? So, there will be expressions like 'morality'. The word 'morality' is also used — 'decency or morality'

(Contd. by 2t/SKC)

2t/3.45/skc

**SHRI KAPIL SIBAL (CONTD.):** What is 'moral'? The Constitution does not describe it, but who decides it? It is the courts of law. Sir, incidentally, these rules were cleared by the Committee on Subordinate Legislation. These are not executive rules framed by us. There were four meetings of the Committee on Subordinate Legislation and the rules were cleared by the Committee on Subordinate Legislation. So, it is not as if Parliament has not overseen these rules, and, not only that; we called for industry participation. I have the recommendations from the CII. The rules were put to the CII. The rules were put to the Data Security Council of India and other organizations. I have their comments. It is only after all this discussion happened, and they cleared it, that we brought the

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rules. So, it is not as if some officials in the Government of India and our Department decided to have these rules. No; it was done with full participation of everybody.

In any case, I request distinguished Members of this House to please, write to me on any issues that they are concerned about, and I assure the House, I would take those issues into account. I will also call the Industry. I will have a full discussion on the subject; I will call distinguished Members of the House so that, after a full discussion, whatever emerges, I can implement it. I am sure that that would satisfy distinguished Members of this House and the mover of the Motion and we can all agree on a course of action because, under this new media, there would be several challenges that this nation would face, and we should be ready for those challenges. That can only be done through consensus and collaboration.

Thank you very much.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That is very good. That is an assurance. Now, Mr. P. Rajeeve, you may briefly reply.

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**SHRI P. RAJEEVE:** Sir, I am grateful to the hon. Minister, the hon. Leader of the Opposition and hon. Members who have participated in the discussion. Actually, I had tried to utilize the mechanism existing in the parliamentary system for getting more benefits for the community and the country. I am very much grateful to Derek for mentioning about the freedom of speech, which was reflected in the arrest of a Professor just for posting a cartoon on the Internet. Thank you for mentioning that !

**SHRI DEREK O'BRIEN:** Sir, this is not that. We are talking about impersonation, Sir. The Leader of the Opposition and the hon. Minister spent so much time talking about impersonation.  
(Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please don't worry. Everything is on record. (Interruptions) Everything is on record, Mr. Derek. Please take your seat.

**SHRI P. RAJEEVE:** Sir, actually, he was mentioning about the last several years of rule there. (Interruptions) I am just reminding about the recent developments in that State. I think he is more aware of that as a quiz master.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, no; don't get distracted. Come to your point.

**SHRI P. RAJEEVE:** Sir, the hon. Minister has mentioned several things.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** He has conceded. Then why are you raising it? You could send whatever points you have to him in writing.

**SHRI P. RAJEEVE:** That is true, Sir, but I have to mention a few things here. That is my right.

In the beginning, I have mentioned about clause 66A. I think the hon. Minister didn't have the time to listen to that.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** There is no need for this, Mr. Rajeeve. (Interruptions) All right then. Please take five minutes.

**SHRI P. RAJEEVE:** Sir, as the mover of the Motion, I think I have the right to put certain things to the Minister.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Yes, you do have the right. I am not questioning your right.

**SHRI P. RAJEEVE:** Sir, in the beginning, I have mentioned that in the Act itself there are some provisions. My question is: what is the litmus test to examine whether a rule is in accordance with the parent Act. That is the question we are discussing while considering a statutory Motion. I am totally in agreement with the remarks of the Minister about the Act. It was passed by the Parliament. But, Sir, what is an objectionable content? It has been mentioned in clause 69A. Now, clause 69A is in accordance with article 19(2) of the Constitution. The Minister must not look at this clause in isolation. It is specifically mentioned in clause 69A what objectionable content is, and it is in accordance with article 19(2)(a). My submission is, while the Minister explained that, the question is about clause 3(2). This clause, from (a) to (j), explains what an objectionable content is. It goes beyond the provisions of clause 69 of the Act. That is the basic question. The reply given by the Minister is not satisfactory on that point.

(contd. at 2u/hk)

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**SHRI P. RAJEEVE (CONTD.):** With regard to privacy thing, that is, 3(7), it is actually against the Act, which specifically mentions what are the provisions for getting information from a user. It specifically states that. The Government framed the Rules. I invite the attention of the hon. Minister to the other Rule. There are certain provisions in the Rule for the intervention of the Government for blocking contents. For getting information from a user, there are certain other rules. The Minister says that this is not a mandatory thing; there is no Government intervention. But, Sir, this is actually private censorship. But we are going to the words used in this Rule. 'Due diligence to be observed by intermediary', you look at it. There is 'shall' everywhere. While in the legislative process, we can find out several 'may'. But here, all are 'shall'. Recently, one organization posted contents to seven websites like Google, Twitter, Facebook, etc. Thereafter, the same organization sent a complaint saying that this is against the Rule. Within 36 hours, these all seven intermediaries removed the contents without any enquiry. That is the reality. Finally, Sir, actually it is Government intervention and private censorship. That is private censorship. What is the reality in other countries? I would not like to

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take more time on that. Digital Millennium Copyright Act is actually related to copyright. But, in that Act itself, there is a provision. It is 'put back' provision, by which contents can be restored. If a counter-notice is sent by the author of the contents unless the copyright holder files a suit within ten days. That is Digital Millennium Copyright Act. There is a 'put back' provision. That type of provision is not existing in the Rule. While coming to the European Union, I would not like to take more time explaining the provisions ...(Interruptions)...

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

**SHRI P. RAJEEVE:** There is a specific provision. ...(Interruptions)...

That is a reality. ...(Interruptions)...

My question is: As per the Section 88, there is a provision for consultation with an Advisory Committee. It has been constituted. It may be right. But there were only two meetings in 2000. What is the rule of this Advisory Committee? As per the Act, "The Central Government..... either generally as regards any rules or for any other purpose connected with this Act." Now, the Minister claims that the Government has taken several steps in consultation with the industry and other stakeholders.

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But this is the mandatory provision in this Act. It may be true that the Government has taken several steps and discussed it with stakeholders. But this is mandatory as per the Rule. Why is the Government not taking the advice of the Advisory Committee for framing these Rules? Sir, 3(2) and 3(7) are totally against the Act. They are *ultra vires* of the Act. Considering the sense of the House and the issues that we have raised, the hon. Minister should consider all these things and come with an amended Rule within a time frame. Till that time, it should be kept in abeyance.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, I shall put the motion for amendment to vote...(Interruptions)...

**SHRI ARUN JAITLEY:** Can the hon. Minister give an assurance to this House that the Rules, after this broad-based discussion, will be relooked at, and if there are any words therein, which require to be replaced or removed, the Minister would replace or remove them? Are you agreeable for that?

(Followed by 2w/KSK)

**THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI**

**KAPIL SIBAL):** My assurance to this House is that I will request distinguished hon. Members to write letters to me objecting to any specific words. I will then call a meeting of the Members as well as the industry and all the stakeholders. We will have a discussion and whatever consensus emerges, we will implement it. (Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That's an assurance.

So, I will put the question again. The question is:

“That this House resolves that the Information Technology (Intermediaries Guidelines) Rules, 2011 issued under clause (zg) of sub-section (2) of Section 87 read with sub-section (2) of Section 79 of the Information Technology Act, 2000 published in the Gazette of India dated the 13<sup>th</sup> April, 2011 vide Notification No. G.S.R 314(E) and laid on the Table of the House on the 12th August, 2011, be annuled; and

That this House recommends to Lok Sabha that Lok Sabha do concur in this Motion.”

***The motion was negatived.***

(Ends)

**MESSAGE FROM LOK SABHA**

**The Central Educational Institutions (Reservation in Admission)  
Amendment Bill, 2012.**

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

“In accordance with the provisions of rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 16<sup>th</sup> May, 2012, agreed without any amendment to the Central Educational Institutions (Reservation in Admission) Amendment Bill, 2012, which was passed by Rajya Sabha at its sitting held on the 27<sup>th</sup> April, 2012.”

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, as per consensus, we shall take up the Short Duration Discussion on the normalisation of relations with Pakistan and issues relating to human rights violations of minorities in Pakistan. The time allotted is one hour and the hon. Minister's time will be extra fifteen or twenty minutes. So, we should finish it within one hour and everybody should stick to

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the time limit. Shri Balbir Punj, your party has 12 minutes, but you can take seven minutes.

**SHORT DURATION DISCUSSION ON NORMALISATION OF  
RELATIONS WITH PAKISTAN AND ISSUES RELATING TO HUMAN  
RIGHTS VIOLATIONS OF MINORITIES IN PAKISTAN**

**श्री बलबीर पुंज (ओडिशा):** उपसभाध्यक्ष जी, मैं आपका और इस सम्मानित सदन का बहुत आभारी हूँ कि एक तो इसने यह चर्चा स्वीकार की और आपने मुझे इस महत्वपूर्ण चर्चा पर बोलने का अवसर दिया।

**(उपसभाध्यक्ष (डा. ई.एम. सुदर्शन नाट्टीयप्पन) पीठासीन हुए)**

उपसभाध्यक्ष जी, सन् 1947 में देश स्वाधीन हुआ, देश के दो भाग हो गये, एक पाकिस्तान बना और दूसरा भारत बना और जो बंटवारा था, वह मजहब के आधार पर हुआ, क्योंकि पाकिस्तान इस आधार पर बना कि मुसलमानों को एक अलग देश चाहिए था। जब विभाजन हुआ, तो एक समस्या थी। पाकिस्तान के अंदर हिन्दू रहते थे और भारत के अंदर मुसलमानों की भी बड़ी संख्या थी। पाकिस्तान ने अपने-आपको एक इस्लामी राष्ट्र घोषित किया। भारत भी अगर चाहता, तो अपने-आपको हिन्दू राष्ट्र घोषित कर सकता था, परन्तु हमने ऐसा नहीं किया। हम ऐसा कर नहीं सकते थे, क्योंकि ऐसा करना भारत की सनातन और कालजयी संस्कृति के खिलाफ होता। हमने कभी भी मजहब के आधार पर राज नहीं किया। हमारे यहाँ राजाओं-महाराजाओं का अपना मजहब होता था। अगर आप बाहर से आये हुए मुस्लिम आक्रांत राजाओं को छोड़ दें और सम्राट अशोक, जो बाद में बौद्ध धर्म में दीक्षित हो गये, उनको भी छोड़ दें, तो किसी भी राजा-महाराजा ने राज्य के संसाधनों का या राज्य के बल का उपयोग अपने मजहब को फैलाने के लिए नहीं किया।

हमने एक सेकुलर संविधान अपनाया और हमको इस बात का गर्व है कि पिछले 65 सालों से हम एक लोकतांत्रिक और सेकुलर संविधान को लेकर चल रहे हैं और आज यह व्यवस्था हमारे देश में बहुत अच्छी तरह से चल रही है। कुछ लोग कहते हैं कि यह आपको अंग्रेजों से विरासत में मिली, क्योंकि भारत

का संविधान तो 1935 का गवर्नमेंट ऑफ इंडिया एक्ट था। मैं ऐसे लोगों से पूछता हूँ कि अगर लोकतंत्र और सेकुलरिज्म हम लोगों को अंग्रेजों से विरासत में मिला, भेंट में मिला, तो यह पाकिस्तान को क्यों नहीं मिला? अगर भारत सेकुलर है, अगर भारत लोकतांत्रिक है, तो इसलिए नहीं कि यहाँ का संविधान लोकतांत्रिक है, यहाँ का संविधान इसलिए लोकतांत्रिक है, क्योंकि यहाँ की जो सनातन संस्कृति है, वह right to dissidence को मान कर चलती है और इसलिए भारत का संविधान लोकतांत्रिक है। पाकिस्तान के अंदर अल्पसंख्यक लोग, जो मूलतः हिन्दू, सिख और थोड़े-से ईसाई हैं, उनकी हालत जानने के लिए और उस पर चर्चा करने के लिए हम लोग आज यहाँ हैं।

उपसभाध्यक्ष जी, आज जो हिस्सा पाकिस्तान कहलाता है, वहाँ की जनसंख्या में 1947 से पहले हिन्दुओं और सिखों की जनसंख्या की भागीदारी 15 प्रतिशत थी और जो हिस्सा बंगलादेश बन गया, उसमें यह भागीदारी 30 प्रतिशत थी। बंगलादेश में वे आज 30 प्रतिशत से 9 प्रतिशत पर आ गये। आज हम लोग पाकिस्तान पर चर्चा कर रहे हैं और पाकिस्तान में वह जनसंख्या, जो उस समय 15 प्रतिशत थी, 1951 की जब जनसंख्या-गणना हुई, Census हुई, तो पाकिस्तान में वह 11 और 12 प्रतिशत थी।

(2x/MCM पर जारी)

**-DS/GSP-MCM-4.00-2X**

**श्री बलबीर पुंज (क्रमागत) :** अर्थात् 3 प्रतिशत लोग ही वहां से यहां भारत आए थे। उपसभाध्यक्ष जी, वह 11-12 प्रतिशत की हिन्दुओं और सिखों की जनसंख्या आज 1.4 या 1.5 रह गई है। इस समय पाकिस्तान की जनसंख्या 18 करोड़ है। अगर वही प्रतिशत रहता, 10 प्रतिशत की जनसंख्या में हिन्दू और सिख होते तो आज पाकिस्तान में हिन्दुओं और सिखों की संख्या एक करोड़ अस्सी लाख होती, क्योंकि 18 करोड़ की जनसंख्या का 10 प्रतिशत एक करोड़ अस्सी लाख बनता है। उसके स्थान पर स्थिति क्या है? आज पाकिस्तान में हिन्दुओं और सिखों की जनसंख्या 30 लाख के लगभग है। तो वे एक करोड़ पचास लाख हिन्दू और सिख कहां चले गए? इस प्रश्न का किसी के पास कोई उत्तर नहीं है। इस प्रश्न का एक ही उत्तर है, बहुत थोड़ी संख्या में मार-पीटकर उन हिन्दुओं और सिखों को बेइज्जत करके भारत में शरण लेने के लिए मजबूर किया गया। इसके अलावा और जो अधिकांश हिन्दू और सिख हैं, जो पाकिस्तान में होने चाहिए थे, आज नहीं हैं, उनका बलपूर्वक धर्म परिवर्तन किया गया, उनको मुसलमान बनने के लिए मजबूर किया गया। पाकिस्तान के अन्दर National Human Rights Commission है। उसकी सरकारी रिपोर्ट है, यह रिपोर्ट हम सब लोगों को पढ़नी चाहिए। रिपोर्ट के अन्दर स्पष्ट रूप से लिखा है कि हर महीने ऐसे 25 से 30 मामले सरकारी रिकार्ड में आते हैं कि हिन्दू लड़कियों को, जो 15 साल की,

16 साल की, 17 साल की लड़कियां होती हैं, उनको जबर्दस्ती उठा लिया जाता है। यह पाकिस्तान के National Human Rights Commission की रिपोर्ट है। उसके बाद उनका मज़हब परिवर्तन करके जबर्दस्ती निकाह कर दिया जाता है और उनको भी मुसलमान बना दिया जाता है। जब उसके माता-पिता और भाई-बहन न्यायालय का दरवाजा खटखटाते हैं, तब अन्दर सुनवाई हो रही होती है तो कई सौ और कई बार कई हजार की भीड़ अल्लाहो अकबर के नारे लगाते हुए बंदूकों से फायरिंग करते हुए, बाहर खड़ी होती है। वहां जो न्यायाधीश हैं, वे भी डरते हैं। हमको याद रखना चाहिए, अभी वहां के एक गवर्नर को उनके अंगरक्षक ने गोली मार दी थी और जिस न्यायाधीश ने उस खूनी को सजा दी, उसको अपनी जान बचाने के लिए दुबई में शरण लेनी पड़ी।

उपसभाध्यक्ष महोदय, यह बड़े दुख की बात है कि हम लोग यहां पर श्रीलंका में अपने जो तमिल भाई हैं, उनके मानवाधिकारों की चिंता करते हैं, हम तिब्बतियों के मानवाधिकारों की चिंता करते हैं, हम Palestinians के मानवाधिकारों की चिंता करते हैं। किसी कारण से यह सदन और यह संसद पाकिस्तान में जो हिन्दू हैं, उनके मानवाधिकारों की चर्चा करने से बचता है। इस सत्र के आरम्भ से मैंने और मेरे जो मित्र हैं श्री अविनाश राय खन्ना, जो इस मामले में निरन्तर रुचि लेते रहते हैं और तरुण विजय जी ने भी निरन्तर इस विषय को उठाने की कोशिश की है, आज भी इस पर बड़ी कठिनाई से यह अनुमति मिली। पाकिस्तान की जब स्थापना हुई थी, तब मोहम्मद अली जिन्ना,

Uncorrected/Not for Publication — 17.05.2012

जो संस्थापक थे, 11 अगस्त, 1947 का उनका भाषण सर्वविदित है जिसमें उन्होंने कहा था कि मज़हब के आधार पर पाकिस्तान में किसी के साथ भेदभाव नहीं होगा। उस समय जब बहुत संख्या में वहां से हिन्दू और सिख आना चाहते थे, तो कांग्रेस के नेताओं ने, देश के नेताओं ने उनको आश्वासन दिया था कि आपका मज़हब आपको रोटी-रोजी कमाने की स्वतंत्रता इज्जत-आबरू के साथ देगा, आपको आने की जरूरत नहीं है। इसका ज्वलंत उदाहरण है, हमारे पूर्व प्रधान मंत्री इन्द्र कुमार गुजराल, उनके पिताजी इसी आश्वासन पर पाकिस्तान में 1948 तक रहे, उनके हस्ताक्षर पाकिस्तान के संविधान पर भी हैं। He was a Member of the Constituent Assembly.

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**

Balbir ji, there are two more Speakers from your Party.

**श्री बलबीर पुंज :** वे वहां पर इस आश्वासन पर रहे। जो लोग यहां आ गए, माननीय लाल कृष्ण आडवाणी जी रिफ्यूजी के रूप में यहां आए, देश के उप प्रधान मंत्री बने। भारतीय जनता पार्टी के बड़े नेता हैं, देश के नेता हैं।

(2y/nb पर जारी)

NB/RG/2Y/4.05

**श्री बलबीर पुंज (क्रमागत) :** डा. मनमोहन सिंह वहां से आए, आज डा. मनमोहन सिंह प्रधान मंत्री हैं। जो लोग वहां से आ गए, उनकी तो व्यवस्था हो

गई, लेकिन जो इस देश के नेताओं पर विश्वास करके वहां रह गए, आज हम उनकी चिंता नहीं करते, इससे बड़ा कोई धोखा नहीं हो सकता।

उपसभापति जी, लाहौर में 1947 में 50 से अधिक ऐतिहासिक महत्व के गुरुद्वारे थे, मंदिर थे, आज वहां केवल एक गुरुद्वारा सुरक्षित है। मैं पाकिस्तान में चौधरी सुजात हुसैन का मेहमान था। मैं एक हफ्ता उनके यहां रहा। वे पूछते थे कि हम आपके लिए क्या करें? मैं कहता था मुझे यहां किसी मंदिर के दर्शन करा दीजिए। वे सातों दिन मुझे किसी मंदिर में नहीं ले जा सके। जब मेरे वापस जाने का समय आ गया और सातवें दिन मैंने दोबारा कहा, तो उनके ड्राइवर ने शरमाते हुए कहा कि हुजूर, एक मंदिर था, वह भी 2007 में इसलिए गिरा दिया गया, क्योंकि वहां शॉपिंग मॉल बनाना था। वहां श्मशान भूमि नहीं है ... (व्यवधान)

**श्री बलबीर पुंज :** उपसभाध्यक्ष जी, मैं दो मिनट में खत्म कर रहा हूं। मेरे पास कहने के लिए बहुत कुछ है ... (व्यवधान)

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**

You have to conclude now. There are two more names from your party.

**श्री विनय कटियार :** उपसभाध्यक्ष जी, यह बहुत महत्वपूर्ण चर्चा है। आप समय थोड़ा और बढ़ा दीजिए।

**श्री बलबीर पुंज :** उपसभाध्यक्ष जी, यह ठीक है कि पाकिस्तान दूसरा देश है और हम लोग उनके मामलों में बहुत ज्यादा दखल नहीं दे सकते, लेकिन हम दो बातें कर सकते हैं। एक तो पाकिस्तान से जो रिफ्यूजीज़ आते हैं, हिंदू आते हैं, विदेश मंत्री यहां बैठे हैं, वे हमें कम से कम यह आश्वासन दें कि पाकिस्तान के हिंदुओं को तुरंत बिना दिक्कत वीसा दिया जाएगा। बीस-बीस, तीस-तीस सालों से जिन लोगों की वहां मृत्यु हो चुकी है, उनकी अस्थियां पाकिस्तान में पड़ी हुई हैं। स्वाभाविक रूप से हर हिंदू यह आशा करता है कि उसकी मृत्यु के बाद उसकी अस्थियां गंगा जी में प्रवाहित की जाएंगी, लेकिन वहां तीस-तीस साल तक वीसा नहीं मिलता और वे लोग आ नहीं पाते। अभी पीछे समाचार आया था कि एक व्यक्ति आया था और ऐसे लोगों की अस्थियां लेकर आया था, जिनका देहांत हुए 30-30 साल हो चुके थे। ऐसे 300 लोगों की अस्थियां गंगा में प्रवाहित की गईं। हमारे विदेश मंत्री जी यहां बैठे हैं, आप हमें आश्वासन करिए कि कम से कम हिंदुओं को यहां आने का वीसा आप आसानी से देंगे, उनको वहां के हाई-कमीशन के चक्कर नहीं काटने पड़ेंगे, उनको वहां हाई-कमीशन में रिश्वत नहीं देनी पड़ेगी, कम से कम इतना तो आप कर सकते हैं। वे हिंदू वहां से शरणार्थी के रूप में आते हैं। जो हिंदू यहां पर शरण लेना चाहते हैं, उनको भारत की नागरिकता तुरंत देनी चाहिए। यह हम पर कर्ज़ है, यह हमारा कर्तव्य है और आज अगर विदेश मंत्री जी यह स्पष्ट कर सकें, तो मैं मानूंगा कि आज की चर्चा सार्थक हुई। धन्यवाद।

(समाप्त)

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**

Now, Shri Husain Dalwai. You have to confine yourself to seven minutes. You have got one speaker more from your party.

**श्री हुसैन दलवाई (महाराष्ट्र) :** उपसभाध्यक्ष जी, आज यहां एक अत्यंत गंभीर विषय पर बहस हो रही है। आपने मुझे इस विषय पर बोलने का मौका दिया, इसके लिए मैं आपका आभारी हूं। आज पाकिस्तान में जो कुछ हो रहा है, वह खाली गंभीर नहीं है, वह humanity के खिलाफ है, इंसानियत के खिलाफ है। वे नेहरू-लियाकत एग्रीमेंट भूल गए, शिमला एग्रीमेंट भूल गए और यह अच्छी बात है कि वहां के Human Rights Commission के Chairman और General Secretary ने वहां क्या हालत है, इसके बारे में बड़े पैमाने पर बयान दिया है। इस पर हमारे देश में और अमरीका में भी बहस हो रही है और उन्होंने एक दबाव उन पर डाला है। आज वहां ऐसी हालत है कि वहां की औरतें सुरक्षित नहीं हैं। लड़कियों को उठाकर ले जाते हैं और forcefully उनका conversion करते हैं, forcefully उनके साथ marriage करते हैं। वहां यह सब हो रहा है। इसलिए वहां की बहुत सी हिंदू फैमिलीज़, नॉन-मुस्लिम फैमिलीज़ यहां आ रही हैं और भारत में migrate हो रही हैं।

(2Z/MP पर जारी)

MP-SSS/2z/4.10

**श्री हुसैन दलवाई (क्रमागत) :** भारत में migrant होने के बाद जो रिपोर्ट आई, उसके अनुसार यहां जो कैम्पों में रहते हैं, उनके भी हालात बहुत बुरे हैं, लेकिन हमारी सरकार उनकी तरफ ठीक ढंग से ध्यान नहीं देती है, जो कि अच्छी बात नहीं है। एक तो इस सवाल पर चार-पांच दफा इस हाउस में और दूसरे हाउस में बहस हुई। उस पर मंत्री महोदय ने जो उत्तर दिए हैं, उसके बारे में जो उन्होंने कहा है, वही आज उन्हें नहीं कहना चाहिए, यह मैं पहले ही कहूंगा, क्योंकि वही बात दोहराई जाती है कि पाकिस्तान ने कहा है कि हम पूरी तरह से संरक्षण देंगे, पूरी तरह से मदद करेंगे, लेकिन कितनी हद तक इस बात की दखल ली गई है? पाकिस्तान के यहां के कमिश्नर को बुलाकर आप लोगों को उसको बताना चाहिए कि क्या हो रहा है? यह सवाल खाली कोई हिन्दुओं और मुसलमानों का सवाल नहीं है, यह पूरी humanity का सवाल है। हमें इस पर लज्जा आ रही है। सरकार को इस सवाल को उठाकर कहना चाहिए कि आप जल्दी से जल्दी इसके ऊपर क्या कर रहे हैं?

सर, तालिबानी लोग जिस ढंग से लोगों को तकलीफ देते हैं, आप यह मत समझना कि वे खाली हिन्दुओं को तकलीफ देते हैं, वहां ज़रा भी ग़ैर बात की, तो वे मुसलमानों को भी तकलीफ देते हैं। वहां के एक जज को भी मारा गया जिन्होंने यह कहा कि जो Blasphemy कानून है, वह कानून बराबर नहीं है। Blasphemy कानून बिल्कुल गलत कानून है और उसमें बदलाव आना चाहिए

— ऐसा वहां के कुछ अक्लमंद लोगों का कहना है, तो उनको भी मारने का काम हुआ। गोलियां चलाकर उनका मर्डर किया गया। इस तरह से पाकिस्तान में जो हुआ, हमारे पड़ोस के देश में जो हुआ, मुझे लगता है कि उस पर हमारा चुप रहना बिल्कुल ग़ैर बात है। हमें यह सवाल खाली उनके साथ लेना चाहिए, ऐसी बात नहीं है, बल्कि इंटरनेशनल फोरम में भी, यू.एन. में यह सवाल उठाना चाहिए कि humanity का खून हो रहा है और सारी दुनिया चुप बैठी है, यह बिल्कुल गलत बात है। जैसे इसराइल के लोग फिलीस्तीन वगैरह में कर रहे हैं, उससे भी ग़ैर बात यहां हो रही है, क्योंकि यहां की आबादी बिल्कुल छोटी है। दो परसेंट हिन्दू भी अब वहां नहीं रहे हैं। यहां गड़बड़ी नहीं होती है, ऐसा नहीं है। यहां भी होती है और उसके खिलाफ हम हमेशा बोलते हैं, लेकिन यहां का हिन्दू liberal है। वह हमारा साथ देता है। वहां फसाद होता है, इसलिए यहां का मुसलमान लुट कर भी पाकिस्तान नहीं जाता। लोगों को एहसास है कि भले ही यहां गड़बड़ी होती हो, लेकिन इंसाफ है। वहां इंसाफ नहीं है, इसलिए वे यहां आ रहे हैं, तो उन लोगों की पूरी तरह से मदद करना हमारे लिए बहुत ज़रूरी है, लेकिन यह मदद होती नहीं है। यह हम नहीं कहते, वहां का Human Right Commission कह रहा है कि वहां कभी-कभी police sponsored atrocities होती हैं। वहां फसाद नहीं होता है। फसाद करने के लिए कहीं न कहीं जमात होनी चाहिए। अगर दो गुट ठीक ढंग से नहीं रहेंगे, तो फसाद हो सकता है, लेकिन पुलिस, सरकार, वहां की मिलिटरी, सब ठीक रहें, तो वहां फसाद होने

का सवाल ही नहीं है। खाली atrocities होती हैं। अगर ये atrocities बंद करनी हैं, तो मेरे ख्याल से सरकार ने ज़रा strong शब्दों में उनको सुनाना चाहिए। सुनाकर नहीं चलेगा, बल्कि यह कहना चाहिए कि अगर इस तरह से यह बंद नहीं होगा, तो यह बात हम इंटरनेशनल फोरम पर उठाएंगे और पाकिस्तान की पूरी तरह से बेइज्जती करेंगे कि पाकिस्तान जिस ढंग से बना, वही गलत था। मज़हब के तौर पर किसी देश का बनना बिल्कुल गलत था और इस गलती का एहसास सब लोगों को होने लगा है। इसके बारे में, हिंदुस्तान-पाकिस्तान partition के बारे में माधव गोडबोले साहब ने जो किताब लिखी है, उसमें एक बात लिखी है, जिसे पढ़कर मुझे ज़रा आश्चर्य लगा। डा. लोहिया हमेशा बोलते थे कि confederation बनाना चाहिए। यह जो हुआ, इसके लिए ये-ये जिम्मेदार हैं, लेकिन आगे जाकर उन्होंने रिसर्च करके यह बताया है कि जब partition हुआ, तो उसकी तैयारी उसमें की गई। लोगों को मालूम नहीं था, कहां हमारा गांव रहेगा, कहां हमारी बस्ती रहेगी? इतना confusion था, जिसकी वजह से बहुत बड़े पैमाने पर लोग मर गए। बड़े पैमाने पर honour killings भी हो गईं, क्योंकि हमारी बेटी कहां जाएगी, हमारी बीवी कहां जाएगी, इसके लिए सिख लोगों में बड़े पैमाने पर honour killings भी हुईं, जिसके बारे में एक बुक आई है।

(3a/SC-NBR पर जारी)

sc/4.15/3a

**श्री हुसैन दलवाई (क्रमागत) :** मुझे अभी उसका नाम याद नहीं आ रहा है। इन सारी बातों को सरकार को ध्यान में रखना चाहिए। सर, यह हिन्दू-मुसलमानों का सवाल है, ऐसा मैं नहीं समझता हूँ, यह सवाल इंसानियत का है। यह इंसानियत का सवाल है इसलिए मैं आपके ज़रिए हमारी सरकार से कहना चाहूंगा, मंत्री महोदय से कहना चाहूंगा कि इसके संबंध में थोड़ा कड़ा कदम उठाइए क्योंकि पिछले साल इसके ऊपर तीन-चार दफा बहस हुई, वहां भी हुई, यहां पर भी हुई। मैंने खुद यहां पर ज़ीरो ऑवर में आपको नोटिस दिया था, लेकिन आपने कहा कि इस पर सब लोग बहस करने वाले हैं, इसलिए मैंने अपना नोटिस वापस लिया। मैं यह दरखास्त करूंगा कि इसके बारे में स्टर्न ऐक्शन लेना चाहिए, कड़ा कदम अपनाना चाहिए। अगर ऐसा होगा तब ही सबको तसल्ली मिलेगी। सर, मैं एक मुस्लिम हूँ। मुस्लिम होने के बावजूद मुझे लगता है कि जिस तरह से इस देश में मैं मुसलमान करके रहता हूँ, वैसे ही वहां का हिन्दू भी रहना चाहिए, यह जिम्मेदारी पाकिस्तान की गवर्नमेंट की है। मुझे यहां घूमने-फिरने की पूरी आज़ादी है। मैं आपको बताना चाहता हूँ कि अगर कहीं महाराष्ट्र में फसाद होता है तो मैं वहां पर पुलिस लेकर नहीं जाता हूँ, मैं वहां पर अकेला जाता हूँ। वहां कभी किसी ने मेरे खिलाफ कुछ नहीं किया। यही हालात हर जगह होने चाहिए। पाकिस्तान की हमेशा साइड लेने वाला यूएस अगर इस वक्त आवाज़ उठाता है तो यह अच्छी बात है। इसका फायदा उठाकर हम लोगों को

यह सवाल पूरी तरह से इंटरनेशनल लेवल पर लेकर जाना चाहिए। इतना कहकर मैं अपनी बात खत्म करूंगा। आपने मुझे टाइम दिया, इसके लिए मैं आपका शुक्रगुजार हूँ। धन्यवाद। जय भारत।

(समाप्त)

**उपसभाध्यक्ष (डा० ई.एम.सुदर्शन नाट्टीयप्पन) :** श्री शिवानन्द तिवारी। आपके पास पांच मिनट हैं।

**श्री शिवानन्द तिवारी (बिहार) :** धन्यवाद उपसभाध्यक्ष महोदय, अभी हुसैन दलवाई साहब का भाषण बहुत ही बढ़िया रहा। हमें लगता है कि बलबीर पुंज साहब ने जिस तरह से बातों को रखा था, मैं उनसे थोड़ा असहमत हूँ। असहमत इसलिए हूँ कि मैं नहीं मानता हूँ कि इसको हिन्दू-मुसलमान के नज़रिए से देखा जाना चाहिए। यह दुर्भाग्य है कि इस देश का जो बंटवारा हुआ, उस बंटवारे के बाद पाकिस्तान कभी नेशन नहीं बन पाया, कभी राष्ट्र नहीं बन पाया। हमें याद है कि जब पाकिस्तान बना, उसके तुरंत बाद अहमदिया लोगों के खिलाफ वहां पर भयानक दंगा हुआ और वहां के जो कट्टरवादी मुसलमान थे, उन लोगों ने कहा कि अहमदिया लोग मुसलमान नहीं हैं। तब पाकिस्तान सरकार ने एक ज्युडिशियल कमीशन बनाया। उस ज्युडिशियल कमीशन का एजेंडा यह था कि वह तय करे कि सही मुसलमान कौन हैं। लगभग तीन-चार वर्षों तक ज्युडिशियल कमीशन इस बात की चर्चा करता रहा, अलग-अलग समूह से एविडेंस लेता रहा कि असली मुसलमान कौन हैं, लेकिन यह तय नहीं हो सका

