

Uncorrected/ Not for Publication-31.08.2010

VKK-MCM/1a/11.00

The House met at eleven of the clock,  
MR. CHAIRMAN in the Chair.

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RE. UNSTARRED QUESTION NO.2442  
ANSWERED ON 17TH AUGUST, 2010

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THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): Sir, I lay on the Table, a Statement (in English and Hindi) correcting the answer to Unstarred Question 2442 given in the Rajya Sabha on the 17th August, 2010, regarding “Credit given to Minority Communities”.

(Ends)

RE. STARRED QUESTION NO. 330  
ANSWERED ON 17TH AUGUST, 2010

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THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI S. GANDHISELVAN): Sir, I make a Statement correcting the reply to Starred Question 330 given in the Rajya Sabha on the 17th August, 2010, regarding “Gender gap in the country”.

(Ends)

**PAPERS LAID ON THE TABLE**

**PROF. K.V. THOMAS:** Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:—

- (a) Annual Report and Accounts of the Indian Society of Agricultural Economics (ISAE), Mumbai, for the year 2009-10,

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together with the Auditor's Report on the Accounts.

- (b) Annual Report and Accounts of the Indian Society of Agricultural Statistics (ISAS), New Delhi, for the year 2009-10, together with the Auditor's Report on the Accounts.
- (c) Review by Government on the working of the above Societies.

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

I. A copy (in English and Hindi) of the Ministry of Health and Family Welfare (Department of Health) Notification No G.S.R. 488 (E), dated the 9<sup>th</sup> June, 2010, publishing the Prevention of Food Adulteration (3<sup>rd</sup> Amendment) Rules, 2010, under sub-section (2) of Section 23 of the Prevention of Food Adulteration Act, 1954.

II. A copy (in English and Hindi) of the Ministry of Health and Family Welfare Notification No. G.S.R. 602 (E), dated the 19<sup>th</sup> July, 2010, publishing the Drugs and Cosmetics (5<sup>th</sup> Amendment) Rules, 2010, under Section 38 of the Drugs and Cosmetics Act, 1940.

III. A copy (in English and Hindi) of the Ministry of Health and Family Welfare Notification No. S.O. 1855 (E), dated the 29<sup>th</sup> July, 2010, notifying the dates on which the provisions of the Food Safety and Standard Act, 2006, shall come into effect, under Section 93 of the Food Safety Standards Act, 2006.

IV. A copy each (in English and Hindi) of the Statement giving reasons for not laying the Annual Reports and Audited Statement of Accounts of the following Institutions within the stipulated period:—

1. The Indian Red Cross Society, New Delhi, for the years 2004-05, 2005-06, 2006-07, 2007-08 and 2008-09.

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2. The Postgraduate Institute of Medical Education and Research, Chandigarh, for the year 2008-09.
3. The Regional Institute of Medical Sciences, Imphal, Manipur, for the year 2008-09.

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

- (a) Annual Report and Accounts of the National Institute of Homoeopathy (NIH), Kolkata, for the year 2008-09, 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 (a) above.

(Ends)

**REPORTS OF THE PUBLIC ACCOUNTS COMMITTEE**

**SHRI ASHWANI KUMAR (PUNJAB):** Sir, I lay on the Table, a copy each (in English and Hindi) of the following Reports of the Public Accounts Committee (2010-11):—

- (i) Twenty-second Report on "Excesses Over Voted Grants and Charged Appropriations (2008-09)" relating to the Ministries of Defence, Finance, Home Affairs and Railways; and
- (ii) Twenty-third Report on "Assistance to States for Developing Export Infrastructure and Allied Activities (ASIDE) Scheme" relating to the Ministry of Commerce and Industry (Department of Commerce).

(Ends)

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## REPORT OF THE COMMITTEE ON PUBLIC UNDERTAKINGS

**SHRI TAPAN KUMAR SEN (WEST BENGAL):** Sir, I lay on the Table, a copy of the Ninth Report (in English and Hindi) of the Committee on Public Undertakings (2010-11) on Action Taken by the Government on the recommendations contained in the Thirty-second Report (Fourteenth Lok Sabha) on the Oil and Natural Gas Corporation Limited—Loss Due to Sale of Crude Containing Basic Sediments and Water Content Above the Norms, based on Para 14.7.1 of the Report on Union Government (Commercial) of the C&AG of India No. 11 CA of 2008.

(Ends)

## REPORTS OF THE DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE ON FINANCE

**श्री एस०एस० अहलुवालिया (झारखंड) :** महोदय, मैं विभाग संबंधित वित्त संबंधी संसदीय स्थायी समिति (2009-10) के निम्नलिखित प्रतिवदेनों की एक-एक प्रति (अंग्रेजी तथा हिन्दी में) सभा पटल पर रखता हूँ :

- (i) Twenty-first Report on the Companies Bill, 2009;
- (ii) Twenty-second Report on the Coinage Bill, 2009;
- (iii) Twenty-third Report on the Company Secretaries (Amendment) Bill, 2010;
- (iv) Twenty-fourth Report on the Chartered Accountants (Amendment) Bill, 2010; and
- (v) Twenty-fifth Report on the Cost and Works Accountants (Amendment) Bill, 2010.

(Ends)

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**REPORTS OF THE DEPARTMENT RELATED PARLIAMENTARY  
STANDING COMMITTEE ON FOOD, CONSUMER AFFAIRS AND  
PUBLIC DISTRIBUTION**

**SHRI KAPTAN SINGH SOLANKI (MADHYA PRADESH):** Sir, I lay on the Table, a copy each (in English and Hindi) of the following Reports of the Department-related Parliamentary Standing Committee on Food, Consumer Affairs and Public Distribution (2009-10):—

- (i) Ninth Report on the subject 'Bureau of Indian Standards (BIS)—Hallmarking of Jewellery' pertaining to the Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs); and
- (ii) Tenth Report on the subject 'Production, Consumption and Pricing of Sugar' pertaining to the Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution).

(Ends)

**STATEMENT RE. IMPLEMENTATION OF RECOMMENDATIONS  
CONTAINED IN THE SEVENTY-EIGHTH REPORT (FOURTEENTH  
LOK SABHA) OF THE DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON FINANCE ON THE 'FLOW OF CREDIT  
TO AGRICULTURE SECTOR'**

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**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM):** Sir, I make a statement regarding status of implementation of recommendations contained in the Seventy-eighth Report (Fourteenth Lok Sabha) of the Department-related

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Parliamentary Standing Committee on Finance on the 'Flow of Credit to Agriculture Sector'.

(Ends)

**STATEMENT RE. IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN THE FOURTH REPORT OF THE DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON RURAL DEVELOPMENT PERTAINING TO THE MINISTRY OF PANCHAYATI RAJ**

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**THE MINISTER OF RURAL DEVELOPMENT AND THE MINISTER OF PANCHAYATI RAJ (DR. C.P. JOSHI):** Sir, I make a statement regarding status of implementation of recommendations contained in the Fourth Report of the Department-related Parliamentary Standing Committee on Rural Development pertaining to the Ministry of Panchayati Raj.

(Ends)

(Followed by RSS/1b)

RSS/GS/1B/11.05

**MR. CHAIRMAN:** Now, we will take up matters raised with the permission of the Chair. Shri Ramdas Agarwal...(Interruptions)...

**DR. V. MAITREYAN:** Sir, I have given a notice for the Zero Hour with regard to the impropriety on the part of the Central Government...(Interruptions)...

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**MR. CHAIRMAN:** It has not been agreed to...(Interruptions)...

**SHRI TIRUCHI SIVA:** Sir, how can he raise a matter which has not been accepted by the Chair? ...(Interruptions)... The Chair has not permitted him. Nothing should go on record...(Interruptions)...

**MR. CHAIRMAN:** It has not been agreed to.

**DR. V. MAITREYAN:** I have given a notice on Zero Hour mention...(Interruptions)... Sir, you give an assurance that you will allow me...(Interruptions)...

**MR. CHAIRMAN:** It has not been agreed to. That is the end of the matter...(Interruptions)... Your notice has not been agreed to and that is the end of it...(Interruptions)... No, you cannot raise it.

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

**MR. CHAIRMAN:** Nothing is going on record. It cannot go on record like this. I am sorry. How can you raise it without permission? It cannot go on record like this...(Interruptions)...

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

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**MR. CHAIRMAN:** How can you raise it without permission?

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

**MR. CHAIRMAN:** I seek your cooperation, Dr. Maitreyan...(Interruptions)...

**SHRI TIRUCHI SIVA:** Sir, the Chair cannot be threatened like this. The Chair has not permitted any one...(Interruptions)... Nothing should go on record.

**MR. CHAIRMAN:** Dr. Maitreyan, you are a very senior Member. Please resume your place...(Interruptions)...

**SHRI TIRUCHI SIVA:** Sir, how is he speaking? ...(Interruptions)...

**MR. CHAIRMAN:** No, he cannot speak. It is not going on record. You cannot raise slogans here...(Interruptions)... None of this is going on record. I am afraid, it is not...(Interruptions)... This is not a behaviour becoming of a Member of this House...(Interruptions)... This cannot be permitted...(Interruptions)... I am sorry...(Interruptions)... Please resume your place...(Interruptions)... Please sit down...(Interruptions)...

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**\* Not recorded.**



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**श्री रुद्रनारायण पाणि** : सर, ...(व्यवधान)...

**श्री सभापति** : पाणि जी, आप बैठ जाइए। ...(व्यवधान)... Dr. Maitreyan, it cannot be allowed like this. You cannot hold the House to ransom through this kind of agitation. This is incorrect. I am sorry...(Interruptions)... It cannot be permitted.

**श्री रुद्रनारायण पाणि** : सर, ...(व्यवधान)...

**श्री सभापति** : पाणि जी, आप बैठ जाइए। ...(व्यवधान)...

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

**श्री प्रकाश जावडेकर** : सभापति महोदय। ...(व्यवधान)...

**श्री सभापति** : नहीं, आप बैठ जाइए। ...(व्यवधान)... This cannot be permitted. It is not a question of numbers. You know very well how these things are decided. I am sorry...(Interruptions)...

**श्री प्रकाश जावडेकर** : सभापति महोदय, ...(व्यवधान)...

**श्री सभापति** : नहीं, नहीं। आपकी बारी दूसरे विषय पर आएगी। आप बैठ जाइए। ...(व्यवधान)... Dr. Maitreyan, you cannot show newspapers here. I am sorry. Dr. Maitreyan, this is not the way to do it. You know it very well...(Interruptions)...

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

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श्री प्रकाश जावडेकर : सभापति महोदय। ... (व्यवधान)...

श्री सभापति : नहीं, आप बैठ जाइए। ... (व्यवधान) ... Please don't do this... (Interruptions) ... Please allow the proceedings to continue... (Interruptions) ...

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

**MR. CHAIRMAN:** Dr. Maitreyan, you are trampling on the rights of other Members who have been permitted to raise issues... (Interruptions) ... I am afraid you are abusing your right... (Interruptions) ...

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

**MR. CHAIRMAN:** Through appropriate procedure only.

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

**MR. CHAIRMAN:** Dr. Maitreyan, why are you wasting your breath?

None of this is going on record; none of this is being televised.

Nobody has recorded anything... (Interruptions) ...

----- (followed by 1c)

\* Not recorded.

MKS-ASC/11.10/1C

**श्री प्रकाश जावडेकर :** सभापति महोदय...(व्यवधान)...

**श्री सभापति :** नहीं, आप बैठ जाइए। ...(व्यवधान)...No, no; I am afraid, you cannot. ...(Interruptions)...

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

**MR. CHAIRMAN:** This is not appropriate behaviour, please. ...(Interruptions)...

**SHRI TIRUCHI SIVA:** What about the Zero Hour notice, Sir? ...(Interruptions)... It is the Zero Hour notice. ...(Interruptions)...

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

**SHRI TIRUCHI SIVA:** Mr. Chairman is observing. ...(Interruptions)... I am addressing it to the Chair. ...(Interruptions)...

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

**MR. CHAIRMAN:** Please, the Chair has not allowed Dr. Maitreyan to intervene in the proceedings. That is the end of the matter. Please,

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Mrs. Karat, go ahead. ...(Interruptions)... I am afraid, it cannot be.

...(Interruptions)... I am sorry. ...(Interruptions)...

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

**MR. CHAIRMAN:** You are abusing your rights. ...(Interruptions)...

You are interrupting the proceedings of the House.

...(Interruptions)...

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

**MR. CHAIRMAN:** I am sorry, it cannot be. ...(Interruptions)...

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

**MR. CHAIRMAN:** You are wasting your breath. You are disrupting the proceedings of the House.

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

**MR. CHAIRMAN:** This is not the way to raise matters.

...(Interruptions)... No, no; this is not the way to raise matters.

...(Interruptions)... You cannot raise banners in the House.

...(Interruptions)...

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

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**MR. CHAIRMAN:** You are skating.....(Interruptions)... You are skating on very thin ice; please don't push it. ...(Interruptions)... Please don't push the matters to that point. ...(Interruptions)... I am sorry. It cannot be allowed full stop. ...(Interruptions)...

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

**MR. CHAIRMAN:** I am afraid, your colleagues don't want to listen to you and others. ...(Interruptions)... He is doing that. ...(Interruptions)... The House is adjourned for fifteen minutes.

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

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-MKS-TMV-AKG/1D/11.25

**The House re-assembled at twenty-seven minutes past  
eleven of the clock, MR. CHAIRMAN in the Chair.**

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**MATTERS RAISED WITH PERMISSION OF THE CHAIR**

**POLICE FIRING ON A GROUP OF TEENAGERS IN SRINAGAR**

**SHRIMATI BRINDA KARAT (WEST BENGAL):** Sir, I stand here today to draw the attention of the House to the continuing police excesses on the young people of Kashmir. Yesterday, in another case of police firing a ten year old child was killed. In the neighbourhood in Srinagar a group of young people, who were playing carrom peacefully at a by-lane in Srinagar, were fired upon by the police, and have been seriously injured and hospitalised. Just a few days ago we heard the Prime Minister addressing a conference and saying that a non-lethal solution has to be found to deal with the mass protests in Kashmir. The question I raise here is: Is it the way that the language of Prime Minister has been interpreted by the forces in Kashmir? How many more children have to be killed? How many more young people have to be injured, hospitalised and incapacitated? For how long are the Governments in New Delhi and in Kashmir going to permit this type of excesses? Today, there are hundreds of injured young people in Kashmir hospitals. Even children, I believe, have been incarcerated in Kashmir jails. The Home Minister's statement that he is still looking for that elusive point from where to begin the dialogue and address the issues of Kashmir is

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another example of what, I believe, can only be described as the callousness and negligence of New Delhi of the burning issues of the Kashmiri people and, in particular, of the Kashmiri youth.

One of the important dimensions that I would like to raise in this House is the fact that it seems that they are peaceful protests of young people. Stone pelting can't be met with bullets as is being done. Had this type of brutal action taken place in any other parts of the country, it would have led to an outrage, burning and vehement protests. Are the people of Kashmir not correct in saying that 66 of them have been killed in the last two months in spite of peaceful protests? And how have they been met with bullets?

(Contd. by 1E/VK)

VK-SCH/1E/11.30

**SHRIMATI BRINDA KARAT (CONTD):** Therefore, Sir, I request the Government to immediately send an all-party parliamentary delegation to Kashmir to express solidarity of the country through its Parliamentarians with the sufferings, with the genuine grievances of the young people of Kashmir. I also demand, Sir, a time-bound

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independent probe into the excesses committed against the Kashmiri youths....

**MR. CHAIRMAN:** Thank you.

**SHRIMATI BRINDA KARAT:** ....and an unconditional dialogue with all sections of the Kashmiri people. (Ends)

**श्री एस.एस. अहलुवालिया:** सर, जिस तरह से वहां पर ...(व्यवधान) सरकार चुप बैठी है ...(व्यवधान)

**श्री सभापति:** प्लीज़, अहलुवालिया साहब, प्लीज़ ...(व्यवधान) प्लीज़, अहलुवालिया साहब, आप बैठ जाइए ...(व्यवधान) प्लीज़, प्लीज़, अहलुवालिया साहब ..(व्यवधान) Ahluwaliaji, why are you interrupting? (Interruptions)

**श्री एस.एस. अहलुवालिया:** सरकार पूरी तरह से विफल हुई है ...(व्यवधान)

**श्री सभापति:** आप बैठ जाइए ...(व्यवधान) Please resume your places. (Interruptions)

**श्री रुद्रनारायण पाणि:** सर, वहां पर बहुत ...(व्यवधान)

**श्री एस.एस. अहलुवालिया:** वहां पर अल्पसंख्यकों के साथ जो कुछ हो रहा है, उसको रोकने के लिए क्या व्यवस्था की गई है ...(व्यवधान)

**श्री सभापति:** पाणि जी, अहलुवालिया साहब, बैठ जाइए ...(व्यवधान) Please, associate yourself...(Interruptions)



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**श्री एस.एस. अहलुवालिया:** सरकार इस पर जवाब दे ...(व्यवधान)

**श्री सभापति:** आप बैठ जाइए ...(व्यवधान) प्लीज़, आप बैठ जाइए  
...(व्यवधान)

**DR. V. MAITREYAN (TAMIL NADU):** Sir, I associate myself with what Brindaji has said. The killing of every patriot anywhere in the country... (Inruptions).... should be condemned. I associate myself with this issue.

**SHRI BHARATKUMAR RAUT (MAHARASHTRA):** Sir, I also associate myself with this issue.

(Ends)

#### RE. VARIOUS ACTIVITIES BY CHINA ON BORDER

**श्री रामदास अग्रवाल (राजस्थान):** सभापति महोदय, मैं आपके माध्यम से सरकार का ध्यान उन समाचारों पर आकर्षित करना चाहता हूँ, जिनमें तीन दिन से लगातार यह खबरें छप रही हैं कि पाकिस्तान अधिकृत कश्मीर में 11,000 चीनी सैनिक प्रवेश कर चुके हैं और वहां पर रह रहे हैं ...(व्यवधान)

सभापति महोदय, आश्चर्यजनक और दुःख की बात यह है कि केन्द्र सरकार के प्रवक्ता ने कल यह कहा कि वह इसकी जांच करेंगे। मैं इस सरकार से पूछना चाहता हूँ कि क्या उसके कान पर जूं तब तक नहीं रेंगी, जब तक समाचारों में या अखबारों में यह नहीं छप गया कि 11,000 सैनिक यहां आ चुके

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हैं? क्या हमारे देश की सुरक्षा व्यवस्था, जांच व्यवस्था, सीआईडी, राँ अथवा जो भी संस्थाएं हैं, वे सारी की सारी ध्वस्त हो चुकी हैं कि उनको मालूम ही नहीं पड़ा कि इस देश के अन्दर इतने लोग आ चुके हैं? जिन संस्थाओं का दायित्व सुरक्षा व्यवस्था का है, क्या ऐसी हमारी संस्थाओं को इस बात के बारे में मालूम ही नहीं पड़ा?

महोदय, इसके अतिरिक्त मैं एक बात और कहना चाहता हूँ कि भारत वर्ष की उत्तरी सीमाओं में चीन बहुत तेजी से सड़कों और आवागमन के साधनों का विकास कर रहा है। उसकी नीयत क्या है, यह हम इन बातों से जान सकते हैं।

सभापति महोदय, शंघई में हमारा एक्पो का जो एक बहुत बड़ा सैंटर बना हुआ था, उस एक्जिबिशन में चीनी लोग घुसे और वहां जाकर उन्होंने भारत के उन नक्शों को जब्त कर लिया, जिनमें अरुणाचल प्रदेश को भारत के एक प्रदेश के रूप में दिखाया हुआ था ...(व्यवधान) सभापति महोदय, यह आश्चर्य की बात है कि चीनी लोग हमारे नक्शों को ज़ब्त कर रहे हैं और हमारी सरकार उस पर कोई प्रतिक्रिया व्यक्त नहीं कर रही है।

महोदय, मेरी चौथी बात यह है कि अभी हमें मालूम हुआ था कि हमारे कमांडिंग जनरल ऑफिसर को चीन में भेजने के लिए केन्द्र सरकार ने चीन की सरकार से अनुमति मांगी थी, लेकिन चीन सरकार ने उन मिलिट्री के ऑफिसर्स का अपमान किया और हम उसे चुपचाप सहन कर रहे हैं।

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महोदय, मेरी समझ में यह नहीं आता कि इस देश में यह गफलत फिर से क्यों हो रही है? क्या 1962 का इतिहास पुनः दोहराया जाएगा? क्या हिन्दुस्तान की उत्तरी सीमाओं के अन्दर चीन की जिस प्रकार से गतिविधियां बढ़ रही हैं, वे हमारी आंखें खोलने के लिए काफी नहीं हैं? क्या अभी-भी हम आंख और कान बंद करके इस बात का इंतजार करना चाहते हैं कि फिर से हमारी सीमाओं पर कोई ऐसा बड़ा हादसा हो, जिसमें हमें लज्जा का अनुभव हो अथवा हमारा अपमान हो? मैं चाहता हूँ कि देश की सरकार इन बातों को तुरन्त स्पष्ट करे और डिप्लोमैटिक या अन्य स्तरों पर जो भी कार्यवाही करनी चाहिए, सदन के स्थगित होने से पहले इस सदन को उन पर कार्यवाही करने का वचन दे।

**श्री एस.एस.अहलुवालिया (झारखंड):** सर, हम इनको एसोसिएट करते हैं।

**श्री प्रकाश जावडेकर (महाराष्ट्र):** सर, मैं भी इनको एसोसिएट करता हूँ।

**श्री रघुनन्दन शर्मा (मध्य प्रदेश):** सर, हम भी इनको एसोसिएट करते हैं।

**श्री रुद्रनारायण पाणि (उड़ीसा):** सर, हम इनको एसोसिएट करते हैं।

**श्री भारतकुमार राजत (महाराष्ट्र):** सर, मैं इनको एसोसिएट करता हूँ।

**MR. CHAIRMAN:** Shri H.K. Dua. Just associate yourself.

**SHRI H.K. DUA (NOMINATED):** Sir, I associate myself with this issue.

(Ends)

(Followed by 1F/KS-PSV)

**RE. DEATH OF A DESTITUTE WOMAN  
AT CONNAUGHT PLACE IN NEW DELHI**

**श्री अश्विनी कुमार (पंजाब):** सभापति जी, मैं आपके माध्यम से इस सदन का ध्यान एक ऐसी घटना की ओर आकर्षित करना चाहता हूँ, जिसके बारे में जब मैंने पढ़ा तो मेरा दिल दहल गया।

महोदय, दिल्ली हमारे देश का दिल है और कनॉट प्लेस दिल्ली का दिल है। उसके एक फुटपाथ पर सात दिनों से अधिक समय से एक गरीब और मजलूम महिला पड़ी हुई थी, जो कि नौ महीने की गर्भवती थी। उसने एक शिशु को जन्म दिया। एक दिन का यह बच्चा फुटपाथ पर पड़ा बिलखता रहा और उसके आसपास कुत्ते घूमते रहे। शंकर मार्केट और कनॉट प्लेस की जितनी गंदगी थी, उस गंदगी में यह महिला पड़ी रही। उस बच्चे को जन्म देने के बाद वह चार दिनों तक वहाँ पड़ी रही। इन चार दिनों के बाद वह गुजर गई, उसकी मौत हो गई। लोग उधर आते रहे, उसके पास से गुजरते रहे, उसे देखते रहे, पर किसी ने न तो पुलिस को बताया और न खुद ही कोई कदम उठाया। उस महिला की गुरबत से, उसके human rights की जो violation हो रही थी, उससे उसको बचाने के लिए किसी ने कोई कदम नहीं उठाया। मैं समझता हूँ कि इससे हम सब का सिर शर्म से झुकता है।

सभापति जी, खास बात यह है कि हमारा देश, हमारा गणतंत्र, जो अपने मानवाधिकारों की रक्षा पर फख्र करता है, उसे करना भी चाहिए, यह सही भी है,

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और जिसकी मूल विचाराधारा गरीबों के मानवाधिकारों की रक्षा करना है, तो उसका मानवाधिकार आज तक दिल्ली में, जो हमारे देश की राजधानी है, न तो पुलिस बचा सकी, जबकि सौ गज पर पुलिस थाना है और सौ गज पर फायर ब्रिगेड है, न ही किसी ने इसके लिए कोई कदम उठाया। 1980 से लेकर आज तक हर रोज उच्चतम न्यायालय कहता है कि हमारे जीवित रहने का जो मानवाधिकार है, उसमें right to live with dignity implicit है, लेकिन न तो मरने में dignity है और न ही जीने में dignity है।

मैं समझता हूँ कि हमें दलगत राजनीति से ऊपर उठकर सोचना चाहिए। आपके द्वारा, इस सदन की आत्मा के द्वारा, मैं सरकार का ध्यान इस तरफ दिलाना चाहता हूँ ताकि ऐसी घटना देश में फिर कभी न हो, जिससे सारे देश का सर शर्म से झुक जाए।

(समाप्त)

...(Interruptions)...

**SHRI SITARAM YECHURY (WEST BENGAL):** Sir, we all associate ourselves with what the hon. Member has mentioned.

**श्रीमती माया सिंह (मध्य प्रदेश):** सर, मैं अपने आपको इस विषय से सम्बद्ध करती हूँ।

**SHRI PRASANTA CHATTERJEE (WEST BENGAL):** Sir, they should take action against the police.

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**MR. CHAIRMAN:** Associate. (Interruptions)

**श्री राजनीति प्रसाद (बिहार):** सर, मैं अपने आपको इस विषय से सम्बद्ध करता हूँ।

**श्रीमती मोहसिना किदवई (छत्तीसगढ़):** सर, मैं अपने आपको इस विषय से सम्बद्ध करती हूँ।

محترمہ محسنہ قدوائی (چھتیس گڑھ) : سر، میں اپنے آپ کو اس وشے سے سمبڈھ کرتی ہوں۔

**डा० प्रभा ठाकुर (राजस्थान):** सर, मैं अपने आपको इस विषय से सम्बद्ध करती हूँ।

**SHRI S. S. AHLUWALIA (JHARKHAND):** Sir, I also associate myself with this and ...(Interruptions)... What are they doing? (Interruptions)

**MR. CHAIRMAN:** Fine. (Interruptions) Thank you. (Interruptions)

**DR. CHANDAN MITRA (MADHYA PRADESH):** Sir, I also associate myself with what the hon. Member has mentioned.

**श्रीमती विप्लव ठाकुर (हिमाचल प्रदेश):** सर, मैं अपने आपको इस विषय से सम्बद्ध करती हूँ।

**श्री प्रकाश जावडेकर (महाराष्ट्र):** सर, मैं अपने आपको इस विषय से सम्बद्ध करता हूँ।

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श्री रुद्रनारायण पाणि (उड़ीसा): सर, मैं अपने आपको इस विषय से सम्बद्ध करता हूँ।

श्री नंद कुमार साय (छत्तीसगढ़): सर, मैं अपने आपको इस विषय से सम्बद्ध करता हूँ।

श्री के०बी० शणप्पा (कर्णाटक): सर, मैं अपने आपको इस विषय से सम्बद्ध करता हूँ।

श्री गोविंदराव आदिक (महाराष्ट्र): सर, मैं अपने आपको इस विषय से सम्बद्ध करता हूँ।

श्री डी० राजा (तमिलनाडु): सर, मैं अपने आपको इस विषय से सम्बद्ध करता हूँ।

**SOME HON. MEMBERS:** Sir, we also associate ourselves with what the hon. Member has said.

(Ends)

**MR. CHAIRMAN:** Please. ...(Interruptions)... Please. ...(Interruptions)... Shri Shreegopal Vyas. ...(Interruptions)... Please, allow the next Member to speak. ...(Interruptions)... कृपया आप बैठ जाइए। ...(व्यवधान)... माया जी, आप बैठ जाइए। आप उन्हें बोलने दीजिए।

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RE. PROTECTION OF SECURITY FORCES  
FROM LANDMINES

**श्री श्रीगोपाल व्यास (छत्तीसगढ़):** सभापति महोदय, मैं काफी दिनों से इस विषय को यहाँ रखने का इंतजार कर रहा था। हम सब जानते हैं कि हमारे सुरक्षा बल के लोग जब अपने वाहनों से जा रहे होते हैं और यदि कहीं पर बारूदी सुरंगें लगी होती हैं, तब वे बड़ी संख्या में मारे जाते हैं।

महोदय, मैं छत्तीसगढ़ से हूँ। आप सब को दाँतेवाड़ा के बारे में मालूम है। अनेक प्रांतों में भी ऐसी घटनाएँ हुई हैं। मैं इस विषय पर साल-भर से काम करता रहा। मैं पेशे से एक इंजीनियर रहा हूँ। मैं सोचता था कि इससे बचाव के लिए कोई टेक्निकल मार्ग निकालना चाहिए। मुझे प्रसन्नता है कि माननीय गृह मंत्री जी आज यहाँ उपस्थित हैं। मैंने अनेक बार उनको पत्र भी लिखा और प्रश्न के माध्यम से भी जानकारी लेने की कोशिश की। मैं यह मानता था कि उनके वाहनों पर ऐसे उपकरण लगाए जा सकते हैं, जिनके द्वारा हम दूरस्थ बारूदी सुरंगों का पता लगा सकें और उन वाहनों को वहाँ जाने से रोक सकें। ऐसी घटनाओं में हमारे असंख्य जवान मारे जाते हैं, चाहे वे कहीं के भी हों, इससे सभी को दुख होता है। अंततः चार दिन पहले मुझे रक्षा मंत्रालय से यह सूचना मिली कि वे लोग उस प्रकार के उपकरण न केवल बनाते हैं बल्कि उनको उपयोग में भी लाते हैं। मैं सप्ताह-भर से कॉलिंग अटेंशन के माध्यम से इस विषय में माननीय गृह मंत्री से यह जानना चाह रहा था कि, हमारी सुरक्षा बल के जो जवान काम कर रहे हैं, उनको बारूदी सुरंगों पर से होकर जाने से रोकने के लिए इन उपकरणों



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को उनके वाहनों पर क्यों नहीं लगाया जाता, ताकि हम पहले से ही उसका आभास प्राप्त करें?

मैं आज यहाँ यह बात शेयर करना चाहता हूँ कि जब मुम्बई में आतंक की एक दुर्घटना हुई थी, तब एक व्यक्ति मुझसे मिलने आया था। उस समय मैं एक कमेटी की मीटिंग में था। उसने मुझसे कहा कि रेलवे विभाग ने मुझसे वह जानकारी ली है, वे उपकरण लगाए हैं और हम दो सौ मीटर दूर से ही जेब में पड़े बारूद का पता लगा सकते हैं।

(1जी/एन0बी0 पर क्रमशः)

NB/KGG/1G/11.40

**श्री श्रीगोपाल व्यास (क्रमागत) :** मुझे यह कहते हुए बहुत खेद है कि उन उपकरणों का उपयोग वहाँ नहीं किया गया, जहाँ हमारे सैकड़ों जवान मारे गए, चाहे वे सुरक्षा बलों के हों, चाहे पुलिस के हों। हम वहाँ क्यों नहीं इन उपकरणों को काम में लाते हैं? मैं यह सवाल एक Calling Attention के माध्यम से उठाना चाहता था, लेकिन मुझे इस बात की खुशी है कि आज आपने इसे Zero Hour में रखने की इजाजत दी है। मैं पूरे सदन का ध्यान इस ओर आकर्षित करना चाहता हूँ कि भारत आज technically बहुत advance कर रहा है, आज जब हम अंतरिक्ष में जाने वाली चीजों का पता लगाने वाले उपकरणों को बनाने की सामर्थ्य रखते हैं, तो हम इन उपकरणों का प्रयोग इन गाड़ियों में क्यों नहीं करते हैं? मैं चाहता हूँ कि भविष्य में सुरक्षा बलों का एक भी वाहन इस प्रकार

दुर्घटनाग्रस्त न हो और हमारा एक भी जवान इस प्रकार की मौत का शिकार न हो। धन्यवाद।

(समाप्त)

**श्री अविनाश राय खन्ना (पंजाब)** : सभापति जी, मैं अपने को इस विषय के साथ सम्बद्ध करता हूँ।

**श्री रुद्रनारायण पाणि (उड़ीसा)** : सभापति जी, मैं अपने को इस विषय के साथ सम्बद्ध करता हूँ।

**श्री नंद कुमार साय (छत्तीसगढ़)** : सभापति जी, मैं अपने को इस विषय के साथ सम्बद्ध करता हूँ।

**डा. चंदन मित्रा (मध्य प्रदेश)** : सभापति जी, मैं अपने को इस विषय के साथ सम्बद्ध करता हूँ।

**श्री रामदास अग्रवाल (राजस्थान)** : सभापति जी, मैं अपने को इस विषय के साथ सम्बद्ध करता हूँ। मैं चाहता हूँ कि गृह मंत्री जी इस बात का आश्वासन दें कि ....(व्यवधान)

**श्री सभापति** : बैठ जाइए, the matter has been raised.

**श्री रामदास अग्रवाल** : सभापति जी, मैं यह कहना चाहता हूँ कि क्या ... (व्यवधान)

**श्री सभापति** : देखिए, अब आप दूसरे सदस्य का समय ले रहे हैं ... (व्यवधान)

**डा. चंदन मित्रा** : आप गृह मंत्री महोदय से request कर सकते हैं ... (व्यवधान)

श्री सभापति : प्रभात झा जी, आप बोलिए।

**DISAPPEARANCE OF EXPLOSIVES FROM DHAULPUR IN  
RAJASTHAN**

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श्री प्रभात झा (मध्य प्रदेश) : आदरणीय सभापति जी, श्री श्रीगोपाल व्यास जी ने उस उपकरण की बात की, जिससे इन विस्फोटकों से बचा जा सकता है, लेकिन मैं सदन के सामने इस बात को रखना चाहता हूँ कि आज करीब डेढ़-दो महीने हो गए हैं, लेकिन विस्फोटक पदार्थों के 167 ट्रक कहां हैं, इसकी जानकारी आज तक इस सदन को या देश को कोई नहीं दे पा रहा है। ट्रक क्या चूहा है, ट्रक क्या बिल्ली है कि उसे ढूंढा नहीं जा सकता? क्या भारत सरकार का गुप्तचर विभाग डूब गया है? सवाल यह है कि आखिर ये 167 ट्रक कहां गए? इस बात को इस सदन में उठाया भी गया, लेकिन इस बारे में कुछ बताया नहीं जा रहा है। मुझे जो जानकारी मिली है, वह बहुत खतरनाक है और मुझे आशंका है कि कहीं वे ट्रक आतंकवादियों के पास तो नहीं चले गए, कहीं वे ट्रक नक्सलवादियों के पास तो नहीं चले गए हैं? जिस तरह से 1994 और 1998 में विस्फोटक पदार्थों से लदे बहुत सारे ट्रक बंगला देश चले गए थे, क्या फिर से इन ट्रकों को बंगला देश भेजा गया है? क्या आपको इस बात की जानकारी देश को नहीं देनी चाहिए कि आखिर वे ट्रक कहां गए? धौलपुर से चले ट्रक आखिर कहां चले गए? उन्हें अशोक नगर जिले के चंदेरी स्थान पर जाना था, ऐसे 103 ट्रकों का कुछ पता नहीं चल रहा है। आखिर ये ट्रक कहां गए? इससे डेढ़ महीने पहले 64 ट्रक

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गायब हो गए। इस सिलसिले में एक दंपति को पकड़ा गया है, लेकिन उनसे छानबीन ही नहीं हो पा रही है। आखिर इसके पीछे कौन है, क्या हम इस राज को नहीं समझ पाएंगे? राजस्थान की पुलिस जवाब नहीं दे पा रही है। उनके DIG से पूछा जाता है, तो वे कहते हैं कि यह केन्द्रीय एजेंसियों का मामला है। आखिर यह किसका मामला है? यह स्टेट्स का मामला है और एक नहीं, 5-6 राज्यों के लोगों की जिंदगी खतरे में है। पुलिस सूत्रों के मुताबिक इसकी जांच के दौरान पता लगा है कि इस मामले के तार 6 राज्यों से जुड़े हुए हैं। मध्य प्रदेश में मेरी पार्टी की सरकार है। वहां के SP ने राजस्थान के DIG को पत्र लिखा, लेकिन कोई जवाब नहीं मिला, वे कहते हैं कि यह मामला केन्द्रीय एजेंसियों का है। सवाल यह है कि इन विस्फोटक पदार्थों से अगर इस देश में कोई बड़ी दुर्घटना घटती है, तो क्या गृह मंत्री जी और UPA सरकार इस जिम्मेदारी को लेने के लिए तैयार हैं या नहीं? आप इस सदन को बताएं कि वे ट्रक कहां गए? यह बहुत खतरनाक स्थिति है। जब हम बताने के लिए कहते हैं, तो आप बताने के लिए तैयार नहीं हैं। जब हम प्रश्न के माध्यम से पूछते हैं, तो उसका जवाब नहीं मिलता। मैं जानना चाहता हूं कि विस्फोटक पदार्थों से भरे हुए वे 167 ट्रक कहां गए? इस घटना को 2 महीने हो गए हैं, लेकिन कोई जानकारी नहीं मिल पा रही है। वे खाली ट्रक नहीं थे, वे विस्फोटक पदार्थों से भरे हुए थे। वे विस्फोटक पदार्थ कहां जा रहे हैं, किसके कहने पर जा रहे हैं? क्या आपने किसी का लाइसेंस रद्द किया, क्या आपने किसी कंपनी का लाइसेंस रद्द किया? आप तो ट्रकों के

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मालिकों तक से पूछताछ नहीं कर रहे हैं। मुझे दुःख के साथ कहना पड़ रहा है कि भारत जैसे देश में आज विस्फोटक पदार्थों से भरे हुए 167 ट्रक गायब हैं। आखिर गृह मंत्री क्या कर रहे हैं, गृह मंत्रालय क्या कर रहा है? मैंने जो आशंका व्यक्त की है कि बंगला देश के पास या आतंकवादियों के पास या नक्सलवादियों के पास ये ट्रक न पहुंच गए हों, कृपया इसका समाधान करें।

(समाप्त)

**सुश्री अनुसुइया उइके (मध्य प्रदेश) :** सभापति जी, मैं अपने को इस विषय के साथ सम्बद्ध करती हूं।

**श्रीमती कुसुम राय (उत्तर प्रदेश) :** सभापति जी, मैं अपने को इस विषय के साथ सम्बद्ध करती हूं।

**श्री रघुनन्दन शर्मा (मध्य प्रदेश) :** सभापति जी, मैं अपने को इस विषय के साथ सम्बद्ध करता हूं।

(समाप्त)

**REDUCING INSURANCE CLAIM OF DEPENDANTS OF VICTIMS IN  
MANGALORE AIRCRAFT CRASH**

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**SHRI P. RAJEEVE (KERALA):** Mr. Chairman, Sir, I would like to raise an important issue regarding an attempt to reduce the compensation amount to the dependants of the victims of Mangalore aircraft crash. At the time of the accident, the Civil Aviation Minister and the higher

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officials of Air India had declared that the families would get at least Rs.75 crores as insurance claim.

(Contd. By tdb/1h)

TDB-VNK/1H/11.45

**SHRI P. RAJEEVE (CONTD.):** According to the Montreal Convention Understanding, compensation for a victim, who has died in an accident occurred on international service is Rs.75 lakh. Now, the insurance companies have proposed only Rs110 crores for all 158 victims. They are trying to limit the individual compensation from Rs.75 lakh to Rs.25 lakh. They are also trying to impose different criteria for determining the insurance claim. They have not taken the last drawn salary of the victims for consideration while computing the claim. Instead, they are taking into account the salary drawn at the joining time. Sir, the insurance claim declared to the dependants of the victims of aircraft crash in Libya is Rs.1,270 crores. The insurance claim proposed to the Mangalore aircraft crash, where the damage is higher than the Libyan air crash is only Rs.110 crores.

Sir, Air India flights are insured by a consortium led by Reliance India Limited. The insurers are trying to reduce the claim. The Ministry

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and the Air India management have given all support to this anti-humanitarian move by the insurers. Sir, most of the victims were the lower level and middle level employees in the Gulf countries. All the families were dependent on their income. So, I urge the Government to intervene in this issue and ensure the maximum claim amount to the dependants of the victims of Mangalore aircraft crash.

(Ends)

**SHRIMATI BRINDA KARAT (WEST BENGAL):** Sir, I associate myself with it.

**SHRI K. N. BALAGOPAL (KERALA):** Sir, I also associate myself with this issue.

**SHRI ABANI ROY (WEST BENGAL):** Sir, I also associate myself with it.

**RE. DEATH OF POLICE PERSONNEL IN NAXAL ATTACK**

**श्री रामविलास पासवान (बिहार):** सर, बिहार में आए दिन नक्सली हमले होते रहते हैं और उनमें काफी संख्या में हमारे जवान शहीद होते हैं। कल भी लखीसराय में नक्सलियों के हमले में सात जवान शहीद हो गए और कुछेक अधिकारियों का अपहरण करके ले जाया गया एवं अब तक वे उनका अपहरण करके रखे हुए हैं। उनके परिवार किस हालत में हैं, यह हम और आप समझ

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सकते हैं। हम इतना ही कहना चाहते हैं कि खास करके बिहार में जो पुलिसकर्मी हैं, उनकी सुरक्षा की कोई व्यवस्था नहीं है।

अब वहां पर थाने की बात को ले लीजिए। वहां पर अधिकांश थानों के पास अपने मकान नहीं है, वायरलेस सेट नहीं है, गाड़ी नहीं है और बिजली की कोई व्यवस्था नहीं है। जब पुलिस को मालूम हो जाता है कि नक्सलाइट लोग आ रहे हैं, तो वे अपनी रायफल बचाने के लिए पहले ही भाग जाते हैं। वे नक्सलाइट से लड़ेंगे क्या, वे तो पहले ही भाग जाते हैं। यह एक भयंकर समस्या है। इससे वहां पर लोग बहुत भयभीत हैं और डरे हुए हैं, इसलिए मैं आपसे कहना चाहता हूँ कि वहां जो इन्फ्रास्ट्रक्चर है, वह बिल्कुल समाप्त हो चुका है। वहां पर पुलिस आधुनिकीकरण के नाम पर केन्द्र से पैसा जाता है, लेकिन उस पैसे का सही ढंग से उपयोग होता है या नहीं होता है, उसकी मॉनिटरिंग होती है या नहीं होती है, सरकार को इस बात की जांच करनी चाहिए, उसको मॉनिटरिंग करनी चाहिए, इसे बचाना चाहिए और वहां सुरक्षा की पर्याप्त व्यवस्था करनी चाहिए।

आए दिन व्यापक पैमाने पर पुलिसकर्मियों की हत्याएं हो रही हैं, इस संबंध में सरकार को गंभीरतापूर्वक सोचना चाहिए और मृतक के परिवार को कम से कम 25 लाख रुपए मुआवजे के रूप में देना चाहिए, क्योंकि वे भारत मां के सपूत हैं और उन्होंने लड़ते-लड़ते अपनी शहादत दी है। यही आपसे हमारा आग्रह है। धन्यवाद।

(समाप्त)



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श्री जाबिर हुसेन (बिहार): सर, मैं स्वयं को इस विषय से संबद्ध करता हूँ।

MR. CHAIRMAN: Shri Prakash Javadekar to associate with it. Mr. Javadekar, please associate only. (Interruptions)

श्री प्रकाश जावडेकर (महाराष्ट्र): सर ...(व्यवधान)...

श्री रुद्रनारायण पाणि (उड़ीसा) : सर, उड़ीसा में भी यही हालत है ...(व्यवधान)...

श्री सभापति: आप सिर्फ इनसे associate कीजिए। ...(व्यवधान)...

श्री रुद्रनारायण पाणि: सर, मैं स्वयं को इस विषय से संबद्ध करता हूँ।

श्री प्रकाश जावडेकर (महाराष्ट्र) : सभापति महोदय, एक दिन पहले छत्तीसगढ़ में भी ...(व्यवधान)...

श्री सभापति: नहीं, नहीं, आप सिर्फ इनसे associate कीजिए। ...(व्यवधान)...

श्री प्रकाश जावडेकर: सर, मैं स्वयं को इस विषय से संबद्ध करता हूँ।

(समाप्त)

**RE. BLOCKING OF NH-39 AND NH-53 CONNECTING  
MANIPUR WITH REST OF COUNTRY**

श्री तरुण विजय (उत्तराखंड): सभापति महोदय, मणिपुर में जिस प्रकार से पुनः दोनों highways, NH 39 और NH 53, block कर दिए गए हैं, उसके कारण वहां का जन जीवन पूरी तरह से ध्वस्त होता जा रहा है। वहां पर एक गैस का सिलेंडर 1200 रुपए में मिल रहा है और पेट्रोल खुलेआम सड़कों पर ब्लैक में मिल रहा है। वहां पर सौ-सौ रुपए लीटर पेट्रोल और डीजल बेचा जा रहा है। पिछले

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दिनों पांच महीने तक मणिपुर के सारे स्कूल बंद रहे थे और अब जब स्कूल खुले, तो फिर से दोनों highways बंद हो गए हैं। इसका सबसे ज्यादा बुरा असर वहां की महिलाओं और गृहणियों पर पड़ रहा है। पिछले दिनों एक बूढ़ी महिला पैदल चल कर आ रही थी और भूख के कारण वह सड़क पर ही मर गई,...

(1j/MP पर क्रमशः)

MP-SSS/1J/11.50

**श्री तरुण विजय (क्रमागत) :** क्योंकि दोनों highways बंद रहे हैं। यह स्थिति वहां इस कारण हुई है कि आतंकवादियों ने, जिनमें People's Liberation Army जो वहां का एक प्रमुख आतंकवादी संगठन है और जिसने चीन की तर्ज पर अपने संगठन का नाम People's Liberation Army रखा है, उसने वहां के सभी गैर मणिपुरी नागरिकों को तुरंत मणिपुर छोड़कर जाने की धमकी दी है। इस कारण मणिपुर में आम जनजीवन बुरी तरह से ध्वस्त होता चला जा रहा है। एक जगह से दूसरी जगह जाने के लिए बसों के किराए चौगुने-पांच गुने हो गए हैं। किसी भी emergency में वहां के सामान्य नागरिक के लिए मणिपुर से बाहर निकलना असंभव हो गया है। उससे भी बढ़कर स्थिति यह है कि वहां भारतीय राष्ट्रीयता की कोई भी बात करना एक प्रकार से गुनाह बना दिया गया है। United Naga Council नाम के संगठन ने फिर से पिछले सप्ताह पच्चीस दिन के इस हाईवे बंद का आह्वान किया है, जिस कारण कोई भी जरूरत की वस्तुएं वहां नहीं जा रही हैं। वहां तिरंगा झंडा लहराना मुश्किल हो गया है, जब तक कि सुरक्षा सैनिकों के

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साए में आप तिरंगा न लहराएं। वहां पर जन-गण-मन को आप गा नहीं सकते और इसको स्कूलों में गाना प्रतिबंधित कर दिया गया है। United Council of Nagaland जो है, उसको National Socialist Council of Nagaland (Isak-Muivah) ग्रुप का पूरा समर्थन प्राप्त है। उन्होंने आह्वान किया है कि We want greater Nagaland जिसमें मणिपुर के हिस्से शामिल करना चाहते हैं और उनका सांप्रदायिक नारा है - Nagaland for Christ. इस कारण जो अन्य हमारे मणिपुरी भाई हैं, उनको वहां बेहद आतंक के साए में जीना पड़ रहा है। वहां सरकार द्वारा सामान्य वस्तुएं भी उपलब्ध नहीं कराई जा रही हैं। पिछले छः महीने से लगभग पंद्रह हजार सरकारी कर्मचारियों को वेतन नहीं मिला है और उसके पहले बाईस हजार कर्मचारी चार महीने की हड़ताल पर थे। कोई काम वहां पर नहीं हुआ।

**MR. CHAIRMAN:** Thank you. Thank you.

**श्री तरुण विजय :** वहां के लोग जानना चाहते हैं कि क्या दिल्ली के लोग उनके बारे में चिंतित हैं? क्या वे मणिपुर को हिंदुस्तान का हिस्सा मानते हैं?

(समाप्त)

**श्री रुद्रनारायण पाणि (उड़ीसा) :** सर, मैं इसके साथ एसोसिएट करता हूं।

**श्रीमती कुसुम राय (उत्तर प्रदेश) :** महोदय, मैं इस विषय के साथ अपने आपको सम्बद्ध करती हूं।

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श्री रघुनन्दन शर्मा (मध्य प्रदेश) : सर, मैं स्वयं को इस विषय के साथ सम्बद्ध करता हूँ।

श्री प्रभात झा (मध्य प्रदेश) : सर, मैं इस विषय के साथ एसोसिएट करता हूँ।

(समाप्त)

### BILLS INTRODUCED

**MR. CHAIRMAN:** We will now take up legislative business. Bills for introduction, Shri Kapil Sibal.

#### THE ARCHITECTS (AMENDMENT) BILL, 2010

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI

**KAPIL SIBAL:** Sir, I beg to move for leave to introduce a Bill further to amend the Architects Act, 1972.

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

**SHRI KAPIL SIBAL:** Sir, I introduce the Bill.

(Ends)

#### THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) AMENDMENT BILL, 2010

THE MINISTER OF INFORMATION AND BROADCASTING

(**SHRIMATI AMBIKA SONI**): Sir, I beg to move for leave to introduce

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a Bill further to amend the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.

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

**SHRIMATI AMBIKA SONI:** Sir, I introduce the Bill.

(Ends)

**MR. CHAIRMAN:** We will now take up The Educational Tribunals Bill, 2010. Shri Kapil Sibal.

**THE EDUCATIONAL TRIBUNALS BILL, 2010**

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

**KAPIL SIBAL:** Sir, I beg to move:

That the Bill to provide for the establishment of Educational Tribunals for effective and expeditious adjudication of disputes involving teachers and other employees of higher educational institutions and other stake holders (including students, universities, institutions and statutory regulatory authorities), and to adjudicate penalties for indulging in unfair practices in higher education and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

Mr. Chairman, Sir, we are in the foreseeable future going to see enormous expansion in the education sector and the reason for that is

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quite simple. The reason is that we have very large young population.

About 220 million children go to school.

(Contd. by NBR/1K)

-SSS/NBR-SC/1K/11.55

**SHRI KAPIL SIBAL (CONTD.):** The number of children between the age group of 18 and 24, who reach university, which we call the Gross Enrolment Ratio, is only 12.4 per cent. It means, about 14 million children, actually, reach university out of the 220 million children who go to school. This is an unacceptable situation. It is for this reason that the Lok Sabha and the Rajya Sabha, with unanimity, passed the Right to Education Act. The intent being, as move forward, that more and more children, particularly the girl child, the differently-abled, actually, receive quality education in our schools. There are fewer-and-fewer dropouts as we move forward to increase our Gross Enrolment Ratio from 12.4 per cent to about 30 per cent by 2020. That is the intent. As we implement the Right to Education Act with the support of the State Governments and other stakeholders, this GER will increase. With the increase of this GER, there will be a larger number of children going to the university system and a larger number

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of children moving towards vocational education. Therefore, as the regulatory structure evolves, there are going to be a lot of disputes that will emerge. We believe, in that context, the time has come for us to move away from the normal court system and set up Tribunals at the State level and at the national level to deal with all those disputes. This particular Bill sets out the specific jurisdiction under clause 15 for State Tribunals and the jurisdiction of the National Tribunals under clause 31. So, the jurisdictions are separate and we do believe that this particular regime will help a more expeditious and more efficient resolution of disputes.

Sir, I just want to mention one other fact that this, again, is an experiment. We have had experiments before. And, when we move legislation in Parliament, we realize that it is impossible for us to envisage all possible situations which are going to come before the Tribunals. And, maybe, the work of the Tribunal will expand. Maybe, we will, in times to come, have to evolve the legislation to meet the needs of tomorrow.

The Standing Committee had recommended, at one point of time, that we should have a 5-Member Tribunal. The Standing

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Committee had also recommended that, maybe, we should have more Benches. Originally, Sir, the issue of setting up of Educational Tribunals came up and, in fact, this is a recommendation made way back under the Education Policy, 1986, and then the Programme of Action of 1992. The 123<sup>rd</sup> Report of the Law Commission also suggested for establishment of Educational Tribunals, so did the Judgment of the Supreme Court in TMA Pai Foundation. But, what they had suggested was a three-tier system -- a Tribunal in every district, a Tribunal at the State level and a Tribunal at the National level. We discussed these issues with the State Governments. We sent this Bill to the Education Secretaries of all State Governments, we had discussions with them and we called them even to Delhi. In the course of those discussions, it was suggested by them, 'it is not appropriate for us to set up Tribunals in every district as it is a very expensive proposition. It is better for us to see the experience of the Tribunals before we move forward quickly in that directions.' It is with those suggestions in mind, we have decided not to set up Tribunals at the district level and to set up Tribunal at the State level. But, the recommendation of the Standing Committee, certainly, will be taken



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into account by us as we move forward and, as and when we feel that it is necessary for us to enlarge the Tribunals like having 5-Member Tribunal or have more number of Tribunals, we are not averse to that. We will move forward in that direction as and when the need becomes necessary.

The other thing I wish to say is, this is the first piece of legislation which is connected with three other Bills that are now pending before the Standing Committee. We have the Educational Malpractices Bill under which come disputes where malpractices of institutions which we see everyday morning in abundance through newspaper advertisements. We see the kind of malpractices that are taking place. Those malpractices will also go to this Tribunal. Not only these, but disputes with regulatory authorities, disputes of affiliation, disputes where students, teachers and many such cases will go to these Tribunals as well.