कि असली मुसलमान कौन हैं और उस कमीशन ने अपना पोथी-पत्र बंद कर दिया। आज आपको याद होगा कि लियाकत अली साहब, जो मोहम्मद अली जिन्ना के बाद पाकिस्तान के सबसे प्रभावशाली नेता थे और पाकिस्तान के प्रधान मंत्री थे, 1951 में उनकी हत्या हुई। इसी तरह जुल्फीकार अली भुट्टो को वहां फांसी दे दी गयी, बेनज़ीर भुट्टो को गोली मारी गयी। इस प्रकार पाकिस्तान देश तो कभी बना ही नहीं। अगर आप इतिहास देखें तो हाल के वर्षों में पाकिस्तान में कट्टरपंथियों का जो दबदबा बढ़ा है, उसमें लगभग 35-40 हजार लोग मारे गए। जो 35-40 हजार लोग मारे गए हैं, उनमें प्रायः सारे के सारे मुसलमान लोग हैं। यह वहां की हालत हो गयी है। अभी वहां पर बलूचिस्तान का जो इलाका है, उस इलाके के लोग पाकिस्तान से अलग होने की मांग उठा रहे हैं। नॉर्थ-वेस्ट फ्रंटियर में जो अलग-अलग कबिलाई हैं, उनको याद है कि मोहम्मद अकबर बुक्ती कितनी शानदार पर्सनेलिटी थे। हमने डिस्कवरी ऑफ इंडिया में उनका एक कार्यक्रम देखा था, वह दिखने में कितना शानदार था, एकदम जवान था, उसको पाकिस्तान की सरकार ने, जब मुशर्रफ साहब वहां के राष्ट्रपति थे, मिसाइल से मार दिया गया। इस प्रकार पाकिस्तान की हालत बहुत ही खराब है। इसीलिए जो वहां का मसायल है, उसको हिन्दू-मुसलमान के नज़रिए से हम लोग न देखें। आज़ादी के पहले इसी नज़रिए ने इस देश का बंटवारा किया। हमें तो कभी-कभी लगता है कि देश के बंटवारे का जो इतिहास है, उसको फिर से लिखा जाना चाहिए। 1940 में मुस्लिम लीग की लाहौर में जो कॉन्फ्रेंस हुई, उसमें

मुसलमानों के लिए अलग राष्ट्र की मांग की गयी। लेकिन उसके पहले 1937 में हिन्दू महासभा की कॉन्फ्रेंस हुई, उसमें सावरकर साहब ने टू-नेशन थ्योरी का प्रस्ताव रखा था।

(3बी-जीएस पर जारी)

GS-KS/3B/4.20

**श्री शिवानन्द तिवारी (क्रमागत):** लाला लाजपत राय ने उसका समर्थन किया। इस देश में हिन्दू और मुसलमान दोनों अलग-अलग कौम हैं, यह सिलसिला लम्बे समय से चलता रहा है और हिन्दुओं का भी एक धड़ा यह मानता रहा कि यह देश हिन्दुओं का है। इस देश में दूसरी कौम के जो लोग रहेंगे, उनको सेकेंडरी सिटिज़न बनकर रहना पड़ेगा, यह कहता रहा और मुसलमानों को चिंता यह रही कि साहब आज़ाद भारत में, जब जम्हूरियत लागू होगी, तो हमेशा बहुमत हिन्दुओं का रहेगा और हमारा जो अधिकार है, हमारा जो राइट है, उसकी सुरक्षा कैसे हो पायेगी, यह चिंता उनको रही।

हमें याद है जब 1934 का चुनाव हुआ। उत्तर प्रदेश का बहुत बड़ा रोल इस देश के बंटवारे में रहा है। आप देखिएगा, जो 1934 का चुनाव हुआ, उसमें कांग्रेस पार्टी और मुस्लिम लीग ने, अनआफिशियल ढंग से, यानी समझौता करके चुनाव लड़ा। मोटा-मोटी यह बात थी कि चुनाव के बाद दोनों मिलजुलकर सरकार बनायेंगे। उस समय का मुस्लिम लीग का इलेक्शन मेनिफेस्टो देखिए और कांग्रेस पार्टी का इलेक्शन मेनिफेस्टो देखिए। मुस्लिम लीग चूंकि मुसलमानों को रिप्रजेंट

करती थी, इसलिए कुछ बातों को छोड़कर कांग्रेस और मुस्लिम लीग के इलेक्शन मेनिफेस्टो में कोई फर्क नहीं था। चुनाव से पहले कांग्रेस को उम्मीद नहीं थी कि उसको बहुमत मिलेगा, लेकिन चुनाव के बाद कांग्रेस को बहुमत मिल गया। वहां पर कांग्रेस और मुस्लिम लीग की मिली-जुली सरकार बनती, लेकिन वे तैयार नहीं हुए। मौलाना आज़ाद ने 'India Wins Freedom' में लिखा है कि चौधरी खलिक जुमा और मिर्जा नबाव इस्माइल, ये दोनों लोग कांग्रेस के साथ मिलने के लिए तैयार थे, मिनिस्ट्री में शामिल होने के लिए। लेकिन पंडित जवाहर लाल नेहरू ने कहा कि हम दोनों में से एक को ही शामिल करेंगे। उस समय परिस्थिति ऐसी थी कि या तो दोनों शामिल होते या दोनों शामिल नहीं होते। नतीजा यह हुआ कि दोनों शामिल नहीं हुए, वे इसके लिए राजी नहीं हुए। यह आजाद साहब ने कहा है कि अगर दोनों लोग कैबिनेट में आ जाते तो शायद पाकिस्तान नहीं बनता और मुस्लिम लीग की ताकत वहीं ध्वस्त हो जाती। हमको लगता है कि यह जो हमारे दिमाग में बैठा हुआ है कि मुस्लिम लीग के कारण या मुसलमानों के कारण ही इस देश का बंटवारा हुआ, बंटवारे का इतिहास फिर से लिखा जाना चाहिए। इसमें किस-किस की भूमिका रही है।

उपसभाध्यक्ष महोदय, लोक सभा में इस मामले पर बहस हुई है। यहां पर विदेश मंत्री जी मौजूद हैं, उस सदन में भी उन्होंने आश्वासन दिया था, हम लोगों को मजबूती के साथ यह कहना चाहिए और मैं तो यह कहूंगा कि यह जो मांग की गई, दलवाई हुसैन ने भी यह मांग की कि वहां से जो लोग यहां आ रहे हैं, उनको

नागरिकता दीजिए। वहां पर जो भी माइनॉरिटीज़ हैं, चाहे वह हिन्दू माइनॉरिटी हो, ईसाई माइनॉरिटी हो या मुसलमानों का भी वह तबका जिसको वहां पर वे मुसलमान नहीं मानते। उनको तरह-तरह से प्रताड़ित किया जाता है, उनकी इबादत की जगहों पर हमला होता है, उनके समारोहों पर हमला होता है और उसमें वे मारे जाते हैं, जो लोग भी वहां से आना चाहते हैं हिन्दुस्तान उनको शरण दे। मजबूती के साथ, एक अंतर्राष्ट्रीय स्तर पर जनमत बनाकर पाकिस्तान पर दबाव डाला जाना चाहिए कि वह अपने यहां पर माइनॉरिटीज़ की हिफाज़त करे। इसी के साथ, मैं अपनी बात समाप्त करता हूं।

(समाप्त)

**SHRI BALBIR PUNJ:** I just want to add one sentence to what Shivanand Tiwariji has said. ये 1937 तक गए कि विभाजन की नींव कैसे पड़ी। मैं इनको 1888 तक ले जाना चाहता हूं। पहली बार 1888 में सर सैयद ने मेरठ में भाषण दिया और कहा कि हिन्दू और मुसलमान कभी इकट्ठा नहीं रह सकते।

**THE VICE-CHAIRMAN (DR. E. M. SUDARSANA NATCHIAPPAN):**

Please, please. (Interruptions) Nothing will go on record.

**SHRI BALBIR PUNJ:** \*

**SHRI PRAVEEN RASHTRAPAL:** \*

**THE VICE-CHAIRMAN (DR. E. M. SUDARSANA NATCHIAPPAN):**

No, no. Nothing will go on record. Now, Shri Naresh Agrawal.

(Interruptions) Except what Shri Naresh Agrawal says, nothing will go on record. (Interruptions)

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

**SHRI PRAVEEN RASHTRAPAL:** \*

**THE VICE-CHAIRMAN (DR. E. M. SUDARSANA NATCHIAPPAN):** A

healthy debate is taking place. Please, do not disturb it.

**श्री नरेश अग्रवाल (उत्तर प्रदेश):** माननीय उपसभाध्यक्ष जी, पहली तो हमारी यह आपत्ति है कि हमारे दल को दो मिनट का समय क्यों अलाट हुआ। हम 8 सदस्य हैं, बल्कि हमें 9 गिना जाना चाहिए, हमारे एक मेम्बर की डेथ हो गई, उनकी जगह पर मेम्बर इलेक्शन में चुन जायेंगे। जनता दल (यू) के 9 मेम्बर्स वाले दल को आप 8 मिनट का समय दे रहे हैं और हमारी समाजवादी पार्टी के 8

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\* Not recorded.

मेम्बर्स हैं और हमें दो मिनट का समय दे रहे हैं, हमारी इस पर आपत्ति है। इसको आप ठीक कर लीजिए। ... (व्यवधान) ... (3सी/ASC पर जारी)

KGG-ASC/4.25/3C

**श्री नरेश अग्रवाल (क्रमागत) :** मैं इस बात की भर्त्सना करता हूँ कि जो दल इस डिस्कशन में भाग नहीं ले रहे हैं और सदन छोड़कर चले गए हैं, उनको वोटों का डर होगा। मैं यह भी कहना चाहता हूँ कि अगर इसको हिन्दू-मुसलमान के रूप में न लेकर, हिन्दुस्तानी के रूप में लिया होता, नागरिकता या इंसानियत के रूप में लिया होता तो ज्यादा अच्छा होता। अगर विश्व में कहीं भी माइनॉरिटीज का सवाल आया है, तो हमारी समाजवादी पार्टी ने और हमारे नेता मुलायम सिंह जी ने हमेशा खुलकर माइनॉरिटीज का साथ दिया है। ऐसी बात नहीं है कि आज पाकिस्तान में माइनॉरिटीज के हिन्दुओं पर अत्याचार हो रहा है, बल्कि जो मुसलमान इस देश से पाकिस्तान में गए हैं, आज उनको भी पाकिस्तान में मुहाजिर माना जाता है। उनको मुहाजिर मानकर, उनके साथ ही सौतेला व्यवहार किया जा रहा है। यह गंभीर मामला है और मैं तो यह कहता हूँ कि यदि सरकार कमजोर होगी तो देशवासी भी परेशान होंगे और देश के लोग जो दूसरी जगह चले गए हैं, वे भी परेशान होंगे। हमारे प्रधान मंत्री जी का परिवार पाकिस्तान में रहा है। उस परिवार को इसकी पीड़ा मालूम है। इस देश का प्रधान मंत्री सबसे बड़े पद पर है, इसलिए मैंने कहा था कि अगर प्रधान मंत्री जी यहां

आकर उत्तर दें तो ज्यादा अच्छा होगा। मैं अब भी यह समझता हूँ कि अगर प्रधान मंत्री जी इस चीज को गंभीरता से लेते हैं, तो उनको इस सदन में आकर जवाब देना चाहिए। इसके लिए हम सब चिंतित हैं। जो लोग पाकिस्तान में गए हैं, वे सबसे ज्यादा उत्तर प्रदेश, पंजाब, हरियाणा, बंगाल और बिहार से गए हैं। मैं तो यह कहूँगा कि ज्यादातर लोग उत्तर भारत से ही पाकिस्तान में गए हैं। आज पाकिस्तान में जो कुछ हो रहा है, वह कोई इंसानियत का काम नहीं है। ....(व्यवधान).. ये बीजेपी वाले दूसरी भावना से बात रखते हैं, मुसलमान लोग कभी साम्प्रदायिक नहीं रहे हैं।

श्रीमन्, इतिहास गवाह है कि हिन्दुस्तान में मुसलमान ने अपना नेता हिन्दू को माना, मुसलमान को नहीं माना। आप आजादी के बाद की हिस्ट्री उठाकर देख लीजिए कि इस देश के मुसलमान ने हर वक्त मेजोरिटी के व्यक्ति को अपना नेता माना और माइनॉरिटीज के व्यक्ति को नेता नहीं माना। आज भाजपा

**(उपसभाध्यक्ष (प्रो.पी.जे.कुरियन) पीठासीन हुए)**

के लोग साम्प्रदायिकता की बात करते हैं, मैं उनसे सहमत नहीं हूँ। अभी पुंज जी बात कर रहे थे, मैं उनकी बात से बिल्कुल सहमत नहीं हूँ और मैं इसका विरोध करता हूँ। मैं यह बात इसलिए कह रहा हूँ कि यहां पर जो बात उठाई गई है, ....(व्यवधान)।

**उपसभाध्यक्ष (प्रो.पी.जे.कुरियन) :** मिस्टर कटियार, प्लीज़। ..(व्यवधान)।

**श्री विनय कटियार :** पुंज जी ने एकजुटता की बात कही है। ...(व्यवधान)।

**उपसभाध्यक्ष (प्रो.पी.जे.कुरियन) :** कटियार जी, बैठिए।

**श्री विनय कटियार :** पुंज जी ने यह कहा कि विभाजन के बाद हिन्दुस्तान में जो मुसलमान रह गए थे, आज उनको बराबर का अधिकार प्राप्त है और हम धर्म-निरपेक्ष हैं। जो लोग पाकिस्तान में हैं, उनके साथ दुर्व्यवहार किया जा रहा है।  
...(व्यवधान)...

**उपसभाध्यक्ष (प्रो.पी.जे.कुरियन) :** कटियार जी, प्लीज़। अब उनका समय है।  
...(व्यवधान) आप बैठिए।

**श्री नरेश अग्रवाल :** श्रीमन्, इनका भी बोलने का समय आएगा।

**उपसभाध्यक्ष (प्रो.पी.जे.कुरियन) :** मिस्टर पुंज, आप बैठिए।  
...(व्यवधान) अग्रवाल जी, आप बोलिए।

**श्री नरेश अग्रवाल :** श्रीमन्, 1965 के युद्ध के बाद ताशकन्द समझौता हुआ, शिमला पैक्ट हुआ और हर बार पाकिस्तान के प्रधान मंत्री हिन्दुस्तान आए। हमने उनका स्वागत किया और उनसे हमारी बातचीत भी हुई, लेकिन उस बातचीत में क्या हमारी सरकार ने कभी यह मुद्दा उठाया? माननीय विदेश मंत्री जी, उन समझौतों में आपने इन चीजों को वर्णित तो किया, लेकिन वर्णित होने के बाद क्या वे चीजें लागू हुईं? मुझे याद है, जब लाल बहादुर शास्त्री जी ने ताशकन्द समझौता किया था, तो उनकी जान इसी में चली गई थी कि देश उनके खिलाफ खड़ा हो गया था। वे इस सदमे को सह नहीं पाए थे। आज आप यहां स्पष्ट घोषणा करिए कि पाकिस्तान में आज माइनॉरिटीज के साथ जो हो

रहा है, क्या उसको रोकने के लिए आप कोई कड़ा कदम उठाएंगे? नहीं उठाएंगे, तो जैसे हम विश्व में बेइज्जत हो रहे हैं, वैसे ही बेइज्जत होंगे। हम हर रोज यहां पर बात उठाते हैं। ....(समय की घंटी)..कोई कड़ा कदम उठाया जाना चाहिए। यह चर्चा तभी तार्किक होगी, जब कोई कड़ा कदम उठाया जाएगा। हमारे देश का नागरिक सरबजीत पाकिस्तान की जेल में बंद हैं। हम आज तक उसको रिहा नहीं करवा पाए हैं। एक तरु तो हमारे यहां के काफी लोग पाकिस्तान की जेलों में बंद हैं और दूसरी तरफ हम कसाब के लिए न जाने कितना रुपया खर्च कर रहे हैं। आप इसके लिए कोई बोल्ट स्टेप उठाइए। यदि आप किसी चीज को कठोरता से लेंगे, तभी कोई नतीजा निकलेगा, अन्यथा जो पाकिस्तान में हो रहा है, वह रुक नहीं जाएगा। मैं अपने देश के संविधान के 4 आर्टिकल्स (5,6,7 और 8) की बात कर रहा हूं।

(3D/LT पर जारी)

LP/TDB/4.30/3d

**श्री नरेश अग्रवाल (क्रमागत) :** माननीय मंत्री जी, आप आर्टिकल 7 परिवर्तित कर दीजिए, इसका संशोधन लाइए। संविधान के आर्टिकल 7 को संशोधित करके, जो लोग हिंदुस्तान से पाकिस्तान चले गए हैं, जिनकी नागरिकता समाप्त कर दी गई है, उनको वापस लाकर, फिर से नागरिकता देकर, वे अधिकार दीजिए, जो अधिकार हिंदुस्तान के हर नागरिक को प्राप्त हैं। आप तभी उनका बचाव कर पाएंगे, नहीं तो वहाँ की माइनॉरिटी का इस त्रासदी से बचाव

नहीं कर पाएंगे। मैं चाहूंगा कि आप यहाँ पर, इस सम्बंध में एक स्पष्ट घोषणा करें।..(व्यवधान)..  
 उपसभाध्यक्ष (प्रो. पी.जे.कुरियन) : नरेश जी समाप्त कीजिए।

**श्री नरेश अग्रवाल** : सर, बस समाप्त कर रहा हूँ, वहाँ जो रह रहे हैं इससे उनको यह संदेश जाए कि हिंदुस्तान में कमजोर सरकार नहीं है, यहाँ पर सबसे बड़े प्रजातंत्र की मजबूत सरकार एक निर्णय लेने की क्षमता रखती है। धन्यवाद।

(समाप्त)

**उपसभाध्यक्ष (प्रो. पी.जे.कुरियन)** : श्री बैष्णव परिडा, आपका दो मिनट का टाइम है, आप तीन मिनट बोलिए।

**SHRI BAISHNAB PARIDA:** Sir, I would take four minutes.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No; you take three minutes.

**SHRI BAISHNAB PARIDA (ODISHA):** Mr. Vice-Chairman, Sir, I thank you very much for allowing me to participate in this very important debate. At the outset, I want to say that India, since its inception and formation of a Secular, Socialist Republic, declared that we are against any sort of oppression, subjugation or discrimination in the name of religion, race, caste and creed. So, we are against

discrimination, subjugation and repression of any section of people in any part of the world.

Sir, many eloquent speeches have been delivered here. While speaking on this subject, my friends also depicted the history as to how India was divided into two nations. Sir, the very division of India was not just based on religion. It was a political division. Maulana Azad's 'India Wins Freedom' and Dr. Lohia's 'Guilty Men of India's Partition', both these books have depicted that it was a political division. So, it is not that the Muslim League alone was responsible; but our fundamentalists and many of our national leaders were also responsible for this. Sir, because of their mistakes, now both Hindus and Muslims are suffering. So, it was a historical blunder. In the present civilized world, we have to solve this problem. India is a Secular country, but Pakistan is not so. They have declared 'Islam' as their national religion. India is a Secular State. Sir, still religious riots take place in our country; untouchability is still practised in villages of India; one section of the people is discriminated against; oppression of Dalits is going on even after 64 years of Independence. And 14 crores of Dalits are treated as 'untouchables'. What is this? Is it not

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violation of human rights? Definitely, I am against the fundamentalists of Pakistan, who are oppressing the Hindus. In the name of religion, discrimination is going on in that country. But, at the same time, when Godhra massacre took place, I felt ashamed of my country, a Secular country, where such incidents occurred. So, Sir, this House must urge the Indian Government to take this issue at international forums. We must also try, through our bilateral discussions with Pakistan, that Hindus should not be discriminated against and oppressed in Pakistan, and their religious rights must be upheld by the Government of Pakistan. (Interruptions) At the same time, in India, it is also our constitutional right to provide... (Time-bell) ...to live here with all dignity, safety and with equal rights. Thank you very much, Sir. (Interruptions)

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** He can speak on the Copyright Bill. (Interruptions) No; please. No, no; I cannot break the rules. This is not possible. (Interruptions) This way, I cannot run the House. (Interruptions)

**SHRIMATI JAYA BACHCHAN:** Sir, please allow Shri Javed Akhtar to speak on this subject. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Then, all other Members should withdraw their names. (Interruptions) Okay; BJP can withdraw their other names. (Interruptions)

(Contd. by 3e-klS)

KLS/3E-4.35

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN) (CONTD.):** Why do you ask me to violate rules? ... (Interruptions)... I have already got listed names. ...(Interruptions)...

**DR. V. MAITREYAN:** Give our time, Sir. ...(Interruptions)...

**SHRI SITARAM YECHURY:** He can take time of CPI (M). ...(Interruptions)...

**SHRI RAVI SHANKAR PRASAD:** Please allow him, Sir. ...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** जया जी, आप बैठिए। See, I have a lot of respect for the hon. Member, you know, for obvious reason. But the point is that he wants to make his maiden speech for which I should allow him, at least, to speak for 20 minutes.

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...(Interruptions)... I have already received names here. He should have given the name before the discussion started. I have already rejected some names. So, it will be a blatant violation of rules. ... (Interruptions)... Now you decide. ... (Interruptions)... I am on my legs. How can the Chair be asked to violate the rules? ... (Interruptions)... Let me ask you. ... (Interruptions)... There are two points in this. Number one, I have already got the names which we got before starting the discussion. I cannot deny them. With that itself, one hour will be over. It was decided by the Leaders that discussion will be for one hour. Time is accordingly allotted, accordingly we are speaking and full time one hour is already gone, according to the list. This is one point. The second point, he is coming and asking now. On that account, I have difficulty. Third point, I know this is his maiden speech. He could have asked me earlier. I would have adjusted him. ... (Interruptions)... I am very sorry. ... (Interruptions)... What I am suggesting is... (Interruptions)... Please do not make it an issue. ... (Interruptions)...

**SHRI JAVED AKHTAR:** Sir, I have only one question. Would you allow me... (Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I will give you time, no problem. ...(Interruptions)... Next Bill is Copyright Bill. He can make his maiden speech on that Bill for 20 minutes. If he speaks now, I can only give him one or two minutes, that is the problem. I am telling you this. ...(Interruptions)...

**DR. NAJMA A. HEPTULLA:** Sir, maiden speech is only a convention of the House, it is no rule. So, you can give him more time when he wants to speak on a subject. ...(Interruptions)... Let him speak now also. ...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now there is no time. ...(Interruptions)... The Leaders sit there in the Chamber and take a decision. ...(Interruptions)... Members of the parties are coming here and asking me to change it. ...(Interruptions)... I have lot of respect for Najmaji. The LoP has come and decided this time. ...(Interruptions)... Time is for one hour. ...(Interruptions)... I am telling this because Najmaji said it. ...(Interruptions)... It was decided with the LoP that it will be for one hour. ...(Interruptions)... How do I do that? ...(Interruptions)... It is decided by the LoP to give one hour. ...(Interruptions)...

**SHRIMATI JAYA BACHCHAN:** Sir, this House is the House of Elders.

I am definite and I am completely confident that Javed Sahib would have given a fantastic speech on this subject. He has not thought of it, but he got interested after listening to all the speakers who have spoken so well to also speak on the subject. I am very sad that on the floor of the House we are getting deprived of listening to somebody who would have spoken so very well on this subject. I am very sad, I want to say that. ...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Let me also say...(Interruptions)... Let me complete. ...(Interruptions)... I will allow you. ...(Interruptions)...

**DR. M.S. GILL:** Sir, I am sadder. The subject what is going on in Pakistan is of great interest to many of us.

(Contd by 3F/PK)

**DR. M.S. GILL (CONTD.):** That was partition of Punjab, essentially. What is going on has been followed by some of us. Don't eat into that time by every other extraneous and cosy arrangement.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I am equally sad, because this subject was in the List of Business in the morning itself. I am sorry, to be frank, to say that this subject was in the List of Business in the morning itself. Any hon. Member who was interested could have prepared and given the name in advance. After the start of discussion and time allotted to each Party, and after every Member has consumed more time, if Chair is asked, what can I do. I am replying to Shrimati Jaya. Shrimati Jaya should also read rules. Now, please continue. ..(Interruptions).. No, no; I don't want to violate rules. I don't want to break rules. Every hon. Member is equal. Every Member is honourable and equal. Personal respect is different. I have personal respect for many people, but, here, everybody is equal. I don't want to violate rules. Now, Dr. Bharatkumar Raut. ..(Interruptions)..

**SHRIMATI JAYA BACHCHAN:** Sir, I am not talking against the rules.

..(Interruptions).. \*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, it is not going on record. You have no special privilege. Sit down.

**डा. भारतकुमार राऊत (महाराष्ट्र):** माननीय उपसभाध्यक्ष जी, आज मैं बहुत दुखी मन से इस सदन में भाषण देने के लिए खड़ा हुआ हूँ ...(व्यवधान) मैं बहुत दुखी मन से खड़ा हुआ हूँ क्योंकि इक्कीसवीं सदी के दस-बारह साल पूरे होने के बाद भी आज हम इस तरह के विषय पर यहां चर्चा कर रहे हैं।

महोदय, मैं कहना चाहता हूँ कि यह चर्चा हिन्दू वर्सिज़ मुस्लिम नहीं होनी चाहिए। अल्पसंख्यकों के जो मूलभूत अधिकार हैं, हम उन अधिकारों की रक्षा की चर्चा कर रहे हैं। भारत में किसी भी माइनॉरिटी के ऊपर जब थोड़ा-सा भी अत्याचार होता है, किसी एक लड़की की मृत्यु हो जाती है, तो दुनिया के सारे मानवतावादी और ह्यूमेन राइट्स वाले यहां आकर अपनी रिपोर्ट बनाते हैं और हमारे ऊपर कुछ न कुछ आरोप लगाते रहते हैं। हिन्दू पार्टियों के ऊपर, हिन्दू लोगों के ऊपर आरोप लगाए जाते हैं, लेकिन ह्यूमेन राइट्स कमिशन ऑफ पाकिस्तान की रिपोर्ट मेरे हाथ में है, 'State of Human Rights in 2010', prepared by the the Human Rights Commission of Pakistan, उन्होंने साफ-साफ यह बता दिया है कि इस देश में हिन्दुओं के ऊपर, विशेषकर

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\* Not recorded.

माइनॉरिटीज़ के ऊपर बहुत सारी एट्रॉसिटीज़ या अत्याचार हो रहे हैं, लेकिन इसके ऊपर हम कोई दखलअंदाजी नहीं देते।

मैं आपको और इस सदन को बताना चाहता हूँ कि जब यह रिपोर्ट आई, तो बताया गया कि वहां के हिन्दू लोगों को अपने घर छोड़ने पड़े, अपने गाँव छोड़ने पड़े और वे वहां निर्वासित बन गए, refugee बन गए। इसके बाद पाकिस्तान की विदेश मंत्री भारत आई, उनके साथ हमारे विदेश मंत्री ने बातचीत की, उनके फोटो भी छप कर आए और पूरी दुनिया में इसकी चर्चा हुई। मैं आपसे यहां यह बात पूछना चाहता हूँ कि क्या हमारे विदेश मंत्री ने पाकिस्तान की विदेश मंत्री से यह पूछा कि जब आप भारत में रहने वाले, जम्मू-कश्मीर में रहने वाले मुसलमानों की इतनी चिन्ता करती हो, तो पाकिस्तान में जो हिन्दू हैं, जो सिख भाई हैं, उनकी रक्षा की चर्चा कौन करेगा? उनकी रक्षा की जिम्मेवारी कौन लेगा? क्या पाकिस्तान सरकार इसकी जिम्मेवारी ले सकती है? हमारे विदेश मंत्री को यह प्रश्न उनसे पूछना चाहिए था, लेकिन उन्होंने यह प्रश्न उनसे पूछा होगा, ऐसा मुझे नहीं लगता। इसका कारण यह है कि यह सरकार कमजोर सरकार है। भारत की माइनॉरिटीज़ की रक्षा करना इनके लिए अनिवार्य है,

लेकिन दूसरे देश में हमारे जो हिन्दू माइनॉरिटीज़ के लोग हैं, उनका ख्याल करना इनके बस की बात नहीं है। इनको कभी उनकी चिन्ता नहीं होती, क्योंकि वहां पर रहने वाले हिन्दू अपने कोई हैं, ऐसा इन्हें महसूस ही नहीं होता।

(3g/psv पर जारी)

-SCH/PSV-PB/3G/4.45

**डा. भारतकुमार राऊत (क्रमागत):** जब अन्य देशों में कोई भी वैसी स्थिति पैदा होती है ...(समय की घंटी)...तब हम बताते रहते हैं, हम वहाँ पर विमान भेजते हैं, जहाज भेजते हैं और वहाँ से हम रिफ्यूजीज़ को लेकर आते हैं। क्यों न हम ऐसा कुछ करें कि वहाँ के जो हिन्दू हैं, जो हिन्दू कौम है, उन लोगों को हम भारत में लाकर उनको अच्छे सम्मान का दर्जा दें।

सर, मैं एक लास्ट प्वायंट बताता हूँ। मैं ये सब विषय यूनाइटेड नेशंस में ले जाने के खिलाफ हूँ, क्योंकि ऐसा करने से सिर्फ चर्चा चलती रहती है और सिर्फ चर्चा चलने से कुछ फायदा नहीं होता। हमारी हिम्मत यह होनी चाहिए कि अगर हमारी 450 हिन्दू फैमिलीज़ और 110 सिख फैमिलीज़ को वहाँ अत्याचार सहन करने पड़ रहे हैं, तो उसके खिलाफ हमें कार्रवाई करनी चाहिए। इसमें हम कार्रवाई करें, जब यह हमारी हिम्मत होगी, तभी यह सवाल हमें वहाँ या कहीं दूसरी जगह लेकर जाने का कोई मतलब होगा, नहीं तो यह कोई मतलब की बात नहीं है। हममें धैर्य होना चाहिए। ...(समय की घंटी)... अगर हममें धैर्य

होगा, तो यह सवाल addressed होगा, नहीं तो यह नहीं होगा। यह धैर्य हमारी सरकार में नहीं है। ...(व्यवधान)... धन्यवाद।

(समाप्त)

**श्री अविनाश राय खन्ना (पंजाब):** सर, मैं बड़े दुख के साथ यह विषय उठा रहा हूँ। मैं अप्रैल, 2010 में एम.पी. बनकर राज्य सभा में आया था और 5.5.2010 को मैंने पहला पत्र पाकिस्तान में माइनोंरिटीज़ के साथ जो हो रहा है, उसके बारे में अपने प्रधान मंत्री जी और श्री कृष्णा जी को लिखा था। मैं ज्यादा उदाहरण न देकर एक-दो बातें करना चाहता हूँ।

सर, हमारे सिखों के लिए जो गुरुद्वारा है, वह एक लाइव गुरु का स्थान है। वहाँ की सिक्युरिटी पाकिस्तान के पास है, पाकिस्तान की आर्मी के पास है या उसकी protection force के पास है। उस गुरुद्वारे में उस सिक्युरिटी द्वारा मीट बनाने की बात ने हमारी सेंटीमेंट्स को बहुत धक्का पहुँचाया, तो मैंने वह पत्र उसी समय प्रधान मंत्री जी को लिखा। इसी तरह, हमारे एक बिजनसमैन श्री बिशन सिंह जी हैं। वे बहुत तगड़े बिजनसमैन हैं। पहले वे इंटीरियर से माइग्रेट होकर लाहौर में आए। उनको धमकी दी गई कि अगर आपने इतना ransom नहीं दिया, तो आपको खत्म कर दिया जाएगा। अब मैं एक और बात बताता हूँ, जिसके बारे में मैंने श्री कृष्णा जी को लिखा था कि वहाँ पर एक ही दिन में चार डॉक्टर्स की गोली मार कर हत्या कर दी गई, क्योंकि वे माइनोंरिटी से थे। एक और एक घटना, जिसने सारे देश के रोंगटे खड़े कर दिए, वह है-

रिंकल कुमारी का केस। रिंकल कुमारी एक माइनॉरिटी की, हिन्दू की बेटी थी, जिसको किडनैप किया गया और उसकी जबर्दस्ती शादी कर दी गई। जब उसके माँ-बाप ने सुप्रीम कोर्ट में रिट दायर की तो वहाँ पर वह पेश हुई और उसने कहा कि मेरे साथ जबर्दस्ती हुई है, मैंने अभी तक इस्लाम कुबूल नहीं किया और मैं as a Hindu रहना चाहती हूँ। तो उसको धमकी मिली कि आपके परिवार को खत्म कर दिया जाएगा और उसी दिन उसके दादा को गोली से उड़ा दिया गया। जब फिर अगले दिन उसको सुप्रीम कोर्ट में पेश किया गया, तो रिंकल कुमारी का जवाब था कि मैं एक अच्छी पत्नी बन कर रहना चाहती हूँ और मैंने इस्लाम को कुबूल कर लिया है। यह अकेले रिंकल कुमारी की घटना नहीं है। वहाँ हर महीने 25 लड़कियों को इसी तरह जबरदस्ती उठाया जाता है और उनको कन्वर्ट करके अपना धर्म छोड़ कर इस्लाम कूबूल करने के लिए मजबूर किया जाता है।

सर, इतना ही नहीं, मैं इन सभी विस्थापितों से मिला हूँ। अमृतसर, जालंधर, खन्ना और राजपुरा में उन्होंने जो घटनाएँ सुनाई, उस समय मुझे रोना आता था कि क्या ये मॉडर्न हिन्दुस्तान के, मॉडर्न दुनिया के वाशिंदे हैं, जो वहाँ रह रहे हैं। किसी ने एक घटना बताई कि उसकी बेटी पढ़ने में बहुत होशियार थी। वह स्कूल जाती थी और हर वर्ष फर्स्ट आती थी। वहाँ की एक मुस्लिम लड़की, जो उससे पीछे थी, उसने इसे कहा कि जा, अब तू पढ़ाई छोड़ दे या तेरी जिन्दगी खत्म हो जाएगी। तो हुआ क्या? जब वह आगे पढ़ती गई, तो

उसने अपने भाई से कहा कि यह मुझसे होशियार है, आगे चलती है, इसका कुछ किया जाए। तो उसको जबरदस्ती उठाया गया, उसके साथ बलात्कार किया गया, उसको कन्वर्ट किया गया और उसके साथ शादी की गई। मानव अधिकारों की हम ...(व्यवधान)... परिडा जी, प्लीज़। ...(व्यवधान)...