(CONTD. BY USY "1L")

-NBR-USY/1L/12.00

**SHRI KAPIL SIBAL (CONTD.):** Then, we also have the Accreditation Authority Bill, which is in another Bill and which is inter-connected

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with the tribunals because when the accreditation process is on, there will be disputes between the institutions who seek accreditation and the accreditation authorities which grant accreditation. Those disputes will also go to the tribunals. Then, we also have the Foreign Education Providers Bill. In terms of that Bill, foreign education providers must conform to the national laws of our country. And, in the event they do not conform to any of the national laws of our country, the disputes will arise and, therefore, those disputes will also go to these tribunals. In a sense, therefore, Bill deals with all the other connecting legislations, which are before the Standing Committee. I hope, as and when the recommendations of the Standing Committee come, we will be able to deal with them. But this is the first piece of legislation that I am moving forward. Then, there are certain other recommendations of the Standing Committee. For example, the Standing Committee had said that we should try and look for younger members. We, in fact, looked at that issue very carefully and we found that it was very difficult for us to have younger members in the tribunal because it is very difficult for anybody to give up a career midstream at the age of 35 and join a tribunal for five years and, then,

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opt out, at the end of five years, with the inhibition in the statute that he cannot get a Government job. So, it is difficult for us to find people who will opt for the tribunal for a period of five years and, then, opt out. We will not be able to get such people. Therefore, let us look at experience. If the experience is that we have with tribunals at the State or at the national level with younger people, we will certainly look at that issue. But, as at present, we feel that it is not possible for us to be able to get people, who are in their mid-thirties or early forties, who will give up their large practice and join a tribunal. That is not what is going to happen. So, the best bet is to have retired people, especially High Court Judges. The best bet is to have people who have experience in administration, people who have experience within the academic world. And, those are the stipulations that are set out in this Bill.

So, these are some of the issues, Sir. I commend this Bill to the hon. Members of this House; and I am awaiting a very informed discussion so that we can move forward with unanimity. Thank you very much.

*The question was proposed.*

(Ends)

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**MR. CHAIRMAN:** Thank you. The allotted time for discussion on this Bill is two hours. I would request the hon. speakers to adhere to their party's time. Now, the first speaker is Shri Balavant Bal Apte.

**SHRI BALAVANT *alias* BAL APTE (MAHARASHTRA):** Sir, I must record my total disappointment at the attempts of educational reforms, which the hon. Minister has always promised, both, at the regulatory level as well as in matters of standard.

There were several committees, the latest being the National Knowledge Commission and the Yashpal Committee. They have made recommendations, anticipating the country's role in the 21<sup>st</sup> century, which talks about the knowledge society and our primacy in this century, in this field. Our youth, our talent and our knowledge, have proved their utility when they saved the Y2K transaction in 2000. Therefore, the challenge is of quality, quantity, expansion, inclusion and regulation. But the bigger challenges are: One, foreign universities and our attraction for them, and, therefore, our submission to the white skin complex; two, large-scale commercialization, where the entire system is being controlled by educational barons -- as in Maharashtra, we had sugar barons, we

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have, now, education barons; and, third, the corruption in education regulatory agencies, like, the MCI, the AICTE, and every other regulatory agency, which is empowered by the Supreme Court, without reason, to deal with everything, even overriding the universities.

(Contd. by 1m -- PB)

PB/1m/12.05

**SHRI BALAVANT ALIAS BAL APTE (CONTD.):** Sir, these are the challenges, and what is the response? The response is, ghettoization of minority institutions by the last Bill -- Aligarh University campuses in Muslim majority districts. This is the response to these challenges and now this Bill. The other Bills are mentioned. They are listed. They are not in sight. In anticipation of those Bills, the Tribunals are being created. I believe, this Bill is not necessary at this stage. It is premature in the least. So, what is needed is a holistic view, which is totally absent. From primary to post-graduation, both, the talent at the lowest level and mass education at all levels, have to be looked into simultaneously. But all that we here find is numbers; only numbers; nothing about talent. How are you going to select and

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nurture talent at the lowest level in the last village? Talent lies there; talent doesn't lie in the cities. But we have no programme for that. We are not thinking about that. All that we have is numbers. We have 350 universities; 18000 colleges; 1,10,00,000 students; and this ratio, the gross enrolment ratio, today is 10 per cent. We want to raise it to 15 per cent. Numbers yes; but what about quality? There is no planning, there is no thinking about quality, and, without quality, talking about leadership in a knowledge society is something which is on their dream. The Knowledge Commission says, we should have 1500 universities and we should have 15 per cent gross enrolment ratio. Then, law, medicine, management, engineering, agriculture, intellectual rights; all are listed. What are we going to do with this? We have no plans. We talk about finances also. I will not go into that at this stage. Everybody has suggested that there should be one regulator. The Bill is circulated somewhere. But without going into the regulatory mechanism first, the creation of tribunal is really putting the cart before the horse.

Sir, the present Educational Tribunals Bill is half-baked, is without any homework and without vision. A basic question is about

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the creation of tribunals. Sir, after the 42<sup>nd</sup> Amendment, our dubious attempt at constitutional reform during the Emergency when we brought Administrative Tribunals on the statute book in the Constitution, there is a passion of creating tribunals so that you will save the civil courts from litigation and litigation from civil courts. But we create tribunals if the civil courts are barred which are worst. I will give only two-three examples. So, we have CAT; we have MAT; the Central Administrative Tribunal; the State Administrative Tribunals; then we have family courts; the consumer courts. All these are tribunals for speedy justice. All these are places where justice is almost never delivered. In a family court, the interim maintenance application is kept pending for three years; and family court is for the purposes of speedy remedy. This is the status of the tribunals which we are creating today, and, therefore, Justice Malimath who earlier had recommended tribunals for these educational institutions says that 'the efficacy of tribunals is doubtful; let us go to the civil court.'

(Contd. by 1n/SKC)

1n/12.10/skc

**SHRI BALAVANT ALIAS BAL APTE (contd.):** Thus, the efficacy of establishment of these tribunals itself is a matter of doubt, is questionable and, therefore, why a tribunal is needed is a question which ought to be answered.

The tribunals are recommended. The National Policy on Education, 1986, unfortunately, was a non-starter. That policy had recorded that the first National Policy on Education of 1968 was never implemented. They made that confession and now, after 25 years of the National Policy on Education of 1986, we can say the same thing that nothing under that policy had happened. When universalisation of primary education was recommended, the then Member of the Planning Commission had said that, for the next five years, we do not have even a pie for this purpose. Rs. 20,000 crores were recommended. Nothing happened. Thereafter, the Sarva Shiksha Abhiyan came and other programmes came. Then, the Law Commission, in its 123<sup>rd</sup> Report of 1988, recommended the establishment of educational tribunals. Twenty years ago, tribunals



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were recommended. After that, as they say, much water has flown down the Ganges, and every other river in this country!

Sir, most of the States have tribunals for redressal of grievances, mainly of teachers. I would refer to the other things a little later. But now, we are making decisions and establishing tribunals on the basis of data which was used to make the earlier recommendations. We are referring to those recommendations as the foundation of our decision today and establishing tribunals, without any current data. That is something which is normally not done. Here, it is a legislation that has been rolled out only for the purpose of showing that they are doing something. In the earlier legislation, the regulatory authority that I was waiting for did not come. I believe, it will not come any time soon because there are various vested interests and I do not know how the hon. Minister is going to contend with them. Those vested interests are very, very powerful. So, I do not know when that regulatory authority will come. But that is the first need and that we do not have. So, it is just peripheral. If the CPWD cannot repair the entire building, it just whitewashes it. So, this tribunal is in the nature of a whitewash; the building is as it is.

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Sir, the Bill was sent to the Standing Committee. The Standing Committee examined it dispassionately and it gave a very scathing report. The Standing Committee recorded that this Bill had been brought without any homework, without any consultation; they do not have any data and it is based on outdated recommendations. Out of 35 States and Union Territories, only four States have said, 'yes'. Two States said that they have tribunals and they would like to discuss about it. Haryana said that they were doubtful. The rest of the States did not respond. Now, we have that famous saying, "*mounam sammati lakshanam*". So, if a State does not respond, then it is with it. That is how the Bill has been brought. There was no effort made to get a response from the very major States. Thirty States did not respond and they say that there were wide consultations! We have had the experience of other legislations; where the implementing agency insofar as the State is concerned is the State and, if the State does not concur, nothing happens. So, in such a situation, this Bill would be a non-starter insofar as state tribunals are concerned, because the States do not want them. If the States don't want them,

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in the federal structure of ours, the Centre has to persuade them. They cannot just assume that the States agree with them.

(Contd. at 10/hk)

HK/10/12.15

**SHRI BALAVANT ALIAS BAL APTE (CONTD.):** In so far as the Tribunals are concerned, this is something which ought to be considered. When offences are created and when there is a need to go to courts, it is said that there should be a Judicial Impact Assessment in so far as the court system is concerned. A learned Committee has given its report. Now when we are creating so many tribunals, it has become necessary to have a Judicial Impact Assessment because every Tribunal is amenable to the jurisdiction of the High Court and Article 226 gives power and opportunity -- power to the court and opportunity to citizens -- and a great impact of every such Tribunal and its decision will ultimately come under the jurisdiction of the High Court.

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

One has to examine as to what is this Judicial Impact because ultimately the existence of a Tribunal creates litigation, and if that

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litigation is going to be pending in the High Courts for years together, then creation of the Tribunal becomes ridiculous. If the Judicial Assessment for civil courts is necessary, then it is also necessary for Tribunals. Now I come to the provisions of the Bill. Sir, the hon. Minister is an eminent lawyer and probably he has taken care of his fraternity. Therefore, he has created provisions which will create litigation and a lot of work and money for lawyers. Clause 3(1)(w) talks about service matters and disciplinary matters. They are not defined here. They may be defined in some other Act; I don't know when that Act will come. What is a service matter or what is a disciplinary matter may create a lot of litigations. Every action can be contested. Then I come to clause 15. It talks about unfair practices. What is an unfair practice of an educational institution is not defined. This will also be incorporated from other legislation which has yet to come and that ultimately will lead to litigation. What is an unfair labour practice is something which will create litigation and every lawyer will have his own interpretation, and in this country every judge will have his own interpretation. So, it's a heaven for lawyers. Clauses 17 and 33 say that whoever comes to this Tribunal should first avail of all the

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other remedies which are available to him. What are all other remedies? Litigation. You have to see whether he has gone to the higher authority, or, whether he has gone in revision? Or is it an efficacious remedy? I don't think anybody will leave any of these questions out before going up to the Supreme Court because it is a contentious issue which is not defined, not clearly said and not clearly laid down. It is put so vague so as to enable lawyers to create litigation. Then there is a provision for appeal to the National Tribunal. Again a doubtful remedy. There are issues relating to article 226, Supreme Court, going to the Appellate Court and writ petition. This may lead to litigation. Then we are providing appeal to the Supreme Court. Why? What is the necessity? Supreme Court has the power to interfere if it wants to interfere. Creating a right to appeal is something which may again create litigation. If Tribunals are there not to prolong litigation, then you are giving a handle for prolonging litigation.

(Contd. by KSK/1p)

KSK/12.20/1P

**SHRI BALAVANT *alias* BAL APTE (CONTD):** Then, there is a provision for execution. I am only going through the list. Each of them can tell you how many possibilities of litigation are inherent in the legislation itself which is kept so vague deliberately. Execution is provided. The Tribunal shall execute. Can it be sent to the civil court? Then, the Collector is also in the execution - collecting money as land revenue. So, what will overlap which? Can I go directly to the Collector for execution, as the Tribunal sent me to the Collector? The clauses are not clear.

Then, it is provided that the Tribunal is independent. Tribunal is not within the clutches of the procedure of laws like the Civil Procedure Code and the Evidence Act. Then, the question comes about the fairness of the procedure. I remember litigation about various arbitrations. There also, there is no Civil Procedure Code, no Evidence Act. But, for any procedure, in this country, the law of the land says that it must be fair. So, where lies the line of fairness? Somebody has to decide. So, the Tribunal will decide and whether the Tribunal has decided correctly is something for the court to

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examine because we have seen tribunals thinking that since Civil Procedure Code and the Evidence Act do not bind them, they can do whatever they want. They will take the evidence of their choice. I have seen judgments. I am not talking in the air. I have seen judgments of arbitration tribunals, of arbitrators going berserk because there is no CPC and no Evidence Act. Same thing is here. So, again, what I said in the beginning, I have only listed seven provisions, the provisions which provide readymade material for litigation because the provisions in the Bill are vague. Probably, those, who made these provisions, don't know. But, there should be some legislation; so make it. Therefore, I said, "It is half-baked." Therefore, I said, "There is no home work."

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** There is one more speaker from your Party.

**SHRI BALAVANT *alias* BAL APTE:** I am aware, Sir, and I am never required to be told. I have listed only seven. But, if you go through this little more carefully, you will get another 17 where the provisions are made by a routine drafting clerk without going into the merits of

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the definitions. Therefore, I believe this is something which must be gone into.

There are only two things I want to mention. One, in this entire structure, the student is missing. He is conspicuous by his absence. They have listed on the Internet that you get similar provisions in other countries. I have seen that list. I am not going to mention it here. In each of those legislations, in Europe, in the U.K., in the U.S., the student is a prominent ingredient. In this, the student is missing because we want to negotiate between the institutions. Student is irrelevant. Therefore, student is not there.

Secondly, minority institutions are excluded from such a vital structure of tribunals. Then, where are we going to lead the minority institutions? That is one question which we must see. Therefore, regarding clauses 49 and 50, I want to mention this because they contradict each other. One says that the provisions of this Act are overriding. The other says that it is in addition to the earlier provisions. So, is it in addition, or, is it overriding? We don't know. Probably, the makers of the legislation don't know, and it will be for



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the Courts to interpret. Therefore, I urge that your good effort in beginning is something which is good.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** There are only five minutes left for your Party.

**SHRI BALAVANT *alias* BAL APTE:** Your good effort should begin with something good, and, therefore, withdraw this legislation which is useless.

(Ends)

(followed by 1q - gsp)

GSP-12.25-1Q

**DR. K. KESHAVA RAO (ANDHRA PRADESH):** Sir, I rise with some kind of a mixed feeling. Sir, all the Members of this House always welcome whenever any reform provision or step towards reforms is taken, more so, in a field like education, and, a dispute angle is there.

So, any attempt to settle such kinds of disputes is welcome; not because they are going to be 800 or 300, but because the intricacies of disputes that get into the education field are so complicated that we wanted some kind of fast-track mechanism to look into it.

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I also congratulate the Minister for one thing. He has been thinking aright on these reformist measures. But, unfortunately, he should excuse me, it is not backed up by the kind of implementation machinery that it requires. Be it in the RTE, be it in the disputes, in all these kinds of things, it is not only the intentions but the wherewithal that you try to carry and organize, which becomes important. Perhaps, as many of us here in this House have been subjected to this kind of pressure in all fields, the Ministers of Education at the State level or the smaller level where the education takes place are also subjected to such pressures. To my mind, you place education at the Central level because there is a fashion and a fad now that everything should be of national level, national perspective or national outlook in a country of a stratified society. We have been having a multinational approach. We have been forgetting that the traditions of a 100-year old university are different from the traditions of those which are evolving their traditions. Take for example my own State, Andhra Pradesh. We are forgetting that the needs of the hill areas or the needs of the Vizag are different from those of Hyderabad. This is what we have been addressing as Ministers who are concerned with

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education. We even had an idea that we should diversify the educational system and curriculum formulation District-wise because the needs of the man of a hill station would be different from the needs of a man of a developed area or the capital city. The English that you try to teach becomes a fashion for them but English would never be known to them, and, that is why, we speak about mother tongue and other things. I am not getting into all these things. But let me bring it to the attention of the Minister, through you, Sir, that disputes are not that simplistic. Disputes in the field of education are more complicated than that of any other field that you can imagine.

Why do these disputes arise at all? Sir, this must be looked into. I have seen the Report of the Standing Committee just now. First of all, Mr. Vice-Chairman, Sir, I would like to submit before this House something relating to my objection. The Report of the Standing Committee came before this House just ten days ago. If you were to go through the Standing Committee Report, you will find that from first to last, it had rejected what you have now envisaged in the Bill. Your wisdom is alright. You said that you have looked into it. You have looked into the recommendations of the Standing

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Committee; you have looked into the objections of the Standing Committee; you have looked into the comments made by the Standing Committee; you have looked into, what you said in your own speech, the Standing Committee's notice. You have looked into all these things. But we are not told about it because these are part of the Standing Committee.

So, Mr. Vice-Chairman, Sir, I am raising this serious issue for the second time. What is the Standing Committee all about? The Standing Committee is formed by this House under the directions of the hon. Chairman, under the Constitutional provisions, under the provisions enshrined in the Constitution, and, you ask the Members of the House to gather like a mini-Parliament, deliberate on issues. It is not for the sake of talking or indulging in a fabulous dialogue. It is to call the experts, talk to them, and, it is to call the officers from the concerned department, get deep into it with incisive questioning.

(Contd. by sk-1r)

SK/1R/12.30

**DR. K. KESHAVA RAO (CONTD.):** I have come with a report that has not even been told in this House. This is a great objection which I would raise today as a Member of this House. This is the second time I am raising such an issue. Aviation was one. And education is second. I have gone through the Standing Committee Report only half an hour back. We did not even know when the Bill will come. Only yesterday we came to know through a revised List of Business that the Education Tribunal Bill would be taken up sometime after some Bill. That means the time given to us was one hour. And, for what such a short time was given? For a field like education which means everything for a nation, to my mind, there is no subject in the entire administrative polity more important than education which would govern and re-build a nation. That is the importance we give to education. That is why we have been referring to the Education Commission saying that a nation is built in classrooms. It is not the classrooms or the soulless desks or a soulless blackboard, it is the human element sitting there which builds a nation. And, this human

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element has a dispute. Why does he have a dispute? Because today the academic institutions are not academically-managed; they are man-managed institutions. Who I need as a Vice-Chancellor is not one who is academically well-versed, but an Army Chief or a DGP who can manage my students there who are interested more in the campus rather than in the academic classes. This often makes us worry and think as to what is happening in our field of education. In a classroom, if a class is taken by a particular lecturer, it is very peaceful, very calm, very attentive, whereas if another man goes there, it is not. Why? It is because of the kind of respect students give to that kind of a teacher or a *guru*. The concept of *guru* is thrown out to the winds because for youth, the *guru* is nothing; he is just a lecturer. And, who is this lecturer? I know they are very pertinent, but nonetheless I want the Minister to know how the dispute really arises. You go and see it. I have been part of the academy. So, when you go and ask a certain person as to who that man is, he says that he is a lecturer of literature. But if he is teaching Telugu or Sanskrit or Punjabi or any other language, he will say professor of languages as if English has literature and Telugu or Hindi or Sanskrit

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does not have literature. This is the kind of essence that has been injected into our minds. It is not that I am against English schools. Although I was one, with my friends, for *angreji hatao movement*. But that is another matter. The question today is that it has brought a new sense of classism in you. Out of what do you think these disputes arise? Today, there are disputes in schools. Why? Because you have brought in 'students'. The hon. Member from the BJP had listed it out. As a matter of fact, I have also listed out the clauses which are controversial, which are elusive and which are contradictory. According to the Standing Committee Report, the Supreme Court said that you can't have a tribunal without a man from the judiciary. The Bill today says that if somebody resigns, you will have an ordinary man to preside over. I don't know whether it violates the Supreme Court judgement or not. These are the issues that a learned man, a legal luminary like the Minister should understand. It is not one; I can quote 23 such things which just violate the rules that exist in our State. It now puts the States against the Centre. When I was a Minister, we opposed it when you said that it must become a subject covered under the Concurrent List. I did say that Centre was nothing but a

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myth. After all, the field of activity is nothing but States. It is there we act; it is there we function. You are a regulator only and you are trying to tell us that there will be national entrance for B.Sc., for graduation level. You would like to have a national entrance without understanding the needs of a particular State. You think that a man from Andhra will go and work in Kashmir; you think that a man from Andhra will go and work in Coimbatore. (Interruptions) Unless the social demands, social needs and social environment are brought into education, education has no meaning at all. It is my need, Mr. Vice-Chairman, when we talk of this number, the Minister was talking.

(Contd. by VKK - 1S)

-SK/VKK/1s/12.35

**DR. K. KESHAVA RAO (CONTD.):** I know and we all know. I am the founder of India's first open university which is known as AP University. It was the first in the country. When demands came that there should be more colleges, I said that you can't just suffer. You don't have that kind of money; you don't have that kind of wherewithal; you don't have that kind of infrastructure. You will never have. So, you must have an innovative mind of how to involve people.



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Education is not what you read in the books. That is why, I am saying that disputes are many and your Bill does not include them. Mr. Vice-Chairman, Sir, what is surprising to me, which I refer to you, is the Standing Committee. Not that the Standing Committee had given total comprehensive look to it. But, it did talk about 20-22 subjects which you just said that you don't agree with. That is the first objection I raise. Secondly, what did we do? You are saying that you talked with the universities. I am sure, 500 universities would not have come and said yes. The Standing Committee says that there are more than 500 universities today. I don't think they would have come and said that they agree with what the Ministry of HRD is doing. You talked about the consultation process. I know, you are talking about the Law Commission; I know, you are talking about the Education Commission; I know, you are talking about State Secretaries meeting. Things have changed; rules have changed. Today, to say that these institutions are being isolated and insulated from politics is something very idealistic. You can't cut yourself away; you can't keep yourself apart from the environment or the surroundings. The social surrounding is entirely different. I would like to say that you can't ask a

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boy or a student coming from first generation or the rural areas -- who does not even know how to behave with you, how to talk to you and feels shy and afraid -- to come and integrate himself with you and then integrate into the milieu of the new university. Disputes come in there. Because when the class is taken, as a teacher or lecturer, I look to the first two benches because they are well-dressed and they talk to me in good English language. What does the student sitting on the last bench do? He needs a protection. He gives a cat call. He gives a shouting. Why does he do it? It might be a dispute because he is thrown out of the college or university. But, why does he do it? There is no method that you have thought of. You have been talking about quality. You must have the data about quality. But, you never thought of quality either in RTE or in this; you always thought of quantity. Today, your own reports, our own reports, Education Commission reports and other reports suggest to us that only 32 per cent of the people, who have passed matriculation, are able to write what a fifth standard boy is supposed to do. Is that the quality of education we are talking about of and taking pride in? You should look into it. I am not trying to totally condemn the entire system. I am inspired by

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Minister's own statement. After all, every great journey starts with the first step. We need to take it up. You said that this is an experiment. But, if you are really able to understand, it is an experiment which needs mid-term correction. It is an experiment which needs all these things to be taken into consideration. It is an experiment which needs to look into what the Standing Committee has said. It is an experiment where 500 universities had to be talked to. It is an experiment where the academics have to be brought in. That is very welcome. It is welcome. But, the moment we pass a Bill, we get into a slumber. I don't think any Ministry or any Government or any agency -- whether you, me or anybody else -- has been able to do it after it is passed and it is out of your hands. That is why, I am afraid. If you talk about any other field, discipline or department, we would not have bothered as much as we are bothered in the case of education. Sir, as a matter of fact, I must tell you one thing in my concluding remark. Sir, if a doctor fails, a patient dies; if a lawyer fails, only a case is lost. But, if a teacher fails, a generation is lost. You are talking of that teacher, you are talking of that class room, you are talking of that system which is supposed to build the generation. What is the dispute? I am coming

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straight to the Bill. Sir, you are also trying to take the students into the subject.

(Contd. By RSS/1t)

RSS/1T/12.40/

**DR. K. KESHAVA RAO (CONTD.):** But you are not sure what exactly the dispute which the students have because there is not one student. As a student activist, as a university president, whatever it is, we try to shout without knowing why we are shouting that this will be a dispute with us and a dispute with the society. These are the issues you must understand. When the surrounding is not congenial, the only protest that I have, is to shout. These kinds of things need to be understood. In a field, in a university, in a campus like ours, with 5 to 6 per cent of the urbanized people sitting, and all the other 80 per cent people coming from villages, who are not able to mix up well or blend well, and we have the problem. You have a dispute about the teachers; against whom you have the dispute because you have not cleared it. Since the hon. Member has referred to 9 clauses which raise some doubts, while I agree with those things, I am appealing to the hon. Minister to look into those things, and, at the same time, being

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encouraged by the Minister's statement that as we go, when these things come up, we would like to have a mid course correction, and we would like to change because no law is unto itself; it has to be changed in a dynamic society. We understand that. So, the main question today is, does not this Tribunal which you have thought of, bring in more litigation? That does not mean that I am against Tribunals. You look into a kind of Tribunal you are bringing in, kind of subjects that it will entertain. For example, presently, you have introduced one thing. All those PhDs who have done their PhDs in eighties, are no more eligible to teach. I have done my PhD somewhere in 1980. So, I am not eligible to teach. So, all those who have been awarded their PhD degree in 1988, are no more eligible to be lecturers unless they have the National Talent Certificate with them, and only new persons who have passed their PhD now, that means, the persons having been awarded the PhD degree now, they have better knowledge than the persons who have obtained PhD degree in 1988 because their books have changed. I have not understood the rationale behind it. I understand that you wanted to condemn the kind of PhDs the universities have been producing, the kind of PhDs the

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institutions have been producing. You should have looked into that aspect. There should have been some kind of a norm from your side, a rule from your side to stop that kind of output. You have not done that. You thought that the legislation will do. Sir, whatever may be the legislation, the legislation, at best, gives the legitimacy; Legislation can never ensure implementation. If dowry has to go, we have passed the legislation, but dowry has not gone. Similarly, harassment of women has to go, and we have passed the legislation. But all of us who are sitting in the house, will come to know about it if we see it in the streets and in the villages what it is. So, unless there is a public movement, and the public movement here, to my mind, is the institution like teachers, students, the academics, experts, whoever it is, because, there is only one subject under the sun where everybody is an expert, and that is education, where a father thinks that he knows about the education of his son; where a friend thinks he knows better, where a brother thinks he knows better, where a neighbour thinks he knows better. So, it is a field where we are trying to handle such a complex situation. For that, we have come out with this institution. Again I am telling you that the Tribunal is good provided it is

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addressing the State and concretize itself to see that it addresses the issues that crop up.

Then, there is another great question, that is, about the Tribunal. I am sure you will change it. But the way you have referred to it in your speech, I have just heard you, condemning the very youth saying that at the age of 35, a man would not go in for this. It is for us to decide what the youth wants; what he wants to do and why he joins it, and he presumes and tries to put a stop to it; I am not able to understand it easily. The question is, you have your own reasons. But it is not necessary that way. You are trying to put some kind of experience and qualification and some sort of things along with that which will do. But I would say, let every Minister sitting in this House here, in this Government first start respecting the Standing Committees because you are accountable to this House, and the Standing Committees are part of this House, inalienable to this House. Have that kind of a thing. I am more vociferous on that and this issue because I am passionate as far as education is concerned.

(contd. by 1u)

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MKS-SC/12.45/1U

**DR. K. KESHAHA RAO (CONTD.):** I did say this is an education issue. I am saying it again.

Number two, Sir, is about the way you have hastened it. Within ten days you have brought it! You looked into the Report of the Standing Committee; you looked into the Report of the Law Commission; you read the observations of the Secretaries given in various meetings. You have referred it back what your predecessors did. And you wanted us to do within three days what the Standing Committee did and what your Bill would be! So, this kind of hasty legislation on a subject like education does not augur well in a democracy like this. ... (Time Bell) ...

Number three; the provisions of the Bill lack the real content. What you need is, you need to really look into the facts as the experience comes in. ... (Time Bell) ... Please look into the shortcomings and correct them and, at the same time, let me tell you that I am always moved by this Minister because his thoughts run faster than the deeds that have to come through his own missionary, which is not there. So, there, we try to coordinate with both of them.