(3एच/वी.एन.के. पर जारी)

-PSV/VNK-SKC/3h/4.50

**श्री अविनाश राय खन्ना (क्रमागत):** एक बच्चा एमबीबीएस में एडमिशन लेता है, तो उसके पिता को एक threatening letter जाता है कि आप ransom दो, नहीं तो आपके बच्चे को मार देंगे। वह पैसे देता है, लेकिन उस बच्चे की लाश भी घर आती है और पैसे भी ले जाते हैं। इस तरह से वहां पर मानव अधिकारों का हनन हो रहा है।

Recently, पाकिस्तान में एक सीमेंट की फैक्ट्री लगी, वह फैक्ट्री कटासराज के पास लगी, जहां पर भगवान शंकर के नाम से एक तालाब है, ऐसी मान्यता है कि यहां भगवान शंकर के आंसू गिरे थे और वहां नहाना बहुत पवित्र माना जाता है, लेकिन उस फैक्ट्री को पानी देने के लिए उस तालाब का पानी सुखा दिया गया। धार्मिक दृष्टि से, इंसानियत की दृष्टि से और राजनीतिक दृष्टि से वहां के लोगों के मानव अधिकारों का बहुत हनन हो रहा है। इसका कारण क्या है? इसका कारण यह है कि जब भी वहां पर minority के साथ ऐसी कोई घटना होती है, तो वे एकदम भारत की तरफ देखते हैं, लेकिन अफसोस की बात

यह है कि भारत की सरकार का कोई भी reaction कभी नहीं आता है। अपने आप कभी नहीं आता है। आज मैं आपके माध्यम से माननीय विदेश मंत्री से पूछना चाहता हूँ कि जब इन घटनाओं को इनके ध्यान में लाया गया या उन्होंने अखबार में पढ़ा, तो कितनी बार उन्होंने पाकिस्तान के ambassador को बुला कर उनसे पूछा कि वहाँ हमारे minority के जो लोग रह रहे हैं, उनके साथ यह अन्याय क्यों हो रहा है? आज यह अच्छा होता कि आपके साथ गृह मंत्री जी भी बैठते, क्योंकि उनसे संबंधित भी यह विषय है।

सर, मैं चाहूँगा कि जिस ढंग से श्रीलंका में सभी पार्टियों का एक डेलिगेशन गया था, उसी तरह से वहाँ के minorities का हौसला बढ़ाने के लिए, उनमें securities की भावना को बढ़ाने के लिए सभी दलों का एक डेलिगेशन पाकिस्तान में जाए और वहाँ पर वह देखे कि वे कैसे रह रहे हैं और उनको बताए कि आप अकेले नहीं हैं, आपके साथ हिन्दुस्तान और हिन्दुस्तान की सरकार खड़ी है। (समय की घंटी)।

सर, मैं एक बात आपके ध्यान में लाना चाहता हूँ, जो कि गृह मंत्री से संबंधित है। वे वहाँ से यहाँ आ जाते हैं, यहाँ पर सरकार न उनको पानी देती है, न बिजली देती है, न रहने के लिए घर देती है, न स्कूल देती है और अगर उन्होंने कोई कनेक्शन ले भी लिया, तो उनका कनेक्शन काट दिया जाता है। अगर वे पासपोर्ट के लिए अप्लाई करते हैं ...(व्यवधान)... उसके 5(1) में शुल्क

पहले 200 रुपए था, उसको आज 5,500 कर दिया गया है, 5(1)(सी) में पहले 700 रुपए था, उसको आज 10,000 रुपए कर दिया गया है।...(व्यवधान)...

**उपसभाध्यक्ष (प्रो. पी.जे.कुरियन):** आपके 6 मिनट हो गए हैं।

**श्री अविनाश राय खन्ना:** सर, मैं एक मिनट में समाप्त करता हूँ। 5(बी) में पहले 200 रुपए था, अब उसको 3,250 रुपए कर दिया गया है, 5(ई) में 2,200 रुपए था, अब उसको 5,500 रुपए तय कर दिया गया है, 6(1) में पहले 2,200 रुपए था, अब उसको 15,250 रुपए कर दिया गया है। यह उनको discourage करने के लिए किया गया, ताकि वह यहां का नागरिक न बन सके। इसके लिए इतना लंबा procedure है कि वह वहां से जाए, अपना पासपोर्ट renew करवाए, computerize identity card बनवाए, जब वह पांच साल बाद पाकिस्तान जाता है, घर का एक सीनियर व्यक्ति वहां जाता है, उसको न पासपोर्ट मिलता है, न identity card मिलता है। वह वहां है और उसका परिवार यहां है।

सर, मैं चाहूंगा कि नागरिकता देने के जो rules हैं, उसको कम से कम simplify किया जाए और पाकिस्तान को strongly यह मेसेज दिया जाए कि अगर वहां किसी भी minorities के साथ अन्याय होगा, तो भारत अंतर्राष्ट्रीय दबाव बना कर पाकिस्तान को सारी दुनिया में बेइज्जत करेगा। मैं चाहूंगा कि जब मंत्री जी जवाब दें, तो जो मेरे letters के जवाब मिले हैं, वैसा जवाब न दें, वह मेरे पास है। आज कुछ concrete बात इस सदन में होनी चाहिए, क्योंकि वे

लोग आज कैम्पों में बैठ कर सुन रहे हैं कि उनके हकों के बारे में क्या बात हो रही है और कौन क्या कह रहा है। बहुत-बहुत धन्यवाद।

(समाप्त)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Dr. M.S. Gill.

You may take seven minutes.

**DR. M.S. GILL (PUNJAB):** Sir, I would like to have some more time. I would speak in English, as I would like to make it easier for the Foreign Minister, and so that I convey things better.

Sir, thank God, this discussion has taken place. It is not a Party matter. It is an Indian matter. The Partition was essentially, brutally, of the Punjab, as history knows. My friend, Mr. Tiwari, was quoting history. I will go on reading history till the last days of Partition. It is an event greater than *Changez Khan* or *Taimur*, and I read those.

Sir, it continues to effect all of us. It is not a Hindu-Muslim matter. I am a friend of Pakistan. I had just been there for a week in February to stay with close friends, and had been all over. I don't worry about security because I am comfortable.

(contd. at 3j/hk)

HK-DS/3j/4.55

**DR. M.S. GILL (CONTD.):** Sir, the point is this. Let history be what it is. What had happened, we accepted it. We have no problem. But we also had to comprehend what goes on in our neighbourhood. My friend, Balbir Punj, was given some figures. What I understand is that the Sikhs were driven out or left, I think, more sensibly immediately at partition. There were only about 6000. Some were left in the Frontier because Pathans used to have an honourable hold there. They said, 'You won't go; we are here to protect you.' So, they were marooned. There is still a *gurudwara* at Peshawar. As per my guess, the Hindus were about eight to ten lakhs, mainly in Sindh. I don't want to go into figures. You can check it. What he is describing, I have read it. Pakistan's liberal press brings out these atrocities of girls being taken away. I have three girls; lots of you have girls. Somewhere in Sindh, thirteen, fifteen, seventeen girls are just taken away. Then, they went on begging to the Police. We have problems with the Police here; you can imagine their problems there, and for these people in Sindh. They are kept for six weeks. After six weeks, at convenience, they are produced. The DSP and other religious people were there. They

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were in *burkas*. They looked through a slit and said, 'My name is Ayesha; my name is so and so, and we don't know these people'. Try thinking what might have happened to them. You all have daughters somewhere. I have written on this matter ever since I have come to this House to the highest in this country and in responsibilities. I understand that they are a sovereign country and there is only that much what the Minister and Prime Minister can do. दिल का दुःख तो रोओ, बोलो तो सही। This is democracy; everybody is allowed to do it. You do it for Palestine. I went to Palestine as the Chief Election Commissioner or rather as Agriculture Secretary. During the time of Shri Narasimha Rao, I was sent in a delegation. I went to Al-Aqsa; I went to Christ; I went to the Wailing Wall. मैंने सबको मत्था टेका। हम तो मानते हैं कि सब जगह परमात्मा के लोग ही होंगे। And I hugged the Palestinians. Beard and turban in Islam is long before the Sikhs. That history knows. I gave them every signal of our sympathy. So do you. You must give your signal here also. Why are we sensitive here and do not stand up and speak up, even within the limitations and within the international codes? As my friends said, take it to higher international bodies also. I know that the higher

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society of Pakistan, up to the President, is appalled. I can understand. But their society, in whichever way, bullied, is doing this. And, there is a history to all this for those who read history. In 1761, the Marathas, when they could have ruled India, got the biggest defeat in Panipat at the hands of Ahmad Shah Durrani. They were smashed due to bad generalship of Baji Rao. They brought thousands upon thousands of their ladies also. Why? This is history of 18th century Sikhs in India. It is not that we are making propaganda. They were taken away to Ghazni because they are an economic asset. Even today, a woman or a girl is an economic asset there. They were taken away, given away or sold away. How many of these thousands were pulled by Sikh Guerillas of the 18th century and sent back to Maharashtra. This is history. Let anybody check it. Surely, we have a right to say something to Pakistan. It may be a civilized way or a private way, but I don't see too much of that. Secondly, I want to say to the Foreign Minister about what we are doing. I have been to Islamabad long ago. Sometimes, I go there. Hindus in Panja Saheb Gurudwara in Islamabad cried to me. Ten-fifteen Sikhs with children were also there. They said that they could

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not get visa to go to Darbar Saheb, in Amritsar, Punjab. Everybody knows it. I wrote to the then Prime Minister. I won't name him. I got no responses. (Contd. by 3k/KSK)

KSK/MCM/5.00/3K

**डा० एम०एस० गिल (क्रमागत) :** यह तो जुल्म हो रहा है कि they cannot come to their place of worship. We allow everybody else and we should allow. मैं जाकर अजमेर में मत्था टेकता हूँ, मैं कौन सी मस्जिद या कौन सी दरगाह नहीं गया या मंदिर नहीं गया, लेकिन यह तो कोई तरीका नहीं है। वे लोग कहते हैं कि हम नहीं आ सकते, हमको दिल्ली और दिल्ली से आगे के बीजा के बारे में कहते हैं। Are we, the people of Punjab, out of this country's zone of consideration? That is why, Mr. Balbir Punj has spoken and Mr. Khanna has spoken about it. They are from Punjab. We all feel the pain. Here, I am just taking your time to explain to you. Most people don't know; the ladies at the back said to me, वहाँ यह होता है कि लड़कियाँ ले जाते हैं। ऐसे रोज होता है और अभी हुआ, वे सारे केस मैं जानता हूँ। And, I want to say to the Foreign Minister, the first bus you started, and I spoke on that, was Delhi-Lahore. I beg the pardon of all my UP friends, but that was for comfort of those who did the

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maximum for partition, Khaliquzzaman and others, about whom you have been talking. I can talk for hours. And, the bus is not to stop in Punjab. No Punjabi can get on it to go to Lahore, or, to Nankana Sahib. Sir, please.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Dr. Gill, I am not stopping you. See, there is a half-an-hour discussion scheduled at 5.00 p.m. If the House agrees, we will take it up after this discussion and after the Copyright (Amendment) Bill is passed.

**DR. M.S. GILL:** Sir, I will just take a few minutes to finish. I won't waste your time at all. Therefore, Sir, visas to Hindus and Sikhs, the few that are left in Pakistan, must be given freely and easily. It's an amazing tragedy that after 60 years, we celebrate everything else, we comfort everybody else, and that's India. So, why not these people? Second, yesterday or the day before, we talked about those Burma refugees, and I was listening. I also read in Punjab newspapers because हरियाणा और पंजाब, आज भी एक है, एक ही रहेगा।

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

**DR. M.S. GILL:** And, there are some thousands Sikhs or Hindus sitting in little towns in distress. आप उनको कोई राइट नहीं देते हैं, नागरिकता नहीं देते हैं। When our population is going up by so much, we get illegal migration of such large numbers. So, can't you accommodate these thousands of people? I would request the Foreign Minister to please have a heart. Thank you.

(Ends)

**श्री मोहम्मद अदीब (उत्तर प्रदेश) :** सर, आज जो यह बहस हो रही है, मैं पूरी शिद्दत के साथ यह कहना चाहता हूँ कि पाकिस्तान में माइनॉरटी के साथ जो जुल्म हो रहा है, उसको यह हाऊस पूरी कुव्वत के साथ कंडेम करे और मैं उसमें शरीक होऊँ। इसलिए शरीक होऊँ कि वह मुल्क इंसानी कदरें भूल चुका है, वह मुल्क एक दीवारों का मुल्क बन गया है। अफसोस यह है कि हम उसको हिन्दू-मुस्लिम मसले पर लेकर जा रहे हैं। हकीकत यह है कि वहां इंसानियत नाम की चीज रह ही नहीं गई है। उस मुल्क की बुनियाद ही ऐसी पड़ी, जब इस मुल्क में गांधी जी ने यह कहा कि जम्हूरियत होगी, सेक्युलरिज्म होगा और जमीनें बंटेंगी, तो उस समय राजा-महाराजाओं और पैसे वाले लोगों ने कहा कि यहां पर यह ऐसे नहीं होने पाएगा। उसी समय सावरकर का यह ऐलान आया कि दो नेशन थ्योरी चलेगी और जिन्ना ने उसको सेकंड कर दिया। उस वक्त मज़हब के नाम पर जो यह बुनियाद पड़ी, उसको आज हमें भुला देना चाहिए, इसलिए कि वह

एक गलती हुई थी, उसका मुजरिम कोई भी रहा हो, मज़लूम हम हैं। हमारे पास ऑप्शन था कि हम पाकिस्तान जाते, लेकिन हम नहीं गए, गांधी के मुल्क को अपनाया। आज बड़े फख्र से कहते हैं कि हमने सही फैसला किया था, हमने पाकिस्तान की तरफ निगाह उठाकर नहीं देखा था और पाकिस्तान जो मज़हब के नाम पर बनाया गया, दुनिया की तारीख है कि मज़हब के नाम पर कोई मुल्क न जिन्दा रहता है और न ही चलता है।

(3L/NB पर जारी)

GSP/NB/3L/5.05

**श्री मोहम्मद अदीब (क्रमागत) :** आज के दौर में केवल दो मुल्क - इज़राइल और पाकिस्तान, मज़हब के नाम पर चल रहे हैं और दोनों नहीं चल रहे हैं, सिर्फ़ ज़मीनी तौर पर दिखाई पड़ते हैं। मेरा अपने सभी साथियों से यह कहना है कि इस वक्त मज़हब के नाम पर नहीं, बल्कि इंसानियत के नाम पर हुकूमते हिंद को चाहिए कि वह उसमें इंटरवीन करे और यह कहे कि बगल की नाइंसाफी हम बरदाश्त नहीं करेंगे। मुझे तकलीफ़ हुई जब पुंज जी ने यह कहा कि वहां के हिंदुओं को आने दो। मेरे भाई, आप कहते कि इंसानियत का तकाज़ा है, उन सब मज़लूमों के लिए दरवाजे खोल दो, जो आना चाहते हैं, फिर देखो कि उस मुल्क में कितने लोग रह जाएंगे? अगर हमने अपने दरवाजे खोलकर रखे, तो वह मुल्क खत्म हो जाएगा, लेकिन आज भी हम हिंदू और मुसलमान पर बात करते रहे, तो उनको मौके मिलेंगे। लोहिया जी यह कहते थे कि फैडरेशन बने। मैं यह

कहता हूं कि अगर फ़ैडरेशन नहीं बन सकती, तो हमारे फ़ॉरेन मिनिस्टर को यह चाहिए कि आस-पास के जितने मुल्क हैं, उन सबका एक फ़ैडरेशन इसलिए बनाएं, ताकि अकल्लियतों के साथ इंसाफ़ हो तथा उसमें हिंदुस्तान भी शरीक हो। वे लोग, जिनको आज बहुत तकलीफ़ है, मैं उनसे कहना चाहता हूं कि कभी-कभी हमारी तरफ़ भी देख लिया कीजिए और यहां फिर से गुजरात न कीजिएगा। ऐसा न कीजिए कि हमें भी कोई मौका मिले।

हम फिर फख़ से कहेंगे कि सारे जहां से अच्छा, हिंदोस्तां हमारा। हमको फख़ है और आज सिर्फ़ यह रेज़ोल्यूशन न पास हो, बल्कि मिनिस्टर साहब कोई न कोई ऐसा फैसला करें, जिससे जितने भी लोग वहां पीड़ित हैं, उसी तरह से रहें, जैसे हम यहां रहते हैं। अभी गिल साहब ने यह बात कही कि यह हकीकत है कि अभी वहां कुछ अच्छे लोग भी हैं, उनके सीने में भी दर्द उठता है, उनको भी अहसास होता है कि वे लोग ज़ुल्म कर रहे हैं। हम उनके साथ कोई राब्त बनाएं और ऐसी कोशिश करें कि जैसे यहां एक बड़ा सेक्यूलर हिंदू तबका हमारी हिफाज़त करता है, उन लोगों को भी हम समझाने की कोशिश करें कि तुम अपने भाइयों को, जो पीछे रहे गए हैं और जो तुमसे तादाद में कम हैं, उनको मौका दो। मैं चाहूंगा कि यह रेज़ोल्यूशन जरूर पास हो और पाकिस्तान को तम्बीह किया जाए, कोई न कोई तरीका निकाला जाए कि हमारी अकल्लियत वहां बचकर रहे, उसी तरह से रहे जैसे हम यहां इस मुल्क में रहते हैं। शुक्रिया।

(समाप्त)

**جناب محمد ادیب (اتر پردیش) :** سر، آج جو یہ بحث ہو رہی ہے، میں پوری شدت کے ساتھ یہ کہنا چاہتا ہوں کہ پاکستان میں مائنارٹی کے ساتھ جو ظلم ہو رہا ہے، اس کو یہ ہاؤس پوری قوت کے ساتھ کنڈم کرے اور میں اس میں شریک ہوؤں۔ اس لئے شریک ہوؤں کہ وہ ملک انسانی قدریں بھول چکا ہے، وہ ملک ایک دیواروں کا ملک بن گیا ہے۔ افسوس یہ ہے کہ ہم اس کو ہندو-مسلم مسئلے پر لے کر جا رہے ہیں۔ حقیقت یہ ہے کہ وہاں انسانیت نام کی چیز ہی نہیں رہ گئی ہے۔ اس ملک کی بنیاد ہی ایسی پڑی، جب اس ملک میں گاندھی جی نے یہ کہا کہ جمہوریت ہوگی، سیکولرزم ہوگا اور زمینیں بنتیں گی، تو اس وقت راجہ-مہاراجاؤں اور پیسے والے لوگوں نے کہا کہ یہاں پر یہ ایسے نہیں ہونے پائے گا۔ اسی وقت ساورکر کا یہ اعلان آیا کہ دو نیشن تھیوری چلے اور جناح نے اس کو سیکنڈ کر دیا۔ اس وقت مذہب کے نام پر جو یہ بنیاد پڑی، اس کو آج ہمیں بھلا دینا چاہئے، اس لئے کہ وہ ایک غلطی ہوئی تھی، اس کا مجرم کوئی بھی رہا ہو، مظلوم ہم ہیں۔ ہمارے پاس آپشن تھا کہ ہم پاکستان جاتے، لیکن ہم نہیں گئے، گاندھی کے ملک کو اپنایا۔ آج بڑے فخر سے کہتے ہیں کہ ہم نے صحیح فیصلہ کیا تھا، ہم نے پاکستان کی طرف نگاہ اٹھا کر نہیں دیکھا تھا اور پاکستان جو مذہب کے نام پر بنایا گیا، دنیا کی تاریخ ہے کہ مذہب کے نام پر کوئی ملک نہ زندہ رہتا ہے اور نہ ہی چلتا ہے۔

5-05

آج کے دور میں صرف دو ملک – اسرائیل اور پاکستان، مذہب کے نام پر چل رہے ہیں اور دونوں نہیں چل رہے ہیں، صرف زمینی طور پر دکھائی پڑتے ہیں۔ میرا اپنے ساتھی بھائیوں سے یہ کہنا ہے کہ اس وقت مذہب کے نام پر نہیں، بلکہ انسانیت کے نام پر حکومت ہند کو چاہئے کہ وہ اس میں انٹروین کرے اور یہ کہے کہ بغل کی ناانصافی ہم برداشت نہیں کریں گے۔ مجھے تکلیف ہوئی جب پونج جی نے یہ کہا کہ وہاں کے ہندوؤں کو آنے دو۔ میرے بھائی، آپ کہتے ہیں کہ انسانیت

کا تقاضہ ہے، ان سب مظلوموں کے لئے دروازے کھول دو، جو آنا چاہتے ہیں، پھر دیکھو کہ اس ملک میں کتنے لوگ رہ جائیں گے؟ اگر ہم نے اپنے دروازے کھول کر رکھے، تو وہ ملک ختم ہو جائے گا، لیکن آج بھی ہم ہندو اور مسلمان پر بات کرتے رہے، تو ان کو موقع ملیں گے۔ لوہیا جی یہ کہتے تھے کہ فیڈریشن بنے۔ میں یہ کہتا ہوں کہ اگر فیڈریشن نہیں بن سکتی، تو ہمارے فارن منسٹر کو یہ چاہئے کہ آس پاس کے جتنے ملک ہیں، ان سب کا ایک فیڈریشن اسلئے بنائیں، تاکہ اقلیتوں کے ساتھ انصاف ہو اور اس میں ہندوستان بھی شریک ہو۔ وہ لوگ، جن کو آج بہت تکلیف ہے، میں ان سے کہنا چاہتا ہوں کہ کبھی کبھی ہماری طرف بھی دیکھ لیا کیجئے اور یہاں پھر سے گجرات نہ کیجئے گا۔ ایسا نہ کیجئے کہ ہمیں بھی کوئی موقع ملے۔

ہم پھر فخر سے کہیں گے کہ سارے جہاں سے اچھا، ہندوستان ہمارا۔ ہم کو فخر ہے اور آج صرف یہ ریزولیشن نہ پاس ہو، بلکہ منسٹر صاحب کوئی نہ کوئی ایسا فیصلہ کریں، جس سے جتنے بھی لوگ وہاں پیڑت ہیں، اسی طرح سے رہیں، جیسے ہم یہاں رہتے ہیں۔ ابھی گل صاحب نے یہ بات کہی کہ یہ حقیقت ہے کہ ابھی وہاں کچھ اچھے لوگ بھی ہیں، ان کے سینے میں بھی درد اٹھتا ہے، ان کو بھی احساس ہوتا ہے کہ وہ لوگ ظلم کر رہے ہیں۔ ہم ان کے ساتھ کوئی رابطے بنائیں اور ایسی کوشش کریں کہ جیسے یہاں ایک بڑا سیکولر ہندو طبقہ ہماری حفاظت کرتا ہے، ان لوگوں کو بھی ہم سمجھانے کی کوشش کریں کہ تم اپنے بھائیوں کو، جو پیچھے رہ گئے ہیں اور جو تم سے تعداد میں کم ہیں، ان کو موقع دو۔ میں چاہوں گا کہ یہ ریزولیشن ضرور پاس ہو اور پاکستان کو تنبیہ کیا جائے، کوئی نہ کوئی طریقہ نکالا جائے کہ ہماری اقلیت وہاں بچ کر رہے، جیسے ہم یہاں اس ملک میں رہتے ہیں۔ شکریہ۔

(ختم شد)

**श्री ओम प्रकाश माथुर (राजस्थान) :** उपसभाध्यक्ष जी, मैं अपने पूर्व वक्ताओं के साथ अपने को सम्बद्ध करते हुए कुछ अलग बातें बताना चाहूंगा। मैं उस प्रदेश से आता हूँ, जिसकी सीमा हमारे पड़ोसी देश से लगी हुई है। मैं अभी कुछ दिन पहले सीमा क्षेत्र के दौरे पर गया था। मेरा BSF के जवानों के साथ लगभग 40 लोमीटर घूमना हुआ। दूसरी तरफ 8 रेंजरों की चौकियां थीं। एक तरफ हमारे BSF के जवान मुस्तैदी से monitoring कर रहे थे और दूसरी तरफ वे सारी चौकियां खाली पड़ी थीं। जब मैंने उनसे इसका कारण पूछा, तो मुझे बताया गया कि ये खाली दिखावे के लिए बनाई गई हैं। जब आंधी और धूल उड़ती है, तो बॉर्डर में रहने वाले लोग, पाकिस्तान के लोग उसका फायदा उठाकर हमारी सीमा के अंदर आने की कोशिश करते हैं। इसलिए ये चौकियां खाली रहती हैं।

महोदय, मैं राजस्थान से आता हूँ और राजस्थान में आजकल वे लोग आए हैं जो या तो अनुसूचित जाति के हैं या अनुसूचित जनजाति में भील समुदाय के हैं। वे पिछड़ गए। आज वे यहां रह रहे हैं। उनके लिए कोई सुविधा नहीं है। मुझे याद है कि 2005 में इन लोगों को नागरिकता दी गई थी, उसके बाद किसी को

नागरिकता नहीं दी गई। 1990 के बाद 30,000 लोग सिर्फ राजस्थान में आकर बसे हैं, जिनमें से किसी का पति वहां छूट गया है, किसी की मां वहां छूट गई है, किसी का भाई वहां छूट गया है, यानी परिवार बिछड़ गया है।

(3M/MP पर जारी)

MP-RG/3M/5.10

**श्री ओम प्रकाश माथुर (क्रमागत) :** वे किसी और काम के लिए आए थे, लेकिन न तो उनको जाने की सुविधा है, न यहां रहने की सुविधा है। मैं आपके माध्यम से विदेश मंत्री जी से यह निवेदन करना चाहूंगा कि आखिर वे आए हैं, तो क्या हम उनको शरणार्थी घोषित नहीं कर सकते? क्या कारण है कि आज इतने वर्षों के बाद भी हम उनको शरणार्थी की श्रेणी में नहीं ले रहे हैं? वे आज पाक नागरिक के नाते, illegal तरीके से हिन्दुस्तान की पुलिस, हमारे यहां के सिपाहियों और हमारे यहां के कानून को तंग करते रहते हैं। न तो वे उधर जा सकते हैं, न इधर रह सकते हैं।

महोदय, जहां तक वहां के जुल्म का सवाल है, पूरे सदन ने अपनी भावनाएं आपके बीच में रखी हैं। मैं आपको बताना चाहता हूं कि कुछ महीने पहले हमारी आस्था के केंद्र में क्या हुआ? मैं चाहता हूं कि इस विषय को हिन्दू-मुस्लिम में न बांटा जाए। हमारे यहां अजमेर में जब उर्स का मेला लगता है, तब हर साल उसमें सैकड़ों जायरीन आते हैं और पूरी ताकत से वहां का प्रशासन, अजमेर के नागरिक उनका तहेदिल से स्वागत करते हैं, लेकिन दूसरी तरफ हमारी आस्था का केंद्र हिंगलाज माता मंदिर आप लोगों ने देखा होगा। कुछ दिन पहले वहां के मुख्य पुजारी का अपहरण हुआ और अपहरण के बाद कत्ल करके

उसको फेंक दिया गया। महोदय, मैं आपको बताना चाहता हूँ कि बहुत बार हमारी बैठकें होती हैं - प्रधान मंत्री लेवल पर होती हैं, विदेश मंत्री के लेवल पर होती हैं, अधिकारियों के लेवल पर होती हैं, पर क्या कभी इस बात की भी चर्चा होती है कि वहां अल्पसंख्यकों पर कैसे जुल्म ढाए जा रहे हैं? आज तक वहां Minority Cell नाम की कोई चीज़ नहीं है। अभी मेरे मित्रों ने बताया कि किस प्रकार से एक लड़की ने कोर्ट में आकर बयान दिया। वहां के Minority Cell ने माना कि हर महीने बीस से पच्चीस लड़कियों को ज़बरन उठाया जाता है। मैं यही जानना चाहता हूँ कि क्या सरकारी लेवल पर हम इन विषयों को नहीं उठा सकते? क्या हम कभी यह जानने का प्रयत्न नहीं करेंगे कि वहां अल्पसंख्यकों पर किस प्रकार का अत्याचार हो रहा है? मैं दलवाई साहब को धन्यवाद देना चाहता हूँ, जिन्होंने इस विषय को बड़ी गंभीरता से उठाया।

महोदय, मैं आपके माध्यम से सरकार से निवेदन करना चाहता हूँ कि हमें गर्व है कि 64 वर्षों में हमारे यहां प्रधान मंत्री के कार्यक्रम में अल्पसंख्यकों के लिए पंद्रह सूत्री कार्यक्रम की योजना है। क्या पाकिस्तान में भी ऐसी कोई योजना बनी? इनके लिए सरकारी तंत्र में कोई व्यवस्था हो, क्या इस प्रकार का कोई कार्यक्रम लागू हो सका? क्या वार्ता में इन चीज़ों को खाला जाता है? नहीं, वार्ताएं दूसरी बातों पर होंगी, किन्हीं और चीज़ों पर वार्ताएं होंगी और वहां का मनुष्य परेशान होता रहेगा।

उपसभाध्यक्ष महोदय, ये सारी बातें मैं इसलिए आपके ध्यान में लाना चाहता हूँ कि वहाँ से गरीब लोग आए। वहाँ बड़े-बड़े कलाकार हैं। जूती बनाने वाला वर्ग वहाँ जूती बनाता है और बहुत अच्छी तरह की जूती वे बनाते हैं। खाली वे ही नहीं, एस.सी./एस.टी. के लोग ही नहीं, बड़ी संख्या में मुस्लिम समुदाय के लोग भी आकर बैठे हैं, जो आज वापस जा नहीं पाते हैं। मैं आपके माध्यम से आदरणीय विदेश मंत्री जी से निवेदन करना चाहता हूँ ...(समय की घंटी)... कि सरकार उन लोगों को शरणार्थी की श्रेणी में लाए, उनके लिए विशेष सुविधाएं मुहैया करे।

महोदय, अंत में मैं एक बात और कहना चाहता हूँ। ...(समय की घंटी)... अंत में मैं अपनी भावना सदन के सामने रखना चाहता हूँ। महोदय, जब मैं जोधपुर जाता हूँ, बीकानेर जाता हूँ, जैसलमेर जाता हूँ, बाड़मेर जाता हूँ, तो सैकड़ों की संख्या में एक ही समुदाय के नहीं, मुस्लिम समुदाय के लोग भी आकर मिलते हैं, किसी का भाई छूट गया है, किसी की पत्नी छूट गई है और किसी की मां वहाँ छूट गई है। मैं आपके माध्यम से सरकार से यही कहना चाहता हूँ कि कम से कम वह उनको शरणार्थी की श्रेणी में लाए, ताकि उनको सुविधाएं मिलें, यहाँ रहने की जगह मिले और यहाँ की पुलिस उनको तंग न करे।

...(समय की घंटी)... माननीय विदेश मंत्री जी, आप शायद जानते नहीं होंगे कि अपनी जड़ों से उखड़ने का दर्द बहुत गहरा होता है। इस वेदना को या तो डाल से टूटा पत्ता समझ सकता है या नीड़ से बेदखल कोई परिंदा ही समझ

सकता है, इसलिए आपसे मेरी प्रार्थना है कि उनको आप शरणार्थी की श्रेणी में लाएं। इसी के साथ मैं अपनी बात समाप्त करता हूँ, धन्यवाद।

(समाप्त)

(3N/SC-SSS पर आगे)

-mp/sc-sss/5.15/3n

**श्री तरुण विजय (उत्तराखंड) :** उपसभाध्यक्ष महोदय, इस विषय पर मैं कई वर्षों से काम कर रहा हूँ और एक महीने से तैयारी कर रहा था। जो भाग्य पाकिस्तान के हिन्दुओं का है, वह भाग्य कई बार हमारे नसीब में आ जाता है। मैं केवल यह बताना चाहता हूँ कि पाकिस्तान में नफरत के कारण वहाँ के सभी अल्पसंख्यक बर्बरता का शिकार हो रहे हैं। अभी मैं पाकिस्तान गया था। जिस दिन हम वहाँ गए तो पेशावर में एक बस से 18 शिया बाहर निकालकर गोली से भून दिए गए। वहाँ के नोबल पुरस्कार विजेता अब्दुल सलाम को नमाजे-जनाज़ा के लिए कोई मौलवी नहीं मिला क्योंकि वे एक अहमदी थे। मैं केवल वहाँ के जो बहादुर columnist, लेखक, पत्रकारों के बारे में कहना चाहता हूँ, जिनमें मारवी सरमद और मारियाना बाबर जैसे लोग हैं, जो सबसे पहले वहाँ अल्पसंख्यकों और खास करके हिन्दुओं पर जो अत्याचार होते हैं, उनके बारे में बोलते हैं। वहाँ का जिन्ना इंस्टीट्यूट है, उसकी हिन्दुओं के बारे में एक रिपोर्ट है, जिसका प्रारम्भिक पृष्ठ कहता है: “Our temples are being vandalized and women being raped. Atrocities against us are increasing day-by-day. We won’t get

permanent jobs unless we convert to Islam. In Pakistan, we are subject to persecution and have to live our daily lives in fear.” This is the first space which is quoting a Hindu from Umerkot, Sindh. It is quoted by Jinnah Institute. महोदय, वहां पर जो हिन्दू महिलाएं हैं, वे न बाजार में और न ही घरों में बिन्दी लगा सकती हैं, न मंगलसूत्र पहन सकती हैं। मैं कराची, लाहौर, तक्षशिला, बलूचिस्तान में हिंगोल, लासबेला, मिठी, लाहौर — सब जगह जाकर आया हूं। अभी जब मैं मीरा कुमार जी के साथ पाकिस्तान गया था तो विदेश मंत्रालय से कहा कि उस यात्रा में मुझे एक मंदिर में ले चलिए। वे 6 दिन में मुझे एक मंदिर तक नहीं दिखा सके। वहां पर अधिकांश जो प्लेज़ और सीडीज़ मिलती हैं, उनमें हिन्दुओं को कार्टून विद्वेषक और घटिया दर्जे का एक करेक्टर बताया जाता है। हिन्दू महिलाओं के नाम पर वहां पर आक्षेप करने वाली फिल्में और सीडीज़ मिलती हैं। मेरे पास पचास ऐसी सीडीज़ प्रमाण के रूप में हैं। वहां पर महिलाएं अपने घरों में भी, आप उनकी शादी की एलबम देखिए, मंगलसूत्र, टीका और सिंदूर तक लगाने से डरती हैं। 80 परसेंट अत्याचार वहां पर शेडयूल्ड कास्ट हिन्दुओं पर होते हैं। वहां के सेंसस पर हिन्दुओं को अलग दिखाया जाता है तथा शेडयूल्ड कास्ट के लोगों को हिन्दुओं में शामिल नहीं किया जाता, एक अलग खाने में उनकी गणना की जाती है। इसी ह्यूमेन राइट में एक रूप चंद भील का है, जिसे उसके मुस्लिम लैंड लॉर्ड ने “First, he was buried in the ground up to the waist and gashed on different parts of

the torso with a sharp-edged object. Then he was pulled out, and an attempt was made to burn him to death.”उसे जिंदा जला दिया गया। इसी प्रकार आसिया बीबी का मामला है, ईद के मौके पर पिछले साल उन्होंने घोषित किया कि हम बकरे नहीं हलाल कर रहे। तीन सगे हिन्दू भाई थे, तीनों डॉक्टर थे। उन तीनों डॉक्टर भाइयों को शिकारपुर में गोली से उड़ा दिया गया, लेकिन अभी तक कोई पकड़ा नहीं गया। राम सिंह सोढा, वहां से एमएनए थे, उनको परिवार सहित घर छोड़ना पड़ा। ..(व्यवधान) ..