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That is good. But whatever we are thinking, what plans we have made, will really augur well for the country; please really do some kind of new vistas in education, but it must also be strengthened. Please put yourself to the implementation aspects, and don't always talk about the quality because quality has never paid us; none of your Bills, RTI Bill or this Bill or any other Bill that has come before this House has yielded the desired results. Sir, the Education Bill has taken time not longer than necessary. I have never handled a file which talks about the curriculum etcetera. All that it talks about is services, transfers, salaries and nothing else but those things. Sir, Education Minister is nothing but a first class file pusher... (Time Bell) ... of the administrative system.

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

**DR. K. KESHAVA RAO:** So, with that, I am telling you, let us go to the education field. Thank you, Sir.

(Ends)

**SOME HON. MEMBERS:** Sir, he is expressing his views and making relevant points. ...(Interruptions)... There is still enough time left.

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** There is one more speaker. ...(Interruptions)... There is one more speaker.

**SHRIMATI BRINDA KARAT:** Sir, he has represented the House.

**THE VICE-CHAIRMAN:** There is one more speaker. ...(Interruptions)... Time management is the job of the Chair. ...(Interruptions)... Please know that time management is the job of the Chair. There is one more speaker from his party. Now, Shri Satish Chandra Misra.

**SHRI SATISH CHANDRA MISRA (UTTAR PRADESH):** Sir, I thank you for giving me this opportunity to speak on the Educational Tribunal Bill, 2010. The object of the Bill shows that it is meant for expeditious adjudication and effective adjudication of disputes. I totally agree with Mr. K. Keshava Rao, who has just spoken, that if the Reports of the Standing Committees, which are giving these Reports after making their strenuous efforts, are to be treated as a dustbin article, it is very unfortunate, and that either the Standing Committees should be totally abolished or they should be given some serious thought and they should be considered in the proper perspective. This Bill shows the reason why I am saying this.

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The Bill talks about the expeditious disposal of disputes and making the provisions very effective. We know, Sir, that the hon. Minister is a very eminent lawyer; I have great respect for him, for his legal acumen, but he is also aware of it that these disputes with respect to teachers are pending not in thousands but in lakhs in High Courts. Even in Uttar Pradesh High Court and Allahabad High Court, as on date, there are more than two lakh cases out of the ten lakh cases pending in various High Courts with respect to teachers. Now, no care has been taken with respect to what is going to happen to the pending disputes. The Bill speaks to the effect that after the appeal, after exhausting all the remedies, a person can go to the State Tribunals. That means, after years of having proceeded with various procedures under the appeals, where though a limitation has been fixed, it can go to the State Tribunal, and, after approaching the State Tribunal, to the National Tribunal for an appeal. My learned friend and hon. Minister is aware that the hon. Supreme Court concerning the cases of Tribunals has already held that under Article 226, the jurisdiction, where it was taken away under the statute, has been declared *ultra vires*; it was said that Article 226 would remain in force

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and after the Tribunal's decision, it can go to Article 226 even if there is a National Tribunal. Appellate jurisdiction against the National Tribunal has been provided to the Supreme Court.

(Contd. by TMV/1W)

-MKS-TMV-MCM/1W/12.50

**SHRI SATISH CHANDRA MISRA (CONTD.):** What is the fate of the disputes which are pending before the High Courts? What will happen to those disputes? As I have said, now two lakh matters are pending in the Uttar Pradesh High Court with respect to education. They will be continuing there and the very purpose of this Bill will be defeated. If there had been a Bill that says that the PILs would be considered by some other High Courts or some special benches, it would have been something different. Fifty per cent of the posts are lying vacant in the Allahabad High Court. Against a strength of 160 judges, we have 74 judges at present in the Allahabad High Court. The PILs are the only matters which are being taken up on day-to-day basis. The other matters remain pending. I would have welcomed it if there had been some provision saying that these matters would be

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taken care of and they would go out of the High Court. But there is no such provision in this Bill.

Sir, three months' time has been provided here. In clause 17 and other provisions it has been stated that a person who has made an application to the Appellate Authority can go to the Tribunal before the matter is decided finally by the Appellate Authority. Now the final order should be given within three months' time. I would request the hon. Minister to consider, in the light of his own experience as a lawyer, whether three months' time is sufficient for the Appellate Authority for deciding the matter. Now, if the final judgement is reserved by the Appellate Authority, an appeal against it can be filed before the Tribunal within three months. As soon as three months' period expires, the matter would go to the Tribunal. It can't be decided within the time limit. It says three months. As soon as three months expire it will go to the Tribunal. The judgement which is pending is not taken care of. It is an omission or there may be some reason which may be explained by the Minister later.

Now, three months' time is given to the Appellate Authority and, at the same time, there is no time limit for the Tribunal. The Tribunal

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may take years. They take years. You are fully aware that under the Consumer Protection Act, the cases are pending in the Tribunals for several years, six to seven years, and the matters are still to be adjudicated. So, this three months' period is no time. The hon. Minister himself was a Member of the Group of Ministers with respect to the Jewar Airport. The Cabinet took a decision in 2003 and the matter went to the Group of Ministers and the Group of Ministers could not take a decision during the whole regime of UPA-I and now, again, in UPA-II the matter is pending before the Group of Ministers for one-and-a-half years. So, how can you fix the time for others saying that if you don't decide it within three months, an appeal would lie? We have to take it into consideration. You can't take the Civil Liability for Nuclear Damage Bill where everything happened in one month or one-and-a-half months and the Bill got passed with 18 amendments as an example. That is something extraordinary which has happened. Otherwise, how the things are going? What is the hurry to bring this Bill in this manner without going into the intricacies and the other things? They are required to be looked into because the same thing has been mentioned with respect to the National

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Tribunal. It says that if the concerned authority does not take the decision within three months, it will go to the National Tribunal. My submission is that it is not going to help expeditious disposal. This Bill is not effective. It will rather complicate the whole thing. Several proceedings will be going on at the same time. It will be before the High Court; it will be before the Tribunal; it will be before the National Tribunal. There is concurrent jurisdiction of the National Tribunal also, besides the appellate jurisdiction. Therefore, we should look into the entire aspects, we should look into the entire issues in detail and we should look into the Standing Committee's recommendations instead of throwing them into the dustbin because experts had appeared before the Standing Committee and given their views and opinions, and then we should have placed it before the House for consideration. Therefore, my submission is that we should take care of these issues if this Bill is to be effective and if we want expeditious disposal of matters connected with teachers, their service matters or other matters. Otherwise, we are going to complicate the issues further. As I have said, as per the procedure provided, the CPC would apply.

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The clause says that the award, which will be made, or the order, which will be passed, will be executable like a decree of the civil court.

(Contd. by 1X/VK)

VK/12.55/1X

**SHRI SATISH CHANDRA MISRA (CONTD):** Now we all know what happens under Order 23 when a decree is executed. First you will get an order after years of litigation. Because, actually, there is not one tier; there are several tiers and two tiers have been added by this provision. Earlier, there was a departmental appeal either to the High Court or the Supreme Court and the matter decided. There is a contempt power under the Act. Under Articles 226, 136, 32, there is a power of contempt. There the matter is got executed. There is a faster remedy. But now what will happen is, after the departmental appeal, the matters will come under 226 because there is a jurisdiction. Interim order powers have been given. But it is said that interim orders cannot be passed unless you have given an opportunity of hearing. So, therefore, right of a person to go to the High Court saying that this is not an effective remedy and, therefore, we are coming under 226; then 226 would be entertained. There will be one



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more tier. Then two tiers are added, the State Tribunal and the Central Tribunal and then going to the hon. Supreme Court and coming back to the civil court for execution of a decree. It says that it will be sent to the District Magistrate -- I am conscious of that -- for execution. Then why is the other provision for execution of the decree by a civil court? In the entire procedure which has been provided here, it has not been excluded. This has not been excluded here that the procedure with respect to execution of decree would not be applicable. Once it goes back then the entire story once again starts in the civil court, right from the lower court, the High Court to the Supreme Court with respect to execution of the order. The net result would be, a person who has gone for a remedy will never have a remedy; there will be much less effective remedy. Effective remedy would only be when the end result comes and the order is finally implemented. In this situation, the order will never be implemented; it will only move around in the courts. Of course, as my learned friend from BJP has said, it will help the lawyers. I also belong to the same profession. But that does not mean that the intention is something else and, therefore, it should create certain more facilities for litigation,

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endless litigation; litigation not coming to an end because there is no power of contempt under these Tribunals. No power has been given that they can themselves execute the order. They are helpless. Both the Tribunals are helpless in executing the orders or getting their orders enforced, except through some other agency. So, this Bill has no teeth. Therefore, it is an ineffective Bill. It is not necessary that it should be passed hurriedly today. The Bill can be rectified. It can be placed again for consideration. I am sure the hon. Minister will reconsider the whole thing. Thank you. (Ends)

**SHRI PRAKASH JAVADEKAR:** Sir, I am on a point of propriety.

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

**SHRI PRAKASH JAVADEKAR:** The entire House seems to be suggesting that there is no necessity of passing this Bill today. Why are you in a hurry? (Interruptions).

**THE VICE-CHAIRMAN:** One more Member from your Party is speaking. He can say that. (Interruptions). He will be allowed after the lunch break. If the House feels that there is no need for a lunch break, then I have no objection. Now Papers to be laid on the Table, Shrimati Panabaka Lakshmi.

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**PAPERS LAID ON TABLE**

**SHRIMATI PANABAKA LAKSHMI** : Sir, I lay on the Table, under section 23 of the National Jute Board Act, 2008, a copy (in English and Hindi) of the Ministry of Textiles Notification No. G.S.R. 657 (E), dated the 4<sup>th</sup> August, 2010, publishing the National Jute Board Rules, 2010. (Ends)

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

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**The House then adjourned for lunch at fifty-nine minutes past twelve of the clock.**

RG/2.00/1Y

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

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**THE EDUCATIONAL TRIBUNALS BILL, 2010 - (contd.)**

**SHRI K.N. BALAGOPAL (KERALA)**: Sir, first of all, I want to support many of the views expressed by Dr. Keshava Rao. He is the veteran leader of the Congress (I)...

**THE VICE-CHAIRMAN**: You speak on the Bill, not on Dr. Keshava Rao.

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**SHRI K.N. BALAGOPAL:** I am speaking on the Bill. If there are good things coming from the Congress (I), we have to support them. That is a rare occasion that they come out with facts and, that is why, I am supporting him. The Bill, that is being considered here, is a hasty step. So, I am requesting the hon. Minister and the Government to keep it in abeyance for the time being because everyone is saying that it is a hasty step on the part of the Government. We do support the purpose of bringing in this Bill because there are a lot of complaints about the existing system of education. In India, since the traditional times, we have been recognizing education as the noblest thing, and we had the experience of Nalanda and Taksasila and other Universities. "विद्याधनम् सर्वधनात् प्रधानम्" were the words of those days. After globalisation, *vidya* has become the tool for making *dhanam*; and that is the case of self-financing colleges in the country. In the name of self-financing institutions, looting is, actually, taking place. As I said earlier, Sir, when the Government is bringing in this Bill, we are supporting the intention behind this Bill. At the same time, there is a serious criticism which I wish to point out. The Minister may, honestly, think that he is the right person, that the Central

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Government is the right person, to do all these things. Sir, there are State Governments. There are 28 States in our country. But the Minister thinks that the Central Government is the only agency which can take care of this noble thing. They are saying that the State Governments are also having their own legislations. But the Appellate Authority is there. This Authority can, *suo motu*, take up cases, and they can hear the appeals as well.

Sir, I would now like to go into the details pertaining to the Bill. Education is supposed to be the rights of the States. The federal character of the country is, continuously, being encroached upon by the Central Government. I can give several examples in this regard. There is the NCTE, which is a Central agency. The National Council for Teacher Education gives recognition to B. Ed. *colleges*. I will give an example. In Kerala, we had B.Ed. colleges affiliated to universities. Now, all the B.Ed. colleges, under universities, were derecognised. Only some of them have been recognised now. Now, private, unaided colleges, which are charging Rs.50,000 or Rs.1,00,000 are getting recognition. And, in the case of the AICTE also, when Government is applying for an additional course in a Government-run

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engineering college, they are not allowing that. And, there are mushrooming of private colleges. Sir, we also know what has happened in the Medical Council. It is not a secret thing at all. We have discussed it here; the Government medical colleges are not getting maximum seats. Money plays a role in everything. Even as regards minority institutions, recently, we passed a Constitutional Amendment. Sir, a question put by Shri Rajeev, was answered in the House, and the reply said that about 3,000 minority institutions were sanctioned under the aegis of the National Commission for Minority Educational Institutions. Out of them, 1,200 belong to Kerala. Thirty-three per cent of minority educational institutions are located in Kerala, whereas our minority population is only three per cent. In the name of minority institutions, they are selling education. Some of the institutions are doing this. This has to be checked. We do have to fight for the cause of minorities.

Now, whatever you are doing is only infringing upon the rights of the State Governments. Sir, there are several provisions in the Bill.

(Continued by 1Z)

1z/2.05/ks

**SHRI K.N. BALAGOPAL (contd.):** But, as the earlier speakers have said, there is nothing here for students. A 'student' is not defined; okay, it may not be necessary to define it. But, about violation of students' rights of students, a lot of cases are coming up now. Parents approach MPs and complain about looting, about other forms of exploitation by managements or about violation of students' rights. So, here, students rights are not mentioned. Ultimately, what would happen as per this Bill is, Sir, the question of affiliation of universities would come up to the appellate authority. If universities providing higher education in States do not give affiliation to a particular college, then, they would come before this Tribunal and the Tribunal will give affiliation to that new medical colleges or engineering colleges or any other type of college. This is what is going to happen. This is very bad or, at least, this is not good -- if 'bad' is unparliamentary -- on the part of the Government. That is why we say this needs to be kept in abeyance.

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Sir, we gave amendments in certain provisions. Clauses 4 to 19 are about State Tribunals. Let States make their own rules. You give them guidance. Like a parent gives guidance to a child saying that he does not know anything, the Central Government says that the State Governments do not know anything and so we give guidance. Why do you do that? States have their own rights and knowledge about making their own laws. The Central Government should not ask them to do things from A to Z. That is why, we suggested that amendment. That provision may be deleted and States may be given freedom.

Sir, about the other provisions, Clauses 5 and 6, and 21 and 22 of the Bill provide, for Members, ... (Time-bell)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** We have time constraints. Please, conclude in one or two minutes.

**SHRI K.N. BALAGOPAL:** Sir, I want to say a word about the academicians, so far as the constitution of the Tribunals is concerned. The hon. Minister mentioned about the Standing Committee. The Standing Committee had made certain recommendations and those recommendations have not been accepted. The Standing Committee, as also the higher judiciary and some other agencies,



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have mentioned 54 years as the age or not below 55 years. So, this would be an asylum to retired officers of the Central Government; this would provide asylum to retired Judges up to 70 years in age. The age-limit should be reduced. And 'academicians' means that only Vice-Chancellors can be appointed. Sir, we have Dr. Kapila Vatsyayan and Dr. M.S. Swaminathan here. Were they Vice-Chancellors? What is this? Only Vice-Chancellors can be members! That provision needs to be changed. There is no provision for removal of members of Tribunals. I mean to say that there is a provision but it is cumbersome like the provisions pertaining to the impeachment of High Court and Supreme Court Judges. If you see, practically no Judge facing charges of corruption has been removed from the Court. So, we must look into that aspect too.

Sir, I have another point to make. There is a provision for imprisonment up to three years. If there is a violation, in no other tribunal, there is this kind of a provision. In the case of Industrial Tribunals, it is six months. If a Vice-Chancellor, if a university syndicate, if a Registrar, is not passing proper orders, then, he can be punished up to three years. Such provisions are there, Sir. This

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provision in the Bill is only meant to support the entire business community in the education industry.

Hence, I object to these provisions and request the Government and Minister to keep this in abeyance.

(Ends)

**SHRI N.K. SINGH (BIHAR):** Sir, first, let me begin by associating myself with many of the observations which have been made on this Bill by Mr. Bal Apte, by the distinguished previous speaker, by Dr. Keshava Rao, on the urgency with which suddenly this Bill has been invested, in bringing it for final approval of this House, just ten days after the recommendations of the Standing Committee.

I have some sympathy with the Minister because, perhaps, in a lot of legislations which are being initiated by the HRD Ministry, this in some ways could be viewed as an overarching legislation and, therefore, one can understand really an overarching character of this legislation in conjunction with a number of other legislations. However, I am not able to quite perceive why the Standing Committee's recommendations presented to this House on the 20<sup>th</sup> have been totally disregarded. I thought this was an unhealthy

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practice which had begun some time earlier when, I remember, in one other instance, in disregard of all recommendations made for formation of Central universities, the Ministry had brought the recommendations in their present form.

(contd. by 2a/kgg)

Kgg/2a/2.10

**SHRI N.K. SINGH (contd.):** I have, Sir, six observations to make apart from the issues of federal polity, the way in which the stray tribunals are to be treated, the differentiation in the characteristics of each State, what would be their status subsuming them, and so on. There are these issues of the whole federal structure of our educational system on which the Minister may wish to throw some light.

My second point is that one of the considerations of the Standing Committee was what was the best international practice in dealing with issues of education disputes? If you look at the best international practice, the U.S. has a very robust system of internal grievances. The U.K. has enacted Education Bill, 2005. Australia has Equal Opportunities Commission Act. Sweden has enacted a law in 2006. All these laws are emphasizing one feature, how to strengthen

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the internal dispute and grievance redressal mechanism. Sir, I would like the Minister to give some consideration that how would you strengthen the internal procedures which would enable less recourse to educational tribunals and quicker settlement based on local conditions by strengthening an internal disputes settlement mechanism.

I now go to another point. There are several other ambiguities in this Bill. For instance, the term 'unfair practice' has not been defined. Mr. Bal Apte has rightly pointed out that students have been left out without being specifically mentioning. Clearly, they would be one of the important beneficiaries of this Act. So, these ambiguities apart from the ambiguities on the status of existing tribunal need really to be resolved in whatever manner the Minister considers appropriate.

I have three other points. One is that I have some serious concern about the composition of the National Educational Tribunal. Three Secretaries of Government of India! I have been a former member of the Indian Administrative Service and I would not like to really say anything about that. But, three Secretaries to Government of India in a National Educational Tribunal is certainly excessive

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bureaucratization by any stretch. In fact, I think, it is one step further—it raises fears of regulatory capture. I am afraid, this is one thing which I am sure the Minister would like to dispel that there is no effort at a regulatory capture by having an excessively skewed up character of the National Commission with three Secretaries to the Government of India.

My next point, Sir, is about the selection committee to select this. If the Act mentions about the Chief Justice of India, certainly he is very, very eminent and therefore impartial. It has various Secretaries of Human Resources Development, Health and other Secretaries, but leaves out people with domain knowledge completely. But, that again further heightens issues of regulatory capture because surely we would like to have people of domain knowledge in the selection committee so that the people who are selected really continue to remain as impartial as you would like them to be.

Sir, I think, therefore, in overall term, there are lot of issues in the Bill which the Minister may wish to clarify. Some he can subsume in the formation of rules, some he can subsume perhaps in issuing the guidance, and some he needs to dispel that there is no concern of the

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Government on regulatory capture. If you still need to persuade it, why the normal procedure of approaching the Standing Committee was not taken for the recommendation? Would it not really have been appropriate to go back, perhaps, for your officers to the Standing Committee and to explain why it has not been possible for the Ministry to accommodate the views of the Standing Committee? Thereafter, if the difference still persisted, of course, you are fully entitled to come to the House in a larger context to see a resolution of this. I think, trampling the recommendations of the Standing Committee is really totally contrary to the basic spirit in which these Committees were formed to reconcile differences of opinion. I am sure, this is not a practice with the Minister who would like to continue or emulate or like others to emulate. Thank you, Sir.

(Ends)

(Followed By tdb/2b)

TDB/2B/2.15

**DR. K.P. RAMALINGAM (TAMIL NADU):** Mr. Vice-Chairman, Sir, I thank you very much for giving me the opportunity to speak on the National Educational Tribunals Bill, 2010. While welcoming this Bill, I

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would like to express some of my reservations on this Bill. Before that, let me go into the welcoming aspects of this Bill. Today, we find an increase in the number of higher educational institutions. More and more number of professional educational institutions have come up, both in the Government and in the private sector. Affiliation by universities, recognition by the AICTE and the UGC are leading to litigations. Apart from that, the conflict of interests involving the management, the students, the parents and the teachers are leading to litigations. Mismanagement of institutions, mis-treatment of the students and exploitation in the form of capitation fee are worrying us. In the light of this, this Educational Tribunals Bill meant for higher educational institutions is being moved and discussed. I welcome the timely action taken by the UPA Government. I appreciate the hon. Minister for getting this Bill moved in this House. But, we must take care to see that States like Tamil Nadu, Andhra Pradesh, Karnataka, Kerala and Maharashtra which are already having such mechanisms should not face any hurdle in its smooth functioning. For instance, the Educational Tribunals must have academicians, educationists and educational administrators, both from the Government and the

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educational institutions. But, this Bill brings in retired judges from the Judiciary, which is not necessary at all. I once again repeat, but this Bill brings in retired judges from the Judiciary which is not necessary at all. If we involve the Judiciary in these Tribunals, then the authority of the Government may not be there to have control over it. A well-known legal authority, like our hon. Minister, Shri Kapil Sibal can manage now. But, all his successors may not be so. One should keep in mind that nobody will be in power forever. There is a saying in Tamil. **(Please fill in the Tamil saying...**

Sir, in Clause 44 of the Bill...

**SHRIMATI BRINDA KARAT:** What does that mean?

**DR. K.P. RAMALINGAM:** It means, one should keep in mind that nobody will be in power forever. Lord Rama said it while crowning up *Vibhishana*. But, Rama's sayings are also not true now.

Sir, in Clause 44 of the Bill, it is stated, 'that the Central Tribunals shall have administrative control over the State Tribunals'. I am afraid, this may come in the way of powers of the States. States' autonomy must not be eroded. This is against our basic principle. It will affect our federalism. If the State Tribunal is controlled by the



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National Tribunals, then, what is the use of State Tribunal? The National Tribunal must be an appellate authority. It should not be a governing authority. Now, this Bill is showing it as a governing authority. It should not be like a governing authority. I would like to impress upon the Centre that education is in the Concurrent List. It will always be better to have it in the State List, like law and order. I am saying this because local aspirations vary. In early 70s', it was only in the State List. Why not now? That is the most important point, Sir. It appears that these Tribunals may have enormous powers. There should be Government control to have a final say. The States should decide about the State Tribunals. The State Assemblies should decide how to make a State Tribunal, not from here. Otherwise, it will also become like the Indian Medical Council. After some more years, we in this House go in for another Bill to supersede the powers of this Tribunal. So, we must carefully consider this Bill. Anyhow, I welcome this Bill.

(Ends)

(Followed by 2c-kl)

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KLS/2C-2.20

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Shri Mohapatraji. ... (Interruptions).. That is his view. ... (Interruptions).. Take your seats. ... (Interruptions).. You can also do the same thing. ... (Interruptions).. Silence and order in the House, please. ... (Interruptions).. Order please. ... (Interruptions).. Hon. Members, please take your seats. ... (Interruptions).. Please be louder.

**SHRI PYARIMOHAN MOHAPATRA (ORISSA):** Sir, I associate myself with the views of the most of the Members who have spoken on this issue. ... (Interruptions).. As everyone knows, the Minister is a very eminent lawyer and is a doer, man of action. That has been the trouble in his case. He went into the RTE, a very laudable measure, without finding out whether both the Centre and the States were capable of finding the finances and whether the machinery was adequate. The tremendous enthusiasm that he has, and I must appreciate the tearing hurry with which he has taken up the job of the Education Minister because I have also seen slow and very competent Education Ministers in my time as a State Education Secretary. So, because of this tearing hurry, the Standing Committee

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recommendations have practically been ignored. But, the other thing, as a lawyer, with history, with memory you go for the Privy Council recommendations, you go back 130 years or 140 years, to call out some decisions which would go in favour of your client. What happened that why it was not checked by your Ministry about what is happening to CATs and SETs. My experience is this, and as Mr. Misra said, out of ten lakh cases, two lakh cases relate to education. Same thing is in Orissa. We have an Education Tribunal since 1974. But in the case of SET, whosoever it is, today nobody wants to go to SET unless he just wants the pay and perks because people go under 226 and the High Court entertains everyone. There are more cases in the High Court on education than in the SET as far as Government teachers are concerned. So, you should have consulted the States, you should have checked up with them. This is the federal structure and there is a little bit of check. NPE was brought in 1986. All of us or people like me were involved with the NEP of late Rajiv Gandhi. It was a very detailed exercise. Till today you have not followed what is happening to the recruitment of the primary teachers, where the primary teacher was to be recruited from the village itself or maximum

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for the neighbouring villages. Today all standards have been changed in the name of getting some qualified teachers. It was envisaged that the person in the village will really be there and will teach and can acquire qualification in course of time. Those things have been forgotten and we have now confronted with consultations with the 1987 Association of Vice-Chancellors' Conference and of recent CABE where the Standing Committee mentions that some School on Mass Education Secretaries had been invited. But these are no consultations. Let us have consultations. Concurrent List does not mean that the Centre will ride roughshod over the States. It has to be a process of consultations. When the Congress was dominant both at the Centre and in a large number of States, it was easy to take something from the State List to the Concurrent List.

(Contd by 2D/SSS)

SSS-VNK/2D/2.25

**SHRI PYARIMOHAN MOHAPATRA (CONTD.):** But, it should make the Centre more restrained instead of taking up a Bill like this, and, this Appellate power of National Education Tribunal over a State Education Tribunal is not an acceptable proposition. It is fine where

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Central University is involved, where more than one State is involved. But, where State is exclusively involved or a State-funded university is involved please don't arrogate yourself the power to encroach upon the property of the State.

(Ends)

**श्री महेन्द्र मोहन (उत्तर प्रदेश):** महोदय, आपने मुझे समय दिया, इसके लिए आपको धन्यवाद। सर्वप्रथम तो मैं आपके माध्यम से माननीय मंत्री जी को बधाई देना चाहूंगा कि उन्होंने कम से कम यह सोचा कि इस प्रकार के जो लाखों मामले हाई कोर्ट या अन्य जगहों पर पेंडिंग पड़े हुए हैं, वे न रहें और आगे आने वाले मामलों के लिए ऐसी ट्रिब्यूनल्स बनाई जाईं, जिनसे इन मामलों का जल्दी निर्णय किया जा सके।

महोदय, मैं आपके माध्यम से माननीय मंत्री जी का ध्यान clause 35 की ओर आकर्षित करना चाहूंगा, जहां पर उन्होंने लिखा है कि जब यह बिल पास हो जाएगा और यह एक्ट बन जाएगा, तब मामलों को सिविल कोर्ट में नहीं ले जाया जा सकेगा, लेकिन मैं यह जानना चाहूंगा कि क्या यह संभव है कि ये जो students, teachers, employees, management वगैरह के मामले पेंडिंग पड़े हुए हैं, उनको इन ट्रिब्यूनल्स में ट्रांसफर किए जाएं और इनके माध्यम से उनका निस्तारण जल्दी किया जाए, ताकि वह कार्य शीघ्रता से हो सके? इसके साथ ही साथ मैं अन्य चीजों पर न जाते हुए एक बात कहना चाहूंगा, वह यह है कि

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इसके लिए एक टाइम फ्रेम होना चाहिए, क्योंकि ट्रिब्यूनल्स बनने के बाद जब उनमें मामले जाते हैं, तो वहां पर भी सिर्फ तारीखें पड़ती रहती हैं और तारीखों के साथ ही मामले पेंडिंग पड़े रहते हैं। क्या इसमें इस प्रकार का कोई टाइम फ्रेम निर्धारित किया जाएगा, ताकि जो भी मामले ट्रिब्यूनल्स में जाएं, उन पर इतने दिनों के अंदर ट्रिब्यूनल्स decisions देंगी, ताकि proactive होकर decision लेकर आगे बढ़ा जा सके? जैसा कि Objects of the Bill में लिखा गया है कि इसके लिए हम लोग ला रहे हैं, In view of the rapid growth in higher education sector, it has resulted in increased litigation involving students, teachers and all that.

महोदय, मैं माननीय मंत्री जी से यह कहना चाहूंगा कि इस देश में जब भी कोई legislature बनता है, तो उसके कुछ objects होते हैं, लेकिन हमारे यहां उसका review नहीं किया जाता है। मैं यह कहना चाहता हूँ कि जो भी legislature बने, उसके बनने के बाद कम से कम तीन साल या पांच साल का समय रखा जाए, जिसके बाद यह review किया जाए कि उस legislature के जो objects थे, वे पूरे हुए हैं अथवा नहीं हुए हैं। हम कोई भी कानून बना देते हैं, लेकिन उसका end result क्या होता है, किस प्रकार से कार्य चलते हैं, उससे समाज को क्या लाभ हुआ है, हम किस प्रकार से अपने education को अच्छे रूप में आगे चला सके हैं, इस ओर भी ध्यान देना बहुत जरूरी है। इसमें कुछ इस प्रकार का भी प्रोविजन करें।

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यह ठीक है कि सरकार Right to Education Act लाई है और उसके द्वारा हम पूरे समाज को शिक्षित करना चाहते हैं। ये सारी अच्छी चीजें हैं, लेकिन इसके साथ ही साथ जब तक इस प्रकार की कोई चीज नहीं लागू की जाएगी, तब तक हम लोगों को इसका पूरा फायदा नहीं मिलेगा। इसलिए इसमें review का प्रोविजन होना बहुत जरूरी है। न केवल यहां पर, बल्कि हम जो भी कानून बनाते हैं, उसमें इस प्रकार का प्रोविजन होना चाहिए कि कुछ सालों के बाद या maybe over a period of three years or five years we must review what has been the achievements, whether we have achieved those objects or not for which the legislation has been made. With these words I support that this Bill must be taken into consideration and we must pass it.

(Ends)

**DR. JANARDHAN WAGHMARE (MAHARASHTRA):** Thank you, Sir for giving me an opportunity to speak on this Bill. Of course, I support the Bill but while supporting I would like to make certain observations. Sir, I am not going to talk about standard of education, qualifications of teachers etc. because the Bill deals with a law which is going to give justice to students, to teachers, to employees. Let me first of all bring to your notice that the Bill deals with institutions of higher

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education. But, Sir, you need tribunals even for secondary education and primary education also and that is a large segment of education. The Bill deals with higher education but anyway we will have to make some provision for primary education and secondary education institutions also. Sir, there are certain universities in our country which have provided for tribunals. For instance, every University in Maharashtra has a tribunal.

(Contd. by NBR/2E)

-SSS/NBR-MP/2E/2.30

**DR. JANARDHAN WAGHMARE (CONTD.):** The provision is made in the Act itself. If this Bill comes into operation, whether those provisions would be repealed? So, this is the kind of apprehension in my mind. Tribunals, of course, are necessary, because litigations are increasing, institutions are increasing and universities are also increasing. That is why there would be conflict of interests at all times. That is why this kind of Tribunal is really needed.

Sir, student is a focal point of the whole education system. It is only because of students that universities come into existence. It is



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because of students that we have colleges. It is because of students that we have teachers, Professors and Vice-Chancellors. Some mention is made in the Preamble of this Bill about students. But, there is no provision for students in the Bill. Students have many problems. They have problems relating to admission, fee, announcement of results, etc. Research scholars are also having problems, because their thesis is not sent to examiners on time. That is why they also face many problems. Ragging is also a big problem today. So, students have problems. We create problems for students and students also create some problems on the campus and in the premises of colleges. What I would like to say is, there has to be some provision regarding students and their grievances in the Bill. There should be service centers for students. That has to be there. There are many problems. Sir, private institutions, now, are creating more problems with regard to admissions. They are collecting capitation fee, even though it is prohibited. They are collecting donations. They do not provide qualified teachers and they collect a lot of money. So, this is a very serious phenomenon in education that is to be dealt with very, very seriously. In this Bill, there is no such

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provision. Specifically, this is to be made. Teachers have their own problems. Teachers have problems such as appointments, teaching hours, pension, etc. Sir, even the Confidential Reports are not shown to them. That is why they are kept in darkness. So, there are many problems. Management has its own problems like affiliation, etc. Therefore, these problems have to be taken into consideration.

Sir, in the Western universities, a kind of academic judiciary is evolving. Those universities have their own judicial system on the campus itself. If we make Tribunal a part of the Act of the university itself, perhaps, we may also, over the years, evolve this particular system in our universities.

The Government is going to establish State Tribunals and National Tribunals. Sir, clause 5 of the Bill specifies about the composition of the State Tribunal. The State Tribunal consists of the Chairman and two Members and one of them shall be a woman. Why not you have one Member belonging to SC or ST, because there are reservation problems? Management, on one pretext or the other, tries to avoid them. That is why the Backward Classes, SC and ST

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are facing problems. Therefore, I would request the hon. Minister very earnestly that there should be one Member belonging to SC or ST.

Again, the composition in the National Tribunal has 9 Members -- the Chairman and not more than 8 Members and one of them shall be a woman. Here also, there should be one Member belonging to SC or ST. So, this is my suggestion. Secondly, Sir, there is also disparity in the number of Members. In the State Tribunals there are two Members and on the National Tribunal there are 9 Members.

(CONTD. BY USY "2F")

-NBR-USY/2f/2.35

**DR. JANARDHAN WAGHMARE (CONTD.):** Why is this disparity there? (Time-bell) Let this be similar. The National Tribunal is going to be a kind of an appellate tribunal. That would be very difficult because people would like to go to High Courts and, sometimes, the Supreme Court. I would suggest that the State Tribunals should be for the State universities and the affiliating universities in the States; and, the National Tribunal should be for central and foreign universities, so that there is no jeopardy and conflict in the jurisdiction. The number of central universities is increasing. The foreign

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universities would also face certain problems. (Time-bell) Therefore, my suggestion is that the National Educational Tribunal should be for the central universities and the foreign universities and the State Tribunals should be for the State universities. With these words, I conclude, Sir. Thank you very much.

(Ends)

**SHRI SYED AZEEZ PASHA (ANDHRA PRADESH):** Mr. Vice-Chairman, Sir, I am here to participate in the Education Tribunal Bill, with some reservations, as I feel that the Bill has been put forth in a haste. Several States have not been consulted. And, this is the reason why only the States of Chhattisgarh, Madhya Pradesh, Himachal Pradesh and Kerala have come forward to accept this. When we talk about tribunals, there are industrial tribunals also. But there is a lot of difference between an industrial tribunal and an education tribunal because educational disputes are entirely different than the industrial disputes. If one has to adjudicate in the educational matters, it takes its own time. Therefore, I feel, instead of having this adjudication process, it would have been better if the concerned parties -- the students and the teachers -- could directly

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have another mechanism where there can be a speedy trial. I feel, neither the students' community nor the teachers' community has been consulted. When I talked to one all-India body of university college teachers, they told me that they were not consulted and that they were having their own reservations. Therefore, I feel, instead of pushing through this Bill in a hasty manner, it would be better if this Bill is referred to the Select Committee where we can go through all the pros and cons of this Bill and come out with viable recommendations.

With these words, I conclude, Sir. Thank you very much.

(Ends)

**DR. BHALCHANDRA MUNGEKAR (NOMINATED):** Mr. Vice-Chairman, Sir, thank you very much for having given me this opportunity.

First of all, such kind of attempt to establish national and State educational tribunals was long overdue. It was first conceived in 1986 in the new Education Policy; then, in 1992 Action Report; and, then, in 123<sup>rd</sup> Report of the National Law Commission. The Supreme Court gave a judgment in the T.M.A. Pai Foundation case. That is why I

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appreciate the efforts of the HRD Ministry and put on record my sense of appreciation. The education stream, in India, is very complex. There are nearly 500 crore university-level institutions, more than 23,000 colleges, about 14 million students and 5.89 lakh teachers. Then, there are State institutions, Central institutions, public institutions, private institutions, unaided institutions. So, in such a complexity the number of disputes as well as the number of contentious issues is bound to emerge. So, such kind of permanent arrangement to deal with the disputes is absolutely necessary. That is why I appreciate the efforts in this direction. Simultaneously, I must put on record my sense of appreciation for the report of the Department-Related Parliamentary Standing Committee, which, according to me, was just outstanding. Paradoxically also, while going through the Bill and while comparing it with the recommendations of the Standing Committee, as a new Member of the Planning Commission, I was slightly surprised that if this is the fate of a Standing Committee, then, it is better not to have Standing Committees at all.

(Continued by 2g -- PB)

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PB/2g/2.40

**DR. BHALCHANDRA MUNGEKAR (CONTD.):** There is absolutely no correlation between the recommendations of the Standing Committee and the provisions of the Bill. I can understand that it is not compulsory or obligatory or proper to take all possible suggestions of the Standing Committee. But there is total divorce between very good suggestions of the Standing Committee and the provisions of the Bill. I have no hesitation in saying that if the Ministry would have taken some of the very good suggestions of the Department-related Parliamentary Standing Committee's Report into account, probably, this Bill would have much, much better than what it is today and acquired the people's appreciation.

Now having said this, I would like to support the Bill with the following reservations, apprehension and suggestions. Sir, the most important point is, the nature of Indian polity after 1967 is undergoing a dramatic change. Different political parties having different ideologies, different perceptions of development, different approaches to education have come to rule different States. In order to take into account the purposes, the perspectives of development of the States

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and Constitution being federal in nature, I think, the wider consultation with the States than what it is today, as recommended by the Standing Committee, was very much required. The same is the case with the private-aided educational institutions. Sir, during the last 20 years, most of the space of the higher education, technical, medical, professional vocation, etc., has come to be occupied by the private sector; not by private aided sector, but by private unaided sector. That is why the Bill must specifically mention -- it is canvassing that it is taking into account all educational institutions -- public, private, private-aided, unaided institutions because these institutions are more prone to disputes.

Sir, while taking this Bill into consideration, we should also pay attention to the structure of education in India. Our entire higher education system unlike American system is an affiliating system, one of the bad legacies that we have invariably inherited from the Britishers. One big university like Mumbai is having 700 affiliated colleges, more than 10 lakh students, an area of about 520 kilometres and more than 20,000 teachers.

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



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**DR. BHALCHANDRA MUNGEKAR:** Sir, I will require two-three minutes more. Kindly be charitable. Clause 5 provides for the composition of the State Educational Tribunal. The State Educational Tribunal will comprise of only three members. The hon. Minister gave an explanation that this is an experiment. But I think there is nothing wrong if in the experiment stage itself, we take more care. It is not a case where we can accomplish all the objectives when we are making the efforts. But big universities like Mumbai University, having hundreds of colleges, lakhs of students, thousands of teachers, is conducting 1200 examinations. This 3-member State Education Board will be dealing with hundreds of cases. It is just impossible.

Then, Clause 7 talks about the Selection Committee for the selection of State Educational Tribunal. But out of 3 members, 2 are Government employees. This is absolutely unacceptable. Sir, recently, the State Governments have started the practice of setting up a Committee for selection of Vice-Chancellor and out of 3-Member Committee which is set up for selecting the Vice-Chancellor of a University, 2 are Government nominated. In this way, invariably, the Government puts in place somebody who may or may not be qualified

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for occupying the Chair of the Vice-Chancellor. That is why, I think, out of 3-member Section Committee, two should not be Government nominees because that will be giving more and more footage to the Government, either State Government or Central Government, to put the member into a Committee. The second point is, this representation of the three employees of the Government should be reduced to two.

Clause 21 provides for the composition of National Educational Tribunal, and, again, there are 3 Members of the Secretary level. Now, the Department-Related Parliamentary Standing Committee had called it bureaucratization. I call this over-bureaucratization, and, I think, their membership should be reduced to two, if not one.

(Contd. by 2h/SKC)

2h/2.45/skc

**DR. BHALCHANDRA MUNGEKAR (contd.):** Both the State Educational Tribunal and the National Educational Tribunal must have representatives from among the Scheduled Castes and Scheduled Tribes in order to take care of their interests.

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Sir, I shall now come to the last two points. Many Members have made this point and I share their concern. Students are the heart of the university. Everybody agrees that exclusive provisions for students must come into this Bill, because they run from pillar to post more than the teachers or employees.

Lastly, so far as unfair practices are concerned, the Bill says that they find mention in The Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill. I am not happy with this for the simple reason that either all the unfair practices mentioned in that Bill must be mentioned verbatim in this Bill too, or, it should be mentioned exclusively that unfair practices mean those that are included in that particular Bill.

Thank you, Sir.

(Ends)

**SHRI BHARATKUMAR RAUT (MAHARASHTRA):** Sir, I wish I could welcome this Bill, but I am afraid, I will not be able to do that. At the outset, let me request the hon. Minister to keep this Bill in abeyance or withdraw it, because I would hate to oppose the Bill.

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Sir, I do not understand the purpose of this Bill. Why has it been brought in such haste and that too, by ignoring the recommendations of the Standing Committee? The Standing Committee, in all its wisdom, had studied the Bill and given recommendations. If they do not want to consider those recommendations, why do they send the Bill to the Standing Committee? It is as if they do not have any other work! I think, it is dishonouring the Members of Parliament and their wisdom. Having said that, I also wish to bring to the notice of the Minister another Bill, The Educational Malpractices Bill, which is supposed to have come before this House. Going by the nature of the business, I think these two Bills have to be read together. You cannot have the Educational Tribunals Bill first and then the Educational Malpractices Bill because, after all, we will be dealing mostly with malpractices, injustice and shortcomings in the Educational Tribunals Bill. Why not wait till the Educational Malpractices Bill, in whatever form, comes before the House and then debate and decide on this Bill? That is my first request to the hon. Minister.

Then, Sir, as many of the previous speakers have said, only four States have given consent to this proposal while the rest have not.

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They either kept mum or already have their own tribunals. In this case, what is the validity of the State Educational Tribunals? Are they going to be effective? Now, education is a State subject. So, States need to be taken into confidence. The hon. Minister, in his introductory speech, had said that they had discussed this matter with the States. With whom did they discuss it? Was it Secretary-to-Secretary or Government-to-Government talk? What about the stakeholders? There are hundreds of educational institutions; there are hundreds of academicians; there are teachers' associations; there are students' organizations. Have they discussed this matter with them? If they do not discuss it with them and if only a few *babus* talk to each other, it does not make any sense. They need to take all the stakeholders into confidence. Unless they do that, it cannot be a comprehensive Bill.

Sir, Maharashtra already has an Educational Tribunal. Have the Government taken their experience into account? What has happened? Has it been effective? Do they need changes in that? I think, these things need to be discussed.

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Sir, another point which many speakers before me have touched upon but which I would like to make more emphatically is that this Bill is called the Educational Tribunals Bill, but education remains only in the title of the Bill. There is no mention of education in the entire Bill. The hon. Minister, Shri Kapil Sibal, is a legal luminary. This could have been a labour tribunal bill or an industrial labour tribunal bill; this could have been anything; just a change in the title would have made this Bill effective.

(Contd. at 2j/hk)

HK/2j/2.50

**SHRI BHARATKUMAR RAUT (CONTD.):** Where is education in this? Education means that you have to deal with academics. When you are dealing with academics you have to deal with the issues of students. Where are the issues? Sir, there are issues before the students like issues of syllabus, exam time-table, etc. The ability of the examiner is the moot question. Many students in many States think that those who examine their papers they have no ability to examine them. Are you dealing with that? That is my question.

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Another thing is the outdated curriculum of most of the colleges and universities. What are you doing with this? The fee structure is another hurdle in education. But this Bill does not deal with anything. How can it become an effective Bill? Another issue, which Shri Bal Apte has already mentioned, is that you have excluded the minority institutions from this Bill. Why? If education has to bring parity and if it has to bridge the gap among different strata of society, then why do you keep the minorities away from this Bill? Do you think that teachers teaching in minority institutions don't have problems? Do you think that students in those minority institutions don't have problems? Why do you keep them out of the purview? By doing this, you are doing more harm to the minorities than doing good to them. You should bring them together. There has to be equality, at least, in education. Forget your politics. At least, in education, you should have equality. Why do you keep them away? Why are you shirking the responsibility? Whom are you afraid of? You should bring them together. Sir, you have made only one State Tribunal per State, and you said that district-wise tribunals were not possible. I take your point. Then why don't we have Divisional Benches of the Tribunal? If

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you have one Tribunal in one State, then there should be Divisional Tribunals. Supposing the Tribunal is sitting in Mumbai, why should a man from Nagpur come there? Instead of this, he may go to the local court. That is better for him. If you have five or six Benches of the Tribunal sitting in regional Headquarters and taking care of them, I think it will be more effective.

(Ends)

**SHRI M. RAMA JOIS (KARNATAKA):** Mr. Vice-Chairman, Sir, I thank you for giving me this opportunity to speak on Educational Tribunals Bill. While appreciating the objective of the Bill and intention of the hon. HRD Minister, I cannot persuade myself to support this Bill. The overwhelming opinion of many hon. Members who have spoken on this Bill is that this Bill has been brought hurriedly and, therefore, instead of solving problems it is going to create more problems. There is a famous saying, 'Justice hurried is justice buried'. Similarly, a legislation hurried is also sure to create more problems than it is intended to solve. So far as Karnataka is concerned, Karnataka Education Appellate Tribunal was established in as early as 1974. Fortunately, the Government had consulted me and asked me to draft



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the Bill and I had drafted the Bill. And it is only for private educational institutions; it is not for Government schools. Government servants or civil servants are controlled by Articles 226 and 311 and now by Administrative Tribunal also. So far as the Tribunal is concerned, there was a provision to nominate one of the sitting district judges in the Tribunal. So, he would himself function as an Education Tribunal and this Tribunal has been functioning for more than three and half decades, there is no complaint of it and people are satisfied with it. Therefore, instead of continuing to vest such a power with sitting judges, giving it to a private tribunal like this, I think, is not in the interest of justice.

(Contd. by 2k/KSK)

KSK/2.55/2K

**SHRI M. RAMA JOIS (CONTD):** I told in the Standing Committee also, this Tribunal is like a *pinjrapole* to accommodate retired Judges and retired officers. They have already served for so many years in the Government or in the Judiciary and they will have no energy or enthusiasm left for discharging their duties. Therefore, this tribunalisation, that too by retired members, is not good. Normally,

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a law must simplify the procedure, reduce the litigation and reduce the expenses as well as the time of the litigation. But, unfortunately, this Bill increases the same. There is a famous saying, 'procrastination is the thief of time'. That is what is happening. You have a State Tribunal, and then, a National Tribunal, and then, you can go to the Supreme Court under clause 35. Can you expect the teacher of a school to go to the Supreme Court? And, what is the fees that a senior advocate in the Supreme Court is going to charge? It is so prohibitive and no teacher will be able to go and approach the Supreme Court, and what are the expenses involved?

Then, according to the preamble, it is intended to decide service disputes but confined only to higher secondary schools. I don't understand this. In education system, from top to bottom, they are all teachers and employees in educational institutions. How can you differentiate between the high school teachers and higher school teachers? High school teachers and employees will also have disputes and they are larger in number, and their disputes have also to be decided. Having regard to the object of the Bill, I don't find any rationale basis to separate high school teachers and higher school

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teachers - class twelve and above. There is large number of institutions which are called composite institutions. These schools are from primary level to class twelfth and only one Principal is there. What about these institutions? Are you going to create a dichotomy? Some teachers and some employees are going to be governed by this Act and others are not. This is also an irrational classification and there is no reason for leaving out high school teachers and employees.

Then, the teachers of high schools and others will have to go to the civil court. Are they required to go to the civil court for their disputes because the Supreme Court has held that teachers do not come under the definition of the 'industrial worker'? Therefore, they will have to go to civil court. And, civil court means highly expensive and time-consuming procedures. Therefore, leaving out high school teachers and other employees is wholly irrational and they should have been there. That may be one reason when things are done in a hurry, all these things are going to happen.

Then, we don't know about the fate of our Government schools according to this Bill. I have gone through the entire Bill. If a person is

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a Government high school teacher, he is a civil servant and he can go to the Administrative Tribunal, or, he can go to the High Court under article 226 for violation of a Fundamental Right. What is the position of Government schools? Number of Government schools are there. What is the fate of Government school teachers and employees? Why is this duplication there? The Government school teachers have to go to Administrative Tribunal and the higher school teachers will have to come to this Tribunal.

Then, Chapter III - National Educational Tribunal, in my opinion, is the most objectionable portion of this Bill. Under federal system, we have High Court in each State. The Supreme Court has declared that High Court is the highest court of that State. It has got control over all the Tribunals functioning within the territorial jurisdiction of a High Court. Now, this National Educational Tribunal is made subject to the control of National Tribunal and article 226 has been bypassed. Even a Constitution Amendment was made and article 323A(2)(d) and 323B(2)(d) was introduced saying High Court jurisdiction should be barred under 226. They had to come to a tribunal only. That provision was challenged in the Supreme Court and seven Judges

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struck down that provision under article 226 relating to High Courts could not be bypassed at all. Now, that being the position, you are trying to circumvent the jurisdiction of the High Court by providing a national appellate tribunal and that, in my opinion, is totally inconsistent with the scheme of the Constitution. The decision must end with the State Tribunal and with the State High Court; and, Supreme Court, of course, is there. But, here, the national appellate tribunal is introduced and how time consuming it is. A person can straightway go to the High Court and get relief under article 226 and steps are very much less.

(continued by 2l - gsp)

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**SHRI M. RAMA JOIS (CONTD.):** There is another problem of language. The State Tribunals function in the regional language but there is no regional language as far as the National Tribunal is concerned. Naturally, it has to function either in English or in Hindi. With the State Tribunals functioning in Kannada, Tamil or whatever it is, the language problem will be there.

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Instead of that, have a Special Bench of the High Court, add some more Judges to the High Court, and, as you have done in the case of a Commercial Division, create an Educational Division. Instead of solving the problem by a simple method of increasing two more Judges in the High Court, why are you complicating the matter? (Time-bell)

As I have said, the appeal to the Supreme Court is just like a treasure in a mirror. You have got a remedy before the Supreme Court but who can go to the Supreme Court. It is only a show in the article because no person from Kerala, Karnataka or any other part of the country, and, particularly, an employee of a school, can easily approach the Supreme Court. Therefore, when the High Court is nearby and it can give relief, then, under this Act, why should they be expected to go to the Supreme Court.

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

**SHRI M. RAMA JOIS:** Just one minute, Sir. Now, I come to Sections 49, 50 and 51. Section 49 says that this Act has got overriding effect. Section 50 says that the provisions of this Act shall be in addition to the provisions of any other law in force. Section 51

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says that the minority institutions will be governed by this Act so long as they are inconsistent with this Act. Who is going to decide what is inconsistent? Is the petitioner going to decide this? So, Sections 49, 50 and 51 are totally contradictory to one another. Therefore, in my view, Section 49 is sufficient which gives overriding effect over all other laws. That is all right. Sir, the practice of separating people into majority and minority must be stopped. (Time-bell) Just one minute, Sir. I will just read what the eleven-Judge Bench of the Supreme Court said. It said, "The essence of article 31 is to ensure equal treatment between the majority and the minority institutions. No one type or category of institution should be disfavoured or, for that matter, receive more favourable treatment than another. Laws of the land, including rules and regulations, must apply equally to the majority institutions as well as to the minority institutions."

With all this, I appeal to the hon. Minister to withdraw this Bill and present a proper Bill. Thank you.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Thank you, Rama Jois ji. Now, Shri Rajniti Prasad.

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**श्री राजनीति प्रसाद (बिहार):** मैं "The Educational Tribunals Bill, 2010" के बारे में केवल अपने विचार दे रहा हूँ, इसके समर्थन या विरोध के बारे में कुछ भी नहीं कह रहा हूँ। सर, पूरे देश में जो एजुकेशनल इंस्टीट्यूशंस हैं ...(व्यवधान)

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

What is this noise? Please do not talk loudly. (Interruptions)

**श्री प्रकाश जावडेकर:** सर, इस बिल का क्या करना है, यह तय हो रहा है।

**श्री राजनीति प्रसाद:** सर, पूरे देश में जो एजुकेशनल इंस्टीट्यूशंस हैं, उनका अपना एक सिस्टम है। जो यूनिवर्सिटीज होती हैं, उनके सीनेट होते हैं, सिंडिकेट होते हैं, वाइस चांसलर होते हैं, चांसलर होते हैं, जहां पर उनके ग्रीवेंसिज के बारे में, उनके विचारों के बारे में, उनकी दिक्कतों के बारे में डिस्कशन होता है। अभी आप जिस ट्रिब्यूनल का विचार करने जा रहे हैं, उस विचार में इनका क्या रोल होगा, ये लोग क्या फैसला करेंगे, उस पर भी आपको विचार करना होगा।

दूसरी बात जो मैं जानना चाहता हूँ, जो रिटायर्ड जजिज हैं, जिनके बारे में आपने कहा है कि रिटायर्ड जजिज को कोई काम नहीं होता है, तो क्या आपने उनको यही काम देना है? Is it an adjustment for retired Judges in all the States? I want to seek a clarification on this point. आप मुझे इसके बारे में बताएंगे। सर, आप सैक्शन 49 और सैक्शन 50 के बारे में कुछ क्लैरिफाई कीजिए कि इनका क्या मतलब हुआ?