**उपसभाध्यक्ष (प्रो० पी.जे.कुरियन) :** तीन मिनट हो गए हैं।..(व्यवधान) ..

**श्री तरुण विजय :** परसों 13 साल की सिमरन बलूचिस्तान से अपहृत कर ली गयी और उससे जबर्दस्ती इस्लाम कबूलवाया गया।

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Please see the display board. (Interruptions) Mr. Tarun Vijay, please sit down.

**श्री तरुण विजय :** 82 साल के लखमीचंद, वहां के महंत, उनको वहां से अपहृत कर दिया गया।

**उपसभाध्यक्ष (प्रो० पी.जे.कुरियन) :** आप डिसप्ले बोर्ड देखिए।

**श्री तरुण विजय :** उनका गुनाह सिर्फ इतना है कि वे हिन्दू हैं। ये सब पाकिस्तान के अखबार हैं और ये यही बताते हैं कि..(समय की घंटी).. इस बारे में भारत सरकार और भारत की आवाज़ उठनी चाहिए और वहां पर जो अच्छे columnists

(समाप्त)

(3ओ-जीएस पर आगे)

-SSS/NBR-GS/30/5.20.

**श्री नरेश अग्रवाल :** उपसभाध्यक्ष महोदय, हमने शुरू में कहा था कि अगर प्रधान मंत्री जी इसका जबाव दें, तो अच्छा होगा। ..(व्यवधान)..  
..

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

**श्री नरेश अग्रवाल :** प्रधान मंत्री जी इसका जबाव कल दे सकते हैं, क्योंकि यह गंभीर प्रश्न है। ..(व्यवधान) ..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Let him reply. आप बोलिए। ..(व्यवधान)..

**श्री विनय कटियार :** वहां दलित मारे जा रहे हैं और सरकार सो रही है।  
..(व्यवधान).. सरकार सो रही है। ..(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, please. Let him reply. Let him reply...(Interruptions)... आप बोलिए!..(व्यवधान)..

**श्री विनय कटियार :** सर, यह सरकार सो रही है। ..(व्यवधान)...

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, no. Please, let him reply. You raised a very important issue. Don't you want a reply on that?... (Interruptions)...

**श्री विनय कटियार :** सर, मैं आपका सम्मान कर रहा हूँ। ..(व्यवधान) ..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, please. I don't agree. The Minister has started his reply. I don't allow ... (Interruptions)...

**श्री विनय कटियार :** सर, मैं कहना चाहता हूँ कि जब इस पर रिप्लाइ हो, तो प्रधान मंत्री जी भी उपस्थित होने चाहिए। ..(व्यवधान) ..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Vinay Katiyar, what is this? I don't like this... (Interruptions)... No, please. You raised a very important subject. The Minister is on his legs to reply ... (Interruptions)... Mr. Ravi Shankar Prasad, please control him.

**SHRI RAVI SHANKAR PRASAD:** Sir, the hon. Minister can certainly reply. But, Sir, it is a case for intervention by the hon. Prime Minister. It is certainly called for his intervention... (Interruptions) ..

श्री रवि शंकर प्रसाद : सर, प्रधान मंत्री जी भी उपस्थित होते तो अच्छा रहता।  
..(व्यवधान)..

**श्री तरुण विजय :** सर, रिन्कल कुमारी का अपहरण करके उसका जबरदस्ती धर्मांतरण कराकर निकाह करा दिया गया। ... (व्यवधान)...

**श्री तरुण विजय :** उसका न सुप्रीम कोर्ट ने साथ दिया, न पुलिस ने दिया । मैंने कल रात ही उसके रिश्तेदारों को कराची में फोन करके पूछा, उसकी हालत बहुत खराब है। ... (व्यवधान) ...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Tarun Vijay, please sit down...(Interruptions)...No, no. Whatever the Minister says will go on record.

**श्री तरुण विजय : \***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It is not going on record. Only what the Minister says will go on record.

**THE MINISTER OF EXTERNAL AFFAIRS (SHRI S.M. KRISHNA):**

Hon. Vice-Chairman, Sir, I have listened, though brief, but very moving speeches by all the hon. Members who have participated in this debate which is, indeed, sensitive and it is of paramount concern to every Indian. Hence, I treat this debate with the utmost respect.

And I certainly will try to spell out the Government of India's position first, in general terms, and then take up a couple of particular issues which have been pointedly raised by hon. Members who have put in lots of their own time and studies into this question.

Well, there is an imperative need for India and Pakistan to live as good neighbours. That is possible only when Pakistan subscribes to the concept of 'good neighbourly relationship.' In an earlier debate on this question of India and Pakistan, the hon. Prime Minister has made

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**\*Not recorded.**

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it abundantly clear that for a clap it needs two hands and there is nothing like a one-handed clap. And, we look forward for Pakistan's cooperation in solving a number of bilateral issues. Those issues have been bugging us, not from yesterday or the day before yesterday, but since the two nations -- India and Pakistan -- came into being and we have not been able to solve every problem. But, from the Indian side the effort has always been to make an earnest move in trying to come to an agreement which is going to be beneficial to both for India and for Pakistan.

We have, consistently, conveyed to Pakistan that for peace, progress and prosperity in our two countries, in the region and in the extended region of our neighbourhood, it is imperative for Pakistan to fulfill its solemn commitment of not allowing its territory to be controlled or to be used for fomenting terrorism against India.

(CONTD. BY KS "3P")

3p/5.25/ks

**SHRI S.M. KRISHNA (CONTD.):** In the last few years, it has come to our notice, and we have brought it to the notice of Pakistan, that forces which are hostile, which, at times, are inimically disposed towards India, are going scot-free in Pakistan and carrying on a hate-India-campaign. We have conveyed to Pakistan that this is not going to help in bettering India-Pakistan relations.

With reference to the issue of treatment of minorities in Pakistan, I might inform this august House that the Government has, from time to time, come across reports on the problems faced by members of minority communities in Pakistan. Incidents of persecution, intimidation, conversion of minority communities, have also been reported.

Recently, in separate incidents, three Hindu girls in Sindh province, after being forcibly converted to Islam, were married against their will to Muslim men. This issue is a matter of grave concern to the Government, to the people of India and to this august House.

Hon. Members, cutting across Party-lines, have given expression to their grave doubts, their concerns about the plight of

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minorities. Then, you have heard Dr. Gill, who did make a moving speech. We would certainly take note of such sentiments which have come across from all over.

**SHRI RAVI SHANKAR PRASAD:** Just a minute, Sir, if you permit me.

Sir, you have, very rightly, mentioned about these three girls being submitted to forcible conversion and marriage. We appreciate your frankness in sharing the concern expressed by Members. Now, as the Government of India has taken a position with regard to the Tamil minority in Sri Lanka by conveying its concern to the Government of Sri Lanka, does the Government of India propose to convey its strong concern and disapproval to the Government of Pakistan? We would like to know that from you, Sir.

**SHRI S. M. KRISHNA:** We certainly will. Well, I am myself going to Pakistan. It is on the cards. I would be expressing the sentiments of this august House. I would certainly convey it to my counterpart. So, this august House need not have any doubts about it.

**SHRI NARESH AGRAWAL:** Can you convey the message to Pakistan that if they cannot protect the interests of the minorities there, we will have no relations with them, whatsoever?

**SHRI S.M. KRISHNA:** Well, how we express our concern is a matter to be decided by the Government which is in power. When you come here, then, perhaps, you can pursue that line. (Interruptions)

Actually, and factually, on the 8<sup>th</sup> of May, we have conveyed to the Pak High Commission, to one of the senior functionaries, about our concerns about that incident which I mentioned.

In the past, we have also seen reports of kidnapping and killing of members of the minority communities and desecration and encroachment of their places of religious worship in Pakistan. A number of Members did raise this point about safeguarding the places of religious worship.

(cd. by 3q/kgg)

Kgg/3q/5.30

**SHRI S.M. KRISHNA (contd.):** It is the responsibility of the Government of Pakistan to discharge its Constitutional obligations towards its citizens including those from the minority community. I have a copy of the Shimla Agreement here. While the Shimla Agreement of 1972 between India and Pakistan specifically provides for non-interference in each other's internal affairs, nevertheless,

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based on reports of persecution of minority groups in Pakistan, the Government has taken up the matter with the Government of Pakistan in the past. The Government of Pakistan stated that it was fully cognizant of the situation and they have conveyed their assurance that the welfare of all sections, all citizens, particularly the minority community is their concern.

I also wish to inform the august House that according to a Government of Pakistan press release, President of Pakistan has taken a serious note of the reports of kidnapping of a Hindu girl from Mirpur Mathello, Ghotki district in Sindh and allegedly being forced by some influential people of the area to convert and called for a report from the Provincial Government of Sindh. The President of Pakistan also has called for transparent and expeditious investigations in the matter and to take action in accordance with the law, regardless of the influence and status of anyone involved in criminal activity. Several Members of Parliament, NGOs and civil society in Pakistan itself have also expressed grave concern on the incident and called for implementation of laws to protect the rights of the minority community in that country.

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In November, 2011, on the killing of three Hindu doctors in Sindh, which was referred to by some of the hon. Members, the President of Pakistan has called for a report on the incident and directed immediate arrest of the people responsible for the killing. He had also said that it was the moral and legal responsibility of the Government to protect members of the minority community against vandalism and atrocities.

In August, 2011, while speaking on the occasion of the 'Minorities Day' in Pakistan, Prime Minister Yusuf Raza Gilani said, "Unfortunately, some extremist elements with a view to advancing their own narrow and bigoted agendas have targeted the minorities. The Government, however, stands fully committed to foil the designs of these extremist elements. The perpetrators of the crime against the minority community anywhere in Pakistan must be brought to justice and they will be." This is what Prime Minister Gilani has said.  
(Interruptions)

**श्री तरुण विजय :** लेकिन सर, जो मुख्य अपराधी है, मिया मिट्टू, वह तो मि. गिलानी हैं।

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**SHRI S.M. KRISHNA:** While it is our hope that the Government of Pakistan will discharge its Constitutional duties towards the minority communities, in view of the purely humanitarian nature of this issue, we appeal to the people and Government of Pakistan to take all possible steps to protect the Constitutional rights of their minorities by ensuring their safety, security and well-being.

Mr. Vice-Chairman, Sir, some specific issues have been raised and I would try to answer them.

(Contd. by tdb/3r)

TDB/3R/5.35

**SHRI S.M. KRISHNA (CONTD.):** Sir, my distinguished friend, Shri Balbir Punj, did make a reference to certain Pakistani Hindu families, who came here, and they are staying in this country without any validity, even after the expiry of the visa. The hon. Member wanted to know whether the Government of India would provide them with citizenship. It has come to our notice that some Pakistani nationals belonging to minority communities in Pakistan, mainly Hindus and Sikhs, who come to India on Groups Pilgrim Visa have not gone back to Pakistan on the grounds of religious persecution in Pakistan.

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Representations have been received, requesting for allowing extension of visas of such Pakistani nationals, and also for permitting them to apply for long-term visas. Grant of citizenship to foreign nationals is done as per the provisions of the Citizenship Act of 1955, depending on the number of years spent in India or on other factors, like marriage to an Indian national, foreigner being of Indian origin, etc. Section 5(1)(A) to (G) govern the process of citizenship by registration. So, if they want to apply for citizenship, then, they will have to go through this process, which has been prescribed by the Act of Parliament.

**SHRI BALBIR PUNJ:** Mr. Vice-Chairman, Sir,...

**SHRI S.M. KRISHNA:** Let me finish. Dr. Gill did talk about his own experience. Well, the rights and wrongs of the 40s' cannot be either way decided in the 21<sup>st</sup> century. Hence, we will have to take a lesson out of that experience, and, then, guide the destiny of this country. The question is about liberalisation of visa. The Revised Bilateral Visa Agreement is to be signed during the forthcoming Home Secretary level talks later this month. This will facilitate and liberalize travel between the two countries. Some of the salient features are: entries in

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number of cities to be visited by them; senior citizens and children visas on arrival; introduction of group tourist visa; introduction of business visas. Bilateral protocol on visit to religious shrines are being revised.

Sir, my distinguished friend, Shri Husain Dalwai, did also talk about the visa. On the issue of facilitation of visas, granting of long-term visas, and citizenship, I have already answered that question. But I certainly will convey the sentiments of the House to the hon. Minister who deals with it.

Sir, as I said in the opening part of my reply to this Short Duration Discussion that this is a very sensitive issue, a very delicate issue, and, especially when we are dealing with a country with which we have to live in harmony, with which we have to live with good standing and cordial relationship, we will have to be very cautious. Government, at least, will have to be very cautious in its approach to this problem.

(Contd. by 3s-kl)

KLS/3S-5.40

**SHRI S.M. KRISHNA (CONTD):** But this much I can convey to this august House that we, as a Government, have understood the sense of the House, we have understood the concerns, we have understood your anguish and we have understood the agony with which all of you spoke, and especially those hon. Members who came from Punjab, from Haryana and from Northern parts of India and we respect those sentiments. We can only hope that Pakistan will see the path of reason and then continue to help us in bettering our relationship. ... (Interruptions)...

**SHRI BALBIR PUNJ:** I agree with the hon. Foreign Minister that he has taken cognizance of the sense of the House. Sir, there are two things. Number one, the people who seek visas, the minority people, the people belonging to the minority class, you cannot apply your usual bureaucratic procedures. You have to be liberal to them. Number two, Sir, when they come here and seek refuge, we have a historical responsibility towards them and granting them citizenship should not be caught up in the usual red tape. I think India will have to go an extra mile in offering comfort to those people who have escaped

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religious persecution. The bilateral ties are not involved in it, Sir, because when we offer something to people who have come and sought refuge in our country, then Pakistan is not...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Yes, that is all. ... (Interruptions)... You have made your point.

**SHRI BALBIR PUNJ:** Sir, you are going to Pakistan, I will bring one thing to your notice one thing. You talked about desecration of religious places. There is a restaurant called Cuckoo Nest in the heart of Lahore City, it is just behind the Red Fort there. This is a four-storied structure and, Sir, each floor of that restaurant has broken, disfigured statues of Hindu gods and goddesses, of the Jain Tirthankars and Mahatma Buddha. All the floors are occupied and decorated by disfigured, broken statues of the Hindu gods and goddesses. I have written to the then Prime Minister, Choudhury Sujat Hussain, - he was a Prime Minister for a while - and I got a telephone call from him. (Time-bell) Just give me one second, Sir. I did not get any written reply, I did get a telephone call saying that this will be remedied but my report is that still the statues of the Hindu gods and goddesses, Jain Tirthankars and Mahatma Buddha are lying

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like this. It is very insulting and hurting. If you are going to Pakistan, you can take up this with the Government of Pakistan. The least they can do is to ask the owner to remove those statues, Sir, which have been vandalised. Thank you, Sir.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You have made your point. Mr. Minister, would you like to react?

**SHRI S.M. KRISHNA:** When I take up this issue of protection and safety of the minorities and their rights and the obligations, which is incumbent on the Government of Pakistan, I certainly can take up this question.

**SHRI BALBIR PUNJ:** Thank you, Sir.

(ENDS)

#### **ALLOCATION OF TIME FOR DISPOSAL OF GOVERNMENT AND OTHER BUSINESS**

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I have to inform the hon. Members that the Business Advisory Committee in its meeting

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held on the 17th May, 2012, has allotted time for Government Legislative Business, as follows:

<b><u>Business</u></b>	<b><u>Time Allotted</u></b>
1. Consideration and passing of the following Bills:	
(a) The Tamil Nadu Legislative Council	
(Repeal) Bill, 2012	<b>One hour</b>
(b) The Anand Marriage (Amendment)	
Bill, 2012	<b>Half-an-hour</b>
2. Further consideration and passing of	
the Copyright (Amendment) Bill, 2010	<b>Two Hours.</b>
	(Ends)

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\* \* Pp 814 onwards will be issued as supplement.

**KLS/3S-5.40**

**(THE VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair.)**

**THE COPYRIGHT (AMENDMENT) BILL, 2010**

**THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL):** Sir, I move:

That the Bill further to amend the Copyright Act, 1957, be taken into consideration.

(Contd by 3T/PK)

-KLS/PK/3T/5.45

**SHRI KAPIL SIBAL (CONTD.):** Sir, we are in the midst of a new era, which I call the digital era. In this new digital world, the nature of rights of various stakeholders need to be looked at afresh. As technology moves forward and new innovations give scope to accessing entertainment to ordinary people in this country through the digital world, we need to understand its complexity and to ensure that key stakeholders are protected and are conferred with rights, so that they could take benefit of the new technologies in this new era. It is in this larger context that I am moving this Bill for the consideration of this House. A time comes in the life of a legislation that we need to move away from the past and embrace the future. We have been witnessing a situation in the past where certain key stakeholders have

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had access to rights and other stakeholders, who are the creators of intellectual property, have been denied that access. We are in an era where the visually impaired can now use technologies to empower themselves. We are in an era where the resolution of disputes between key stakeholders must be addressed and a permanent mechanism be created for the resolution of those disputes. We are in an era where international treaties to which we are signatories, which hold the peace, persuade us to bring our laws consistent with those international conventions. Sir, I would like to address this issue in seven parts because I would not like to take the time of this House by dealing with individual sections. But there are seven broad areas which are reflected in these amendments; that need to be addressed. Number one, the rights of authors and music composers who are the real creators of intellectual properties. Number two, the rights conferred to the visually impaired. Number three, extending the compulsory licence regime to unpublished works other than orphan works. Number four, having a new regime of statutory licences in respect of cover version recordings and a statutory licence for broadcasters. Number five, bringing the WIPO Copyright Treaty and

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the WIPO Performances and Phonograms Treaty and ensuring that our Copyright Act provisions are consistent with those treaties, so that we enlarge the right of performers. Number six, impose certain exceptions and limitations wherein we stipulate that certain Acts will not be deemed to be infringement of the copyright laws. Number seven, some punitive action for those who still seek to infringe the Copyright law through new technologies.

(Contd. by 3U/PB)

PB/3u/5.50

**SHRI KAPIL SIBAL (CONTD.):** These, Sir, are the seven broad areas which are dealt with in these amendments, and I would like to address each of these areas succinctly for the consideration of this House.

The first, Sir, is related to the protection of authors and music composers. Sir, as you know, the regime that has existed in the past has been that the real creator who creates that intellectual property like the wonderful artist who played the Santoor the other day in the Central Hall, Shiv Kumar Sharma, then Shubaji who enthralled us with her music and her vocal performance, gets no share of the profits. These are the people who are the real creators and who form the

backbone of the artistic world. They are creators on which the business community relies for their creativity to take the entertainment industry forward.

In the past what has happened is that those who have money power have sought the assignments of their intellectual property unconditionally to themselves and, then, use that assignments for the purposes of exploiting that work, not just in cinema, but through other mediums, the result of which has been that the artist who is the creator of intellectual property gets no share of the profits. That has been the legacy of this industry in the past. We want to correct that thing. We want to ensure that the author, the music composer and the artist have equal share in the profits that the Assigno makes through other mediums, and it is in that context that we have amended Section 17 of the Act, wherein, we say the following. We put a proviso in that Section which reads: ‘Provided further that in the case of any work incorporated in a cinematograph work nothing contained in clauses (b) and (c) shall affect the right of the author in the work referred to in clause (a) of sub-section (1) of Section 13.’ So, the right of the author is preserved. The right of the author is

protected. Similarly, in Section 18, which deals with assignments, we have added another proviso which says: ‘Provided also that the author of the literary or musical work included in a cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for the utilization of such work in any form other than for the communication to the public of the work along with the cinematograph film in a cinema hall, except to the legal heirs of the authors or to a copyright society for collection and distribution and any agreement contrary to that shall be void.’” What is the purpose of this? The purpose of this is that in the past, these rights used to be assigned. The author had no share in the exploitation of that work through another medium, and now we are ensuring that the author has equal share in the distribution of the profits made by the assignee through another medium. The same is being protected with respect to the literary or musical work included in a sound recording. So, the author is being protected and the music composer is being protected so that they have equal share in the profits that will be earned through other mediums. We have also decided to determine the mode of assignment which is reflected in

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Section 19 wherein we say, “No assignment of copyright in any work to make a cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable in case of utilization of the work in any form other than for the communication to the public of the work, along with the cinematograph film in a cinema hall.”

(Contd. by 3w/SKC)

3w/5.55/skc

**SHRI KAPIL SIBAL (CONTD.):** And, the same applies to sound recordings, the idea being, you can have the work assigned, but you cannot have the royalties assigned. You can use that work through other mediums, but there can be no assignment on royalty. So, the author and the music composer would share royalty with the producer, the assignee, in equal terms. That is really the concept behind these amendments, protecting the right of the author and the music composer. We have had to, therefore, amend Sections in The Copyright Act in respect of copyright societies, wherein we are ensuring equal representation of both authors and composers and owners of rights in copyright societies so that the member of the

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copyright society is not limited only to producers. There is equal representation of the creators of copyright as well as those who exploit the copyright. And, therefore, we have made amendments in Section 33 to that effect, and I would quickly refer to it. This is an amendment to Section 33; we have added a proviso: “Provided further that the business of issuing or granting licence in respect of literary, dramatic, musical and artistic works incorporated in a cinematograph film or a sound recording shall be carried out only through a copyright society duly registered under this Act; provided also that the registration granted to a copyright society under sub-Section 3 shall be for a period of five years and may be renewed from time to time before the end of every five years; provided further that the renewal of the registration of a copyright society” — and this is important — “shall be subject to the continued collective control of the copyright society being shared with the authors of works in their capacity as owners of copyright or of the right to receive royalty.”

So, the authors are now sharing the ownership of the copyright. They are equal partners in this enterprise; they equally share it. And, therefore, the copyright societies which collect the royalties, collect

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the monies, will share those monies equally with the authors. And that is the amendment that was required under The Copyright Act, and that we have done so that the authors and other owners are also equally represented in these societies.

We wanted, actually, to give this right also to the principal Director. So, remember, there may be many elements in this -- the music composer, the author, the photographer, the choreographer, who have contributed to the Industry, who are also creators.

**SHRIMATI JAYA BACHCHAN:** And the actors!

**SHRI KAPIL SIBAL:** And the actors, and, of course, the Director. Director has an enormous role to play in the making of a film. In fact, he is, according to me, perhaps, the principal creator. And I very much wanted that the principal Director should actually share in the same profits. But, unfortunately, there was a feeling in the Standing Committee that the time was not right for the Indian Industry to give that equal share to the Director. Therefore, I bowed to the wisdom of the Standing Committee and, therefore, we are dropping that particular amendment that I had proposed and which intended to give those rights to the principal Director as well. Therefore, we also had

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to amend Section 2 to ensure that this does not happen; that right is not given to the principal Director; we have had to amend section 17 and Section 26 so that the principle Directors have no share in the profits. So, this is the first issue that I wanted to place before the hon. Members of this House.

The second relates to the visually impaired. I think new technologies are now out there for the visually impaired to access, to empower themselves, to educate themselves, to participate in the life of the nation, to contribute to the society and, therefore, we had to give those rights under Section 52(1)(zb) and I will just indicate to you what those rights are. We are now saying that the adaptation, reproduction issue of copies of communication to the public, of any work in any accessible format by any person to facilitate persons with disability to access to works including sharing with any person with disability of such accessible format for private or personal use, educational person or research or any organization working for the persons with a disability, in case of the normal format prevents the enjoyment of such works by such persons...

(cd. by 3x/hk)

**SHRI KAPIL SIBAL (CONTD.):** "Provided that copies of the works in such accessible format are made available to the persons with disabilities on a non-profit basis but to recover only the cost of production: Provided further that the organization shall ensure that the copies of works in such accessible format are used only by persons with disabilities and takes reasonable steps to prevent its entry into ordinary channels of business." So, we are protecting those visually impaired and giving them the right for access to any format of technology for the purposes of their empowerment, and no fee, no royalty and nothing can be charged. Of course, if there are a set of persons which want to use this material and provide it to the visually impaired for profit, in that case, they will have to take a compulsory licence. Otherwise, the works can be used in any format, and this is reflected again in Section 31B. Section 31B states as follows: "Any person working for the benefit of persons with disability on a profit basis or for business may apply to the Copyright Board. The Copyright Board is bound to grant them a licence." Then, of course, this activity can be done for profit as well. That is the second issue

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that I wanted to place before the distinguished Members of this House. The third is, granting a compulsory licence under Section 31A. This is a new section. We are now, as I indicated in my opening intervention ...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Hon. Minister, wait for a second. It is six o'clock. It is already decided by leaders that we would pass this Bill today. I have the consensus. I hope the House agrees to it. ...(Interruptions)...

**श्री नरेश अग्रवाल :** सर, बिल पेश हो गया है और छः बज रहा है,.....(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It was decided that it would be passed today. ...(Interruptions)...

**श्री नरेश अग्रवाल :** कल की भी तैयारी करनी है। उच्च सदन में वैसे भी पांच बजे के बाद काम वर्जित था। उच्च सदन यह सोचकर बना था कि यहां के मेम्बर्स को 5 बजे के बाद का समय रिलेक्स होने के लिए दिया जाएगा। तो मैं आपसे अनुरोध करूंगा कि इसको कल 12 बजे के बाद रखें या Monday को फर्स्ट आइटम रख लें, जिससे कि हम लोग अपने विचार रख सकें।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It was also decided in the Business Advisory Committee that it would be passed today. If

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everybody cooperates and speaks for five minutes each, we can finish it in one hour. ...(Interruptions)...

**SHRI NARESH AGRAWAL:** It is not possible to finish it in one hour. ...(Interruptions)... आप बतला दीजिए कितने बजे तक सदन चलेगा?

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We will take it up to 7.30. ...(Interruptions)... In half-an-hour ...(Interruptions)... We can postpone it with the consent of the House. ...(Interruptions)...

**SHRI P. RAJEEVE:** Sir, the time allotted for discussion is two hours. ...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We will pass this Bill and adjourn. ...(Interruptions)... Don't try to change the decision already taken. ...(Interruptions)... Don't try to change the decision already taken. ...(Interruptions)... Mr. Rajeeve, please don't do this. ...(Interruptions)... Please, don't do this. ...(Interruptions)...

**SHRI NARESH AGRAWAL:** Two hours are allotted. ...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Two hours are there. ...(Interruptions)... Half-an-hour passed; it will be over by 7.30. ...(Interruptions)...

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**SHRI NARESH AGRAWAL:** Sir, it is not possible. ...(Interruptions)...

यह एक घंटे में खत्म नहीं होगा। How can you give this ruling?

...(Interruptions)... It is not possible. ...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It is given two hours.

...(Interruptions)... It was decided. ...(Interruptions)... That is the ruling. ...(Interruptions)...

**SHRI NARESH AGRAWAL:** Two hours is excluding the Minister, not including. ...(Interruptions)...

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

...(Interruptions)... अग्रवाल जी, आप मेरे बड़े अच्छे दोस्त हैं, बैठिए।

(Contd. by 3y/GSP)

GSP-NB-3Y-6.05

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN) (Contd.):** We took a decision earlier that we will pass it. Everybody is party to this decision. Please don't violate the gentlemen's agreement. But I request every hon. Member to be brief. (Interruptions) Please.

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**DR. V. MAITREYAN:** Say this to the hon. Minister. (Interruptions)

**SHRI KAPIL SIBAL:** I will finish in ten minutes. (Interruptions)

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

(Interruptions) Mr. Minister, how many more minutes do you want?

(Interruptions)

**श्री कपिल सिब्बल :** मैं बैठ जाता हूं, आप बात कर लीजिए, कर लीजिए पास ...

(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Hon. Minister, have you moved it? (Interruptions)

**SHRI KAPIL SIBAL:** I have moved it. (Interruptions) If the Members do not want to listen, I have to move it.

*The question was proposed.*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** During your reply, you can say the remaining things. (Interruptions) Please. Now, according to this list, the first speaker is Shri Ravi Shankar Prasad. Shri Javed Akhtar has also given a request. Akhtar *Saheb*, do you want to speak first or do you want to speak after him? (Interruptions)

**SHRI JAVED AKHTAR:** He is my senior. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** He has agreed. आप बोलिए, वे सहमत हैं। Everybody wants to listen to you. सभी लोग आपकी स्पीच सुनना चाहते हैं। It is your maiden speech. बोलिए।

**SHRI JAVED AKHTAR (NOMINATED):** Mr. Vice-Chairman, Sir, I must immediately declare that whatever I speak here will have something to do with this Bill under consideration, which has something to do with the music industry. I work for the music industry. My relationship with music is like a farmer's relationship with agriculture, or, a lawyer's relationship with judiciary. So, I hope, it will not be considered as any kind of conflict of interest.

दूसरी बात मैं यह कहना चाहता हूँ कि मैं तीन बरस से यह स्पीच तैयार कर रहा था, मेरे पास बहुत नोट्स हैं और बहुत मैटीरियल है, लेकिन मैंने उसे फेंक दिया, इसलिए कि जब मैं यहां बैठा था और सुन रहा था, तो मुझे लगा कि कुछ और भी बातें हैं, शायद जो बात मैं कह रहा हूँ, उससे भी ज्यादा हैं। मैं एक writer हूँ, मैं एक lyricist हूँ, लेकिन इन तमाम चीजों से पहले मैं एक हिंदुस्तानी हूँ और जब मुझे मालूम होता है, यह तो 60-65 साल पहले की बात है कि लकीर पुंछ से खींची गई है, ये तो हिंदुस्तानी हैं, जो वहां trapped हैं। ये कौन लोग हैं? ये आज से 65 साल पहले तो हिंदुस्तानी ही थे। ये वहां घिरे हुए हैं। इनमें और अंगोला में जो हिंदुस्तानी हैं, उन दोनों में कोई फर्क नहीं है। हमारा फर्ज है कि

हम बहुत संजीदगी से इसके बारे में सोचें, लेकिन मुझे यहां जो बातें सुनने को मिलीं, वे एक आदमी के बारे में, एक incident के बारे में सुनने को मिलीं। Incident और आदमी बड़े मामूली होते हैं, पीछे होता है ज़हन, पीछे होती है ideology, पीछे होती है thinking, पीछे होता है mindset. पाकिस्तान का mindset क्या है? आप किस मुल्क से मांग रहे हैं कि वह अपनी minority को सही तरीके से ट्रीट करे? जिस मुल्क की बुनियादों में ही नफरत डाली गई है, जो नफरत की वजह से बना है, आप उससे कह रहे हैं आप अपनी minority को ठीक से ट्रीट करिए। अगर वह अपनी minority के साथ सही सुलूक करे, अगर वह हर इंसान को इंसान समझे, अगर वह हर citizen को बराबर का citizen समझे, तो पाकिस्तान क्यों बनाया था?

मेरा एक शेर है -

मेरी बुनियादों में कोई टेढ़ थी,

अपनी दीवारों को क्या इल्जाम दूं?