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मेरी अंतिम बात यह है कि मुझे यह महसूस होता है कि आप एक पैरलल ट्रिब्यूनल बना रहे हैं, यही इम्पैशन पूरे देश में भी है। दिल्ली यूनिवर्सिटी में दिल्ली कोर्ट है।

2m-psv पर जारी

-SCH/PSV-YSR/2M/3.05

**श्री राजनीति प्रसाद (क्रमागत):** वहाँ पर विद्यार्थियों व शिक्षकों का फैसला होता है। क्या आप उससे एक parallel चीज़ बना रहे हैं? स्टेट का जो पावर है, स्टेट की जो स्वायत्ता है और स्टेट का जो educational system है, उसके लिए central tribunal बनाकर आप क्या करना चाहते हैं, इस पर आपको विचार करना पड़ेगा। धन्यवाद।

(समाप्त)

**डा० राम प्रकाश (हरियाणा):** मान्यवर, उच्चतर शिक्षण संस्थानों में छात्रों, स्टाफ तथा महाविद्यालयों, विश्वविद्यालयों आदि के मामले सुलझाने के लिए इस बिल में एक राह दिखाई गई है, जिसका मैं समर्थन करता हूँ। मेरे सुयोग्य साथी और सहयोगी, डा० के० केशव राव ने अनुभव के आधार पर अपने निजी विचार रखे हैं, मैं समझता हूँ कि माननीय मंत्री जी उन पर गम्भीरता से चिन्तन करेंगे।

सर, यह बात तो मंत्री जी ही बता सकते हैं कि इस समय कुल कितने झगड़े शिक्षण संस्थाओं के कचहरियों में लम्बित हैं, लेकिन स्टैंडिंग कमेटी के अनुसार 11 केन्द्रीय विश्वविद्यालयों के 305 केसेज़ 2009 में विभिन्न कचहरियों में

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लम्बित थे। आज 500 यूनिवर्सिटीज़ और 26 हजार कॉलेजेज़ हैं, जिनकी संख्या कल और बढ़ेगी। प्राइवेट विश्वविद्यालयों और विदेशी विश्वविद्यालयों के शिक्षा क्षेत्र में आने से झगड़े और अधिक बढ़ने की आशंका है। कचहरियाँ इनका कोई समाधान नहीं हैं। 44 डीम्ड यूनिवर्सिटीज़ का केस कचहरियों में है, परन्तु ऊँट कब किस करवट बैठेगा, पता नहीं चलता, तब तक कचहरी ने उन्हें status-quo देकर शिक्षा के गिरते स्तर को और लूट को जारी रखने की अनुमति दी है। अतः झगड़े निपटाने के लिए कोई सिस्टम होना चाहिए था, जिसके लिए यह बिल लाया गया है। यदि मंत्री जी यह अपने वक्तव्य में बताने का कष्ट करें कि गुजरात और उड़ीसा में जो एजुकेशनल ट्रिब्यूनल हैं, उनमें क्या कमियाँ हैं और क्या खूबियाँ हैं, तो इससे हमारा ज्ञानवर्द्धन होगा।

महोदय, शिक्षा राज्यों का विषय है। इस पर कुछ राज्यों ने ही अपनी राय व्यक्त की है। अच्छा होता अगर इस पर बाकी राज्यों की राय भी प्राप्त की जाती कि किस स्टेट ने इसे स्वीकार किया है और कौन-सा स्टेट इसको अस्वीकार करता है। विभिन्न प्रान्तों में विश्वविद्यालयों और कॉलेजों की संख्या अलग-अलग है। अतः प्रत्येक प्रदेश में केवल एक ही ट्रिब्यूनल होगा, सदस्य संख्या समान होगी, शायद यह व्यवहारिक न हो। क्या मंत्री जी राज्यों को अपनी आवश्यकता के अनुसार इसमें संशोधन करने का अधिकार देंगे? सरकार ने अच्छा किया जो सुप्रीम कोर्ट द्वारा 2002 में दिए गए 3-tier system को स्वीकार नहीं किया। जिला स्तर तक आयोग गठित करने से खर्च बहुत बढ़ जाता, उसे

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बचाया गया है। परन्तु, मेरा एक सुझाव है कि राष्ट्रीय आयोग का मुख्यालय तो दिल्ली में होगा, यदि कुछ क्षेत्रीय बेंच बना दिए जाएँ तो लोगों को बहुत सुविधा रहेगी और हर प्रांत के दूर-दराज के लोगों को दिल्ली नहीं आना पड़ेगा। इसके लिए यदि सदस्य संख्या बढ़ानी पड़ती है, तो बढ़ानी चाहिए।

महोदय, मैं माननीय श्री ऑस्कर फर्नांडीस जी की अध्यक्षता में गठित स्टैंडिंग कमेटी की सिफारिशों को अधिक महत्व देने का पक्षधर हूँ। वह इसलिए कि स्टैंडिंग कमेटी की रिपोर्ट सांसदों की रिपोर्ट है, उनकी राय है, लेकिन जो बिल पेश किए जाते हैं, वह ऑफिसरों की राय होती है। प्रदेशों में भी केवल सेक्रेटरी ही इसकी मीटिंग में आकर बातें सुनकर चले जाते हैं और यहाँ की जानकारी वहाँ पहुँचा देते हैं। उनका आम जन या जनसाधारण की राय से कोई सम्बन्ध नहीं होता। मेरी तो यह माँग रहेगी कि शिक्षा को नौकरशाही से मुक्त किया जाना चाहिए।

(2एन/एन0बी0 पर क्रमशः)

NB/VKK/2N/3.10

**डा. राम प्रकाश (क्रमागत) :** उपसभाध्यक्ष जी, इस बिल की धारा 7(1) में सदस्यों की नियुक्ति का अधिकार एक चयन समिति को दिया गया है, जिसमें सेक्रेटरीज की भरमार है और कोई शिक्षाविद नहीं है। मेरे विचार में ऐसा नहीं होना चाहिए। कुछ ऐसे मसले हैं, जिनको केवल शिक्षाविद ही समझ सकते हैं और सुलझा सकते हैं। अतः कुलपतियों के साथ-साथ कम से कम ऐसे

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यूनिवर्सिटी प्रोफेसर्स को, जो डीन रह चुके हों और उन यूनिवर्सिटीज़ के Registrars को भी सदस्य बनने योग्य माना जाना चाहिए। कुलसचिव, समस्याओं का समाधान, समस्याओं को समझना और उनके समाधान की बारीकियों का प्रैक्टिकल अनुभव रखते हैं। शिक्षाविद सदस्य चुनने का अधिकार किसी judiciary को या सरकारी तंत्र को नहीं मिलना चाहिए। यह अधिकार UGC या उसकी जगह जो भी संगठन गठित किया जाए, उसे दिया जाना चाहिए। इस आयोग में law and medical विभाग के सचिव भी हैं। मुझे पता नहीं कि law and medical विभाग की शिक्षा संस्थाएं इस Tribunal के अधिकार क्षेत्र में हैं या नहीं। मैं इस Tribunal की धारा 13 की भरपूर सराहना करता हूँ। इस धारा के मुताबिक कोई भी Tribunal चाहे वह स्टेट का हो या राष्ट्रीय स्तर का हो, उसके composition के बारे में मैं quote करना चाहता हूँ - "the Chairperson or Member of the State Educational Tribunal, as the case may be, shall, subject to the provisions of this Act, be ineligible, for a period of five years from the date on which they cease to hold office, for further employment (including as consultant or expert or otherwise) in any higher educational institution within such State, whether under the Central Government or the Government of any State or any private educational institution or in any institution whose matters had been before such Chairperson or Member."

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उपसभाध्यक्ष जी, मैं इसका स्वागत करता हूँ और समझता हूँ कि यह स्वस्थ परंपरा बनाने का जो नियम है, यह अन्यत्र भी लागू होना चाहिए। इस बारे में मैं यह भी कहना चाहूंगा कि जब हम जजों की नियुक्ति करें, तो देख लें कि वे स्वयमेव उस यूनिवर्सिटी में या उस स्टेट में कोई इम्तहान तो नहीं दे रहे हैं या उनका बेटा तो कोई इम्तहान नहीं दे रहा है? कहीं ऐसा न हो कि वे बेचारे कैमरे की चपेट में आ जाएं और अपनी नौकरी से हाथ धो बैठें। सरकार ने धारा 5, 6, 21 तथा 22 में Tribunal के गठन, सदस्य संख्या आदि के विषय में लिखा है। उच्चतम न्यायालय ने 2010 में अपने एक निर्णय में कहा है कि Tribunal बनाते समय ध्यान रहे कि technical members की संख्या judicial members से अधिक न हो। मैं इससे सहमत नहीं हूँ, क्योंकि यह कचहरी नहीं है आयोग है। आपने अच्छा किया कि राष्ट्रीय शिक्षा आयोग में सदस्यों की संख्या इस प्रकार रखी - judicial - 2 members, शैक्षणिक - 3 मेंबर्स, प्रशासनिक - 3 मेंबर्स और state Tribunal में सदस्यों की संख्या इस प्रकार रखी - judicial - one member, जो अध्यक्ष होगा और 2 अन्य मेंबर्स। मैं इस departure का भरपूर स्वागत करता हूँ। किसी-किसी Tribunal में सुप्रीम कोर्ट की बात ठीक हो सकती है, लेकिन सभी जगह ठीक नहीं हो सकती। वैसे भी कानून बनाना विधायिका का हक है, न कि न्यायपालिका का। न्यायपालिका केवल यह देखे कि कानून संविधान के अनुसार है या नहीं, कार्यपालिका ने उसकी व्याख्या और अनुपालना

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ठीक से की है या नहीं। इसलिए यहां जो काम किया गया है, मैं उसका समर्थन करता हूँ।

मैं आपके माध्यम से इस सदन से यह भी निवेदन करना चाहूंगा कि धारा 6(2)(क) और धारा 22(2)(क) में Tribunal के सदस्य की न्यूनतम आयु 55 वर्ष और अधिकतम आयु 70 वर्ष लिखी है।

(20/VNK पर क्रमशः)

-NB/VNK-RSS/20/3:15

**डा. राम प्रकाश (क्रमागत):** लेकिन सुप्रीम कोर्ट के फैसले में युवा व्यक्तियों की बात कही गई है, यही राजीव जी का भी सपना था, विधान सभा और लोक सभा में नवयुवक आ सकते हैं। नवयुवक रिस्क लेता है और अपना प्रोफेशन बदलता है, जैसे मीडिया में काम करने वाले लोग बदलते हैं। उनके पास विचार हैं और वे प्रयोग करना चाहते हैं, इसलिए मैं समझता हूँ कि आयु सीमा 55 वर्ष नहीं रखी जानी चाहिए। मंत्री जी ने दूसरे सदन में आशंका व्यक्त की थी और आज इस सदन में भी आशंका व्यक्त की है कि छोटी आयु का जज या प्रोफेशनल पांच साल की छोटी अवधि के लिए क्यों आएगा। मैं समझता हूँ कि यह नियम बनना चाहिए कि अगर कोई ट्रिब्यूनल्स में आए, तो वह जहां जिस पद पर लगा हुआ है, वहां से छुट्टी लेकर आए।

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इस देश की महान प्रधान मंत्री, भारत रत्न श्रीमती इंदिरा गांधी जी ने universities के लोगों को राजनीति में लाने के लिए एक नियम बनाया था कि अगर कोई यूनिवर्सिटी प्रोफेसर चुनाव लड़ना चाहता है, तो उसे नौकरी से त्याग पत्र देने की जरूरत नहीं है, बल्कि वह वहां से छुट्टी लेकर आ सकता है। इसकी वजह से बहुत से हम जैसे लोग आज राजनीति के अंदर आ सके, क्योंकि उनके पास उनकी पुरानी नौकरी सुरक्षित थी। यहां भी यही व्यवस्था की जा सकती है।

मैं समझता हूँ कि जो व्यक्ति जिस नौकरी में है, अगर वहां रिटायरमेंट उम्र 60 वर्ष है, तो उसके लिए अधिकतम आयु 60 वर्ष होनी चाहिए और अगर वहां रिटायरमेंट उम्र 65 है, तो उसके लिए अधिकतम आयु 65 वर्ष होनी चाहिए। इससे ज्यादा नहीं होनी चाहिए, ताकि वह आदमी आए और अपने अनुभव का पूरा लाभ दे। मैं यह बात इस नाते भी कहना चाहता हूँ कि इस तरह के आयोगों में शिक्षाविदों को अधिक स्थान मिलना चाहिए, क्योंकि विश्वविद्यालय फाइल डिस्पोजल करने का स्थान नहीं है। यहां युवा वर्ग की मानसिकता को समझने की जरूरत होती है। यूनिवर्सिटी नए विचारों की प्रयोगशाला है। नए चिंतन के लिए विश्वविद्यालयों में rebels को भी tolerate करना होता है और इस काम के लिए अध्यापक सबसे ज्यादा उपयुक्त है। इसलिए मेरा यह सुझाव होगा कि ट्रिब्यूनल्स में सरकारी अफसरों की भरमार को कम किया जाए। अगर सरकारी अफसरों की भरमार रहेगी, तो विश्वविद्यालयों की जो autonomy है, उसको

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erode कर देगी और विश्वविद्यालय एक साधारण सरकारी महकमा बन कर रह जाएंगे।

मुझे उम्मीद है कि मेरे इन विचारों पर माननीय मंत्री जी अपनी राय भी व्यक्त करेंगे और अगर उन्हें उपयुक्त लगे, तो स्वीकार भी करेंगे। इन सुझावों के साथ मैं इस बिल का समर्थन करता हूँ। धन्यवाद।

(समाप्त)

**श्री रामविलास पासवान (बिहार):** सर, मैं सिर्फ एक-दो बिन्दुओं पर बोलना चाहता हूँ। एक तो उन्होंने कहा है कि इसमें हायर एडुकेशन के क्षेत्र में विवादों को हल करने की व्यवस्था है, लेकिन जो लोअर एडुकेशन है, उसके लिए क्या व्यवस्था होगी? आपने ठीक कहा कि आज कल कहीं हाई स्कूल है, कहीं 10+2 है यानी हर जगह अलग-अलग institutions हैं। अगर यह उनके लिए कर रहे हैं, तो बेहतर यह होता कि आप हायर और लोअर, दोनों को मिलाकर एक सम्यक बिल लाते।

दूसरा मुद्दा है, जो सबसे बड़ा मुद्दा है, वह धारा 5 और धारा 21 का है। जिसमें आपने स्टेट और सेन्ट्रल लेवल की ट्रिब्यूनल्स की बात कही है। एक में आपने चेयरमेन प्लस टू कहा है और एक में चेयरमेन प्लस आठ मेम्बर्स कहा है यानी एक में कुल मिलाकर चेयरमेन सहित नौ मेम्बर्स होते हैं और एक में तीन होते हैं। उसमें आपने एक अच्छी बात कही है कि इसमें एक तिहाई महिला सदस्य होंगी। But what about the SCs/STs and the OBCs? आप जानते



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हैं कि इस देश में हमारे यहां एक scheduled caste का प्रिंसपल था, जो पासवान ही था, जब वह रिटायर हुआ, तो उसके कमरे को गंगा जल से धोया गया। इलाहाबाद में एक जज का वहां से ट्रांसफर हुआ था, तो उसके कमरे को गंगा जल से धोया गया था।

(2p/MP पर क्रमशः)

MP-MKS/2P/3.20

**श्री रामविलास पासवान (क्रमागत) :** उसमें कोर्ट ने उसके खिलाफ केस भी किया। अभी कुछ दिन पहले अमेठी में एक स्कूल की खाना बनाने वाली दाई को इसलिए हटा दिया गया क्योंकि वह Scheduled Caste की थी। इसलिए जहां इस तरह की मानसिकता है, जहां अभी भी इस तरीके से कास्ट लाइन है, ऐसी परिस्थिति में आप जो एक भी मैम्बर Scheduled Caste, Scheduled Tribe या Backward Class का नहीं रख रहे हैं, तो मैं समझता हूं कि यह उन जातियों के प्रति अन्याय होगा। इसलिए मेरा इसमें विरोध है और मैं सभी माननीय सदस्यों से, जो सोशल जस्टिस में विश्वास रखने वाले हैं, चाहे वे किसी भी जाति के, किसी भी वर्ग के हों, चूंकि हम सब जनता से चुनकर आते हैं, इसलिए हम सब मंत्री जी से आग्रह करेंगे कि आप धारा 5 और धारा 21 में संशोधन कीजिए। दोनों जगहों पर आप 9 Members रखेंगे, इसमें मेरा कहना है कि आप 9 Members स्टेट में भी रखिए और 9 Members सेंटर में भी रखिए और इनमें कम से कम एक Scheduled Caste, एक Scheduled Tribe और दो Members OBC के

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रखें, जिससे कि अगर कोई भी केस जाए तो कम से कम उसको विश्वास रहे कि कम से कम इसमें न्याय मिलने की संभावना है, नहीं तो उससे कोई purpose solve नहीं होगा।

महोदय, दूसरी बात मैं यह कहना चाहता हूँ कि जो धारा 44 है, उसमें Tribunal को administrative control का पूरा अधिकार दिया गया है, जिससे वह स्टेट को पूरा कंट्रोल करेगा, जबकि होना यह चाहिए था कि वह अपील कर सकता है। अगर day-to-day का administrative control आप वहां से करेंगे, तो मैं समझता हूँ कि यह सही नहीं है। साथ ही धारा 47, 49 और 50 के संबंध में जो कहा गया है, यह एक-दूसरे का विरोधाभास है। धारा 47 में कहा गया है कि कोई सिविल कोर्ट किसी तरह के Tribunal के विचाराधीन मामलों पर विचार नहीं करेगा। फिर धारा 49 में कहा गया है कि यह कानून existing law पर prevail करेगा और धारा 50 में कहा गया है कि यह कानून अन्य कानूनों को प्रभावित नहीं करेगा। तो एक जगह prevail करेगा, एक जगह override करेगा और एक जगह प्रभावित नहीं करेगा, मैं समझता हूँ कि ये तीनों धाराएं एक-दूसरे की contradictory हैं, लेकिन हमारी सबसे बड़ी आपत्ति इस बात को लेकर है कि आप State और National level पर जो Tribunals बना रहे हैं, उनमें आप Scheduled Castes, Scheduled Tribes, Backward Classes और minorities का हो सके, तो समाज के हर वर्ग के, upper castes भी हैं, लेकिन समाज की महिलाओं को आपने दे दिया है, तो समाज के हर वर्ग का प्रतिनिधित्व

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वहां होना चाहिए, जिससे कि एक सम्यक् निर्णय में सहायता हो सके, यही हमारा आपसे आग्रह है।

(समाप्त)

**श्री रवि शंकर प्रसाद (बिहार) :** माननीय उपसभाध्यक्ष जी, मैं आपका बहुत कृतज्ञ हूँ कि आपने मुझे बोलने का अवसर दिया। माननीय मंत्री जी अभी यहां नहीं हैं, मैं कुछ गंभीर सवाल उठा रहा हूँ, यदि उनका उत्तर मिलेगा, तो बड़ी कृपा होगी। इस पूरे बिल में...

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

**श्री रवि शंकर प्रसाद :** इस पूरे बिल में जो मैंने समझा है, इसमें तीन प्रावधान हैं - धारा 15 में कोई भी कर्मचारी या किसी भी lecturer या teacher को कोई भी शिकायत है, तो वह Tribunal में आ सकता है। Affiliation में शिकायत है तो आ सकता है। उसके खिलाफ अगर फैसला हुआ तो वह National Tribunal में अपील करने जा सकता है और उसके खिलाफ धारा 35 में सुप्रीम कोर्ट में अपील हो सकती है। उपसभाध्यक्ष जी, अब ज़रा इस विषय को समझने की कोशिश करें। मैं सदन के सामने कहना चाहता हूँ, भगत सिंह कोश्यारी जी बैठे हैं, वे उत्तराखंड के मुख्य मंत्री रहे हैं और मैं गोपेश्वर और बागेश्वर का प्रभारी रहा हूँ। तो उतनी दूर से एक कर्मचारी पहले देहरादून आएगा, वहां केस करेगा। अगर वहां नहीं मिला तो दिल्ली आएगा और दिल्ली में उसके पक्ष में सफलता मिली तो उसका कॉलेज सुप्रीम कोर्ट में अपील करेगा। तो यह आपने जो three tier of

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appeal दिया है, माननीय राज्य मंत्री जी, मैं आपको बताऊं कि University Act में, बाकी Acts में सुप्रीम कोर्ट में अपील है - substantial question of law, मतलब कोई महत्वपूर्ण कानून का मुद्दा होगा तो आप अपील कर सकते हैं। यहां आपने सैक्शन 35 में "Any appeal can be filed." इसका मतलब यह हुआ कि अगर कॉलेज को, University को किसी छोटे चपरासी के पक्ष में दिए गए आदेश से कोई परेशानी है, तो वह सीधे सुप्रीम कोर्ट जा सकता है। महोदय, मैं बिहार से आता हूं और हमारे यहां से रामविलास जी हैं, राजनीति जी हैं, जाबिर साहब हैं। तो वहां कई कॉलेज नेपाल के बॉर्डर पर हैं और पहाड़ों में हैं।

(2Q/SC पर क्रमशः)

-mp/sc-tmv/3.25/2q

**श्री रवि शंकर प्रसाद (क्रमागत) :** बस्तर में हैं, वहां दक्षिण भारत के लोग हैं। एक गरीब कर्मचारी या गरीब टीचर के लिए हम क्या व्यवस्था कर रहे हैं? हम उन्हें सुविधा दे रहे हैं या असुविधा पैदा कर रहे हैं, यह मेरी समझ में नहीं आ रहा है। इसलिए आपने जो 3 tier अपील किया है, इसका मतलब यह हुआ कि कोई भी कॉलेज, कोई भी यूनिवर्सिटी, अगर पक्ष में आदेश हुआ, तो सुप्रीम कोर्ट में सीधा अपील कर देगा और वह कर्मचारी, वह lecturer, वह professor, वह peon तब तक परेशान रहेगा, जब तक सुप्रीम कोर्ट में फैसला नहीं होता। दूसरा, माननीय मंत्री जी आप आ गए हैं, आपको याद होगा, जब service matters के

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बारे में State Tribunal बना था, उसमें यह था कि Central Administrative Tribunal के फैसले के खिलाफ सीधा सुप्रीम कोर्ट में अपील होगी। सुप्रीम कोर्ट ने बाद में कहा कि नहीं, हाई कोर्ट से आइए। इस प्रकार इसमें जो पूरी व्यवस्था बनेगी, फिर हाई कोर्ट की व्यवस्था बनेगी। अब मैं आपकी धारा-15 पर आता हूँ। धारा-15 में जो आपने पॉवर दी है, उसमें आपने (सी) में कहा है, "matters relating to use of unfair practices, by any higher educational institution, which has been specifically prohibited under any law ...". माननीय मंत्री जी, मैं आपसे एक सीधा सवाल पूछना चाहता हूँ। बहुत सारे private medical colleges गरीब बच्चों से पैसा लेते हैं, उनका शोषण करते हैं। आप भी इस बारे में जानते हैं। सुप्रीम कोर्ट ने कई मामलों में कहा है कि यह गलत है। सुप्रीम कोर्ट का निर्णय भी लॉ होता है। मैं आपसे एक स्पष्टीकरण चाहता हूँ कि किसी private medical college का एक लड़का, जो किसी यूनिवर्सिटी से affiliated है, अगर उससे जबरदस्ती पैसा मांगा जाता है - आप भी जानते हैं और हम लोग भी इस बारे में जानते हैं, हम लोगों ने अपनी professional life में ऐसे बहुत से केसेज़ किए हैं कि लड़का merit में आगे है, फिर भी उसका admission नहीं हुआ क्योंकि वह पूरा पैसा नहीं दे पाया जिसकी वे underhand डिमांड कर रहे हैं - ऐसी स्थिति में क्या किसी private medical college के या private engineering college के या private business management के खिलाफ unfair practice में वह आ सकता है या नहीं आ सकता है? यह मैं आपसे जानना

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चाहता हूँ। मुझे क्षमा करिएगा, यह इसमें स्पष्ट नहीं है। तीसरी बात, जो सबसे महत्वपूर्ण है कि धारा-51, जिसकी हल्की चर्चा माननीय म.रामा जोयिस जी ने की, उसके बारे में मैं कहना चाहता हूँ। आपने कहा है कि "Nothing contained in this Act or the rules made thereunder shall apply to any minority institution to the extent to which they are inconsistent with the functions and powers vested upon the National Commission for Minority Educational Institutions...". माननीय मंत्री जी, जहां तक उस ऐक्ट की मुझे जानकारी है, उसमें किसी कॉलेज का minority character है कि नहीं, इसके बारे में कोई विवाद है तो वहां आप जा सकते हैं, लेकिन इस कानून में यह स्पष्ट नहीं है कि अगर किसी minority institution के एक गरीब चपरासी, एक गरीब क्लर्क या एक गरीब टीचर के साथ वहां का मैनेजमेंट अन्याय करता है तो वह tribunal में जा सकता है या नहीं जा सकता है। क्षमा करिए, आपकी शब्दावलि से यह स्पष्ट नहीं है। माननीय मंत्री जी, आप इस बात को समझिए कि अगर यह इतना स्पष्ट होता तो आप यह अधिकार सीधा देते, घुमाकर धारा-51 में इस तरह से नहीं बोलते। ये सारे विषय बहुत ही गंभीर हैं। मैं भी मानता हूँ कि जिस तरह से इस बिल को बनाया गया है, वह एक प्रकार से हड़बड़ी में बनाया गया है। माननीय उपसभाध्यक्ष महोदय, एक बड़ा सवाल और उठता है, जो मैं आपके सामने रखना चाहता हूँ। यह एक बड़ा विषय है, लेकिन मैं चाहता हूँ कि आज मैं इसे उठाऊँ। क्या हम अपनी राजनीति को over-tribunalisation की

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ओर तो नहीं ले जा रहे हैं? एक मिनट के लिए मुझे सुना जाए, यह बहुत ही important है, I want this to be raised today. In the case of the Competition Commission, there is a tribunal; in the case of Electricity Act, there is a tribunal; in the case of education, there is a tribunal. आखिरकार यूनिवर्सिटीज़ की autonomy भी रही है, उसकी प्रक्रिया भी है। मैं मानता हूँ कि grievance redressal mechanism होना चाहिए लेकिन I am sorry to say, इससे कहीं न कहीं राज्यों की स्वायत्तता पर खतरा है, इसके बारे में विचार करने की आवश्यकता है। महोदय, जो मैंने चिंताएं यहां पर व्यक्त की हैं, मैं चाहता हूँ कि माननीय मंत्री जी उनका स्पष्ट उत्तर दें। धन्यवाद।

(समाप्त)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Javadekar, do you want to say something?

(Followed by 2R/VK)

VK-MCM/2R/3.30

**श्री प्रकाश जावडेकर (महाराष्ट्र) :** सर, मैं ज्यादा समय नहीं लूंगा। लेकिन जिस स्टैंडिंग कमेटी की सब सदस्यों ने चर्चा की, उस स्टैंडिंग कमेटी का मैं भी सदस्य था। इसमें बहुत चर्चा हुई, ओवर ब्यूरोक्राइजेशन की चर्चा हुई, सिक्किम में भी एक और उत्तर प्रदेश में भी एक ट्रिब्यूनल हो, इसकी भी चर्चा हुई। माइनोंरटी वाले आस्पेक्ट पर भी चर्चा हुई, स्कूल के लोगों के लिए नहीं है इसकी भी चर्चा

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हुई। कपिल सिब्बल जी एक ऐसे मंत्री हैं कि मैं जिनके मोटिव पर कभी डाउट नहीं करता।

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

**श्री प्रकाश जावडेकर :** मैं क्वेश्चन ही पुट कर रहा हूँ। I don't challenge the motive. But let us not be in a so much hurry to pass it today and today only. When I asked him कि स्टैंडिंग कमेटी ने इतना सब कुछ बताया और आप कुछ भी नहीं कर रहे हैं। तो वे कह रहे हैं कि I am explaining...