इसकी बुनियाद में टेढ़ है, आप इसकी दीवारों को सीधा करने के लिए कह रहे हैं, ये कैसे सीधी होंगी? ये दीवारें तो टूटेंगी ही, और कुछ नहीं होने वाला। दीवार 1971 में टूटी थी, दीवार फिर टूटेगी। ये बड़ा politically correct statement है “We want a stable Pakistan”. मुझे तो politics में नहीं जाना है, न कोई पार्टी join करनी है, न मुझे किसी का वोट चाहिए। I do not want a stable

Pakistan because it is not possible, it is beyond any possibility. जिस चीज पर वह बना है, वह stable हो ही नहीं सकती।

**(उपसभाध्यक्ष (डा. ई.एम. सुदर्शन नाट्टीयप्पन) पीठासीन हुए)**

आज बलूचिस्तान का जो चीफ है, BLA का जो चीफ है, दो बरस पहले उसने एक स्टेटमेंट दिया था, edict जारी किया था कि बलूचिस्तान में कोई भी हिंदू, कोई भी क्रिश्चियन, कोई भी पारसी is most welcome, लेकिन कोई भी पंजाबी मुसलमान और कोई उर्दू स्पीकिंग मुसलमान यानी मुहाजिर हम यहां accept नहीं करेंगे। That much for the religious identity. आप तो मुसलमान तब तक हैं, जब तक हिंदू हैं। जब हिंदू ही खत्म कर दिए, तो आप शिया हो गए, सुन्नी हो गए, पता नहीं क्या-क्या हो गए? पहले तो सब मुसलमान थे, जब पाकिस्तान बन रहा था। फिर अहमदिया नहीं रहे, कादियानी नहीं रहे, अब कहते हैं कि शिया, मुसलमान नहीं हैं। दो रवैये हैं ज़िंदगी के, एक अपनाने के, दूसरा छोड़ने के। जब आदमी छोड़ने के रास्ते पर चलता है, तो छोड़ता ही चला जाता है। उसकी कोई हद नहीं है।

(3Z/MP पर जारी)

MP-RG/3Z/6.10

**श्री जावेद अख्तर (क्रमागत) :** उसकी कोई हद नहीं। यह शेर तो इन्हीं के मुल्क के एक बहुत बड़े शायर का है —

“तुम्हारी तहज़ीब अपने खंजर से आप ही खुदकुशी करे,

जिस शाखे नाज़ुक पर आशियाना बनेगा ना पायदार।”

जो कमज़ोर डाली पर आशियाना बनाओगे, तो वह तो गिरने ही वाला है। कमज़ोर डाली है, मुल्क धर्म से नहीं बनते। हमारे मुल्क में भी लोगों को सीखना चाहिए कि मुल्क धर्म से बनाओगे, तो यह होगा। मुल्क बनते हैं कल्चर से, मुहब्बत से, अपनाइयत से, तमाम चीज़ें एक-दूसरे से अलग हैं, लेकिन आप जुड़कर रहें, तब मुल्क बनता है। मैं फ़ख़ से कहता हूँ कि मैं उस मुल्क का बाशिन्दा हूँ कि जिस मुल्क में मैं पच्चीस बार आर.एस.एस. के खिलाफ़ स्टेटमेंट दे चुका हूँ, लेकिन जब मुझे कॉपीराइट की जरूरत पड़ती है, तो मैं अरुण जेटली साहब के पास जाता हूँ और वे मेरी बात सुनते हैं और कहते हैं कि मैं तुम्हारी मदद करूंगा। यह है हिन्दुस्तान ! हिन्दुस्तान यह है कि मैं आगरा गया और मैंने जब ताजमहल देखा, तो वहां जो पत्तियां बनी थीं, मैंने पूछा कि ये किन लोगों ने बनाई हैं? अब ऐसे लोग क्यों नहीं हैं? तो बोले, आइए दिखा देते हैं। हमें ले गए, लड़के एक लाइन से बैठे हुए वही संगमर्मर की पत्तियां बना रहे थे। मैंने पूछा तो बताया कि गुजरात में एक जैन मन्दिर बन रहा है। उनका नाम पूछा तो सब मुसलमान थे। ये है हिन्दुस्तान ! ये क्या करेंगे? इन्हें क्या मालूम? ये कुएं के मेंढक हैं, ये वहीं रह जाएंगे। इनका कुछ नहीं होना है। मुझे दुख है, मैं खुशी से नहीं कह रहा हूँ। पाकिस्तान में बहुत अच्छे लोग थे। फैज़ अहमद फैज़ पाकिस्तान के थे और उनकी सोच के बहुत लोग वहां हैं, लेकिन वे minority में

हैं, वे कमजोर हैं। उनकी कोई सुनने वाला नहीं है। वहां आम इंसान भी अच्छा है। वह हिन्दुस्तान की फिल्में देखना चाहता है, हिन्दुस्तान के गाने सुनना चाहता है, हिन्दुस्तान की इंडस्ट्री से impressed है, हिन्दुस्तान की democracy से impressed है, लेकिन वह कुछ नहीं कर सकता। जिन लोगों के हाथ में ताक़त है, जिन लोगों के हाथ में फौज है, जिन लोगों के पास जागीरदारियां हैं और जागीरदारी उन्होंने खत्म नहीं कीं, वह लूट बाकी है। जब एक समाज में लूट रहे हों, जहां human rights न हों, जहां equality नहीं हो, तो उसे कवर करने के लिए आपको एक philosophy चाहिए होती है और वह philosophy उन्होंने अपने मज़हब की अख्तियार की, जिसके नीचे दरअसल economic exploitation है। जिसके नीचे इंसान पर जुल्म है, कभी इस बहाने, कभी उस बहाने। आपने एक minority का ज़िक्र किया, मैं जानता हूं कि वहां ईसाई minority के साथ क्या हो रहा है? तो आप यह सोचें, ज़रूर आप यह स्टेटमेंट दे दीजिए कि आपके Ambassador जाएंगे, वे आएंगे, बात कर लेंगे। इतिहास का पहिया खुद चलता है। अगर Ambassadors फैसले करके दुनिया बदल सकते तो क्या बात थी। यह वक्त का पहिया है और वक्त का पहिया गलत स्ट्रक्चर को तोड़ता है, तो आप इंतज़ार कीजिए।

अब आइए वापस आते हैं, जिस मुसीबत में मैं हूं और हमारे हज़ारों लोग हैं। सर, बड़े ज़माने से ये तकलीफें थीं, लेकिन शायद हिन्दुस्तान के कलाकार समझते थे कि बोलेंगे, तो सुनने वाला कौन है? लेकिन अब वक्त बदल रहा है,

लोग बदल रहे हैं, हालात बदल रहे हैं। उम्मीद करता हूं कि कानून भी बदलेगा और हिन्दुस्तान के कलाकारों की किस्मत भी बदलेगी। तो आज इस यक्रीन से उनके बारे में बोल रहा हूं कि इस किनारे से उस किनारे तक इस सदन में जितने लोग हैं, वे मेरी बात पूरे ध्यान से सुन रहे हैं, पूरे दिल से सुन रहे हैं और अगर बात हिन्दुस्तान के संगीतकारों और गीतकारों की है, तो ऐसा ही होना चाहिए, इसलिए कि यह मुल्क, यह धरती गीतकारों और संगीतकारों की है। यह बात मैं इसलिए नहीं कह रहा हूं कि सुनने में अच्छी लगती है, बल्कि यह बात मैं इसलिए कह रहा हूं कि सच्ची है। दुनिया में कौन सा दूसरा मुल्क है, जहां एक मुल्क में classical परम्परा की दो traditions सैकड़ों साल पुरानी हैं - हिन्दुस्तानी और कर्णाटक। दुनिया में कौन सा ऐसा मुल्क है जहां लोक संगीत के इन्द्रधनुष में इतने रंग हों, जितने यहां हैं? कश्मीर से कन्याकुमारी तक जाकर देख लीजिए, महाराष्ट्र से मणिपुर तक जाकर देख लीजिए, क्या-क्या रंग हैं म्यूज़िक में? दुनिया में कौन सा ऐसा मुल्क है जहां पवित्र ग्रंथों में भी शायरों का नाम और काम मिलता है? हमारे गुरु ग्रन्थ साहिब, हमारे रामचरितमानस में “रघुकुल रीति सदा चलि आई, प्राण जाइ पर वचन न जाई” - राजा दशरथ रानी कैकेयी से यह महाकवि तुलसीदास के शब्दों में कहते हैं। दुनिया में कहां ऐसा मुल्क है, जहां जन्म से लेकर मरण तक कोई जगह नहीं, कोई पल नहीं, कोई क्षण नहीं, जिस पर सैकड़ों गीत न हों? वह एहसास की कोई मंज़िल हो, वह

भावना की कोई रुत हो, वह ख्याल का कोई रंग हो, आपको सैकड़ों गीत मिल जाएंगे।

(4A/SC-SSS पर जारी)

-mp/sc-sss/6.15/4p

**श्री जावेद अख्तर (क्रमागत) :** फिर हमारे फिल्मी गीत हैं, जो रिलीज़ होते हैं तो फिल्मी गीत हैं, लेकिन कुछ दिनों के बाद वे लोकगीत बन जाते हैं। वक्त की छलनी से सब कुछ बह जाता है - ऐक्टर का चेहरा, फिल्म का नाम - और वह अमर गीत रह जाता है जो आपके अतीत का, आपकी यादों का हिस्सा बन जाता है। आज आपके कानों में जब कोई पुराना गीत गूंजता है तो ऐसा लगता है जैसे लड़कपन के किसी दोस्त ने कंधे पर हाथ रख दिया हो और कह रहा हो, बैठो, कहां जा रहे हो, बात करो। यादों का मेला लग जाता है। यह गीत कहां सुना था, कब सुना था, किसके साथ सुना था और कभी-कभी यह भी याद आता है कि किसके लिए सुना था। हैरत होती है और हैरत से ज्यादा ग़म होता है कि जिस मुल्क में संगीत के और शायरी के इतने चिराग़ रोशन हों, उनके नीचे देखिए तो अंधेरा ही अंधेरा है। जिस अंधेरे में हिन्दुस्तान के राइटर्स और म्यूज़िशियंस की ज़िंदगी बरसों से लाचार और बेबस भटक रही है। लेकिन दिल में एक उम्मीद है कि एक दिन आएगा, जब हमारी सुनी जाएगी। एक दिन आएगा जब हमें इंसाफ़ मिलेगा, एक दिन आएगा जब हमें हमारा अधिकार मिलेगा। “आएगा आने वाला” बहुत मशहूर गीत था। साठ साल से ज्यादा पुराना गीत है। यह गीत कम्पोज़

किया था, पंडित खेमचंद प्रकाश ने, जो अपने जमाने के बहुत बड़े संगीत विद्वान थे। पिछले दिनों एक अजीब वाकया हुआ। सर, जब एक गाना रिकॉर्ड होता है तो उसमें दो रॉयल्टीज़ जेनरेट होती हैं, एक साउंड रिकॉर्डिंग रॉयल्टी कहलाती है जो साउंड रिकॉर्डिंग का मालिक है, प्रोड्यूसर या म्यूज़िक कम्पनी, उसके लिए होती है और एक परफॉर्मिंग होती है जो राइटर और म्यूज़िशियन के लिए होती है। यहां पर भी यह कानून है - यह अभी नहीं आ रहा है, यह कानून पहले से है - और बाहर भी है। बाहर ज़रा थोड़ा सा अलग है, वहां सचमुच राइटर और म्यूज़िशियन को पैसा दे देते हैं। वहां पर कहीं 13-14 हजार रुपये खेमचंद प्रकाश जी के अकाउंट में इस गाने के लिए जमा हो गए। वह पैसा यहां भेजा गया। खेमचंद प्रकाश जी तो इस दुनिया में नहीं हैं। जब ढूंढ़ा गया तो उनकी पत्नी मलाड में स्टेशन पर भीख मांगती हुई मिल गयी। यह कोई बहुत हैरत की बात नहीं है, ऐसी बहुत सी कहानियां हैं। इसी तरह ओ.पी.नैयर साहब थे। मुझे याद है, मैं तब छोटा सा था तो एक फिल्म आयी थी — “मुजरिम”, जिसमें शम्मी कपूर और पद्मिनी हीरो-हीरोइन थे। उसके पोस्टर पर हीरो-हीरोइन की तस्वीर नहीं थी बल्कि हारमोनियम लिए ओ.पी.नैयर साहब खड़े थे — सुर के जादूगर, ओ.पी.नैयर। वे ओ.पी.नैयर मुम्बई के बाहर नाला सुपारा नाम की एक छोटी सी बस्ती है, वहां पर अपनी आखिरी उम्र में एक फैन के घर में छोटे से कमरे में रहे थे और होम्योपैथी के इलाज से उन्होंने अपनी ज़िंदगी गुज़ारी, जबकि उनके सैकड़ों गाने बजते रहे और उसकी रॉयल्टी म्यूज़िक कम्पनीज़ लेती रहीं। इसी

तरह से मज़रूह, शैलेन्द्र, गुलाम मोहम्मद — आपको कितने नाम बताऊं, जिन लोगों ने क्या-क्या कॉन्ट्रीब्यूट किया है? शैलेन्द्र जैसा गीतकार क्या कभी फिर पैदा होगा? क्या बर्बाद खती है? क्यों, क्या वजह है? अगर हमारे यहां भी रॉयल्टी की इजाज़त है, हमारे यहां भी रॉयल्टी का कानून है..(व्यवधान).. इन शहीदों की बड़ी लम्बी लिस्ट है, किस-किसका नाम लें? “नाम किस-किस के गिनाऊं, तुझे याद आए।” इसकी क्या वजह है? इसके मुकाबले में दूसरी तरफ चलिए। 69-70 में बीटल्स की टीम टूट गयी थी। पिछले साल सिर्फ Paul McCartney को, जिसने अपनी जिंदगी में 27 गाने लिखे, 16 मिलियन डॉलर गाना लिखने की रॉयल्टी मिली है। Elton John, जिसने पांच साल से कोई रिकॉर्ड नहीं बनाया, पिछले साल उसे 22 मिलियन डॉलर्स रॉयल्टी मिली है। हमारे यहां जो रॉयल्टी का सिस्टम है, हमारे यहां आईपीआरएस है, Indian Performance Rights Society है, आप ही की दुनिया से जमा भी की जाती है। यह कहां चली जाती है? आप इजाज़त दें तो मैं एक छोटा सा पैराग्राफ आपको पढ़कर सुनाता हूं। यह एक compulsory move है जो हर कॉन्ट्रेक्ट में, वह चाहे भारत रत्न पंडित रवि शंकर के लिए हो या दो ऑस्कर के विनर ए.आर.रहमान के लिए हो या मेरे जैसे मामूली आदमी या गुलज़ार के लिए हो, यह कंडिशन उसमें होती है। “The rights assigned, included but not restricted to the rights of mechanical, digital, reproduction, in any manner or format or media whether existing or future, publication, broadcasting,

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reproducing, hiring, granting, translation, adaption, synchronization, making and used in a cinematographic film, performing in public, publishing in any other way, whole or part of the literary work, the rights to grant the mechanical and reproduction, publication, sound and television, broadcasting, transmission over the airways, electronically or through satellite or literary works." Now, here the plot thickens.

(contd. by NBR/4B)

GS-NBR/4B/6.20

**श्री जावेद अख्तर (क्रमागत):** 'Including all forms of communication, transmission, reproduction and exploitation of the literary work that may be discovered or invented in the future. The said work has been assigned by me for good and valuable consideration.' यह bonded labour नहीं तो क्या है? सिर्फ अंग्रेजी में लिख दिया, है तो bonded labour और इसके ऊपर किसने शिकायत की? भारत रत्न रो रहा है। भारत रत्न मंत्री जी को, LoP को और प्राइम मिनिस्टर को लेटर लिख रहा है कि साहब ये रॉयल्टी का चेंज करा दीजिए। अगर ए.आर. रहमान और पंडित रवि शंकर को यह शिकायत है, तो बाकियों की हालात सोचिए क्या होगी ? इससे भी ज्यादा एक शर्म की बात यह है कि यह कांट्रेक्ट सिर्फ हिन्दुस्तानी देसी कम्पनियां ही साइन

नहीं करवातीं हैं, बल्कि जो जापान की हैं, जो जर्मनी की हैं, जो अमेरिका की हैं, इनकी हिम्मत नहीं हो सकती कि जापान में, जर्मनी में या अमेरिका में किसी फनकार को, किसी कलाकार को यह कहें कि इस पर साइन कर दो। क्या फर्क है इनमें और ईस्ट इंडिया कम्पनी में और क्या फर्क है उन हिन्दुस्तानी कम्पनियों में और मीर जाफ़र में, जो इनके साथ मिलकर काम कर रही हैं। हमारे कलाकार से, किस-किस से, मैं आपको नाम सुनाऊंगा, ये सिर्फ़ फिल्म की एक प्रब्लम नहीं है, हरेक की है। आप इन्हें जलील कर रहे हैं और ये सिर्फ़ पैसे के लिए बात नहीं है, जब इतनी grip होती है, मार्केटिंग इतनी strong हो जाए, तो creativity pays. मुझे पिछले दिनों शिव कुमार शर्मा जी मिले, हमें proud होना चाहिए कि हमारे पास एक ऐसा फनकार है, ऐसा कलाकार है। उन्हें एक म्यूजिक कम्पनी ने बुलाया। उनसे कहने लगे, देखिए, हम आपका ऐड बनाते हैं, आपका क्या है आप शुरू बड़ा धीरे-धीरे करते हैं। वह end में जो तेज़ होता है न, आप उससे शुरू कीजिए, folk चलेगा। यह म्यूजिक कम्पनी वाला शिव कुमार शर्मा को बता रहा है। उन्होंने कहा साहब, मेरे मोहल्ले में एक बैंड है, बारातों में जाता है, उसका ऐड बना लीजिए। मुझे माफ़ करना। एक बार मेरे साथ वाकिया हो चुका है। एक म्यूजिक सिटी में था, म्यूजिक कम्पनी के मालिक आ गये। मैंने सोचा शायद मेरे फैन होंगे, सुनने आये हैं मैंने क्या लिखा है। उन्होंने मुझे सुना और कहने लगे कि आपने पहली लाइन में एक वर्ड “रूठना” लिखा है, आप यह वर्ड निकाल दीजिए। मैंने कहा, क्यों ? वे बोले आजकल यह वर्ड चलता नहीं है। मैंने

कहा कि कहां नहीं चलता है, बोले नहीं, नहीं। मैंने उन्हें कई गाने सुनाये, जिनमें “रूठना” वर्ड आया। उन्होंने कहा कि कभी होगा, यह वर्ड आप निकाल दीजिए। मैंने कहा कि भाई, अगर आपको इस तरह से काम करना है, तो मैं तो कर नहीं सकता हूं, आप किसी और को ले लीजिए। वह मेरी बड़ी इज्जत करता था। अगले ही दिन मेरी बात मान गया और किसी और को ले लिया, मुझे निकाल दिया। जो लोग इस बिल के खिलाफ हैं, वे क्या करें? वे कहते हैं कि देखिए, आपने तो गाना लिखा, किसी ने म्यूजिक दिया, एक प्रोड्यूसर ने बड़ा पैसा खर्च करके उसे तैयार किया, उस प्रोड्यूसर ने उस गाने को बड़े-बड़े स्टार्स पर, बड़ी अजीब-अजीब लोकेशन पर जाकर पिक्चराइज़ किया, उसमें बड़े-बड़े शॉट डाले, बड़े-बड़े विजुअल डाले, ये सब किस काम के लिए किया, फिल्म के लिए किया। ये फिल्म प्रोड्यूसर है, यह म्यूजिक प्रोड्यूसर नहीं है। इसे यह गाना फिल्म के लिए चाहिए, यह गाना वह फिल्म के लिए record करता है। हम तो फिल्म से कुछ नहीं मांग रहे हैं। तुम्हारी फिल्म सुपरहिट हो जाए, तुम जानो, न चले तुम जानो, हमारा उससे कोई रिश्ता नहीं है। फिल्म बड़ी से बड़ी हिट हो जाए, मैंने बहुत सुपरहिट फिल्में लिखी हैं, मेरे पास तो कोई प्रोड्यूसर आया नहीं कि हज़ूर, आपने तो शोले लिख दी, दीवार लिख दी, त्रिशूल लिख दी, ये लीजिए, खुशी से आपके लिए लाया हूं, हमने तो नहीं देखा। ये तो पिक्चर के लिए था, हमने पैसा ले लिया, अब आपकी किस्मत, आप कैसी पिक्चर बनाते हैं, हम तो उसके लिए जिम्मेदार नहीं हैं। अगर हिट है, तो भी आपकी क्रेडिट और फ्लाप है तो भी

आपकी क्रेडिट। जब आप इसमें से निकालते हैं और दूसरी जगह इस्तेमाल करते हैं, तो वहां भी जो रॉयल्टी होती है, जरा देखिए, सरकार ने कानून बनाया था कि वह 50 फीसदी जाएगी आर्टिस्टों को और 50 फीसदी हमें जाएगी। हम लोगों ने वहां पर कहा कि नहीं। अचानक ऐसी बात होगी, तो यह अच्छा नहीं लगेगा। आप 75 फीसदी उन्हें दे दीजिए और हमारे कहने पर चेंज किया गया, यह शराफत हमारी थी। मगर उनकी शराफत यह है कि उन्हें 99 नहीं चाहिए, उन्हें 100 चाहिए। यह तो दूसरी जगहों से आ रहा है, अगर यहां भी उनका हक है तो एक काम कीजिए। एक आदमी एक फिल्म बनाता है, उसमें शाहरूख खान हीरो है, पिक्चर चली, नहीं चली, कोई बात नहीं, मैं उसमें से चार शॉट निकाल कर, मैं प्रिंट का मालिक हूं, एक ब्यूटी के ऐड में इस्तेमाल कर लेता हूं।

(ASC/4C पर जारी)

4c/6:25/asc-ks

**श्री जावेद अख्तर (क्रमागत) :** मुझे इसका हक है। वह कहेगा कि मैंने यह शॉट तो फिल्म के लिए दिया था, आपने ब्यूटी की ऐड में कैसे इस्तेमाल कर लिया? यही मेरा सवाल है कि जहां हमने फिल्म के लिए दिया था, वहां हम कोई क्लेम नहीं कर रहे हैं। जब आप उसे फिल्म से निकाल कर इस्तेमाल करते हैं तब भी हम कहते हैं आप 75 परसेंट ले लो और आप को साढ़े बारह परसेंट देने में तकलीफ है। यह तो लालच की बात है, बहुत छोटी बात है। एक साहब गुप्ता जी हैं, कहने लगे कि साहब यह तो होगा कि आप एलाऊ नहीं करेंगे, आप सारी

रॉयल्टी ले लेना। यहां इसमें copyright एसाइन्मेंट बैन नहीं है। यह सिर्फ discipline किया गया है कि आप उनसे इतनी रॉयल्टी नहीं ले सकते या आप नहीं दे सकते। यह पाबंदी प्रॉड्यूसर्स पर नहीं है, म्यूजिक कम्पनीज़ पर नहीं है, यह पाबंदी तो हम पर है, आर्टिस्ट्स पर है, राइटर्स पर है। लेकिन शिकायत उन लोगों को है, हम लोगों को शिकायत नहीं है। हिन्दुस्तान के सारे कलाकार अपोजिशन की ओर तथा सरकार की ओर हाथ जोड़ रहे हैं कि प्लीज़ इसे 25 परसेंट बोनाफाइट करवा दीजिए। आप इसमें से 75 परसेंट ले रहे हैं, फिर आपको और क्या चाहिए? मगर कहते हैं कि कॉन्ट्रैक्ट पर हिन्ड्रेन्स है। अच्छा, minimum wages legislation भी कॉन्ट्रैक्ट पर हिन्ड्रेन्स है? आज हम जहां दिल्ली में खड़े हैं, यहां एग्रीक्लचर में skilled labour भी 328 रुपए से कम में काम नहीं कर सकता और unskilled labour 270 रुपए से कम में काम नहीं कर सकता। वे कह रहे हैं कि साहब, मैं डेढ़ सौ रुपए में करने को तैयार हूं। उन लोगों के लिए तो hindrance of contract हो गया। Dowry Prohibition Act क्या है? एक आदमी है और उसकी बेटी है, वह डावरी देने को तैयार है। उसकी बेटी डावरी के लिए तैयार है, लड़का डावरी लेने के लिए तैयार है और लड़के का बाप भी खुश है। सरकार को क्या ऐतराज है? सरकार को ऐतराज यह है कि उसे मालूम है कि यह इक्वल फैसला नहीं हो रहा है, यह मजबूर है। हमें इसको राकना पड़ेगा। child labour में क्या गड़बड़ है? जो Child Labour (Prohibition and Regulation) Act है, वह क्या है? अरे भाई, मां-बाप अपने बच्चों से काम

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करवाने को तैयार हैं, बच्चा तैयार है और कारखाने वाला भी तैयार है। हमें मालूम है कि यह तैयारी किस हालत में होती है। यह भी देखिए कि पिछले बीस बरस में स्टैंडिंग कमेटी ने कहा कि हमें एक कॉन्ट्रैक्ट लाकर दो, जिसमें राइटर्स ने अपनी पब्लिशिंग राइट तुम्हें नहीं दिए। वे नहीं ला सकते, इसलिए है ही नहीं। ये bounded labour हैं। उसके बाद हमदर्दी भी है, कह रहे हैं कि अगर उसको जरूरत पड़ गई, अचानक सब देखना चाहे, तो आपने तो उसका हाथ बांध दिया। मैं श्री एन.के. सिंह जी की इजाजत से शेक्सपियर को क्वोट करना चाहूंगा। मैं समझता हूँ कि यहां कम से कम इस हाउस में उनके पास copyright है। ..(व्यवधान) ..

**THE VICE-CHAIRMAN (DR. E. M. SUDARSANA NATCHIAPPAN):**

You were actually allotted 20 minutes. We have to complete it on time.

**SOME HON. MEMBERS:** Let him speak, Sir. (Interruptions)

**SHRI TIRUCHI SIVA:** This is his maiden speech, Sir.

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY**

**AFFAIRS (SHRI RAJEEV SHUKLA):** If this is his maiden speech, then, let him continue.

**THE VICE-CHAIRMAN (DR. E. M. SUDARSANA NATCHIAPPAN):**

Now, maiden speech is also restricted to twenty minutes.

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**SHRI TARIQ ANWAR:** In the last two years, he has not made any speech. (Interruptions) He should be given a special treatment.

**THE VICE-CHAIRMAN (DR. E. M. SUDARSANA NATCHIAPPAN):** All right. But there are thirteen Members who have yet to speak.

**SHRI RAJEEV SHUKLA:** Let him speak, Sir.

**श्री जावेद अख्तर :** यह पता नहीं किसका नजरिया है, जब मेरी बारी आई तो पर्दा गिरा दिया। सर, मैं सिर्फ चार या पांच मिनट और लूंगा। "It is time to fear when tyrants kiss". जब जालिम हमदर्दी करे तो डरने का वक्त है। जब म्यूजिक कम्पनीज कह रही हैं कि बेचारे राइटर का क्या होगा अगर इसके बाद ये राइट नहीं हुए तो? इसके खिलाफ कौन लोग हैं, जो खास जनों से कहते हैं कि भाई, यह मत कीजिएगा। आप जरा उनके नाम सुन लीजिए। सारे नाम तो बहुत ज्यादा हैं, मैं सारे नाम तो नहीं बता सकता, लेकिन कुछ नाम अवश्य बता देता हूँ, पं० रवि शंकर, पं० शिव कुमार शर्मा, पं० हरिप्रसाद चौरसिया, शोभा मुदगिल, विशाल भारद्वाज, गुलजार, प्रसून जोशी, जगजीत सिंह, अमजद अली खान, अमान अली खान और अयान अली खान। रवि जी, तो इंतजार में ही चले गए, जगजीत सिंह भी इंतजार में ही चले गए, इनके भी सिग्नेचर हैं। विशाल शेखर ...(व्यवधान).. वे तो टेलेंटेड थे।

(4d/LT पर जारी)

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**श्री जावेद अख्तर (क्रमागत) :** इनमें और भी बहुत से नाम हैं। फिल्म इंडस्ट्री के सारे नाम तो हैं ही, कलाकारों के भी नाम हैं। इनमें जाकिर का नाम है, इनका नाम है, साउथ के सारे बड़े सिंगर्स का नाम है, ए.आर.रहमान का नाम है, बंगाल के सारे बड़े सिंगर्स और म्युजिशियन्स का नाम है। ये लोग कहते हैं इसको कर दीजिए। क्यों भई? अच्छा, एक बात और है, ये कहते हैं कर दीजिए, लेकिन यह पुराने पर नहीं होना चाहिए। यह बात किसी हद तक सही है, किसी हद तक सही नहीं है। मतलब, यदि यह बिल आ जाए और आप कल को यह कहें कि मेरा गाना 1960 से रिलीज हुआ था, आप मुझे उसका हिसाब बताइए, तो यह बेकार बात है, क्योंकि कोई भी लॉ रेट्रोस्पेक्टिव में नहीं लग सकता है। ऐसा कानून है कि अगर अब वह गाना बजेगा तो उसकी रॉयल्टी होगी, तब, उस वक्त, आपने जो कर दिया, वह कर दिया, आप उसको भूल जाइए, हम भी भूल जाएंगे, इसलिए जब तक यह नहीं होता, यही एक तरीका है, क्योंकि सारे म्युजिशियन्स, सारे राइटर्स गलत नहीं हो सकते हैं। एक तरफ ये हैं और दूसरी तरफ ये मल्टी नेशनल्स हैं, बड़े-बड़े प्रॉड्यूसर्स हैं, जो pretend कर रहे हैं कि प्रॉड्यूसर्स का बहुत नुकसान है। दरअसल जो अप फ्रंट मनी होती है, वह तो केवल दस, बारह प्रॉड्यूसर्स को मिलती है, बाकियों को एक नया पैसा तक नहीं मिलता है। जब यह बिल आएगा, तब पहली बार उन छोटे प्रॉड्यूसर्स को पैसा मिलेगा, वह इसलिए क्योंकि पब्लिशिंग हमारे हाथ में होगी और वह पब्लिश होगा, वरना म्युजिक कम्पनियां सब ले जाती हैं, उसे बेच देती हैं। 90 परसेंट

प्रॉड्यूसर्स को इससे फायदा ही होना है और सच तो यह है कि 10 परसेंट, जो यह समझ रहे हैं कि उनका नुकसान होगा, उनको भी फायदा ही होगा, क्योंकि वे जितने में बेचते हैं, वह कम है। लेकिन जब तक यह बिल पास नहीं होगा, तब तक यह जुल्म, यह सितम, यह लूट चलती ही रहेगी। यह एक अंधेरा है, जिसमें हम चल रहे हैं। मुझे वह शेर याद आता है कि,

*सियाह रात, नहीं नाम लेती ढलने का,  
यही तो वक्त है, सूरज तेरे निकलने का।*  
इसलिए यह बिल आज पास होना चाहिए। शुक्रिया।

(समाप्त)

**श्री रवि शंकर प्रसाद (बिहार) :** मंत्री जी, आप बताइए, आपका क्या आदेश है? हम उसी के अनुसार चलें, नहीं तो बैठ ही जाते हैं।

**मानव संसाधन विकास मंत्री तथा संचार और सूचना प्रौद्योगिकी मंत्री (श्री कपिल सिब्बल) :** आप बोलिए।

**श्री रवि शंकर प्रसाद (बिहार) :** उपसभाध्यक्ष जी, आपने मुझे बोलने का मौका दिया है। अभी जावेद साहब की मेडेन तकरीर हुई, जिसमें content भी था, इमोशन भी थे, आह्वान भी था और शायद उन्होंने पूरी सर्जना के महकमे को दो फ़र्कों में बांटने की कोशिश भी की थी। यह अच्छा है और हम उनका सम्मान करते हैं। सर, हिन्दुस्तान में सर्जना का सम्मान समाज अपने आप करता है। उन्होंने तुलसी की चर्चा की, तुलसी ने रामायण लिखी और वह अपने आप लोगों की जुबान पर आ गई। कॉपीराइट का सम्मान होना चाहिए। मैं आपको यह स्पष्ट

बता दूं कि मैं इस बिल के समर्थन में खड़ा हुआ हूं। हिंदुस्तान के इस मानस में, जब कोई सर्जना समाज के साथ अपने आप मिल जाती है, तो समाज उसे अंगीकार करता है। शायद, किसी भी नई जनरेशन को तुलसी की रामायण के लिए कुछ सीखने की जरूरत नहीं होती है और यह भी जानने की इच्छा नहीं होती है कि तुलसीदास को क्या मिला और क्या नहीं मिला, क्योंकि उनकी कीर्ति समाज सम्मान के साथ अंगीकार करता है और याद रखता है। 500 वर्ष हो गए हैं, लेकिन कबीर के दोहे आज तक लोकप्रिय हैं, रहीम के दोहे आज तक लोकप्रिय हैं, जया जी यहां बैठी हुई हैं, हरिवंश राय बच्चन जी की मधुशाला शायद सन् 37 में लिखी गई थी, लेकिन वह आज भी वही संस्कार देती है, जो सन् 37 में देती थी। हिंदुस्तान का समाज सर्जना का सम्मान करता रहा है, लेकिन यह समझने की जरूरत है कि जो शोषण करते हैं, वे इस समाज का प्रतिनिधित्व नहीं करते हैं। सर्जना कई प्रकार की होती है। एक सर्जना होती है, जो व्यक्ति खुद लाता है, उदारहणार्थ श्री रवि शंकर जी सितार बजाते हैं।

(4 e/akg पर जारी)

AKG-TDB/4E/6.35

**श्री रवि शंकर प्रसाद (क्रमागत) :** श्री शिव कुमार शर्मा संतूर बजाते हैं, अमजद अली साहब सरोद बजाते हैं। उनकी सर्जना एक solo performance होती है। जावेद साहब फिल्मों के गीत भी लिखते हैं और जावेद साहब “लावा” भी लिखते हैं। “लावा”, जो उनकी किताब है, अभी हाल में जो book release हुई थी, वह

उनकी solo रचना है, सम्मान होना चाहिए। हम इसे किस रूप में देखना चाहते हैं, यह देखना बहुत जरूरी है।

जहाँ तक फिल्मी गीतों का सवाल है, उसके बारे में हमें एक-दो टिप्पणी जरूर करनी है। फिल्मी गीत के बारे में मैं हमेशा सोचता हूँ, तो it is a collective effort. एक संगीतकार ने अपनी रचना लिखी। उपसभाध्यक्ष जी, मैं देवानंद साहब का बहुत बड़ा मुरीद हूँ। मुझे इस बात का बहुत संतोष है कि जब मैं वाजपेयी जी की सरकार में I&B Minister था, तो उनको दादा साहब फाल्के अवार्ड देने का फैसला हुआ था। उनका एक गीत मुझे बहुत प्रभावित करता है — “हर फिक्र को धुएँ में उड़ाता चला गया, मैं ज़िन्दगी का साथ निभाता चला गया”। यह “हम दोनों” की बहुत ही ज़हीन रचना है। जिसने लिखा, बहुत बढ़िया लिखा; जिसने म्यूजिक दिया, बहुत ही बेहतरीन म्यूजिक दिया; लेकिन शायद वह गीत सदाबहार नहीं होता, अगर देवानंद ने “हम दोनों” में उसे नहीं गाया होता। यहाँ जया जी बैठी हुई हैं। जया जी, मुझे आज यह कहना पड़ेगा कि मैं अपने स्टूडेंट लाइफ से आपका मुरीद रहा हूँ और मैं दिल से बोल रहा हूँ। आपकी एक्टिंग का, माफ करेंगे, I must clarify. मुझे ‘गुड्डी’ का एक गीत याद है - “हमको मन की शक्ति देना”। माननीय उपसभाध्यक्ष जी, वह गीत एक स्कूल की एक बड़ी अच्छी प्रार्थना थी, जहाँ वे गा रही थीं उस फिल्म में, लेकिन वह गीत आज तक इसलिए हमारे ज़ेहन में है कि जया जी ने उसे ‘गुड्डी’ में गाया। “हम दोनों” का एक और गीत मुझे याद आया — “अल्लाह तेरो नाम, ईश्वर तेरो

नाम”। ये सब collective effort के परिचायक हैं। जावेद साहब, हिन्दुस्तान की परम्परा यह भी है कि “बैजू बावरा” में “मन तड़पत हरि दर्शन को आज” शकील साहब ने लिखा, नौशाद साहब ने म्यूजिक दिया और मोहम्मद रफी ने गाया — “मन तड़पत हरि दर्शन को आज”। हिन्दुस्तान में यह है सर्जना की परम्परा। ... (व्यवधान)... आप ज़रा शान्त रहिए, एक गम्भीर विषय पर चर्चा हो रही है।

उपसभाध्यक्ष जी, मेरा कहना केवल यह है कि जब हम कॉपीराइट की बात करते हैं, तो मैंने पहले ही कहा कि मैं इस बिल का समर्थन करने के लिए खड़ा हुआ हूँ। Individual artist, पूरा सम्मान; फिल्म प्रोडक्शन, पूरा सम्मान; लेकिन सबों का सम्मान। मैं स्टैंडिंग कमेटी की रिपोर्ट देख रहा था, जब फिल्म बनती है, तो उसमें कोरियोग्राफर्स भी होते हैं, उसमें टेक्निशियंस भी होते हैं, उसमें छोटे आर्टिस्ट्स भी होते हैं, उनके बारे में यह बिल क्या कह रहा है? जब संसद यहाँ बैठ कर बात कर रही है, तो संसद सबों की बात करेगी। जावेद साहब की रचना की बात होगी, रहमान साहब के संगीत की बात होगी, गाने वाले की बात होगी, लेकिन उस गाने में जिसने कोरियोग्राफी की है, जो गरीब लाइटमैन है, जिसके कारण वह फिल्म चमकती है, उसके बारे में क्या सोचा जा रहा है? मुझे याद है, एक पिक्चर थी — “कागज के फूल”। मैं गुरुदत्त की फिल्मों का भी बड़ा फैन हूँ। बहुत लोग बैठे हुए हैं यहाँ पर। उस फिल्म में जब गुरुदत्त बूढ़े होकर आते हैं, उसमें lighting बहुत famous थी, वह 50s की पिक्चर थी। उस फिल्म में जो lighting करने वाले थे, उनकी ज़िन्दगी बुढ़ापे में

कितनी गुरबत में गुजरी, उस पर मैंने एक लेख देखा था। आज मैं माननीय मंत्री जी से पूछना चाहूँगा कि उस गाने को लोकप्रिय करने वाले जो छोटे-छोटे लोग हैं, इस बिल में उनकी क्या चिन्ता की गई? यह सवाल हम बहुत इज्जत के साथ उठाना चाहेंगे। हम चाहेंगे कि हमें इसके बारे में बताया जाए। जावेद साहब, हम बिल्कुल आपके साथ हैं, जो गीत लिखते हैं, जो गीत गाते हैं, उनका सम्बन्ध होना चाहिए, शोषण बंद होना चाहिए। माननीय उपसभाध्यक्ष जी, जो फिल्म बनाने वाले हैं, उनका क्या कहना है?

(4एफ/एससीएच पर जारी)

SCH-KLS/6.40/4F

**श्री रवि शंकर प्रसाद (क्रमागत) :** एक तस्वीर जो उन्होंने उनकी रखी, They may fit in Marxian concept of the great exploiters. Maybe, he is right; he has the firsthand experience. लेकिन इसका एक दूसरा स्वरूप यह है कि अगर हम फिल्म न बनाते, तो क्या जावेद अख्तर, जावेद अख्तर बनते? इस टीम एफर्ट में अगर हसरत जयपुरी और शैलेन्द्र को राज कपूर जगह नहीं देते, तो क्या शैलेन्द्र, शैलेन्द्र बनते? अगर मुकेश की आवाज को राज कपूर अपने गले से न उतारते, तो क्या मुकेश, मुकेश बनते? ये सवाल हैं, जिनका उत्तर ढूंढ़ना पड़ेगा और जिनके बारे में ईमानदारी से सोचना पड़ेगा।

मैं चाहूँगा, मंत्री जी, जब आप बिल बना कर लाए हैं और संसद में हम आपका समर्थन कर रहे हैं, तो सभी के हितों की थोड़ी-थोड़ी चिन्ता होनी

चाहिए, ताकि आगे से इसमें बिल्कुल कठिनाई न आए। यह बहुत ही संवेदनशील विषय है, जिसके बारे में थोड़ी चिन्ता करने की जरूरत है।

उपसभाध्यक्ष जी, मैं फिल्म के म्यूजिक का मुरीद हूं, क्योंकि हिन्दुस्तान की फिल्मों में हिन्दुस्तान को जोड़ने में बहुत बड़ा काम करती हैं। अभी देखिए, दक्षिण भारत में एक गाना बना 'कोलावेरी डी'। 'कोलावेरी डी' तमिल में गाया गया ...(व्यवधान) माननीय उपसभाध्यक्ष जी, 'कोलावेरी डी' तमिल में गाया गया और एक हफ्ते में पूरा हिन्दुस्तान उस गीत पर अपने पैर थपथपा रहा था। श्री ईडियट्स में आमिर खान ने 'ऑल इज़ वेल' गाया। जब वह पिक्चर आई, मुझे याद है, उस समय मैं असम गया हुआ था, उसके आगे त्रिपुरा हो या दक्षिण भारत हो, लेकिन 'ऑल इज़ वेल' हिन्दुस्तान में सभी की ज़बान पर था। ...(व्यवधान) आपने ठीक कहा, 'मेरा जूता है जापानी' आज तक चलता है। हिन्दुस्तानी फिल्मों से, उसके गानों से अगर हिन्दुस्तान की आवाम जुड़ती है, तो फिल्म का मंच, रचनाकार की कृति, गाने वाले की कला और बनाने वाला का पुरुषार्थ, इन सबको साथ मिलाकर वह प्रोडक्ट निकलता है, जिसे हिन्दुस्तान की जनता प्यार से अपनाती है और जिन्दा रखे रहती है।

अब जया जी हमारे हाउस की मेम्बर हैं ...(व्यवधान) रेखा जी भी आ गई हैं। जया जी तो हमारी बहुत ही सीनियर मेम्बर हैं। आपने उस गीत का जिक्र किया इसलिए मैं उसी गीत पर आता हूं। एक नज़्म 'दिल चीज़ क्या है आप मेरी जान लीजिए, बस एक बार मेरा कहा मान लीजिए', Sir, it is a very nice

poetry, I must tell you. लेकिन अगर यह गीत 'उमराव जान' में रेखा जी उस संगीत के साथ नहीं गातीं, तो यह गीत इतना लोकप्रिय नहीं होता, इसे हमें ईमानदारी से स्वीकार करना पड़ेगा। इसीलिए मैं कहता हूं कि एक तो सर्जनाकार की अपनी रचना होती है, सोलो परफॉर्मेंस होती है और एक ग्रुप इनिशिएटिव होता है। मुझे लगता है, माननीय मंत्री जी, जब आप उत्तर देंगे, तो आप इसे अवश्य देखिएगा कि आप किस तरह से इस पूरे मामले का सामंजस्य बैठाएंगे, खासकर जो छोटे कलाकार हैं, कोरियोग्राफर्स हैं, लाइट-मैन हैं, ग्रुप सिंगर्स हैं। अगर गाना लोकप्रिय होता है, तो उन सभी को कुछ न कुछ हिस्सेदारी जरूर मिलनी चाहिए, यह हम बहुत विनम्रता से कहना चाहेंगे। आप अपने उत्तर में इसे अवश्य शामिल कीजिएगा।

अब आपके बिल के बारे में मुझे कुछ स्पैसिफिक सवाल पूछने हैं। Sir, a few minutes more. आजकल मैं बहुत कम बोलता हूं, मुझे पार्टी से बोलने का मौका ही बहुत कम मिलता है, इसलिए आज आप मुझे बोलने दीजिए ...(व्यवधान)। Hon. Minister, when I was going through the Objects of this Bill, I found that you have said that this Bill has been enacted to fulfil the obligations of the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty. This is how I see it. Therefore, you have also taken note of new expressions whereby you have used those expressions in this Bill. I will come to that separately.

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But you also say that the Government of India is yet to approve these Treaties. Why have these Treaties not been approved? It is very important. If these Treaties have not been improved, what is the compulsion to have this? Are these Treaties not being approved because there are lot of things therein against India's interest?

(Contd by 4G/PK)

-KLS/PK-PSV/4G/6.45

**SHRI RAVI SHANKAR PRASAD (CONTD.):** This is my information, Sir. I am saying this because in terms of digital creation, in the IT field, our great people have done a wonderful job. Therefore, the West is having a problem with that. There were serious reservations for the movements of goods, and also for the movement of human beings. But if these Treaties have not been approved, why have they not been approved? If they have not been approved, what is the compulsion to have the law? This is the question I would like to ask from the hon. Minister.

My second question is this. You have already explained to us that you have decided not to include the Principal Director concept. Therefore, I have to make certain submissions on that.

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Now, I come to another aspect, that is, Section 31 of the original Copyright Act. We are very curious and a little disturbed to notice this kind of an amendment. Mr. hon. Minister mentioned about Section 31 of the Copyright Act of 1957. It says: “If at any time, during the term of copyright, in any Indian work which has been published or performed in public, a complaint is made...” Now, under this law, you are saying that for the words ‘any Indian work’, the words ‘any work’ shall be substituted. Why this? I fail to understand. What is the implication? What is the compulsion? What is the objective you would like to secure out of this? We would like to know this from you. This, indeed, is very important.

Then, comes paragraph 16 whereby you have sought to make amendments to Section 31 (A) of the Principal Act. This says: “Compulsory license in unpublished Indian works.” Here also, you propose to make an amendment. In the marginal heading, for the words ‘Indian work’, the words ‘or published work’ shall be substituted. My apprehension, hon. Minister, is that this particular law was designed for a specific purpose — recognition of the work of Indian authors who are living in penury, or are living in ignominy or

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unknown existence. Their rights need to be brought about; we have no problem with that. But why is the word 'Indian' being deleted and 'any published work' is being included? This is a very serious situation. We are deeply concerned about this. After all, you have just heard a great commentary on the eloquence of Mr. Javed *sahib* that world over, the creativity of authors of films, songs and books are being recognised and they are paid handsomely. That is good. But the Indian authors are not being properly protected; therefore, there is a need for the amendment. Now, why is the word 'Indian' being deleted? Do we wish to include some work beyond India? Why so? Why are the words 'Indian work' being deleted? This is an issue on which I have a very serious reservation.

There are two more points, Sir. You have completely done away with 'Assignment'. It will be void.

**THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL):** Only 'assignment of royalty, not 'assignment'.

**SHRI RAVI SHANKAR PRASAD:** Now, you have allowed 'assignment' in certain conditions. My query here would be that the

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objective of that is well taken, but there can be a case where this window should not be closed completely. For instance, a creator is dead and none of his heirs are available. Suppose some of his distant heir wants to make a one-time settlement; the law completely prohibits that. Would hedging the maximum tough conditions be permissible? Suppose the heir of a good author or a creator is able to negotiate good terms of condition where, the heir or a distant heir of a creator is going to settle abroad, in America or somewhere else. I think there should be some window for that. मंत्री जी, मुझे लास्ट में एक बात कहनी है कि कहीं ऐसा तो नहीं होगा कि अगर कोई बड़ा आर्टिस्ट मर गया और टीवी पर उस पर श्रद्धांजलि आ रही है, तो उसके गीत हम एक मिनट सुन भी नहीं सकते? यह एक बहुत बड़ी समस्या है, क्योंकि भारत की फिल्मों ने, भारत के शास्त्रीय संगीत ने और भारत के फिल्म-संगीत ने, इन सबों ने, इस देश को बनाने और जोड़ने का काम किया है।

(4एच/पी.बी. पर जारी)

PB-VNK/4h/6.50

**SHRI RAVI SHANKAR PRASAD (CONTD.):** Sir, I am always very proud of the great explosion of India's cultural milieu, and, in that, I also include television and other things. One of my favourite

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programmes on 'Times Now' is 'Total Recall', whereby, the great contribution of old film maestros in film music -- the choreographers, the dress designers, everything -- is sought to be re-lived today and it is all historically very well informed. Should we see a situation that all these programmes will come to a complete stop? Therefore, the rights of creators need to be protected. Their exploitation needs to end. Therefore, we support these Bills completely. But these concerns which I have raised need to be protected क्योंकि, उपसभाध्यक्ष जी, यह जो सर्जना की सरिता है, यह हमेशा बहनी चाहिए, यह सूखनी नहीं चाहिए। इसका ध्यान रखा जाए। बहुत-बहुत धन्यवाद।

(समाप्त)

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**

Mr. Shantaram Naik. Please confine to five minutes only.

**SHRI SHANTARAM NAIK:** Sir, I require a minimum of ten minutes.

**श्री नरेश अग्रवाल:** उपसभाध्यक्ष जी, जया जी को बुलवा दीजिए, उसके बाद मंत्री जी का जवाब करवा दीजिए। ...(व्यवधान)...

**श्रीमती जया बच्चन:** शान्ताराम जी तो हमेशा फिल्मों के against ही बोलते हैं।...(व्यवधान)...

**श्री शान्ताराम नायक:** नहीं, नहीं, आपके समर्थन में बोलूंगा। ...(व्यवधान)...

{ **The Vice Chairman (Prof. P.J. KURIEN) in the Chair** }

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Shantaramji, please take only seven minutes.

**SHRI SHANTARAM NAIK:** I will need a minimum of ten minutes. Sir, I am from Congress side.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** That is why I reduced some minutes.

**SHRI SHANTARAM NAIK (GOA):** Sir, at the outset, I would like pay my tributes to the great lyricist of this country. He began his speech by describing India-Pakistan relationship. I know he is a strong votary of the unity of the people of these two nations, and I would like to quote one of his songs which I quote several times in my public addresses, which describes that there are no borders between the two nations and that lyric is from the film 'Refugee'. “पंछी नदिया पवन के झोंके, कोई सरहद इन्हें न रोके, सरहदे इन्सानों के लिए हैं, सोचो तुमने और मैंने क्या पाया इन्सां हो के”

It means that it is 'we' who have created these borders, and for the birds which fly, for them, these borders do not exist. They fly

without restrictions. This is one of his great lyrics and I pay my tribute to him for this.

Sir, as far as this Bill is concerned, this is quite an exhaustive Bill which treats the subject comprehensively. The earlier amendments in it were made in 1983, 1984, 1994 and 1999. The 1994 Amendment was an exhaustive one. This amendment is needed because of the advent of digital technology and Internet. In this scenario, the provision of protection of rights of people like Javedji has to be there, and, therefore, there is absolutely a need for having this legislation.

Sir, the Indian film industry is a great industry. In fact, we produce 1000 movies annually -- if my figure is wrong, Jayaji and Javedji can correct me -- and they employ about two million people. The people's feelings towards movies are such, especially, during old days, that a man could go without a meal, but he would not forgo a movie. That is the love or inclination towards movies in India, and I again pay my tribute to the entire film industry. Whenever wars had taken place, that is, in 1962, 1965, 1971, it was the film industry which had come to the forefront to get donations from the people, and the

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people have also immensely contributed on account of the appeal made by them.

But, again, it is the film industry which has rendered this copyright into a mess. One producer says, ‘I am inspired by this movie; I am inspired by that song.’ And, I don’t know what is the definition of ‘inspiration.’ In fact, there are movies like ‘Woman of Substance’ from which a TV serial was made by Sahara. ‘*Mere Yaar ki Shadi*’ was taken from ‘My best friend’s wedding’. ‘*Kante*’ was taken from ‘Reservoir Dogs.’ ‘*Rafoochakkar*’ was from ‘Some like it hot.’ ‘*Dil Hai ki Manta Nahin*’ was from some other movie.

(Contd. by 4j/SKC)

4j/6.55/skc-ds

**SHRI SHANTARAM NAIK (CONTD.):** “Aradhana” was ‘inspired’ by “To Each His Own”. I am stating all this to show that a mess has been created by some in the film industry people themselves, who have thrown the concept of copyrights to the winds. “Abhiman” was inspired by “A Star Is Born”, Sholay by “Magnificent Seven”, and Karz by “Reincarnation of Peter Proud”. So, I don’t understand what these ‘inspired’ films are. Even the film industry has to answer to this

‘inspiration’ thing. Also, why does this piracy occur? It is because of the kind of money one has to pay today to go to movies; it is Rs.150 to Rs.200. Why? Watching a film is costly because the Producer has to pay crores of rupees to the actors, to the musicians, to actors for their appearances in weddings. I don’t know how much a lyricist gets these days. Maybe, people like Javed sahib get more money, but I don’t know how much an average lyricist gets. Javedji’s contribution to the film industry is tremendous. I can quote three-four films in which he has written beautiful songs, such as *1942-A Love Story*, *Tezab*, *Silsila*, *Border*, *Lagan* and *Zubeida*. These are very good films for which he has penned good songs. I am tempted to quote two more pieces of lyrics written by Javedji. It is from the film *Veer Zaara*.

“धरती सुनहरी, अम्बर नीला, हर मौसम रंगीला, ऐसा देश है मेरा,  
बोले पपीहा कोयल गाए, सावन धिर के आए, ऐसा देश है मेरा।”

Apart from these, there are lyricists from old films who have made tremendous contribution to the industry. We remember a forty year-old song:

“ऐ मालिक तेरे बन्दे हम, ऐसे हों हमारे करम,  
नेकी पर चलें और बदी से टलें, ताकि हँसते हुए निकले दमा।”

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These are not just songs; these are songs which would remain etched in history. Like for instance, there is a song:

“ऐ वतन, ऐ वतन हमको तेरी कसम, तेरी राहों में जान तक लूटा जाएँगे,  
फूल क्या चीज़ है तेरे कदमों पे हम, भेंट अपने सरों की चढ़ा जाएँगे।”

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You are only quoting songs; you must sing them too! (Interruptions)

**SHRI SHANTARAM NAIK:** Sir, I wish to quote another song, which I quote emotionally many a time in my public speeches.

“इतनी शक्ति हमें देना दाता, मन का विश्वास कमजोर हो ना,  
हम चलें नेक रस्ते पे हमसे, भूल कर भी कोई भूल हो ना।”

..(समय की घंटी).. Raviji quoted one song.

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** नायक जी, सात मिनट हो गये।  
..(व्यवधान)..

**श्री शान्ताराम नायक:** सर, बिल जल्दी पास होना है, यह इनको उस वक्त सोचना चाहिए था जब ये बोल रहे थे, लेकिन इन्होंने उस वक्त यह नहीं सोचा।  
..(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please conclude, Mr. Shantaram. We would like to pass the Bill. (Interruptions)

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**SHRI SHANTARAM NAIK:** Sir, I belong to the Ruling side! Nobody disturbed any of the other Members when they spoke. What is this? (Interruptions) I am perturbed. What is this going on? Nobody disturbed him, Sir. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We would like to pass the Bill. (Interruptions)

**SHRI SHANTARAM NAIK:** Sir, nobody disturbed Mr. Ravi Shankar Prasad when he was speaking. I am from the Ruling side and you wish to curtail my speech! (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No. We would like to pass the Bill. Please cooperate. (Interruptions)

**SHRI SHANTARAM NAIK:** Sir, I am from the Ruling Party side and you wish to curtail my speech! (Interruptions) I am resuming my place in protest. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please cooperate. Don't be angry.

**SHRI SHANTARAM NAIK:** Why is this so? (Interruptions) Look at the time you have given to others. With due apologies to the Chair, I would say that this is not fair. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We would like to pass the Bill. (Interruptions)

**DR. PRABHA THAKUR:** Sir, he should be allowed to speak for five more minutes. (Interruptions) He should be allowed to continue. (Interruptions)

**SHRI SHANTARAM NAIK:** Sir, it is not only today, but we from the Ruling side have always been suffering. (Interruptions)

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

**SHRI SHANTARAM NAIK:** No, Sir. I am not in the mood to continue now.

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

**SHRI SHANTARAM NAIK:** It is my right.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It is your right. I had said that you had only seven minutes. It is my right also.

**SHRI SHANTARAM NAIK:** Fine.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** What is more important is to pass the Bill. (Interruptions)

(fd. by 4k/hk)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** What is more important is to pass this Bill. In all the seven minutes, I am sorry to say, you are only speaking about some words; you are not speaking about the Bill. You should know that also. ...(Interruptions)... You should know that also. ...(Interruptions)... I am sitting in the Chair. ...(Interruptions)... You are not speaking even for a single sentence about the Bill. ...(Interruptions)... You sit down. ...(Interruptions)... I have decided that you will be given seven minutes; it is seven minutes now. There is no harm in that. ...(Interruptions)... Now, Shri S.P. Singh Baghel. बघेल साहब, आपके 7 मिनट हैं।

**प्रो० एस०पी० सिंह बघेल (उत्तर प्रदेश) :** सर, मैं समय में खत्म करने की कोशिश करूंगा, केवल 2-3 मिनट ही बढ़ सकता है।

**उपसभाध्यक्ष (प्रो० पी०जे० कुरियन) :** क्योंकि हमको यह बिल आज ही पास करना है।

**प्रो० एस०पी० सिंह बघेल :** मैं आपकी बात से सहमत हूँ।

सर, मैं पहले क्लियर कर दूँ कि मैं इस विधेयक के पक्ष में अपनी बात रखने के लिए खड़ा हुआ हूँ और चाहता हूँ कि यह आज और अभी पारित हो। सिब्बल साहब, आपका भी धन्यवाद करता हूँ कि आपने आते-आते बहुत देर कर दी, लेकिन देर-आयद-दुरुस्त-आयद। सिब्बल साहब, आपका सुप्रीम कोर्ट से

बहुत वास्ता है, 1977 में माननीय सुप्रीम कोर्ट में जस्टिस कृष्णा जी ने कहा था कि इस देश के गीतकारों और संगीतकारों को बचाने के लिए कानून लाना चाहिए। पहले लाए थे, लेकिन ढीला-ढाला था, उसमें लूप्डोल्स बहुत थे। आज जो ये बौद्धिक सम्पदा के लोग हैं, अब खेतीबाड़ी तो करेंगे नहीं, पशु-पालन तो करेंगे नहीं, ईश्वर ने एक काम विशेष के लिए इन लोगों को पैदा किया है। यहां जावेद साहब हैं, इनके गीत, संगीत, कहानी व dialogue हैं तथा साहित्यकार भी हैं, ये इसी काम को करेंगे। तो इस प्रकार बौद्धिक सम्पदा के लोगों को संरक्षण मिलना चाहिए। 12 नवम्बर, 1993 में यह IPRS और PPL पर एग्रीमेंट हुआ था, मैं विधेयक पर ही बोलूंगा कि सरकार के अलावा इण्डस्ट्रीज में यह समझौता हुआ, जिसमें यह तय हुआ कि 50 परसेंट म्यूजिक कम्पनियां लेंगी और 50 परसेंट में गीतकार, संगीतकार रहेंगे। लेकिन हकीकत में यह पेमेंट होता नहीं है। इण्डस्ट्रीज के लोग बेहतर जानते होंगे कि कानून क्या है, क्या तय होता है और क्या दिया जाता है। मैं irrelevant बात नहीं करना चाहता, लेकिन देश की आजादी में गीतकारों और संगीतकारों का भी बहुत बड़ा योगदान है। लोग सोचते हैं कि केवल कांग्रेस के नेताओं ने आजादी दिलाई है, या क्रांतिकारियों ने दिलाई है, जबकि उस समय के तत्कालीन गीतकारों, कवियों और गायकों का आजादी की लड़ाई में बहुत बड़ा योगदान है। उसके बाद आजादी के जज्बे को बनाए रखने के लिए भी बहुत अच्छे गीत लिखे गए। मैं फिल्मी गानों का उद्धरण नहीं दूंगा, लेकिन कुछ गाने हैं जो पान इत्यादि की दुकानों पर बजते रहते हैं।

लेकिन मुझे लगता है जब तक सृष्टि रहेगी, यह गीत हर मौके पर बजेंगे, चाहे पॉलिटिकल पार्टी की मीटिंग हो, जल्सा हो, कोई कार्यक्रम हो और 26 जनवरी या 15 अगस्त हो। ये कुछ गाने हैं, “ऐ मेरे वतन के लोगो जरा आंख में भर लो पानी, जो शहीद हुए हैं उनकी, जरा याद करो कुर्बानी, जब देश में थी दीवाली वे खेल रहे थे होली।” यह सब गाने आज भी राष्ट्रीय भावना पैदा करते हैं। “दे दी हमें आजादी बिना खडग बिना ढाल, साबरमती के संत तूने कर दिया कमाल।” हमें इससे भी हिम्मत मिलती है, “अपनी आजादी को हम हरगिज़ मिटा सकते नहीं, सर कटा सकते हैं लेकिन सर झुका सकते नहीं।” रामप्रसाद बिस्मिल क्रांतिकारी थे, कोई बड़े गीतकार नहीं थे, लेकिन उन्होंने क्या नहीं कहा, “सरफरोशी की तमन्ना अब हमारे दिल में है, देखना है जोर कितना बाजू-ए कातिल में है।” “हम अभी से क्या बताएं वक्त आने पर बता देंगे, क्या हमारे दिल में है।” आज भी रिलेवेंट हैं दुष्यन्त के गीत, “कौन कहता है आसमां में छेद नहीं होता, एक पत्थर को तबियत से उछालो यारो।” अपने इस तालाब का पानी बदल दो, कि कमल भी अब कुम्हलाने लगे।” हमारी हर तकरीर खत्म होती है, “हो गई है पीर पर्वत सी पिघलनी चाहिए, इस हिमालय से कोई गंगा निकलनी चाहिए,” “आज यह दीवार पर्दों की तरह हिलने लगी, शर्त लेकिन यह थी कि यह बुनियाद हिलनी चाहिए।”

(4L/HMS पर जारी)

**प्र० एस०पी० सिंह बघेल (क्रमागत) :** और "सिर्फ हंगामा खड़ा करना, मेरा मकसद नहीं, मेरी कोशिश है कि ये सूरत बदलनी चाहिए" और "मेरे सीने में नहीं, तो तेरे सीने में सही, हो कहीं आग, तो ये आग जलनी चाहिए।" ये पंक्तियां हमें प्रेरणा देती हैं। मैं कहना चाहता हूं कि ये लोग बौद्धिक सम्पदा के सृजक हैं और इन्हें संरक्षण मिलना चाहिए क्योंकि अगर संरक्षण मिल रहा होता तो आप यह बिल क्यों लाते? जब एक समझौते का पालन हो रहा था, तो आज इस कानून की जरूरत क्यों पड़ती? इसका मतलब कहीं-न-कहीं कमजोरी थी और उसमें लूप-होल्स थे, इसलिए हमें यह कानून लाने की जरूरत पड़ी।

महोदय, इसके पक्ष में कौन लोग हैं? एक साहब एक विधेयक लाना चाहते हैं, शायद आप भी एअरपोर्ट पर गए थे, सरकार गयी और उसके समर्थन में कोई आम लोग नहीं हैं। वे लोग हैं, जिन्हें हमने जनरल नॉलेज में पढ़ा है - पं० रविशंकर जी, शिव कुमार शर्मा जी, हरि प्रसाद चौरसिया जी, शोभा मुदगल जी, गुलजार साहब, एहसान लॉय साहब, ए०आर० रहमान जैसे लोग हैं।

महोदय, मुझे लगता है कि ऑस्कर दुनिया का सबसे बड़ा पुरस्कार है। हमारा दादा साहब फाल्के और दुनिया का ऑस्कर, ये सबसे बड़े पुरस्कार हैं। जब ऑस्कर पुरस्कार प्राप्त लोग आपको चिट्ठी लिख रहे हैं, तो आपको उनकी मांग मान लेनी चाहिए। मैं कहना चाहूंगा कि वर्ष 2005 से इन गीतकार, लेखकों व अन्य कलाकारों को कहा जाने लगा कि आप लिखते जाओ। हमारा कोई अधिकार नहीं है कि पेमेंट करेंगे। अब सारे गीतकार जावेद साहब जैसे नहीं हैं।

कुछ गीतकार व लेखक गरीब भी हैं, कुछ संगीतकार गरीब हैं। फिल्म इंडस्ट्री में भी अलग-अलग टाइप के माफिया हैं। जब उन सब लोगों ने लिखा तो उनको थोड़ा-बहुत पैसा मिला। महोदय, "रॉयल्टी राइट" केवल एक एक्टर, गीतकार, डॉयलॉग राइटर, स्क्रिप्ट राइटर या संगीतकारों को जीवन-पर्यंत ही नहीं बल्कि इनके बच्चों को भी मिलना चाहिए क्योंकि वह उनके पिताजी की सम्पत्ति है। फिर बुढ़ापा भी सभी को आता है। अभी यहां ओ०पी० नय्यर साहब का या शैलेन्द्र जी का जिक्र आया। महोदय, साहित्यकारों का बुढ़ापा बहुत खराब होता है। गालिब साहब, जिनके ऊपर लगभग एक लाख लोग रिसर्च कर चुके हैं, उनका भी बुढ़ापा बहुत कष्ट में बीता था। जियाउद्दीन बरनी जब तक ठीक लिखता रहा तो बहुत अच्छे रहे, लेकिन उस समय दिल्ली की सल्तनत के खिलाफ जब उन्होंने थोड़ा सा लिखा तो उनके सारे पर्स समाप्त कर दिए गए थे। ए०के० हंगल साहब का भी बुढ़ापा बड़ा खराब बीत रहा है। तो ये जो नाम मैंने अभी लिए जिनमें पंडित रविशंकर, शिव कुमार शर्मा, हरि प्रसाद चौरसिया, शोभा मुदगल, गुलजार साहब, एहसान लॉय, ए०आर० रहमान साहब - ये कन्हड़ हैं, बिंध्यड़ हैं, अपने जमाने के, चंदबरदायी हैं, अबुल फजल साहब हैं, बरनी हैं, आज के जमाने के अमीर खुसरो साहब हैं।

महोदय, राजनीति देश को तोड़ती है, लेकिन कलाकार व साहित्यकार देश को जोड़ते हैं। इसके साथ ही मैं यह भी कहूंगा कि यह संरक्षण और भी लोगों को मिले। इसमें किसान भी आता है, जिसके रिटायरमेंट की कोई उम्र नहीं है।

वह जीवनभर काम करता है और जब बहुत बूढ़ा हो जाता है, तो भी घरवाले उसे फ्री में रोटी नहीं देते हैं। उसे खेत पर लगे ट्यूबवेल पर बिठा देते हैं कि रातभर खांसते रहना जिससे चोरी नहीं होगी, तब उसे रोटी मिलती है और जो किसान का पांच साल का बच्चा है, जोकि खेती नहीं कर पाता, वह भी भैंस के बच्चे को सानी-पानी देता है और बाबा के लिए खेत पर कलेऊ लेकर जाता है। हम रॉयल्टी लास्ट तक दे रहे हैं तो टमाटर पैदा करने वाले किसान को भी वह तब तक मिलनी चाहिए जब तक कि टमाटर से "कैच अप" नहीं बन जाता और मिर्ची के किसान को तब तक मिलनी चाहिए जब तक उसकी मिर्ची को चिली सॉस का लेबल नहीं मिलता। उसको थोड़ा-बहुत पैसा मिलना चाहिए और मुर्गी पालन करने वाले को तब तक मिलना चाहिए, जब तक कि ऑमलेट बनकर फाइव स्टार होटल में 500-700 रुपए का नहीं मिलता। बस यह मेरा अनुरोध है।

महोदय, मैं politicians के बारे में भी कहना चाहूंगा। वह पूरी जिंदगी सड़क, स्कूल, बिजली, पानी, नाली, खड़ंगा, फाइनल रिपोर्ट, चार्ज शीट, बंदूक का लाइसेंस, धरना, रैली, प्रदर्शन करता रहता है। उसके खुद का बच्चा बीमार है तो उसे ड्राइवर ले जा रहा है और दूसरे के बच्चे को देखने वह अस्पताल जा रहा है। हम किसी के यहां पैदाइश से लेकर, पोस्टमार्टम, पंचायत घर, दाह संस्कार, उठावनी, तेरहवीं तक लोगों के साथ काम करते हैं। इसलिए आप ऐसा कुछ कॉपी राइट बनाइए कि हमारा भी बुढ़ापा ठीक हो जाए। हमने अपनी जिंदगी के बेहतरीन दिन देश को दिए हैं, सदन को दिए हैं।

**उपसभाध्यक्ष (प्रो० पी०जे० कुरियन) :** बघेल जी, बहुत-बहुत धन्यवाद।

**प्रो० एस०पी० सिंह बघेल :** इसलिए हमारी पेंशन भी थोड़ी handsome हो जाए ताकि हमें बाद में यह लगे कि हमने अपनी जिंदगी के जो बेहतरीन दिन अपने लोगों की सेवा में गुजारे हैं ...