**THE VICE-CHAIRMAN:** That is okay.

**SHRI PRAKASH JAVADEKAR:** Just one minute, Sir. In principle, he agrees with the recommendations. If you agree, the only thing is that you have to go to the Cabinet for wider financial estimate. Yes, there are certain difficulties. Then what is the hurry to get it passed today itself? On the first day of the next Session, we can pass this Bill. That is my submission. (Ends)

**THE VICE-CHAIRMAN:** Yes, Mr. Minister.

**SHRI S. S. AHLUWALIA (JHARKHAND):** Sir, before the Minister starts, I would like to make one submission. I have heard the Members who spoke on this Bill. I heard each and every Member opposing the Bill in this shape. Whatever recommendations came in



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the report of the Standing Committee, they have not been accommodated in this Bill. Not a single recommendation has been accepted. Even the Member of the Ruling Party, who spoke first on this Bill, criticised the Bill tooth and nail. Even the DMK Member, due to some compulsion being an ally of the Government, said at the end, "I support the Bill", but he also opposed it tooth and nail. After hearing everybody, it seems that the Members are not prepared to accept this legislation in this shape. But I am not forcing the Minister to make the changes right now. I have a suggestion. If the Government agrees, they can defer it. Sir, there are some other issues connected with this Bill which are pending with the Standing Committee. Let us wait for the report of the Standing Committee. We have time till the next Session. We and all other Members will have an opportunity to go through the recommendations of the Standing Committee and then we will be in a position to take a final view on this Bill. So my humble submission to the Government is kindly defer it till the Winter Session. That is my submission. (Ends)

**DR. K. KESHAVA RAO:** Sir, I want to make one submission. It is wrong to think that I have opposed the Bill. I have supported the Bill.

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But let us understand...(Interruptions). Please understand me. (Interruptions). Will you try to understand me? I know every part of it. I have said this in the context of the national education scene. But let me say that I have tried to draw the attention of the hon. Minister to two things. Your reformist attitude is welcome. I also welcome your assurance to the House that as we go the mid-course corrections would be done. I said that this particular Bill suffers mostly....(Interruptions).

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

**SHRI S. S. AHLUWALIA:** What is this, Sir? (Interruptions).

**SHRI SATISH CHANDRA MISRA:** Sir, how can he say...(Interruptions).

**DR. K. KESHAVA RAO:** Will you hear me? At least, let me have my say....(interruptions).

**THE VICE-CHAIRMAN:** Yes, Mr. Minister. (Interruptions).

**DR. K. KESHAVA RAO:** What I have said is...

**THE VICE-CHAIRMAN:** Mr. Keshava Rao, please take your seat.

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That is over. Please take your seat. You have made your point. (Interruptions). Let us hear the Minister. No, please. You have made your point. Now Mr. Minister. (Interruptions).

**श्री राजनीति प्रसाद** : सर, एक मिनट लूंगा।.....(व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN)**: No, no. I have called the Minister. Let us hear the Minister. (Interruptions). आप बैठिए।.....(व्यवधान) Let us hear the Minister. Let us hear what the Minister has to say.

(2S/GS पर आगे)

RG-GS/2S/3.35

**श्री राजनीति प्रसाद** : सर, मैं आधा मिनट बोलूंगा। ...(व्यवधान)...

**उपसभाध्यक्ष** : आप बैठ जाइए। ...(व्यवधान)...

**श्री राजनीति प्रसाद** : सर, आप मुझे आधा मिनट बोलने दीजिए। ...(व्यवधान)...

**उपसभाध्यक्ष** : राजनीति प्रसाद जी, यह क्या है ? ...(व्यवधान)....आप बैठ जाइए। ...(व्यवधान)...

**SHRIMATI BRINDA KARAT**: Sir, it is a fact that the sense of the House is one of consternation about many of the provisions and the

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general directions of the Bill. I think it will be very appropriate if the Minister took some time to once again hear those opinions and then bring it in the next Session.

**SHRI PYARIMOHAN MOHAPATRA:** Sir, I also support and associate myself...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Let us hear the Minister...(Interruptions) I have heard the Members...(Interruptions) Every Member was given ample time. I did not curtail the time of anybody...(Interruptions) Every Member was given time...(Interruptions)

**SHRI S.S. AHLUWALIA:** The Member of the Opposition party wants to say something...

**THE VICE-CHAIRMAN:** He has already spoken...(Interruptions)

**श्री सतीश चन्द्र मिश्रा :** सर, हम तो यही कह रहे हैं कि जो अहलुवालिया जी ने सजेस्ट किया है, उसको सरकार मान ले। ...(व्यवधान)... आपने जो कहा है, हम भी वही कह रहे हैं। ...(व्यवधान)...

**श्री प्यारीमोहन महापात्र :** सर, हम भी अहलुवालिया जी के सजेशन को सपोर्ट करते हैं। ...(व्यवधान)...

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** There is nothing new. If there is anything new, then, I will allow...(Interruptions) Let us hear the Minister...(Interruptions)

**SHRI D. RAJA:** Sir, the sense of the House seems to be that the Bill should be deferred...

**THE VICE-CHAIRMAN:** But we have to hear the Minister as well...(Interruptions)

**SHRI D. RAJA:** Even those who have formally supported the Bill have a lot of criticisms...(Interruptions)

**THE VICE-CHAIRMAN:** I allowed every Member. How can the Minister be denied?(Interruptions)

**SHRI D. RAJA:** The Bill, in its present form, is not proper. So, it has to be deferred.

**डा. वी. मैत्रेयन :** सर, हमें भी बोलने दीजिए। ...(व्यवधान)...

**उपसभाध्यक्ष :** आप बैठ जाइए। मैं आपको पुकारूंगा। ...(व्यवधान)... Let us hear the Minister...(Interruptions) It cannot be 'free for all'...(Interruptions)

**DR. V. MAITREYAN:** Sir, I would like to congratulate the Minister, as I have told him personally, that in all my experience as a Member of this

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House, he is the only Central Minister who took personal care to call individual parties, even smaller parties, and seek support for this Bill. I, officially, want to acknowledge it. But, seeing the sense of the House, my humble submission is that this should be deferred.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, let us hear the Minister.

**SHRI KAPIL SIBAL:** Sir, first of all, I am deeply grateful to the distinguished Members of this House who, I think, have brought a lot of allegations in this debate. As we start on the course of reforms, it is but natural that distinguished Members, on the basis of their experiences in State Governments, their individual experiences and experiences of Tribunals all over the country, will bring to bear their opinions on whether such an experiment, as we are trying to move forward, is going to succeed or not. I think I must respect the opinions of distinguished Members. I am not against that at all. No reform is perfect. No legislation is perfect. We have had more than 120 Amendments to the Constitution of India. If the Constitution of India were a perfect document, we would not have had those Amendments. Any legislation is a revolution. It seeks to deal with the

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circumstances that arise. So, I am not against any deferment or anything of that sort. If the feeling of the House is that, without putting my points of view, without hearing me, it should be deferred, then, I will accept it. But I would only request for 15-20 minutes of your time. You give me 15-20 minutes of your time, and at the end of it, if you feel that it should be deferred, then, I will bow down here. I do not stand on dignity and ego. And the Congress (I) party does not stand for that.

Now, let me, first of all, clear the doubts in the minds of distinguished Members of this House that we are, in any way, directly or indirectly, through the process of bringing in this Bill, causing an affront to the recommendations of the Standing Committee.

(Continued by 2T)

2t/3.40/ks

**SHRI KAPIL SIBAL (contd.):** No; least of all! We do believe that some of the recommendations of the Standing Committee will be taken care of through the rules that we are going to frame, and I would like to assure the Members of this House that we shall do that. But I would like to explain some of the recommendations of the Standing

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Committee so that you understand why we are moving forward. It is not because that we are in a hurry. I think, we are already too late.

For example, Sir, one of the recommendations of the Standing Committee was, "The Committee is of the view that institutions of diversified fields of education intended to be brought under the jurisdiction of the Tribunals under Government in private sector needs to be clearly specified in Clause 2". But there is Clause 3(o) of the Bill which already defines it. I would read out Clause 3(o) to you. It defines higher educational institutions to which the Bill applies. It says, "Higher education institution means an institution of learning including a university, that means a private and public university, an institution deemed to be a university, that means a private and a public university, a college, an institute, an institution of national importance declared as such by an Act of Parliament or a constituent unit of such institution which is imparting education whether through conduct of regular classes or distance education system, higher education beyond 12 years of schooling leading to the award of a degree or diploma". The definition itself covers all institutions and the recommendations of the Standing Committee are otherwise. But the



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definition itself covers it, Sir. So, unless I explain this to the hon. Members of this House, the hon. Members will feel that we have not taken note of the recommendations of the Standing Committee.

Then, the Standing Committee said that we have not consulted. With the greatest respect, may I state this, and we have put this before the Standing Committee? This Bill was originally drafted in 2009. The draft was sent to Education Secretaries of all State Governments. Thereafter, we called a meeting of the Education Secretaries. The Bill was discussed threadbare with all the Education Secretaries. Suggestions were given by the Education Secretaries as to how we should redraft the Bill. We re-drafted the Bill on the basis of the recommendations of the Education Secretaries. Then, the Council of Advisory Board of Education (CABE) Committee meeting...(Interruptions)

**SHRI VIKRAM VERMA:** You did not consult the Education Ministers. You consulted only the Secretaries. (Interruptions)

**SHRI KAPIL SIBAL:** Just a minute, Sir. This was put before the CABE committee. There were 20 Education Ministers present there -- six of them of Schools, 14 of them of Higher Education. They all

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endorsed it, and not a single dissent. Four States sent formal letters of support, namely, Chhattisgarh, not a Congress State; Himachal Pradesh, not a Congress State; Madhya Pradesh, not a Congress State; Kerala, not a Congress State. They formally supported it. Not a single State has written a letter in opposition against this Bill. Not a single State! Right? Thereafter, notices were sent by the Standing Committee to the various stakeholders. There is not a single person recommending that this should not be passed. There is no stakeholder who has ever said so. Now, in the light of this, should we go in for further consultations? After all, this is the need of the hour. So, that is the second point on the issue of consultations.

Then, it was said that we have not looked at as to what is the state of affairs. Now, the Standing Committee itself says, "As per the limited information shared by the Department, 305 cases pertaining to eleven Central Universities were pending in High Courts alone in the year 2009, which meant, on an average, 28 cases pending per university. At this rate, about 50,000 cases could be reasonably estimated to be pending in only the High Courts of the country". This is all part of the Standing Committee. The Standing Committee itself

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says, "It is also true that fast-track mechanisms are definitely more effective and productive as compared to regular courts".

Now, Sir, what happens today? Today, the poor teacher has to go to a Sub-Judge's Court. Then, he has to file an appeal before the District Court. Then, he has to go to the High Court. Then, he has to come to the Supreme Court. The same fees that you are talking about will be charged by the same lawyers in the Supreme Court. If I bring in the Tribunal, there is going to be no change in the charging of fees. So, either we relegate our academic people to Sub-Judges' Courts or we bring them before specialized Tribunals is a matter of policy, Sir.

(contd. by 2s/kgg)

Kgg/2u/3.45

**SHRI KAPIL SIBAL (contd.):** We are not taking away anybody's jurisdiction. We are not taking away the States' jurisdiction. At the moment what happens to a dispute? He goes to a sub-judge. Now, instead of going to a sub-judge, he will go to a tribunal. Where have we impacted on the States' jurisdiction? Have I touched the States' jurisdiction, Sir? Instead of making the Vice-Chancellor run to a sub-

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judge's court, if I tell him to go to a State tribunal, is this taking away anybody's jurisdiction?

Then, Sir, let me go further. The Committee says on what happens to the existing tribunals because there are existing tribunals in Orissa, there are existing tribunals in Gujarat; what happens to them? The Standing Committee itself says and let me tell you about that; the existing tribunals are really limited. The Standing Committee says, 'The State education tribunal in Orissa has been functioning since 1974 under section 24A of the Orissa Education Act, 1969; it has jurisdiction over the following matters...' and it gives those matters. It continues, 'As can be seen, the scope of litigation in education tribunal in Orissa has been very limited. It basically covers only grant-in-aid related disputes.' Here, we are talking about affiliation disputes, we are talking about accreditation disputes, we are talking about student disputes, and we are talking about the malpractices of private institutions against young students. All those disputes will come here. They are not covered by the existing tribunals. The answer is in the finding of the Committee. Why would we oppose a Standing Committee's recommendation? We would never oppose it. But, at

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the same time, we can, by tweaking the rules, take forward some of those recommendations and then place before the House. This is the need of the hour because this is going to be an exponential increase in the number of institutions of higher education. We are doing something consistent with what the future demands and the future requires.

I go to another recommendation, Sir. The other recommendation is: One State education tribunal per State; it should not be one for all the States. I have already said, Sir, in my opening statement that the moment it comes, after one year, if we feel that there are more tribunals required, we will set them up. We are not against it. I have made that statement. I have given an assurance to the House and we will come back to it. If the States demand more tribunals, we will have more tribunals. What is the problem? I have no problems, Sir. It is a commitment. If I say three tribunals for every State, it has a financial implication. We have to consult States on those financial implications; we cannot impose it through an Act. Therefore, the States themselves wanted one tribunal when we discussed it with the Education Secretaries. If you want to have three

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or four tribunals in every State, there is no harm in that; for that, the State Finance Ministers will have to be consulted, the financial position of the States will have to be seen. If they say that they want it, we will be more than happy to give it.

Then I come to the next one, Sir. The Standing Committee says, ‘The Committee has a view that in order to have a dynamic system of dispute resolution, youngsters should be engaged in tribunals.’ I said, Sir, the other day, where will you get the youngsters? Will a 35 year-old lawyer who is doing well at the bar come to a tribunal for five years and then for the next five years he cannot do anything? Will a sitting judge leave the High Court and then come to a tribunal, at the age of 35-40? Will a teacher in a university leave his job, who is doing research and come to a tribunal and then not be employed by Government for the next five years? We will not get the people. Then, where is the question of getting younger people? This is a matter of policy. Every such tribunal has the age-limit of 55 years. I am not doing something different from other tribunals.

Then, it says, ‘The Committee finds that clause 12(2) violates the judgment of the Supreme Court in the event of a vacancy of the

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seat of the chairperson a non-judicial member would chair the bench.’

No, he would not chair the bench for judicial matters but for administrative matters; he will have to clear those things. If a judge falls ill for a day, somebody has to be the chairperson to clear the administrative matters. The law has to be consistent with the Supreme Court judgment. Therefore, there is no doubt. I can say on the floor of the House that such a chairperson will not exercise judicial powers. I will clarify it in the rules, Sir. So, I am prepared to meet each objection of the hon. Members of this House, but you must hear me, Sir. You must appreciate what I am trying to say. I am trying to say for the future of our children. We have no ego on this.

Let us come to the next recommendation and I will explain each one of them, ‘The Committee therefore recommends that the definition of the term unfair practices as it refers in the Bill should be incorporated in the Education Tribunals Bill.’ The problem is the following. Under rule 66 of the Lok Sabha rules, if there are inter-connected Bills, we have to first initiate the Bill which has primacy because it deals with all the other Bills.

(Contd. By tdb/2w)

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TDB-SCH/2W/3.50

**SHRI KAPIL SIBAL (CONTD.):** The Unfair Educational Malpractices Act has tribunals; the Accreditation Authority Act has tribunals; the Foreign Education Provider Act has tribunals. So, under Lok Sabha rules, this has to be passed first, notified by the President, and then, the other Bills can be introduced. This is the rationale as to why I have to introduce this Bill first.

**SHRI S.S. AHLUWALIA:** Let the report of the other Bill come. (Interruptions) Why are you in a hurry? If the Lok Sabha rules do not permit you, that does not mean... (Interruptions)

**SHRI KAPIL SIBAL:** Please, one second. (Interruptions) One second, Sir. I am explaining to you point-by-point. I am not shying away. If you have any opposition in substance, on substance, I will bow down to whatever the House says, but please have that opposition on substance. If the opposition is procedural, please don't stop the Bill. (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** When you talk of substance... (Interruptions) Then, what you said, you justify that. (Interruptions)



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**SHRI KAPIL SIBAL:** No, no; please, don't get offended unnecessarily.

(Interruptions)

**SHRI RAVI SHANKAR PRASAD:** Sir, he must withdraw his words. It is an aspersion on us that we did not speak on substance.

(Interruptions) How can he say like that, Sir? All of us spoke on this Bill. (Interruptions)

**SHRI SATISH CHANDRA MISRA:** Sir, two hours' time on this Bill was not sufficient. (Interruptions) We were given ten minutes on this Bill.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Let the Minister complete. (Interruptions) I will allow you, after he completes his speech. (Interruptions) If you have a query; I will allow you, after he completes his speech. (Interruptions) I will allow you. (Interruptions)

**SHRI SATISH CHANDRA MISRA:** We spoke \* But, let us get more time and we will speak sense. (Interruptions)

**THE VICE-CHAIRMAN:** If he said \* then, I am expunging it. (Interruptions)

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\* Expunged as ordered by the Chair.

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**SHRI RAVI SHANKAR PRASAD:** He said that we did not make substance in our points. (Interruptions) This is grossly unfair.

**SHRI KAPIL SIBAL:** No, no. (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I will allow you to seek clarifications at the end. Please, take your seat. (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** What he said just now? (Interruptions) Mr. Sibal, you must withdraw it. We are hon. Members of this House. (Interruptions)

**THE VICE-CHAIRMAN:** If he said \*, I will expunge it. (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** It should not go on record. (Interruptions) He said that we don't have substance. What does he mean by this? (Interruptions)

**THE VICE-CHAIRMAN:** I have expunged it, if it is there. Expunge कर दिया (Interruptions)

**SHRI SATISH CHANDRA MISRA:** What does he mean by that? (Interruptions)

**SHRI KAPIL SIBAL:** No, no; Sir. Let me explain it. (Interruptions)

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN)** : Now, you listen to the Minister. (Interruptions) Please, sit down. (Interruptions)

**SHRI RAVI SHANKAR PRASAD**: Sir, I need your protection. (Interruptions) Sir, I need your protection. (Interruptions)

**SHRI S.S. AHLUWALIA**: Should we believe that... (Interruptions)

**THE VICE-CHAIRMAN**: Please allow the Minister to speak. (Interruptions)

**SHRI S.S. AHLUWALIA**: Should we believe that he is the only wise and learned person here? (Interruptions)

**THE VICE-CHAIRMAN**: Please, sit down. (Interruptions)

**SHRI KAPIL SIBAL**: Let me explain. (Interruptions)

**THE VICE-CHAIRMAN**: Let him complete. (Interruptions) Hon. Members, let the Minister complete his speech. (Interruptions) I will allow clarifications. (Interruptions)

**SHRI S.S. AHLUWALIA**: He should respect the Members. (Interruptions) You don't give respect to Members. (Interruptions)

**THE VICE-CHAIRMAN**: Any unparliamentary word will be expunged. (Interruptions) Expunge हो गया; please, sit down. (Interruptions)

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**SHRI SATISH CHANDRA MISRA:** He should withdraw it.

(Interruptions)

**SHRI RAVI SHNKAR PRASAD:** He said that we did not speak substance. (Interruptions) He said it about all the hon. Members of this House. (Interruptions)

**SHRI S.S. AHLUWALIA:** This is an insult of the entire House.

(Interruptions)

**SHRI RAVI SHANKAR PRASAD:** Sir, the Minister... (Interruptions)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** I request every Member to please take your seat. (Interruptions) Please, take your seat. (Interruptions) If all of you stand up and speak, I can't hear anything. (Interruptions)

**SHRI SATISH CHANDRA MISRA:** Let him withdraw his words.

**SHRI S.S. AHLUWALIA:** What is this, Sir? (Interruptions)

**THE VICE-CHAIRMAN:** You take your seat; I will sort it out. (Interruptions) I can't understand you point, if all of you stand up and speak. (Interruptions) First of all, you take your seats. Let me listen. Please, sit down. (Interruptions) I will sort it out. (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** Sir, give me a minute.

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

(Interruptions) Yes, what is your complaint? (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** Sir, 14 Members spoke on this Bill.

Sir, with our limited ability, we spoke on this Bill. As per our understanding, we spoke. (Interruptions) How can a Minister, who had been a Member of this House, say, 'make a point of substance'? It is as if we did not make a point of substance.

**SHRI KAPIL SIBAL:** No, no; (Interruptions)

**SHRI RAVI SHANKAR PRASAD:** This is grossly unfair. (Interruptions)

He must apologise. (Interruptions)

**THE VICE-CHAIRMAN:** Okay, he will reply to that. Mr. Minister, please reply to that. (Interruptions)

**SHRI KAPIL SIBAL:** Sir, I am extremely sorry, if I have either directly or indirectly, in any way, cast any aspersions on any hon. Member of this House. I am sorry for that. That is not my intent. There are two kinds of objections. One are procedural, which are equally substantive; and one is the substantive objection.

(Contd. by 2x-kl)

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KLS/PSV/2X-3.55

**SHRI KAPIL SIBAL (CONTD):** So, I do not dispute that procedural objections are not substantive, they are substantive too. ... (Interruptions).. I personally feel and I am trying to give an explanation as to why we have brought this Bill in the manner that we have. But if still hon. Members are agitated that no, we should defer this Bill, I have no problem with that. ... (Interruptions).. I have no problem. ... (Interruptions).. I have no problem with that. ... (Interruptions)...

**SHRI SATISH CHANDRA MISRA:** This Bill requires more discussion. ... (Interruptions)..

**SHRI S.S. AHLUWALIA:** We will apply our mind to it. ... (Interruptions).. This Bill can be taken up in the Winter Session. ... (Interruptions)..

**SHRI KAPIL SIBAL:** I have no problem with it. ... (Interruptions).. Sir, I have said if two hours is not enough for this Bill, you require four hours, I have no problems. ... (Interruptions)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** However, it is for us to listen to the Minister and then decide. ..No problem.

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...(Interruptions).. The House is supreme. ...(Interruptions).. Let him complete his reply and then we will decide what to do. ...(Interruptions).. We agree; no problem. ...(Interruptions)... I have no problem. ...(Interruptions).. Let him finish his speech. ...(Interruptions).. Not allowing him to complete his speech is not correct. ...(Interruptions).. Let him finish his speech. ...(Interruptions).. Not allowing him to finish his speech is not correct. ...(Interruptions)..

**SHRI KAPIL SIBAL:** Sir, considering the sentiments of the hon. Members of the House, I request that the consideration of this Bill be deferred till the next Session of Parliament with the understanding that as far as we are concerned, we have no doubts in our mind that we are not in any way infringing upon the rights of the States. ...(Interruptions).. We are, in fact, taking into account the sentiments of Governments throughout the country when we take this Bill forward. It is a very significance piece of legislation. If the hon. Members want a larger debate, we have no problem for that. ...(Interruptions)..

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** So, the House agrees.  
...(Interruptions).. That is agreed to. ...(Interruptions)..

**SHRI SITARAM YECHURY:** Sir, we are grateful to the Minister and to the Government for agreeing to the deferment. But what is the procedure for the deferment? ...(Interruptions).. Under Rule 70, the procedure for deferment, which he said, we all agree that it should be taken up in the next Session. In the meanwhile under Rule 70(2) the Minister can and the Government should, I am quoting, 'circulate for the purpose of eliciting opinion thereupon by a date to be specified in a motion. ...(Interruptions)..

**SHRI KAPIL SIBAL:** No, no, that is not necessary.  
...(Interruptions).. (Ends)

**SHRI SITARAM YECHURY:** You take formally the opinion.  
...(Interruptions)...

**THE VICE-CHAIRMAN:** Dr. Karan Singh wants to say something.  
...(Interruptions).. Next item is the Salary, Allowances and Pension of Members of Parliament Amendment Bill, 2010. ...(Interruptions)..

**DR. KARAN SINGH:** I have a submission to make before that.

**THE VICE-CHAIRMAN:** Okay.



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**RE: SITUATION IN JAMMU & KASHMIR.**

**DR. KARAN SINGH (NCT OF DELHI):** Sir, when Brindaji this morning raised the question of situation in Kashmir, I tried to catch up her eye. I was unable to do so. Sir, I want to say that in the course of this Session, I was hoping that we have a structured debate on Jammu & Kashmir so that people from around the House could express their views and their concerns. ...(Interruptions).. In the other House, there was such a debate, but there was not a debate in this House. So, Sir, all I want to say is this. I would like, first of all, on my own behalf, and I am sure on behalf of all of us, to express our anguish and deep sympathy for the families and the near and dear ones of the young men and boys who have been killed in the last few weeks.

(Contd by 2Y/SSS)

SSS/2Y/4.00

**DR. KARAN SINGH (CONTD.):** Our heart goes out to them. Whatever it maybe, they may have done the right thing or the wrong thing, but, they are young boys. They are Indian citizens and therefore, we must express some sympathy for them. Sir, the second point is, between the separatist *bandhs* and the curfews, the people

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of Srinagar have been in an unprecedented situation for almost three months now. They are almost as if they cannot move out of their houses. Sir, I hope, I am simply expressing the hope, that within the next few days before the auspicious occasion of Id, a situation will develop where this chapter will be behind us and we will be able to move forward. Srinagar will return to its normal situation and the autumn influx of tourists will come there in full force and in full measure. Thank you.

(Ends)

**SHRI SITARAM YECHURY (WEST BENGAL):** Why doesn't the Government consider sending an All India Parliamentary Delegation to Srinagar? It has been raised in the House earlier. I am asking the Government to please positively respond. India has to tell the people in the Valley that we are there with them and that we share their agonies, we sympathize with them and let an All Party Delegation go there and let them interact with us and that will be best way to give that confidence. I ask the Government to seriously consider. (Ends)

**SHRI BALBIR PUNJ (ORISSA):** Mr. Vice-Chairman, Sir, I regret to say that 16 soldiers were killed and many soldiers were also injured.

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Sir, we can't only be expressing regret for the people who shout anti-Indian slogans. (Ends)

**DR. CHANDAN MITRA (MADHYA PRADESH):** Sir, my point is, while I am endorsing the suggestion of Dr. Karan Singh who is a highly respected Member of this House and Mr. Sitaram Yechury, the point that was made earlier by Mrs. Karat also, Sir, in this path we cannot overlook or ignore the sacrifices made by our security forces. Seven hundred of whom have been injured and they have valiantly been fighting for the cause of unity and integrity of this country. We cannot remain...

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Okay, you have made your point.

**DR. CHANDAN MITRA:** We must take a holistic view...

**THE VICE-CHAIRMAN:** Okay, please sit down. Before we take The Salary, Allowances and Pensions of Member of Parliament (Amendment) Bill, 2010 Shri Salman Khursheed wants to refer his Bill to the Select Committee. If the House agrees I will allow it.

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**MOTION FOR REFERENCE OF THE WAKF (AMENDMENT) BILL,  
2010 TO A SELECT COMMITTEE**

**THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE  
MINISTRY OF MINORITY AFFAIRS (SHRI SALMAN KHURSHEED):**

Sir, I beg to move:

That the Bill to amend the Wakf Act, 1995, as passed by  
Lok Sabha, be referred to a Select Committee of the Rajya  
Sabha consisting of the following Members:-

1. Prof. Saif-ud-Din Soz
2. Shri Raashid Alvi
3. Shri Parvez Hashmi
4. Shri Tariq Anwar
5. Dr. Prabha Thakur
6. Shri Mukhtar Abbas Naqvi
7. Shri Prakash Javadekar
8. Shri Anil Madhav Dave
9. Shri Balwinder Singh Bhunder
10. Shri Mohammed Amin
11. Shri Munquad Ali
12. Shri Mohammed Adeeb
13. Dr. Bhalchandra Mungekar

with instructions to report to the Rajya Sabha by six weeks.”