(4 एम/केएलजी पर जारी)

4M/KLG-RG/07-10

**प्रो० एस. पी. सिंह बघेल (क्रमागत) :** तो सरकार ने सदन में हमारे बुढ़ापे के लिए भी कुछ देने का काम किया है। आपने मुझे बोलने का मौका दिया है, इसके लिए आपका बहुत धन्यवाद।

**उपसभाध्यक्ष (प्रो० पी. जे. कुरियन):** धन्यवाद।...(व्यवधान)..

**प्रो० एस. पी. सिंह बघेल:** हां, जावेद साहब को बहुत बधाई। आप हिन्दू मुसलमान वाली क्यों सफाई देते हैं?

**उपसभाध्यक्ष (प्रो० पी. जे. कुरियन):** बैठिए, बैठिए, हो गया। ..(व्यवधान)..

**प्रो० एस. पी. सिंह बघेल:** आप राष्ट्रीय संपत्ति हैं। आदमी पैदा कहीं भी हो सकता है। ..(व्यवधान)... आप राष्ट्रीय संपत्ति हैं, आइकॉन हैं, रोल मॉडल हैं।

**उपसभाध्यक्ष (प्रो० पी. जे. कुरियन):** हो गया।..(व्यवधान)... बघेल जी, आप बैठिए।..(व्यवधान)..

**प्रो० एस. पी. सिंह बघेल:** आप इतना अच्छा लिखते हैं। जब भी आपने लिखा है, अच्छा लिखा है और सभी लोग आपको चाहते हैं। राष्ट्रपति जी ने आपको यहां भेजा है।

आखिर में, जावेद साहब को मैं एक शेर नजर करूंगा, जो डा० श्याम सिंह शशि का है-

वह दो शब्द लिखते हैं और उम्र भर गाते हैं।

हम पोथियां लिखते हैं, एक उम्र दे जाते हैं।

आपने एक उम्र इस इण्डस्ट्री को दी है, आपको जरूर संरक्षण मिलना चाहिए। बहुत-बहुत धन्यवाद।

(समाप्त)

**SHRI P. RAJEEVE (KERALA):** Sir, I rise to make some observations and express certain objections to this Bill. Now the Minister has expressed his willingness for incorporating certain proposals covering various sections of the society. That is a good step, and I congratulate the hon. Minister for that. The Minister, correctly, stated that we are living in a digital era. At the same time, it is an era of knowledge-based economy and a knowledge-based society. Sir, one of the main slogans of this era is enclosure of treasure by enclosure of knowledge. It means creating more fences and walls for

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getting more and more profit. While we sit on a computer, we use the 'Windows', which means that Bill Gates is getting the money. That is his right. But what is the right of the user? I am purchasing a shirt. I have a right to make alterations on it according to my need. I have a right to change it from full-sleeve to short-sleeve, and I can change the size too. That is my right. But that right is not protected in the Copyright Regime. So, a new concept is emerging, and that is, Copyleft and Open Source. What is Copyleft? It is the right to transfer, the right to modify, according to our needs. That is the new emerging trend all over the world, the scenario of Copyleft. A new Bill, introduced in this new scenario, should have enough provisions to address this new issue. Unfortunately, this Bill fails to do so. The State has the responsibility to ensure the right of the creator, at the same time, to avoid eyeless commercialization. The State should try to create an equilibrium to ensure the right of the creator, while at the same time, protect the right of the user to get the product at an affordable price. While we are discussing this Bill, the main responsibility of this House is to see whether the Minister has ensured this equilibrium in this Bill.

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Sir, before coming to that, I would just mention some important technical things. If we go through the Statement of Objects and Reasons, it states that the Act is now proposed to be amended to comply with the provisions of the two World Intellectual Property Organisation (WIPO) Internet Treaties, namely, WIPO Copyright Treaty (WCT), 1996 and WIPO Performances and Phonograms Treaty (WPPT), 1996. I quote: “The member countries of the WIPO agreed on the utility of having the Internet treaties in the changed global technical scenario and adopted them by consensus.” I would like to know from the hon. Minister whether India is a signatory to these two Treaties. According to my understanding, India is not a signatory to these two International Treaties. If that is true, then, how is it claimed in the Statement of Objects and Reasons? There is a serious attempt to mislead the House. India is not a signatory to these two Treaties. If we look at the Statement of Objects and Reasons, it has, specifically, stated that the member countries of WIPO agreed on the utility. Sir, I would not like to take more time of the House; I know there is time constraint. But please look into it. It is against the reality.

(Continued by 4N)

SSS/4N/7.15

**SHRI P. RAJEEVE (CONTD.):** Sir, I am trying to come to the main objection. That is, the Minister has introduced a new amendment to delete the lines 23-25 on page 2 with regard to definition of ‘parallel import’. ‘Parallel import’ means importation of legitimate goods from cheaper market to countries having higher price to protect goods. That means, if I have a copyright on goods, Akhtarji has the right to import those goods from other countries. That means, if that right is not there, I have shown authority to fix the price at any level. If that mechanism is there, it acts as a balancing mechanism. Sir, this would act as a pressure tactics or balancing mechanism to ensure affordable price. Sir, if a copyright holder fixes the price at a higher level then the public has the right to import it from any other country because the provision for ‘parallel import’ is compelled to fix at a reasonable price. This is a very important thing.

Then, the present Indian Copyright Law allows ‘parallel import’ as a law prohibiting only importation of infringed copies. There is no ban on importing legally to purchase copies from foreign market. But, Sir, the courts were very often interpreting this wrongly as found in

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Penguin case, EuroKids case and John Wiley case. The 1994 amendment makes it clear that once the copies are in circulation the owner of the copy has no control over it and the copy can move freely to any territory following the principle of International exhaustion of copyright. Without taking note of the legislative index, court also interprets in a different way, and, often prevents the free movement of the copies, particularly imported from one country to India at a cheaper price or exporting to other countries, of books printed in India. Sir, secondly, the country follows International Exhaustion of Rights. It is known as a 'doctrine of first sale'. If you look into the Patent Act, Section 107B is there. That is for 'parallel import'. If you look into Trade Marks, Sir, Section 33 is there. That is for parallel import. If you look into TRIPS, Section 6, that is also for parallel import. But the Ministry has removed parallel import very cleverly to protect the interest of publishing companies. Sir, I kindly invite the attention of the Standing Committee Report. I quote: "The Committee is of the view that proposed inclusion of the provision in the definition of term 'infringing copy' seems to be a step in the right direction, especially in the prevailing situation at the ground level. The present

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practice of publishing books under territorial licence resulting in sales of book at very heavy price cannot be considered as...”

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

**SHRI P. RAJEEVE:** Sir, let me stick to the Bill. This is the recommendation of the Standing Committee. I would like urge the Minister to make an official amendment to delete this. This is a very important issue. I request the Minister to withdraw that amendment. One more thing is, India is not a signatory to WCCT and WPT. Hence, what is the relevance of Section 36? The amendment Bill, intends to incorporate protection of technological measures while users are given right to break laws for some purpose, but no right to any access to means. This provision is quite unnecessary. There is no public demand in India for PPM to be introduced. This pressure came from the United States of America in the form of Special 301 Report, prepared by USA by a representative....(Time-bell)... Sir, our country has taken a very strong stand against the technical measures in international forum. These two amendments could weaken India's stand in international forum. So, I urge the Minister, through you, to withdraw these two amendments. Thank you.

(Ends)

**SHRI N. K. SINGH (BIHAR):** Sir, if it means any satisfaction to my very dear friend, Mr. Javed Akhtar, I will abstain from making any quotations from Shakespeare. Instead today, I will do something else. I have tried to look at the earliest historical cases in respect of the right to copy. This time it does not come from Shakespeare. It comes, to an extent, from Irish manuscript in which Paul Stern had the first kind of a conflict to whom did the right to copy belong.

(Contd. by NBR/5A)

-SSS/NBR-MP/40/7.20.

**SHRI N.K. SINGH (CONTD.):** And, King Diarmait Mac Cerbhaill, at that time, pronounced, in his own little way, and I quote the judgment of that time. It says, "To every cow belongs her calf; therefore, to every book belongs its copy." I think that is the origin in which the case-law on copyright has developed. The reasons why, Mr. Minister, I support this legislation is, first and foremost, I regard this as a socially progressive legislation. I regard it an inclusive. I regard it at translating the benefits from a particular arena of economic activity to all stakeholders. The truth, Sir, is that I cannot really have the

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eloquence of Javed Akhtar or really Mr. Ravi Shankar Prasad, whom I did not know was such an arid watcher of films and really track down all the songs. Being a practitioner of economics -- you know economics is, unfortunately, decimal signs -- we look at everything from the viewpoint of a decimal sign. Mr. Minister, what is the entire market scenario? The market scenario is, what the economists call, typically, the market distortions emanating from a monopsonistic market distortion -- the buyer are few, the sellers are huge and information asymmetry abounds. And, therefore, there is an inherent dichotomy in achieving a market equilibrium in which the different stakeholders can get prices which the market would determine, given the market distortions and given the market asymmetry. What this Bill seeks to do is to overcome these market distortions and to overcome the disabilities of a monopsonistic fragmentation of the entire market relating to that. From that point of view, Mr. Minister, this is a very socially progressive legislation and corrects an important economic distortion.

Secondly, Sir, some friends have spoken that we are not signatories to some of these treaties. But the fact remains that

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technology is advancing. We will surely become the signatories to this. We will surely become the signatories to the Two World Intellectual Property Rights, Internet Treaties and the WIPO Copyright Treaty of 1996, the WIPO Performance and Phonograms Treaty of 1996, which shall be negotiated and the Bill is intended to bring us in conformity with that. What is the objective of that? The objective is exactly what Mr. Minister you have said. How does WIPO, for instance, which has an overarching organisation, which defines the importance of the copyright, function? And, Sir, I quote from the WIPO. It says and I quote, "To encourage a dynamic culture, while returning value to creators so that they can lead a dignified economic existence, and to provide widespread, affordable access to content for the public." This, Sir, is the overarching philosophy of all intellectual property rights. This is the overarching philosophy of the WIPO. This is the overarching philosophy which this Bill intends to achieve. Additionally, apart from the march of technology, apart from the fact that we surely become and really like to become in conformity with the evolving dynamics and the pace at which technology is changing and you cannot change the copyright every now and then --

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it takes a long time to bring about a change -- and we will bring ourselves in conformity with these evolving international practices and conventions, I believe, that the approval of this copyright Bill today is important. It seeks to strengthen the rights of artists and composers and the reasons we all know. It seeks to strengthen the performers' rights. It seeks to have provisions for compulsory and statutory licensing. It seeks to strengthen the provisions in respect of disability. And, it seeks to manage the import of impinging copies in a manner which could be considered reasonable. I think, I wish to deal with just one more point given the fact that I have only one minute left.

Sir, a point was raised by a distinguished speaker who said that film producers will suffer, film actors will suffer and many sentimental nostalgic examples were quoted. The fact remains that this is not a zero sum game. It is a zero sum game now in so far as artists are being denied their legitimate due. (CONTD. BY KS "4P")

-mp/sc-ks/7.25/4p

**SHRI N.K. SINGH (CONTD.):** What the Bill seeks to do is, precisely, obliterate that zero-some game, and to build a hierarchy in which the gains of royalty are evenly divided, and equitably divided, between the

different stakeholders. So, it is not a case in which it was pointed out that there would be huge infliction of suffering. In fact, what will happen, Sir, is an equitable arrangement, a balanced arrangement, and for reasons of equity, for reasons of morality, for reasons of this being a progressive legislation and for the reasons of this correcting an important market imperfection, I have risen in support of this Bill.

(Ends)

**उपसभाध्यक्ष (प्रो० पी.जे.कुरियन) :** श्रीमती जया बच्चन। आपके पास पांच मिनट हैं।

**श्रीमती जया बच्चन (उत्तर प्रदेश) :** अगर आप कहें तो मैं बैठ जाती हूं, जाने दीजिए।

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

**श्रीमती जया बच्चन :** सर, पहले मैंने सोचा था कि मैं इस विषय पर नहीं बोलूंगी क्योंकि मेरी situation बड़ी odd है। मैं ऐसे परिवार में पैदा हुई जहां लेखनी को बहुत महत्व दिया जाता है, मेरी शादी ऐसे परिवार में हुई जहां लेखनी को बहुत महत्व दिया जाता है, और जो मेरा काम है, वह perform करने का काम है। आज मैं यहां खड़ी हूं, वह इसी वजह से हूं कि मेरे past में शायद कोई ऐसी चीज़ें रही होंगी, जिनको देखकर मेरी पार्टी ने सोचा की मैं उनके काम आऊंगी।

Sir, I am basically a performing artist, and now, a parliamentarian because of my past achievements. यहां सबने, including जावेद अख्तर साहब, writers, lyricists और producers की बातें कीं। लेकिन जावेद अख्तर साहब, आपने collective effort की बात नहीं की। अब हम लोग छोटे-मोटे कलाकार हैं, रवि शंकर जी ने मेरा गाना भी आपको सुना दिया, उनके बारे में भी तो आपने इसमें कुछ सोचा होता।

**श्री जावेद अख्तर :** मैं तो आपसे 50-50 करने के लिए तैयार हूं।

**श्रीमती जया बच्चन:** बहुत से ऐसे गाने हैं जो हमारे परिवार ने फिल्मों में दिए। ऐसे बहुत से गाने हैं जो मेरे ससुर जी के लिखे हुए हैं, मेरे पति जी ने गाए हैं, उनका क्या हुआ, वह तो छोड़ दीजिए; इसको आप भी अच्छी तरह से जानते हैं। मेरा मानना यह है कि जावेद साहब जो कह रहे हैं, वह बहुत सही कह रहे हैं। But, it should be equally divided between the persons who are participating in this creative activity. This is what I feel.

सर, आपने आज तक piracy को नहीं रोका, which is a bigger malice, चाहे वह फिल्म piracy हो या music piracy हो, and music piracy is worse. आपको पता है कि यह कैसे होता है? जो गाना रिकॉर्ड किया जाता है, उसका डुप्लीकेट बनाया जाता है और जो original गाना है, डुप्लीकेट गाना उससे ज्यादा नम्बर पर बनाया जाता है और उसको गनी बैग्स में भरकर ट्रेन से भेजा जाता है। फिर जब बात हो जाती है तो सड़क पर कहीं भी बीच में वह गनी बैग

फैंक दिया जाता है। उसके बाद जो in-between आदमी रहता है या जो लोग भी होते हैं, वे उसे लेकर जाते हैं और मार्किट को फ्लड करते हैं जिससे original music बहुत ज्यादा suffer करता है। उसके कॉपीराइट का क्या होगा? वहां तो कॉपीराइट लागू ही नहीं हो सकता है।

Sir, we need to control piracy. It is a very, very big problem in the film industry and in the music industry. पहले क्या होता था कि जो single performing artists थे, जैसे पंडित रवि शंकर हों या हरि जी हों, शिव जी हों, इन लोगों को कोई pirate नहीं करता था। आजकल उसे भी pirate करने लग गए हैं। There are so many places and occasions where music is used. सिर्फ फिल्मी गानों से तो नहीं चलेगा, इसलिए ये सब बनते हैं क्योंकि माहौल क्रिएट करना पड़ता है। शादी में पहले संतूर, सितार और flute से शुरुआत होगी और बाद में जाकर और कुछ होगा। इसलिए मेरी रिक्वेस्ट है कि in this Bill, please divide the copyright between all participating performers.

(contd. at 4q/kgg-gs)

GS-TDB/7.30/4Q

**श्रीमती जया बच्चन (क्रमागत):** सर, अभी नायक जी ने बहुत सी फिल्मों के बारे में बात कही और आपने कहा कि ये विदेशी फिल्मों की कॉपी है। देखिए, आप ऐसे शब्द इस्तेमाल नहीं कर सकते, मैं आपसे मॉफी मांगती हूं। आपको फिल्म इंडस्ट्री

से बहुत तकलीफ है, शुरू से आपका और मेरा यह चलता रहा है, इसी बात के ऊपर। इन्होंने बहुत सी फिल्में गिनाईं। इन्होंने एक फिल्म ऐसी गिनाई जो बिल्कुल ही inspired नहीं है, from the Star or whatever you said. That is Abhimaan. I am saying this on record; it is not. Please do not make this mistake by saying it publicly. You will get into a lot of trouble.

(Interruptions) Thank you. सर, यहां आज सदन में सारे वक्ताओं ने including, I think, the most talented writers of this country today, Shri Javed Akhtar, have quoted many old poets. जावेद साहब, आपके प परिवार में कोई तो होंगे। ... (व्यवधान)... इसीलिए मैं बार-बार कह रही हूं कि this should be a collective share. अभी आपको याद होगा कि आपने हिन्दुस्तान की आज़ादी का जिक्र किया। उसमें सबसे बड़ा नारा मौलाना हसरत मोइनी, जो लखनऊ के शायर थे, उन्होंने दिया था इन्कलाब जिंदाबाद। सर, उसके कॉपी राइट का क्या होगा? प्रदीप साहब, जिन्होंने इतने बढ़िया गीत लिखे, एक आपने सुनाया - दे दी हमें आज़ादी बिना खड़ग, बिना ढाल। दूसरा गीत यह लिखा था - आओ बच्चों तुम्हें दिखाएं झांकी हिन्दुस्तान की। सर, वे चले गए, खत्म हो गए, मगर उनके गीत अमर हैं, उनकी लेखनी अमर है। मैं आपको अपने ससुर जी की एक मजेदार कहानी बताती हूं, जिसे उन्होंने अपनी Autobiography में भी लिखा। यह बहुत पुरानी बात है। वह पैसा बनाने के लिए भी लिखते थे और पब्लिशर उनको पैसा नहीं देता था। इसको कॉपी राइट वाला

ही समझता है। वह पब्लिशर के पास गए कि भाई, मेरा पैसा दीजिए। आपने इतनी मेरी किताबें बेची हैं। उसने झूठ बोल दिया। उसने कहा कि हमने इतनी किताबें नहीं बेचीं। यह हो गया पॉयरेसी। वे बहुत नाराज़ हो गए। वे बहुत परेशान थे कि मैं फैमिली में आज जाकर पैसे कैसे दूंगा। मैं राइटर आदमी हूं और तो कुछ करता नहीं हूं। वे टीचर थे, उस वक्त टीचर की क्या तनख्वाह होती थी, यह आप जानते हैं। वे बहुत ही जिद्दी किस्म के poet थे, उन्हें बहुत ही गुस्सा आया। उन्होंने कहा कि आज मैं प्रण लेता हूं कि जब तक मेरा पब्लिशर खत्म नहीं हो जाए, मैं इसको curse करूंगा। वे पब्लिशर की दुकान से निकले, वहां पर दरबान था, उसे बोले मेरा पब्लिशर चोर है। आगे गए पत्थर दिखा, मेरा पब्लिशर चोर है। आगे गए एक खम्भा दिखा, बोले मेरा पब्लिशर चोर है। सर, वाकई मैं पब्लिशर थोड़े दिनों में मर गया।

जावेद साहब, आप यह जिद मत करिए। आर्टिस्टों की जिद और आर्टिस्टों का कर्ज बहुत बुरा होता है।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Jayaji, I would like to give you more time, but I am helpless. (Interruptions) I am constrained by time.

**श्रीमती जया बच्चन :** सर, यह कर्ज किसी को नहीं लेना चाहिए। मुझे लगता है कि आप इसको कंसीडर करें और इसको कलेक्टिव शेयरिंग में इन्क्लूड करके इस बिल को पास करें।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Shri Tiruchi Siva. Sivaji, five minutes. Please cooperate.

**SHRI TIRUCHI SIVA (TAMIL NADU):** Mr. Vice-Chairman, Sir, I rise to support the Copyright (Amendment) Bill. The Copyright Act was enacted in 1957 to protect the works of legendary poet, Rabindranath Tagore. Sir, this Act has undergone five amendments so far, and this is the sixth amendment. The earlier amendments were in the year 1983, 1984, 1992, 1994 and 1999. Sir, the 1994 amendment was the major one, which harmonized the provisions of this Act with the Rome Convention, 1961 by providing protection to the rights of the performers, producers of phonograms and broadcasting organisations.

(Contd. by 4e-cls)

KLS/4R-7.35

**SHRI TIRUCHI SIVA (CONTD):** Sir, it also introduced the concept of registration of copyright societies for collective management of the rights to each category of copyright works. The last amendment in

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1999 introduced some minor changes to comply with the obligations under the trade related aspects of the Intellectual Property Rights, that is, the TRIPS. This Bill has been brought to keep with the development of information and communication technology. It is important that we support the amendment being introduced today. Sir, some very important points I would like to make. One of the salient points is that this Bill seeks to make changes to the rights of authors as well as of users. It also seeks to bring relevant provisions of the Act in line with the World Intellectual Property Organisation Copyright Treaty and Public Performances and Phonograms Treaty to the extent considered necessary and desirable. India has not signed these Treaties as yet. It is signatory to the Bern Convention, 1886 under which a country recognises copyrights of authors from other member countries. Sir, there are two very important points which I would like to make here. The Minister who has done a very remarkable job has also to take note of the other communities apart from the film industry, music world and publishers. Sir, publishers are very unhappy because of amendment in section 2(m) in which it says that copy of work published in any country outside India with the

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permission of the author of the work and imported from that country to India shall not be deemed to be an infringement. The objective of the amendment is opening up of markets without any boundaries or territories for films, books and music should result in offering more variety to people. The industry feels that eliminating territories will curtail the Indian publishers' ability to have India specific rights. Sir, I would like to bring to the notice of the Minister, through this august House, Sir, that the royalty which the writers are getting through the publishers is just meagre 7.5 per cent. Supposing a book is sold at Rs.100/-, the writer will not get royalty of Rs.7.5, it is only Rs.3.75, half the price.

**SHRI KAPIL SIBAL:** They have all suffered.

**SHRI TIRUCHI SIVA:** Half the price! The price at which it is being sold to the wholesaler is being given as royalty to the writers. I would like to mention some of the names of the renowned writers who were totally relying upon the writing and how meagre their living was, they included Akbar Ali Farooqui, Urdu, Girish Karnard, Kannada, Jay Goswami, Bengali, M.T. Vasudev Nayar, Malayalam, Sri Sri, Telugu, Kunwar Narayan, Hindi, Indra Goswami, Assamese, Abdur Rahman

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Rahi, Kashmiri, Namdeo Dasal, Marathi, Sarojini Sahu, Oriya, Raghuvir Chandni, Gujarati and in Tamil, our own leader, Dr. Kalignar Karunanidhi was a great writer, Jayakanthan and many other people. Sir, many people who live on writing when they get a meagre royalty like this, I think, the Minister who has attempted to help the film industry, that too lyrists and music composers, has to take note of this. I request the Minister to kindly take note of this since you are also a sufferer as also Dr. Karan Singh. ...(Interruptions)... It is very important. I think in future, at least, he will take an initiative to rectify this discrimination which is being done to the publishers. Another very important thing is that section 52 already gives...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You have already taken five minutes.

**SHRI TIRUCHI SIVA:** It is about copyright exemption only for conversion of books into special format such as Braille and sign language.

(Contd by 4S/PK)

-KLS/PK-LT/7.40/4S

**SHRI TIRUCHI SIVA (CONTD.):** Sir, this is a very important thing. It has been noted that a number of print-disabled people don't use Braille. A copyright lawyer with Inclusive Planet, an organisation working with the disabled, says, "They scan and convert printed material into electronic formats and use screen reading softwares like NVDA or JAWS to listen to it. (Time-bell) Director is exempted, he says. Kindly take into consideration the writers, script writers of the film industry who are totally neglected.

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

**SHRI TIRUCHI SIVA:** Sir, I would like to make only one more point and then conclude. Sir, you mentioned about the Standing Committee. The Standing Committee has strongly recommended that this Act has not addressed the issue of Internet piracy. It has also suggested that the Copyright Act must be synchronised with the Information Technology Act, 2000, in order to combat the menace of Internet piracy. Plagiarism is an important issue which needs to be addressed. We have to ensure that the amendments and the rights of the creative people and producers are safeguarded and

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implemented, because, often there is a gap in between the actual law and its enforcement in practice. Thank you.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Shri Baishnab Parida. Please take less than five minutes.

**SHRI BAISHNAB PARIDA (ODISHA):** Mr. Vice-Chairman, Sir, I rise to support the Copyright (Amendment) Bill, 2010. I hope it will remove operational difficulties and address certain newer issues that have emerged in the context of digital technology and Internet in view of the WIPO Internet Treaties. Sir, at the outset, I must express my deep thanks to the renowned lyricist, composer, poet, Javed Akhtar *sahib* who, through his persistent efforts, compelled the Government, to some extent, to bring this Bill to this august House. I must express my thanks to the hon. Minister. He created some historical events which remained neglected for many years. A large number of eminent writers, lyricists, composers, singers are deprived of their rights over their own intellectual creations. Sir, a country should be proud of its material wealth, but the real wealth of a country or a nation is the intellectual wealth. That intellectual wealth is consisting of music, art,

literature, culture, etc. The country or the nation which does not pay due respect to the creators of this intellectual wealth, that country can't claim itself as a great nation or a civilised nation. In Indian history, the writers were treated as highly respected people. In Sanskriti, it is written स्वदेशे पूजयते राजा, विद्वान सर्वत्र पूजयते The Raja is respected within the boundary of his Kingdom, but the intellectuals, *vidwan*, the poets, the writers, are respected throughout the world. Sir, in this pageant world, due to development of digital technology, a new problem has come up. In India, specifically, the film industry is the largest industry in the world.

(Contd. by 4T/PB)

PB-AKG/4t/7.45

**SHRI BAISHNAB PARIDA (CONTD.):** Sir, it is one of the biggest sources of our income. And, through this soft diplomacy, we create cultural influence throughout the world. Sir, cinema is the most effective medium to create soft cultural diplomacy. Now, after so many years, the hon. Minister has brought forward this amending Bill.

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I think, it will help the real creators of the intellectual wealth to get their rights. You see, Sir, Karl Marx wrote in his Das Capital, “the labourer, the worker, who produces the product through his labour is alienated from that product. He can’t claim that he has created it or he is the owner.”

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Parida, please conclude.

**SHRI BAISHNAB PARIDA:** So, if the creators of intellectual wealth are not given their due, the country cannot claim its proud heritage and the present development of its intellectual prosperity.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** See, there are four more hon. Members who have to speak on this Bill. So, I request each of them to confine to four minutes.

**श्री रवि शंकर प्रसाद :** सर, अच्छा होता कि हम डा. कर्ण सिंह का एकाध गीत भी सुनते, तो फिर Copyright का मज़ा आता।

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Dr. Bharatkumar Raut. Dr. Raut, only four minutes. Please cooperate.

**DR. BHARATKUMAR RAUT (MAHARASHTRA):** Sir, I welcome this amending Bill with a few reservations.

Sir, sitting here today during this discussion was a great feast to my ears because I heard Javed Akhtarji, Jayaji, Ravi Shankar Prasadji and many other hon. Members. I recall our discussion on the Nalanda University Bill. So, I am really thankful for that.

Sir, when we bring this Bill, it is really a welcome step. However, there are some queries which I want to raise. One is, does this Bill also include those who broadcast from the foreign soil, the radio and television that are broadcast from the foreign soil? Does this Bill also include them or not? That is my first question. There are some local radio stations in England, in London particularly, and in many other areas, which are Hindi radio stations, which broadcast their programmes there. Does this Bill apply to them also?

Number two, as Jayaji had pointed out, what will happen to piracy, which is the biggest enemy of the industry? The biggest enemy of the industry is piracy. This Bill does not deal with that at all. When I say 'piracy', it also means the 'versions'. The new term of piracy is called 'versions', where you just change one music piece,

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and you make another version, and that is played. So, what happens to that?

Secondly, sometimes, the words are changed from one language to another. In Marathi, there was a very popular song called '*Kombadi Palali*.' That came in Hindi as '*Chikni Chameli*'. The music was same; everything was same; only the words were changed. The Music Director also was, perhaps, the same. So, what happens to others? What happens to the singer? Do they get the royalty? And how do you allow that? That is my question to the hon. Minister.

Another thing is, Sir, here we are talking about the royalty part of the writers, music directors and, perhaps, singers. Now, the question is, what happens to others who are involved in the song-making? It is not only the writer or the music director or the singer who makes the song. There are associated musicians also.

(Contd. by 4u/skc)

4u/7.50/skc-sch

**DR. BHARATKUMAR RAUT (CONTD.):** What happens to their rights? Who controls them? Does the music director control them, or is it the music company that controls them? What happens to

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them? Javedji would definitely be knowing that there is something called 'side rhythm'. The side rhythm plays a vital role in the popularity of any song. लेकिन वह बेचारा गरीब वैसे का वैसे रह जाता है, आप उसका क्या करोगे? Nobody is looking at him.

Sir, the last point I would like to ask you is this. What have you thought for the young artists? When I was young, I used to go from one editor to another saying, 'मुझे पैसा मत दो, मेरा एक आर्टिकल छपवा दो'। Now, if there are singers, music directors or writers who go from one producer to another, from one music director to another, and says, 'don't pay us', or 'pay us a little, but use our songs and give us a chance', what will he do? Later, this could prove to be a loophole in this business, because if you say that it is provided for in this Bill, it would not be voluntarily accepted; it would be done out of compulsion. Therefore, my request to the hon. Minister is, now that you have brought this Bill, just fill in those lacunae and it would serve the purpose.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Mr. Prakash Javadekar. Please cooperate and take only four minutes.

**SHRI PRAKASH JAVADEKAR (MAHARASHTRA):** Sir, I would take five minutes and conclude.

सर, मैं सदन की भावना से तो सहमत हूँ, लेकिन मैं पीछे की एक कहानी बताना चाहता हूँ। यह बिल, जो आज अच्छा लग रहा है, वह ऐसा नहीं था। जब बिल एचआरडी कमेटी के सामने आया, तो हमने एक-एक करके स्टैक होल्डर्स को बुलाना शुरू किया। There was not a single stakeholder who was happy.

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** अभी ऐसा नहीं है।

**श्री प्रकाश जावडेकर:** सर, मैं वही बता रहा हूँ कि यह कैसे हुआ। ऑस्कर फर्नांडिस जी इस कमेटी के अध्यक्ष हैं। एक स्टैंडिंग कमेटी में क्या-क्या काम होता है, वह हम कभी प्रेस को ओपन नहीं करते, इसीलिए कभी पता ही नहीं चलता। हमारी 15 मीटिंग्स हुईं और पहली पाँच मीटिंग्स होने के बाद यह तय हुआ कि यह बिल इतना बैडली ड्राफ्टिड है कि यह मिनिस्ट्री को वापस भेजा जाए। जब कपिल जी और कमेटी में बात हुई, तब उन्होंने कहा कि हम दो-तीन अधिकारियों की मदद लेते हैं, लेकिन आप इसे वापस मत भेजिए, इसे आप ही पूरा करिए। स्टैक होल्डर्स को सुनने का जो काम मिनिस्ट्री को करना चाहिए था, वह काम कमेटी ने किया। यह सब्जेक्ट इतना लीगल, कॉम्प्लिकेटिड और टेक्निकल है कि इसमें ब्रॉडकास्टर्स भी आ गए, म्यूज़ीशियंस भी आ गए, आर्टिस्ट भी आ गए, प्रोड्यूसर्स भी आ गए, म्यूज़िक कम्पनियां भी आ गईं,

इंटरनेट वाले भी आ गए, रेडियो वाले भी आ गए, इसलिए इसमें इतने स्टेक होल्डर्स हैं कि कमेटी ने 15 मीटिंग्स कीं, 68 घंटे काम किया और 19 प्रमुख सिफारिशें कीं।

आपको याद होगा कि जब ट्रिब्यूनल का बिल आया था, तब सारी चर्चा और बिल यहां से डेफर हो गया था। ऐसा इसलिए हुआ था कि कमेटी की एक भी रिकमेंडेशन मंत्रालय ने स्वीकार नहीं की थी। इस बार ऐसा नहीं हुआ है, 'देर आए दुरुस्त आए'। इन्होंने 19 में से 17 सिफारिशें स्वीकार कीं, जिसको आज सदन से एप्रिसिएशन मिला। ये जो सारी सिफारिशें और बदलाव हुए, वे एचआरडी कमेटी के कारण हुए। मैं मीडिया को भी यह बताना चाहता हूं कि कमेटीज़ में कितना काम होता है। पार्लियामेंट में जो शोर-शराबा होता है, हम उसके बारे में तो बोलते रहते हैं, लेकिन पार्लियामेंट्री कमेटियों में इतना सीरियसली काम होता है और इतने अच्छे सुझाव आते हैं, जो मिनिस्ट्री को स्वीकार करने पड़ते हैं, लेकिन क्रेडिट उनको ही मिल रहा है। यह जो होता है, कभी इसका भी उल्लेख होना चाहिए, इसीलिए मैं आज खड़ा हुआ हूं ...(व्यवधान) मैं अभी बता रहा हूं। यह तैयार हुआ, इसके लिए कमेटी ने लड़ाई लड़ी और मिनिस्ट्री में स्वीकार करने के लिए भेजा। इसके लिए हमने उनको यह कहा कि हमारी जो सिफारिशें आप स्वीकार करोगे, वे तो बताओगे ही, लेकिन जो स्वीकार नहीं करोगे, वह आपका अधिकार तो है, लेकिन क्यों स्वीकार नहीं कर रहे, इसका रीज़न भी कमेटी को बताओगे।

-SCH/PSV-HK/4W/7.55

**श्री प्रकाश जावडेकर (क्रमागत):** यह एच.आर.डी. में शुरू हुआ है। मैं एक दूसरा उल्लेख भी करूँगा, क्योंकि आगे बहुत से बिल्स आने वाले हैं। कमेटी ने इधर दो सालों में, अभी 15 बिल्स पर अपनी रिपोर्ट्स दी है। तीन में बहुत-सारे सुझाव मंत्रालय ने स्वीकार किए हैं, लेकिन हमें लिखित रूप से केवल दो में ही रेस्पोंस मिले हैं, बाकी में रेस्पोंस नहीं मिले हैं। सर, मैंने यहाँ इन सब बातों का उल्लेख इसलिए किया कि लोकतंत्र में यह स्टैंडिंग कमेटी की पद्धति जो चल रही है, यह कितनी सफलता से काम करती है, यह बता दूँ। मैं यही कहूँगा कि देर आए, दुरुस्त आए।

अब कमेटी की रिपोर्ट आने के बाद मंत्रालय ने अचानक रेडियो का एक नया विवाद खड़ा किया और पिछली बार ये एक नया अमेंडमेंट लेकर आए। यह भी सरकार की एक गलत प्रवृत्ति हो रही है कि कमेटी की रिपोर्ट आने के बाद उसमें बहुत सारी अमेंडमेंट्स करना। कम्पनीज़ एक्ट में क्या हुआ? कम्पनीज़ एक्ट में स्टैंडिंग कमेटी की रिपोर्ट के बाद उसको न दिखाते हुए बहुत-सारे नये अमेंडमेंट्स लाये गये, इसलिए वह डेफर हुआ। इसलिए, ऐसा खिलवाड़ मत करिए।

सर, मैं अभी केवल एक मिनट और लूँगा। इसमें मेरे ही तीन अमेंडमेंट्स हैं। मैं अब अमेंडमेंट का केवल एक ही मुद्दा बताऊँगा, जिसका पी. राजीव जी ने

थोड़ा उल्लेख किया कि स्टूडेंट्स के लिए एक अधिकार है कि उनको ऑफिशियल कॉपी सस्ते में मिले।

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** आपके चार मिनट हो गए।

**श्री प्रकाश जावडेकर:** ऑफिशियल कॉपी, पाइरेटेड कॉपी नहीं या जो सड़क पर मिलती है, वह नहीं। वह कीमत देकर ऑफिशियल कॉपी लेना चाहता है, लेकिन उसका वह अधिकार अभी तक उसमें प्रोटेक्ट नहीं हुआ है। ...(समय की घंटी)... उसके parallel importation के लिए मिनिस्टर साहब ने कहा था कि हम छः महीने में उसका अध्ययन करेंगे, लेकिन अब दो साल हो गए। वे आने वाले जुलाई के सेशन में अमेंडमेंट लाएँ, इतना भी आश्वासन दे दें, तो यह ठीक होगा। मैं इन बातों को रिकॉर्ड पर रखते हुए अपनी बात समाप्त करता हूँ। धन्यवाद।

(समाप्त)

**SHRIMATI JAYA BACHCHAN:** Sir, ...(Interruptions)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I will give you time.

...(Interruptions)... Dr. Prabha Thakur. Only four minutes.

**डा. प्रभा ठाकुर:** सिर्फ चार मिनट?

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** हाँ, मैं क्या करूँ?

**डा. प्रभा ठाकुर (राजस्थान):** अब मुझे सोचना होगा कि मैं क्या बोलूँ और क्या न बोलूँ।

सर, मैं सरकार द्वारा प्रस्तुत इस कॉपीराइट (अमेंडमेंट) बिल, 2010 का समर्थन करने के लिए यहाँ प्रस्तुत हूँ। अनेक विद्वान सदस्यों और लेखकों ने इस बिल का समर्थन किया है और कई सुझाव भी दिए हैं। प्रसिद्ध लेखक जावेद साहब ने जिस रूप में अपनी भावना को यहाँ प्रस्तुत किया, उससे सब इमोशनल हुए। प्रसिद्ध अभिनेत्री और महान कलाकार श्रीमती जया बच्चन जी पाइरेसी रोकने के सम्बन्ध में एक विशेष point जो लेकर आई हैं, उस पर भी गौर करना जरूरी है।

महोदय, मैं विशेष रूप से मंत्री जी का ध्यान आकर्षित करते हुए एक बात यहाँ यह कहना चाहती हूँ कि जिस स्पिरिट में यह कॉपीराइट बिल लाया गया है, उसी स्पिरिट में इस विधेयक को पारित किया जाए। जब फिल्म बनती है, तो उसमें रचनाकार, गीतकार, संगीतकार, कलाकार, तकनीशियंस, निर्देशक और परदे के पीछे कई अनेक लोग होते हैं। लेकिन, यहाँ जब कॉपीराइट का सवाल आता है, तो उसमें सिर्फ जो रचनाकर्मी हैं, चाहे वे संगीतकार हों, गीतकार हों या लेखक हों, वही उसके अंतर्गत आते हैं। मेरा यही निवेदन है कि कई संशोधनों के प्रस्ताव हालाँकि दिए गए हैं, लेकिन अभी जिस स्पिरिट में इस विधेयक को लाया जा रहा है, उसी स्पिरिट में इस विधेयक को पारित किया जाए। बाद में जो अन्य बातें हैं, जैसे फिल्मों से जो अनेक लोग जुड़े हुए रहते हैं, तकनीशियंस, कलाकार और कई अन्य लोग, तो उनके बारे में अलग से कोई विधेयक लाया जाए और उनके लिए भी व्यवस्था अवश्य की जाए। वाकई यह सही है कि

हॉलीवुड में जहाँ लेखकों को भरपूर पारिश्रमिक मिलता है, बड़ी धनराशि मिलती है, वैसा बॉलीवुड में नहीं है, इसलिए लेखकों को, रचनाकारों को सरकार से संरक्षण मिलना ही चाहिए। कोई उनकी मेहनत को चुरा करके उससे खुद तो लाखों रुपए कमा ले, लेकिन उनको उसमें से उनका हिस्सा न मिले, उनका हक न मिले, यह उनके प्रति अन्याय है। इसलिए, उनको न्याय मिले, उनको उनका शेयर मिले। पाइरेसी पर भी रोकथाम हो। दूसरे लोग, दूसरी बड़ी कम्पनीज़ के लोग या कॉर्पोरेट हाउस के लोग इसको अपने तरीके से लेकर, इसके गीत-संगीत को अपना कहकर और अपनी मुहर लगाकर, बनाकर उस तरह से पैसा कमाएँ, यह उचित नहीं है। यह एक रचनाकर्मी के अधिकार का हनन है। इसलिए, मैं इस विधेयक का समर्थन करती हूँ। धन्यवाद।

(समाप्त)

**उपसभाध्यक्ष (प्रो. पी.जे. कुरियन):** आपको भी बहुत-बहुत धन्यवाद। आपने दो मिनट में ही अपनी बात खत्म कर दी। Now, Shri M.P. Achuthan.

(4एक्स/जी.एस.पी. पर आगे)

GSP-VNK-8.00-4X

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Shri M.P. Achuthan. Please take three minutes.

**SHRI M.P. ACHUTHAN (KERALA):** Mr. Vice-Chairman, Sir, I support this Bill. Generally, we do not get an opportunity to support a Bill

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piloted by Mr. Kapil Sibal. Now, after some changes, he has brought the Bill. Apart from the suggestions given by the Standing Committee, he has made so many amendments, which I support. Here, I would like to make only two points. We are in the era of e-books. The scope of e-books is widening, which means that the very concept of copyrights in the publishing industry is being reduced. In that context, we have to allow the parallel imports. Don't stick to that provision. It will help the students' education through books we have to import, and, you have to consider this.

Another point is that you have made a proposal to delete section 17(f), that is, share to principal director. While piloting the Bill, you said that the Director is the main creative artist, and, he has to get the due share, but, at the same time, you are deleting that provision. My request is that this should be included. Sir, I support most of the provisions, and, in the end, I would like to say that along with this you must seriously think of bringing a comprehensive Bill to protect the film and music industry from piracy. It must be coupled with IT industry so that it protects the interests of the artists covered under this Act and

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also artists in other sections. You have to protect them, for which, I hope, you will bring another Bill. With these words, I thank you.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Thank you for taking only two minutes. It was the best speech. Now, the hon. Minister.

**THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL):** Mr. Vice-Chairman, Sir, I would like to thank all the distinguished Members who participated in this discussion for having supported this legislation.

I am very happy that, by and large, subject to some comments, the architecture of this Bill is supported. Some distinguished Members made certain points, and, I would like to quickly deal with each of them in one sentence. I just want to mention that choreograph, for example, is protected under the definition of section 2(h) - Part of Dramatic Work. So, choreographer is given this right. Then, light man, technician under the law, under the judgements is not recognized as having any copyright. Cinematography is protected. As far as WCT and WPPT are concerned, we are bringing this Act in harmony with it even though we have not signed it. It gives

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further protection to our authors in the digital world, and, our performers in the digital world. So, unless we do that, we will not be able to protect their rights.

‘Indian work’ is deleted because compulsory license can be given even in foreign works, which is good for us because even for a foreign publisher, we can get compulsory license, and, publish that work in India. That is why, this provision is deleted as it includes all authors.

Whether song clips of artists after death are allowed to be shared? Well, song clips are allowed. In film copyrights, in film songs, it is 60 years and till such time as the artist is alive, and, after his death, his legal heirs are entitled to the royalty. Nobody can stop that. As far as clips on TV are concerned, even on those clips, royalty will be given. That is the law.

(Contd. by RG-4Y)

RG/DS/8.05/4Y

**SHRI KAPIL SIBAL (contd.):** Assignment of copyright to producers is protected. I have already made that point. Now, by harmonizing with the WCT,..(Interruptions)

**श्री रवि शंकर प्रसाद:** आप lightsmen के लिए कुछ तो कीजिए, गरीबों के लिए कुछ तो कीजिए। ..(व्यवधान)..

**SHRI KAPIL SIBAL:** The provisions of WCT and WPPT extend copyrights to the digital world to help the publishing, film and music industries and also the authors. They also extend rights to performers and give them exclusive rights and moral rights. I wanted to deal with it in my opening remarks itself. So, there is a specific provision in this Amendment for moral rights as well as exclusive rights. Piracy is also made punishable under this Act through the Amendment. Even if the Internet Service Providers, violate any copyright law, you are given 21 days. If you produce an order from the Court within those 21 days, the Internet Service Providers also will not be allowed. So, piracy also is dealt with. Then, as far as parallel imports are concerned, the Committee recommended, and I quote: “The Committee would, however, like to put a note of caution to the Government to ensure that the purpose for which the Amendment is proposed, that is, to protect the interests of students is not lost sight of.” Therefore, what we have done is, we have referred to a Committee of NCAER; they will

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give their report by August. Whatever their report is, we will address it, and, if necessary amendments are required, we will do that.

Then, there is a new clause 65 (a) and (b), which helps our publishing, film and music industry, including authors, to protect their works from piracy in the internet world. So, that has been included. By and large, these, in substance, are the comments that have been made. As far as the directors are concerned, as I said, we wanted to give it. But the Standing Committee, in its wisdom, -- we have, in fact, embraced the wisdom of the Standing Committee — said that directors should not be given, in the present context. We, therefore, dropped it. As the industry moves forward, in the next few years, I think, it will get maturity and I am sure that others also will be protected.

“इन्कलाब जिन्दाबाद” is not copyrighted under the law. It cannot be copyrighted. Words and phrases cannot be copyrighted. I wish they could be. So, these are some of the comments that I wish to make. I thank the distinguished Members of this House for having supported the Bill. I commend that the Bill be passed.

(Ends)

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

Now,...(Interruptions) Yes, Mrs. Jaya Bachchan. You wanted to say something.

**SHRIMATI JAYA BACHCHAN:** Sir, I would like to suggest something which I missed out while speaking. Today, there is a very important section of the industry. They are the dubbing artists, and Javed Saheb is familiar with this. There are songs sung by unknown artists, and later on, dubbed by well-known singers. And there are also dubbing artistes for regional films. When these films are dubbed in other languages, I do not know what happens to these people? Is there any protection for them?

**SHRI KAPIL SIBAL:** If the work of the dubbing artists amounts to copyrighted work, then, they will be protected. That is something that will have to be addressed. As far as version recording is concerned, there is a whole slew of clauses in this amended Bill which deal with version recording and putting restriction on version recordings.

**SHRI V.P. SINGH BADNORE:** Sir, I have a very specific question. In the film making, the producer-director organizes all the funds. When he organizes all the funds, and if the film doesn't do well, he comes to

the streets. There are times when this producer-director, who has got all the money organized, comes to the streets, and you are trying to share this royalty with all these guys. What happens to that producer-director? Will these people be liable to pay for the losses that that person has suffered?

**SHRI KAPIL SIBAL:** It is a business decision that the producer makes. If he loses, he loses. It is like building a house. If, ultimately, the contractor loses money, at least, the person, who laid the bricks should get his due.

**SHRI TIRUCHI SIVA:** Clause 52 (b) grants copyrights exemption for conversion of books only for braille and sign languages.

(Continued by 4Z)

SSS/8.10/4Z

**SHRI TIRUCHI SIVA (CONTD.):** But it excludes people affected by cerebral palsy, dyslexia and low vision.

**SHRI KAPIL SIBAL:** All forms of access are now omitted under the amendments of this Act, not just one technology.

**SHRI JAVED AKHTAR:** I would like to thank the whole House on behalf of the writers...

**THE VICE-CHAIRMAN (PROF P. J. KURIEN):** After passing it, you may speak.

**SHRI JAVED AKHTAR:** I am thankful not only to the Government, but also to the Opposition, and I have a small request that there should be some words of wisdom from the Leader of the Opposition.

**THE VICE-CHAIRMAN (PROF P. J. KURIEN):** Let us pass the Bill first. The question is:

“That the Bill further to amend the Copyright Act, 1957, 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. We shall, now take up Clause 2. There are 12 amendments (Nos. 3-13) by Shri Kapil Sibal. There is also an amendment No. 46 by Shri Prakash Javadekar. He is absent. So, his amendment is not moved. I will now put the amendmentS moved by the Minister to vote.

**Clause 2 — Amendment of Section 2**

**SHRI KAPIL SIBAL:** Sir, I move:

3. That at page 1, lines 7 to 10, be *deleted*.

4. That at page 2, lines 1 to 4, be **deleted**.
5. That at page 2, line 5, **for** the brackets and roman numeral "(ii)", the brackets and roman numeral "(i)" be **substituted**.
6. That at page 2, line 7, **for** the brackets and roman numeral "(iii)", the brackets and roman numeral "(ii)" be **substituted**.
7. That That at page 2, **after** line 11, the following be **inserted**,  
namely;-  
“*Explanation* - For the purposes of this clause, 'a non-profit library or non-profit educational institution' means a library or educational institution which receives grants from the Government or exempted from payment of tax under the Income-Tax Act, 1961”.
8. That at page 2, line 12, **for** the brackets and roman numeral "(iv)", the brackets and roman numeral "(iii)" be **substituted**.
9. That at page 2, lines 23 to 26, be **deleted**.
10. That at page 2, line 27 **for** the brackets and roman numeral "(vi)", the brackets and roman numeral "(iv)" be **substituted**.
11. That at page 2, line 33, **for** the brackets and roman numeral "(vii)", the brackets and roman numeral "(v)" be **substituted**.
12. That at page 2, line 42, **for** the brackets and roman numeral "(viii)", the brackets and roman numeral "(vi)" be **substituted**.

13. That at page 3, lines 1 to 4, be **deleted**.

*The questions were put and the motions were adopted.*

*Clause 2, as amended, was added to the Bill.*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We shall, now, take up New Clauses 2A and 2B. There is one Amendment (No. 14) by Shri Kapil Sibal.

**NEW CLAUSES 2A and 2B-Amendment of Sections 11 and 12**

**SHRI KAPIL SIBAL:** Sir, I move:

14. That at page 3, ***after*** line 4, the following new clauses be ***inserted***, namely;-

"2A. In section 11 of the principal Act,-  
Amendment

(a) in sub-section (1), for the words "not less than two nor more than fourteen other members", the words "two other members" shall be substituted;

(b) For sub-section (2), the following shall be substituted,-

"(2) The salaries and allowances payable to and the other terms and conditions of service of Chairman and other members of the Copyright Board shall be such as may be prescribed:

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Provided that neither the salary and allowances nor other terms and conditions of service of the Chairman or any other member shall be varied to his disadvantage after appointment." ;

( c) for sub-section (4), the following sub-section shall be substituted, namely:-

"(4) The Central Government may, after consultation with the Chairman of the Copyrights Board, appoint a Secretary to the Copyright Board and such other officers and employees as may be considered necessary for the efficient discharge of the functions of the Board."

"2B. In section 12 of the principal Act, in sub-section (2), for the words "members, each Bench consisting of not less than three members", the word "members." shall be substituted.

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

*New Clauses 2A and 2B, as amended, were added to the Bill.*

*Clauses 3 and 4 were added to the Bill.*

**SHRI KAPIL SIBAL:** Sir, I wanted to move a motion we moved for suspension of 96 (1), Clause 2A, Government Amendment No. 14. I beg to move:

That this House to suspend Clause 1 of Rule 96 of Rules of Business

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and Procedure and conduct of Business in Rajya Sabha in  
so far as it requires that an amendment shall be within the  
scope of the Bill and relevant to the subject matter of the  
clause to which it relates in its application to the  
Government amendment No. 14 to the Copyright  
(Amendment) Bill, 2010 and that this amendment may be  
allowed to be moved.

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Does the House  
agree for suspension of Clause 1 of Rule 96?

**ALL HON. MEMBERS:** Yes.

**SHRI KAPIL SIBAL:** I move:

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

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** There is one  
amendment 2A and 2B already moved.

*Clauses 2A,, as amended, was added to the Bill.*

*Clauses 3 and 4 were added to the Bill.*

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We shall, now, take up Clause 5. There are three Amendments (Nos. 15 to 17) by Shri Kapil Sibal.

**Clause 5-Amendment of Section 17**

**SHRI KAPIL SIBAL:** Sir, I move:

15. That at page 3, *for* lines 30 and 31, the following be *substituted*, namely;-

“5. In section 17 of the principal Act, in clause (e), the following proviso shall be inserted at the end, namely:- ”

16. That at page 3, lines 32 to 41, be *deleted*.

17. That at page 3, line 42, the word "further" be *deleted*.

*The questions were put and the motions were adopted.*

*Clause 5, as amended, was added to the Bill.*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We shall, now, take up Clause 6. There is one Amendment (No. 18) by Shri Kapil Sibal.

**Clause 6-Amendment of Section 18**

**SHRI KAPIL SIBAL:** Sir, I move:

18. That at page 4, *for* lines 7 to 11, the following be *substituted*, namely;-

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“Provided also that the author of the literary or musical work included in a cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for the utilization of such work in any form other than for the communication to the public of the work along with the cinematograph film in a cinema hall, except to the legal heirs of the authors or to a copyright society for collection and distribution and any agreement to contrary shall be void:

Provided also that the author of the literary or musical work included in the sound recording but not forming part of any cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for any utilization of such work except to the legal heirs of the authors or to a collecting society for collection and distribution and any assignment to the contrary shall be void.”.

***The questions were put and the motions were adopted.***

***Clause 6, as amended, was added to the Bill.***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We shall, now, take up Clause 7. There are two amendments. There is one Amendment (No. 19) by Shri Kapil Sibal and there is another Amendment (No. 47) by Shri Prakash Javadekar. Shri Prakash Javadekar is not present. So, his amendment is not moved. I will now put the amendment moved by the Minister to vote.

**Clause 7-Amendment of Section 19**

**SHRI KAPIL SIBAL:** Sir, I move:

19. That at page 4, **for** lines 19 to 22, the following be ***substituted***,

namely;-

“(9) No assignment of copyright in any work to make a cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable in case of utilization of the work in any form other than for the communication to the public of the work, along with the cinematograph film in a cinema hall.

(10) No assignment of the copyright in any work to make a sound recording which does not form part of any cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable for any utilization of such work in any form.”.

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

***Clause 7, as amended, was added to the Bill.***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We shall, now, take up Clause 8. There are two Amendments (No. 20 and No. 21) by Shri Kapil Sibal.

**Clause 8-Amendment of Section 19A**

**SHRI KAPIL SIBAL:** Sir, I move:

20 That at page 4, for line 23, the following be ***substituted***, namely;-

"8. In section 19A of the principal Act,-

(i) In sub-section (2), in second proviso, for".

21. That at page 4, after line 29, the following be ***inserted***,  
namely.-

“(ii)after sub-section (2), the following sub-section shall be  
inserted, namely:-

(3) Every complaint received under sub-section (2) shall be dealt  
with by the Board as far as possible and efforts shall be made to  
pass the final order in the matter within a period of six months from  
the date of receipt of the complaint and any delay in compliance of  
the same, the Board will record the reasons thereof.".

***The questions were put and the motions were adopted.***

***Clause 8, as amended, was added to the Bill.***

(Contd. by NBR/5A)

-SSS/NBR-HMS/5A/8.15.

***Clauses 9 to 11 were added to the Bill.***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, we shall take up

Clause 12. There is one Amendment (No. 22) by Minister.

**Clause 12 -- Amendment of Section 26**

**SHRI KAPIL SIBAL:** Sir, I beg to move:

22. That at page 4, lines 41 to 44, be ***deleted***.

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

***Clause 12, as amended, was added to the Bill.***

***Clauses 13 to 16 were added to the Bill.***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, we shall take up Clause 17. There are four Amendments (Nos. 23, 24, 25 and 26) by Minister.

**Clause 17 -- Insertion of new Sections 31B, 31C and 31D**

**SHRI KAPIL SIBAL:** Sir, I beg to move:

23. That at page 5, ***for*** lines 26 to 29, the following be ***substituted***, namely;-

"31B.(1) Any person working for the benefit of persons with disability on a profit basis or for business may apply to the Copyright Board, in such".

24. That at page 6, line 1, ***for*** the word "issued", the words "issued including the rate of royalty" be ***substituted***.

25. That at page 6, lines 6 and 7, be ***deleted***.

26. That at page 7, ***for*** lines 1 to 26, the following be ***substituted***, namely;-

"31D. (1) Any broadcasting organisation desirous of communicating to the public by way of a broadcast or by way of performance of a literary or musical work and sound recording which has already been published may do so subject to the provisions of this section.

(2) The broadcasting organisation shall give prior notice, in such manner as may be prescribed, of its intention to broadcast the work stating the duration and territorial coverage of the broadcast, and shall pay to the owner of rights in each work royalties in the manner and at the rate fixed by the Copyright Board.

(3) The rates of royalty for radio broadcasting shall be different from television broadcasting and the Copyright Board shall fix separate rates for radio broadcasting and television broadcasting.

(4) In fixing the manner and the rate of royalty under sub-section (2), the Copyright Board may require the broadcasting organisation to pay an advance to the owners of rights.

(5) The names of the authors and the principal performers of the work shall, except in case of the broadcasting organisation communicating such work by way of performance, be announced with the broadcast.

(6) No fresh alteration to any literary or musical work, which is not technically necessary for the purpose of broadcasting, other than shortening the work for

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convenience of broadcast, shall be made without the consent of the owners of rights.

- (7) The broadcasting organisation shall-
- (a) maintain such records and books of account, and render to the owners of rights such reports and accounts; and
  - (b) allow the owner of rights of his duly authorised agent or representative to inspect all records and books of account relating to such broadcast, in such manner as may be prescribed.
- (8) Nothing in this section shall affect the operation of any licence issued or any agreement entered into before the commencement of the Copyright (Amendment) Act, 2012."

***The questions were put and the motions were adopted.***

***Clause 17, as amended, was added to the Bill.***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, we shall take up

Clause 18. There is one Amendment (No. 27) by Minister.

**Clause 18 -- Amendment of Section 33**

**SHRI KAPIL SIBAL:** Sir, I beg to move:

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27. That at page 7, *for* lines 27 to 41, the following be *substituted*, namely;-

"18. In section 33 of the principal Act,-

(i) In sub-section (1) for the words "Provided further", the following shall be substituted, namely:-

"Provided further that the business of issuing or granting license in respect of literary, dramatic, musical and artistic works incorporated in a cinematograph films or sound recordings shall be carried out only through a copyright society duly registered under this Act;

Provided also".

(ii) after sub-section (3), the following shall be inserted, namely:-

"(3A) The registration granted to a copyright society under sub-section (3) shall be for a period of five years and may be renewed from time to time before the end of every five years on a request in the prescribed form and the Central Government may renew the registration after considering the report of Registrar of Copyrights on the working of the copyright society under section 36:

Provided that the renewal of the registration of a copyright society shall be subject to the continued collective control of the copyright society being share with the authors of works in their capacity as owners of copyright or of the right to receive royalty:

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Provided further that every copyright society already registered before the coming into force of the copyright (Amendment) Act, 2012 shall get itself registered under this Chapter within a period of one year from the date of commencement of the Copyright (Amendment) Act, 2012.";

(iii) in sub-sections (4) and (5), for the words "owners of rights", the words "authors and other owners of right" shall be substituted;

(iv) in sub-section (5), *after* the word "concerned" the words "or for non-compliance of sections 33A, sub-section (3) of section 35 and section 36 or any change carried out in the instrument by which the copyright society is established or incorporated and registered by the Central Government without prior notice to it" shall be *inserted*.

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

***Clause 18, as amended, was added to the Bill.***

***Clause 19 was added to the Bill.***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, we shall take up

Clause 20. There is one Amendment (No. 28) by Minister.

#### **Clause 20 -- Amendment of Section 34**

**SHRI KAPIL SIBAL:** Sir, I beg to move:

28. That at page 8, line 14, *for* the words "author of works", the words "author and other owners of right" be *substituted*.

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

***Clause 20, as amended, was added to the Bill.***

***Clause 21 was added to the Bill.***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, we shall take up Clause 22. There are two Amendments (Nos. 29 and 30) by Minister.

**Clause 22 -- Amendment of Section 35**

**SHRI KAPIL SIBAL:** Sir, I beg to move:

29. That at page 8, lines 17 and 18, ***for*** the words "author of work", the words "author and other owners of right" be ***substituted***.

30. That at page 8, ***for*** lines 19 and 20, the following be ***substituted***, namely:-

"(b) after sub-section (2) the following sub-sections shall be inserted, namely:-

(3) Every copyright society shall have a governing body with such number of persons elected from among the members of the society consisting of equal number of authors and owners of work for the purpose of the administration of the society as may be specified.

(4) All members of the copyrights society shall enjoy equal membership rights and there shall be no discrimination between authors and

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owners of rights in the distribution of royalties."

*The questions were put and the motions were adopted.*

*Clause 22, as amended, was added to the Bill.*

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 23. There is one Amendment (No. 31) by Minister.

**Clause 23 -- Amendment of Section 36A**

SHRI KAPIL SIBAL: Sir, I beg to move:

31. That at page 8, line 25, for the figure "2010", the figure "2012" be substituted.

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

*Clause 23, as amended, was added to the Bill.*

*Clauses 24 to 26 were added to the Bill.*

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 27. There are three Amendments (Nos. 32, 33 and 34) by Minister and one Amendment (No. 48) by Shir Prakash Javadekar. Mr. Javadekar is absent. Mr. Minister, you move your amendments.

**Clause 27 -- Substitution of a new Section for Section 39A**

SHRI KAPIL SIBAL: Sir, I beg to move:

32. That at page 9, line 23, after the figure and alphabet "33A", the figures "34, 35, 36" be substituted.

33. That at page 9, line 28, *for* the word "on", the word "no" be *substituted*.
34. That at page 9, line 29, *for* the words "shall take", the words "shall be given" be *substituted*.

*The questions were put and the motions were adopted.*

*Clause 27, as amended, was added to the Bill.*

*Clauses 28 to 30 were added to the Bill.*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, there is one Amendment (No. 52) for insertion of a new Clause 30A by Shri P. Rajeeve. Are you moving your Amendment, Mr. Rajeeve?

**SHRI P. RAJEEVE (KERALA):** Sir, hon. Minister has already given an assurance on parallel import. So, I am not pressing for my amendment.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Amendment is not moved. So, we shall go to the next Clause No. 31. There are six Amendments (Nos. 35, 36, 37, 38, 39 and 40) by Minister.

**Clause 31 -- Amendment of Section 52**

**SHRI KAPIL SIBAL:** Sir, I beg to move:

35. That at page 10, line 7, *for* the word "events", the words "events and current affairs" be *substituted*.

36. That at page 10, line 15, ***for*** the word "and", the word "or" be ***substituted***.
37. That at page 10, line 18, ***for*** the word "and", the word "or" be ***substituted***.
38. That at page 10, ***for*** lines 23 to 26, the following be ***substituted***, namely:-

"Provided that if the person responsible for the storage of the copy has received a written complaint from the owner of copyright in the work, complaining that such transient or incidental storage is an infringement, such person responsible for the storage shall refrain from facilitating such access for a period of twenty-one days or till he receives an order from the competent court refraining from facilitating access and in case no such order is received before the expiry of such period of twenty-one days, he may continue to provide the facility of such access.

39. That at page 11, line 29, the word "clauses", be ***deleted***.
40. That at page 11, ***for*** lines 31 to 34, the following be ***substituted***, namely:-

"(zb) the adaptation, reproduction, issue of copies or communication to the public of any work in any accessible format, by-

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(i) any person to facilitate persons with disability to access to works including sharing with any person with disability of such accessible format for private or personal use, educational purpose or research; or

(ii) any organisation working for the benefit of the persons with disabilities in case the normal format prevents the enjoyment of such works by such persons:

Provided that the copies of the works in such accessible format are made available to the persons with disabilities on a non-profit basis but to recover only the cost of production:

Provided further that the organisation shall ensure that the copies of works in such accessible format are used by persons with disabilities and takes reasonable steps to prevent its entry into ordinary channels of business.

*Explanation.-* For the purposes of the sub-clause, "any organisation" includes an organization registered under section 12A of the Income Tax Act, 1961 and working for the benefit of persons with disability or recognized under Chapter X of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 or receiving grants from the Government for facilitating access to persons with disabilities or an educational institution or library or archives recognized by the Government."

***The questions were put and the motions were adopted.***

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***Clause 31, as amended, was added to the Bill.***

***Clauses 32 to 35 were added to the Bill.***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We shall now take up Clause 36. There are three Amendments (Nos. 49, 50 and 51) by Shri Prakash Javadekar. He is not present.

***Clause 36 and 37 were added to the Bill.***

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, we shall take up Clause 38. There are five Amendments (Nos. 41, 42, 43, 44 and 45) by Minister.

**Clause 38 -- Amendment of Section 78**

**SHRI KAPIL SIBAL:** Sir, I beg to move:

41. That at page 13, ***after*** line 25, the following be ***inserted***, namely;-

"(i) for clause (a), the following clause shall be substituted, namely:-

(a) the salaries and allowances payable to and the other terms and conditions of service of the Chairman and other members of the Copyright Board under sub-section (2) of section 11";

42. That at page 13, line 26, ***for*** the brackets and roman numeral "(i)", the brackets and roman numeral "(ii)" be ***substituted***.

43. That at page 13, line 40, ***for*** the brackets and roman numeral

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"(ii)", the brackets and roman numeral "(iii)" be *substituted*.

44. That at page 13, *after* line 44, the following be *inserted*, namely;-

"(ccC) the form of application for renewal of registration of a copyright society and the fee which may accompany such application under sub-section (3A) of section 33;"

45. That at page 13, line 45, *for* the brackets and roman numeral "(iii)", the brackets and roman numeral "(iv)" be *substituted*.

*The questions were put and the motions were adopted.*

*Clause 38, as amended, was added to the Bill.*

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We shall now take up Clause 1.

There is one Amendment (No. 2) by the Minister.

#### **Clause 1 -- Short title and commencement**

**SHRI KAPIL SIBAL:** Sir, I move:

2. That at page 1, line 2, *for* the figure "2010" the figure "2012" be *substituted*.

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

*Clause 1, as amended, was added to the Bill.*

**THE VICE-CHAIRMAN:** We shall now take up the Enacting Formula. There is one Amendment (No. 1) by the Minister.

#### **ENACTING FORMULA**

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**SHRI KAPIL SIBAL:** Sir, I move:

1. That at page 1, line 1, *for* the word "Sixty-first", the word "Sixty-third" be *substituted*.

*The question was put and the motion was adopted.*  
*The Enacting Formula, as amended, was added to the Bill.*  
*The Title was added to the Bill.*

**SHRI KAPIL SIBAL:** Sir, I move:

That the Bill, as amended, be passed.

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

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, there is one Half-an-Hour discussion. If the House so agrees, we can take it up.

**SOME HON. MEMBERS:** No, no.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Okay. We will take it up afterwards.

The House is adjourned to meet at 11.00 a.m. tomorrow morning.

\*\*\*\*\*

**The House then adjourned at twenty-two minutes past eight of the clock till eleven of the clock on Friday, the 18<sup>th</sup> May, 2012.**