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

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**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Now, we will take up  
The Salary, Allowances and Pensions of Member of Parliament  
(Amendment) Bill, 2010.

**SHRI SITARAM YECHURY:** Sir, before the Bill is moved...

**THE VICE-CHAIRMAN:** No, let the Minister move the Bill.

**THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF  
PARLIAMENT (AMENDMENT) BILL, 2010**

**THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI PAWAN**

**KUMAR BANSAL):** Sir, I beg to move:

That the Bill further to amend the Salary, Allowances and  
Pension of Members of Parliament Act, 1954, as passed by Lok  
Sabha, be taken into consideration.

(Contd. by NBR/2z)

-SSS/NBR-2Z/4.05.

**SHRI PAWAN KUMAR BANSAL (CONTD.):** Sir, the existing provision  
regarding Salary and Daily Allowance were made w.e.f. 14-09-2006  
for a period of five years. In normal course, this period would expire  
on 14-09-2011.

After the implementation of the recommendations of the Sixth  
Pay Commission, all levels of employees received a substantial

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enhancement of the salary package. Similarly, salaries of all dignitaries were also increased.

**SHRIMATI BRINDA KARAT:** Sir, except the staff of the Rajya Sabha. They have not got any increase in their salary...(Interruptions)...The staff of Rajya Sabha have not got it.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, no. Please. Let him finish...(Interruptions)...

**श्री रामविलास पासवान:** सर, इसको बिना बहस के पास करा दीजिए।  
...(व्यवधान)...

**उपसभाध्यक्ष:** पासवान जी, आप कृपया बैठिए।

**SHRI PAWAN KUMAR BANSAL:** Sir, the Joint Committee on the Salary, Allowances and Pension of Members of Parliament examined the matters connected with the rationalization of salary, allowances and other facilities available to the Members of Parliament. The Joint Committee felt that the existing salary and allowances are inadequate in the present scenario. The Committee felt that the existing criterion for fixing the salary and allowance of Members of Parliament on the basis of Consumer Price Index meant for Urban Non-manual Employees were inadequate to meet the needs of the Members of

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Parliament to shoulder their responsibilities effectively. The Committee said that the Members' pay and allowances must be based on the premise that they are on duty 365 days a year and 24 hours a day. The emoluments of Members of Parliament should not be less than that being paid to the Members of State Legislatures in India; besides, their emoluments may be benchmarked to the salary being paid to the other dignitaries and civil servants placed in the 'Warrant of Precedence' issued by the Government of India.

Sir, the Joint Committee has submitted its Report on 5<sup>th</sup> May, 2010.

**SHRI SITARAM YECHURY:** Sir, is he moving the Bill or explaining it? I want to say something at the time of moving itself.

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** It is only part of moving the Bill.

**SHRI PAWAN KUMAR BANSAL:** The Joint Committee made a number of recommendations for enhancing salary, allowances, facilities, pension, etc., of Members of and former Members of Parliament.

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Sir, after due consideration, the Government have decided to implement some -- rather I would say most of the recommendations -- of the recommendations by amendment of the Salary, Allowances and Pension of Members of Parliament Act, 1954, and the Rules framed there under.

Very briefly, I would refer to the proposals which involve amendment of the Act and have been included in the Bill. They are as under:

- (i) Salary is being raised from Rs. 16,000 p.m. to Rs. 50,000 p.m. Daily Allowance is being increased from Rs. 1,000 to Rs. 2,000 for each day during the period of residence on duty. The increase in salary will be effective from the date of constitution of the 15<sup>th</sup> Lok Sabha i.e., 18<sup>th</sup> May, 2009.
- (ii) Sir, the minimum and addition pension which was paid earlier was Rs. 8,000 p.m. with an increase of Rs. 800 in case of one additional year beyond five years. This is



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being increase to Rs. 20,000 p.m. and with an increase of Rs. 1,500 p.m. beyond the term of five years.

(CONTD. BY USY "3A")

-NBR-USY/MP/4.10/3a

**SHRI PAWAN KUMAR BANSAL (CONTD.):** The advance for purchase of conveyance has been raised from rupees one lakh to rupees four lakhs at the interest rate which is applicable to the Government employees also. Then, there are some very small amendments, in fact more of rationalization, relating to the travel by trains by spouses, etc., for which I need not take the time of the hon. House, at this time. But, apart from these, there are two proposals, which have been accepted. In one case, it has been accepted fully; and, in another case, not fully, rather we have increased it a little more than what the recommendation of the Committee was. These relate to the Constituency Allowance. The Constituency Allowance of the Members will be raised from Rs. 20,000 per month to Rs. 45,000 per month. And, the Members of Parliament, at present, are entitled to Office Expense Allowance of Rs. 20,000 per month, which would be raised to Rs. 45,000 per month. These changes would be effected by

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making amendments to the relevant rules under the Act. While these increases, as I said earlier, in the salaries and also in the pensions, would be made effective from 18<sup>th</sup> May, 2009. Having said this, I want to make only one point. After the debate, which took place in the other House, and the events that preceded the debate, or, after there were some knowledge in the public domain about what the recommendations of the Committee were and what the Government was thinking, and after all that has appeared in the media and the discussion that has taken place, the Government does, now, feel that there is time now to set up a permanent mechanism instead of repeatedly taking it upon ourselves to decide this issue. However, the Constitution of India leaves it to the Parliament that it will be as determined by the Parliament by law. That is the present provision. I think, we can use that provision itself to set up a permanent mechanism which would, in future, decide this matter. This matter had been discussed, from time to time, in the past. There were differing views. Some of us had said that this matter should not be passed on to somebody else; and, maybe, I don't know, some of the Members have expressed that view today also. There was a very

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strong contrary view to this, expressed in the other House, saying that there should be no such mechanism. But we do feel that for this we have to have a wide-ranging discussion with all the hon. Members, with different leaders of the political parties. We would certainly try to work for something in our endeavour to arrest the cynicism that is developing about the parliamentarians, about the Parliament, and for that matter, democracy itself. Taking into account as to what is necessary to enable the Members of Parliament to discharge their responsibilities effectively, to encourage honest people who want to contribute their best to the public life, people who are from middle classes, and people who are from professional groups, we would certainly like to work on some mechanism to be set up in the days to come. With these words, I commend this Bill to the House.  
(Interruptions)

*The question was proposed.*

(Ends)

**SHRI SITARAM YECHURY (WEST BENGAL):** Sir, I rise to oppose the moving of this Bill. (Interruptions) I have a strong ground.

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(Interruptions) I will give you a point of order, if you want.

(Interruptions)

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

(Interruptions)

**SHRI SITARAM YECHURY:** Sir, please listen to me. I have a very strong ground. (Interruptions) I want to go by the last point made by the Minister. (Interruptions) The same assurance....(Interruptions) Sir, please bear with me for a minute. (Interruptions) Sir, the same assurance was given to us four years ago by the then Minister for Parliamentary Affairs, standing from that very same chair. (Interruptions) From that very same chair, it was assured to us, and assured to me particularly, when I had raised this issue, that before we come with such a proposal, next time, an independent mechanism would be set up. And, we have said that repeatedly, using the same constitutional provision. We think it is very unbecoming on all of us to sit in judgement on what pay hike we should get. And, that is something....(Interruptions)

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Yechury, you will get a chance to speak. (Interruptions) I will give you a chance. (Interruptions)

**SHRI SITARAM YECHURY:** There is a point, Sir. (Interruptions) सुनिए....(व्यवधान)... हनुमंत राव जी ....(व्यवधान).. सर, वे भी बचेंगे। ... (व्यवधान)... हनुमंत राव जी, आप भी बचेंगे।... (व्यवधान)...

**THE VICE-CHAIRMAN:** Mr. Yechury, please listen to me for a minute. (Interruptions) Will you listen to me for a minute? (Interruptions)

**SHRI SITARAM YECHURY:** About what? (Interruptions)

(Contd. by 3b -- PB)

PB-SC/3b/4.15

**THE VICE-CHAIRMAN:** Let me have my say. Please take your seat.

**SHRI SITARAM YECHURY:** Let me finish.

**THE VICE-CHAIRMAN:** You listen to me first. I will allow you. ... (Interruption)... No; please. ... (Interruptions)... No; let me say. ... (Interruptions)... See, the position is, ... ... (Interruptions)...

**श्री सत्यव्रत चतुर्वेदी :** सर, अगर आप औरों को अवसर दे रहे हैं तो एक मिनट के लिए मुझे भी समय चाहिए। .. .. (व्यवधान)..

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please sit down. I am on my legs. Please take your seat. ...(Interruptions)... No; no; I am on my legs. Mr. Yechury, if you want to object, it should be again at the introduction stage of this Bill. ...(Interruptions)... Listen, please. Now, it is at the consideration stage. However, even at this time, if you want to object you can do so either by raising a point of order or you can object to it at the time when you speak. Now, my duty is to call the hon. Leader of the Opposition. ...(Interruptions)... Otherwise, you have to raise it through a point of order. ...(Interruptions)... Tell me the rule under which you are raising this point of order. I have no objection. What is your point of order?

**SHRI SITARAM YECHURY (WEST BENGAL):** Sir, this Bill was introduced in the Lok Sabha. It was brought in here with the announcement of the Secretary-General saying that it is coming. So, it is not moved to be introduced here. ...(Interruptions)... No; no. It is not. It is Rule 67. ...(Interruptions)... This is what you have informed us. Rule 67 says, 'if a motion for leave to introduce a Bill is opposed ...' ...(Interruptions)... Therefore, all that I am saying, Sir, is that this is something that should have been taken into account

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earlier. ...(Interruptions)... Please, Mr. Minister. I mean, the same sentiment that you expressed at the end of your introduction, the same thing I am saying that we are hearing the same thing four years later again. The same thing was told to us four years earlier. So, all that we are saying is, why are you delaying this mechanism? ...(Interruption)... Sir, we cannot accept this procedure. The independent mechanism, as enshrined in the constitutional provision which can be invoked to create that independent mechanism, was assured to this House four years ago, which has not been done. And since that has not been done, we object to this entire procedure of this Bill being introduced and being passed. ...(Interruptions)... And, to record our opposition and objection, we are walking out of this House. ...(Interruptions)...

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

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Hon. Leader of the Opposition. ...(Interruptions)... Please. ...(Interruptions)... Hon. Leader of the Opposition. ...(Interruptions)... Please.

**SHRI D. RAJA (TAMIL NADU):** Sir, as my colleague, Shri Sitaram Yechury has said, in the absence of a permanent institutionalized

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mechanism, MPs taking upon themselves to decide what should be their salary is not justified. So, in protest, we walk out.

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

**श्री सत्यव्रत चतुर्वेदी :** महोदय, मैंने आपसे समय मांगा था।  
..(व्यवधान)..महोदय, एक मिनट के लिए मुझे भी समय दीजिए।  
..(व्यवधान)..

**SHRI ABANI ROY (WEST BENGAL):** Sir, the Minister of Parliamentary Affairs assured on 22<sup>nd</sup> August, 2006 that a mechanism will be formed, which has not been done even after the assurance. What happened to that assurance? ...(Interruptions)... So, in protest, I am walking out...(Interruptions)...

**(At this stage, the hon. Member left the Chamber.)**

**श्री सत्यव्रत चतुर्वेदी:** महोदय, मैं केवल आधा मिनट लूंगा। ..(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No; I have called the Leader of the Opposition.

**श्री सत्यव्रत चतुर्वेदी:** महोदय, मैं आपके माध्यम से इस सरकार से केवल यह अनुरोध करना चाहता हूँ कि ..(व्यवधान)..

**THE VICE-CHAIRMAN:** You can't make a speech here.



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**श्री सत्यव्रत चतुर्वेदी :** मेरा अनुरोध यह है कि जब अभी salaries को बढ़ाने की बात आई, तब मीडिया में, पब्लिक में इस बात पर बहुत बहस चली। उसमें एक आलोचना यह हुई कि सारे के सारे मॅबर्स ऑफ पार्लियामेंट गरीब नहीं हैं, कुछ बहुत अमीर भी हैं। इस बात की भी चर्चा हुई ..(व्यवधान)..

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** You can't make a speech. ...(Interruptions)... No; I will call you. How can you make a speech now? ...(Interruptions)... No; you cannot make a speech. ...(Interruptions)... No; hon. Leader of the Opposition, please. ...(Interruptions)...

**श्री सत्यव्रत चतुर्वेदी :** महोदय, मैं एक मिनट लूंगा। ..(व्यवधान)..

**THE VICE-CHAIRMAN:** No; you cannot make a speech. ...(Interruptions)... What is this? No; no; your party will get a chance; they will give your name. ...(Interruptions)... Why do you make a speech now? ...(Interruptions)...

**श्री सत्यव्रत चतुर्वेदी :** एक मिनट के लिए मेरी बात तो सुन लीजिए। ..(व्यवधान)..\*

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, Mr. Chaturvedi, no; please; no. ...(Interruptions)... You can't make a speech. It is not going on record. ...(Interruptions)... Hon. Leader of the Opposition. ...(Interruptions)... No; please.

**श्री सत्यव्रत चतुर्वेदी :\***

**THE VICE-CHAIRMAN:** Mr. Chaturvedi, you cannot make a speech. ...(Interruptions)... No; please. ...(Interruptions)... No; please listen to hon. Leader of the Opposition. Silence, please. ...(Interruptions)... Take your seat, please. ...(Interruptions)... Mr. Mukherji, take your seat. What is this? ...(Interruptions)...

**DR. BARUN MUKHERJI (WEST BENGAL):** Sir, I oppose this, and supporting Mr. Yechury's view, I urge upon the Government to defer the implementation of this Bill as passed in the Lok Sabha for further review. ...(Interruptions)...So, in protest, I am walking out. ...(Interruptions)...

**(At this stage, the hon. Member left the Chamber.)**

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**\* Not Recorded.**

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Please.  
 ...(Interruptions).. Okay, please. Silence, please.  
 ...(Interruptions)... No; please, Mr. Chaturvedi. What is this?  
 ...(Interruptions)... Allow him to speak. ...(Interruptions)... Please.  
 ...(Interruptions)...

(Followed by 3c/SKC)

3c/4.20/mcm-sk

**श्री सत्यव्रत चतुर्वेदी :** हम इतना पूछना चाह रहे हैं कि जो मेंबर्स बढ़ी हुई सेलेरी नहीं लेना चाहते हैं, तो क्या वे छोड़ सकते हैं?.....(व्यवधान)

**श्री पवन कुमार बंसल :** कोई अगर अपनी सेलेरी नहीं लेना चाहे तो उसकी अपनी मर्जी होती है।.....(व्यवधान)

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

Sir, the hon. Minister, while moving the Bill, has made a comment towards the end of his speech that the Government is seriously considering setting up of a permanent mechanism in order to determine, without legislative intervention of this House, after every few years, as to what would be the salary and other allowances of Members of Parliament.

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Sir, even when some of the Members have walked out of the House while they were making a point, there appears to be a larger consensus on one issue. That issue is that the Members of Parliament are not employees in the technical sense. We are all involved, as elected representatives, in public service. As the Minister has rightly said, we do public service 365 days a year; there are no vacations; there are no evening hours; there are no office hours. Therefore, there are two conflicting issues which come up for public debate every time a raise is suggested. One view is that we are the only section in the society that determines our own salaries. That happens because it is done through a legislation and except the two Houses of Parliament, there is no other authority in this country which can legislate. So, out of necessity, we have to legislate. But that does invite a comment. And when this comment is made, the situation at times also gets aggravated when comments come from some of us also demanding higher wages for public service. Now, there should not be a situation of this kind and, therefore, I would suggest to the hon. Minister that rather than wait for the next four, five or seven years, whenever the next stage comes, within the course of

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the next Session or the Session thereafter, when no raise is contemplated — and we don't link it with the present situation — to seriously bring a legislation for setting up a permanent mechanism. On this mechanism, there will again be a debate as to whether some outside agency must determine it, or it should be from within the two Houses of Parliament that this determination must take place. That is a vexed issue and, therefore, it will have to be answered. Else, there is an alternative suggestion being made that it should get indexed to some focal point, and, therefore, the raise, whenever it is to be made after a set of few years, makes itself automatically. It is a matter of calculation and it is done, thereafter, automatically.

Therefore, I would urge upon the hon. Minister, while supporting the legislation that he has brought, to seriously consider, in the course of the next few months, in whichever Session it is convenient as per the Government's time schedule, after consulting all political parties, to work out this mechanism. We have an option of two mechanisms which can be brought in and whichever is the most acceptable mechanism may be set into motion.

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With these few brief comments, Sir, I support the Bill which has been introduced by the hon. Minister.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Mr. Raashid Alvi, do you wish to say something? You may take only two-three minutes.

**श्री राशिद अल्वी (आन्ध्र प्रदेश) :** सर, मैं ज्यादा टाइम नहीं लूंगा, बहुत थोड़ा टाइम लूंगा। इस देश के अंदर चपरासी से लेकर प्रेजिडेंट ऑफ इंडिया तक किसी की भी तनखाह बढ़ती है तो इस देश के अंदर शोर नहीं होता। पार्लियामेंट के मेंबर्स इस देश के अंदर अकेले हैं जिनके एलाउंसेज या सेलेरी बढ़ती है तो ऐसा लगता है कि कयामत बरपा हो जाएगी। सर, मैं बहुत अदब के साथ कहना चाहता हूँ कि पिछले 60 साल के अंदर 27 मर्तबा तनखाह बढ़ी है और मैं बहुत बार यह बात कह चुका कि 27 मर्तबा तनखाह बढ़ने के बाद भी एम0पी0 की तनखाह सोलह हजार रुपए है। पार्लियामेंट के ये मेंबर्स जितनी तनखाह चाहें तय कर सकते हैं। लोक सभा और राज्य सभा तय करे कि अगर एक करोड़ रुपए महीने की तनखाह होगी, तो किसी अदालत के अंदर चेलेंज नहीं किया जा सकता।

(3D/GS पर क्रमशः)

**श्री राशिद अल्वी (क्रमागत) :** इस बात को कोई appreciate करने के लिए तैयार नहीं है कि 16000 रुपये तनखाह है, पार्लियामेंट के मेम्बर्स के कितने expenses हैं, उनके यहां रोज दो सौ, तीन सौ लोग आते हैं, जिनको चाय पिलाई जाती है, खाना खिलाया जाता है। इस देश में ऐसी कोई मस्जिद और मंदिर नहीं है, जिसको चंदा न दिया जाता हो। मैं इस बात को तफसील से नहीं कहना चाहता हूं, लेकिन दुनिया के अंदर पार्लियामेंट के मेम्बर्स की तनखाहें पार्लियामेंट ही तय करती है, कोई दूसरा तय नहीं करता है। आप ताज्जुब करेंगे कि अमेरिका के अंदर सन् 1814 में, करीब 200 साल पहले पार्लियामेंट के मेम्बर की तनखाह इंडियन करेंसी में 6500 रुपये थी। हमारी आज से दस साल पहले 4000 रुपये तनखाह थी। मैं salary बढ़ाने और घटाने की बात नहीं करता हूं। मुझे यह बात अच्छी भी नहीं लगती है, लेकिन मैं सरकार से कहना चाहूंगा कि इसके लिए ज्वाइंट कमेटी पहले से बनी है, यह अख्तियार ज्वाइंट कमेटी को ही होना चाहिए कि वह पार्लियामेंट के मेम्बर्स की तनखाह तय करे। तनखाह कम हो या ज्यादा हो, इससे बहुत फर्क नहीं पड़ता है। मेरी दरखास्त है कि पार्लियामेंट के मेम्बर्स को फैसेलिटीज़ मिलनी चाहिए।

सर, हिन्दुस्तान अकेला ऐसा मुल्क है, एक पार्लियामेंट का मेम्बर 14 लाख वोटर्स को, करीब 25 लाख आबादी को रिप्रजेंट करता है, अकेले मॉरीशस की आबादी 12 लाख है, मंगोलिया की आबादी सिर्फ 25 लाख है। एक मंगोलिया को,

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एक पार्लियामेंट का मेम्बर हिन्दुस्तान के अंदर रिप्रजेंट करता है। सर, उसको 25 लोगों के पास जाना होता है, अपने वोटर्स के पास जाना होता है, अगर आप उसको इतनी भी फैसिलिटीज़ नहीं देंगे कि वह अपने वोटर्स तक जाकर, उसके दरवाजे तक पहुंचकर, उसकी परेशानी को पूछ सके, तो पार्लियामेंट का मेम्बर अपनी जिम्मेदारी को पूरा नहीं कर सकता है। यहां पार्लियामेंट के अंदर अपनी जिम्मेदारी पूरी करनी है, कमेटीज़ के अंदर अपनी जिम्मेदारी पूरी करनी है, अपने वोटर्स के बीच में जाकर अपनी जिम्मेदारी पूरी करनी है, इस सबके लिए फैसिलिटीज़ चाहिए। इस हाउस के अंदर ऐसे लोग भी हैं, जो एक दिन के अंदर दस लाख रुपये कमा सकते हैं। यहां पर अरुण जेटली जी बैठे हैं, यहां पर राम जेठमलानी साहब हैं या नहीं हैं,..(व्यवधान)...

**श्री सतीश चन्द्र मिश्रा :** सर, ये अरुण जेटली जी को अंडर एस्टिमेट कर रहे हैं।...(व्यवधान)....

**श्री एस.एस. अहलुवालिया :** अब उनकी सारी प्रैक्टिस बंद हो गई। ..(व्यवधान)..

**श्री राशिद अल्वी :** मिश्रा जी भी कोई छोटे-मोटे वकील नहीं हैं। वे एडवोकेट जनरल रहे हैं। ...(समय की घंटी).... मैं अपना नाम नहीं लेना चाहता हूं, मैं भी वकालत करता हूं। इसलिए मैं सरकार से दरखास्त करता हूं कि इसका पार्लियामेंट के मेम्बर्स को ही अख्तियार होना चाहिए। मैं इस बिल को सपोर्ट करता हूं।

(समाप्त)



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

**SHRI SATISH CHANDRA MISRA (UTTAR PRADESH):** Sir, I totally agree with what the Leader of the Opposition has said. I associate with him and support the Bill.

(Ends)

**SHRI N.K. SINGH (BIHAR):** Sir, I just wish that the Government is prepared to set up an independent entity in the form of a regulatory entity which has been strongly supported by the Leader of the Opposition. I just wish to make two points. In the mandate of this mechanism, I think, the one question we must ask ourselves is: What can we do to enable a Member of Parliament to perform his functions more diligently and improve the quality of his parliamentary debate? If we look at cross-country international comparison, Sir, all over the world Members of Parliament get independent research staff which can give them advice independent of this advice which they receive from the executive. Look at the US practice, look at the UK practice and look at cross-country comparisons all over the world. How do

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you enable a Member to more efficiently and diligently perform his functions? There are two important lacunae. One is that he has no office facility, whatsoever. If you give him a house, you must allow every Member to be able to have one independent office facility and have an independent research staff of some quality to be able to enable him to perform his functions. I think that the Minister for Parliamentary Affairs very rightly pointed out that in the ensuing debate on the MPs Salary there is a growing public cynicism on the work that Members of Parliament perform.

(Contd. by 3e/KSK)

KSK/4.30/3E

**SHRI N.K. SINGH (CONTD):** So, I think there is a great need to improve this public perception. One of the things which we need to do is about the work done by the Members of Parliament in Parliamentary Committees, in Standing Committees, in Public Accounts Committee, in Estimates Committee. All this goes completely unnoticed in the coverage which the media does. So, I request the Minister of Parliamentary Affairs to find out some way in

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which the work done and diligence exercised by Members of Parliament in these Parliamentary Committees also do get reflected in improving the public perception on the work that MPs perform so that this growing cynicism about what MPs can do is dissuaded.

(Ends)

**DR. JANARDHAN WAGHMARE (MAHARASHTRA):** With regard to this Bill, I would like to make certain observations. It is needless to say that the salary, allowances and pension of Members of Parliament need to be reasonably enhanced in view of the steep rise in prices and overall cost of living, and the services that we render to the nation. The nature of work of Members of Parliament has changed over the years. It requires full-time involvement of the Members. It has now become a full-fledged profession. Parliamentarians are essentially legislators. Now, law making is their primary duty. It is a difficult task. Various Parliamentary Committees keep them engaged throughout the year. They are involved in multifarious activities and programmes. Public relation is a very important aspect of their work. They have to travel very often in their constituencies. They have to be always on their toes. They require secretarial assistance in Delhi and

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in their own constituencies. And, that is why, the work is very complicated and enormous. At the same time, Members of Parliament should be conscious of the fact that they are the representatives of the people. They represent *aam admi* in the Parliament. Members of Parliament are *jan sevaks* and not Government servants. They are not appointed by the Government. They are elected by the people. That is why, we have to be sensitive to the people also and we, of course, have to voice their concerns in the Parliament. Keeping in view this particular thing, I would like to say that there should be some independent mechanism to determine the salaries, pension and allowances of the Members of Parliament.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Shri Abani Roy - not there. Dr. Barun Mukherji - not there. Shri Y.S. Chowdary - not there. Shri Bharatkumar Raut.

**SHRI BHARATKUMAR RAUT (MAHARASHTRA):** Sir, as hon. Minister has proposed and the Leader of the Opposition has seconded, I also wish to join all the Members in supporting that an independent mechanism should be formed so that there is no hue and

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cry in the public about the hike of salary. Having said that, I wish to raise only one point. Sir, I come from media and all of us keep blaming the media for opposing the salary hike of the Members of Parliament. Therefore, we give many arguments in this regard. Therefore, we have many observations and many points to defend our case. Why has media gone against us? We should introspect and think about it because media voice is public voice. This is the voice of the people...(Interruptions). You may say no. We can deny it...(Interruptions).

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

**SHRI BHARATKUMAR RAUT:** If we cannot listen one sentence of dissent...(Interruptions). I am a middle-class man and I need hike in salary. But, at the same time, we should also live up to the expectations of the people at large. We cannot forget that we are people's representatives. We cannot forget this, and if we forget this, people will forget us. So, on this occasion, all of us should vouch that here after, we will work, as we have been working before, more

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sincerely and will not give a chance to the people to oppose our salary hike.

(Ends)

(followed by 3f - gsp)

AKG-GSP/3F/4.35

**सरदार सुखदेव सिंह ढिंडसा (पंजाब)** : उपसभाध्यक्ष महोदय, पहले तो मैं आपका आभारी हूँ, फिर मंत्री जी का आभारी हूँ, जो पहले भी यह बिल लाये थे, लेकिन कैबिनेट ने defer कर दिया था। फिर मैं लालू जी का आभारी हूँ, जिन्होंने सारी पार्टियों को इकट्ठा किया और सरकार को मजबूर किया कि वे मानसून सेशन में विधेयक लाएँ। इसलिए मैं उनको भी बधाई देना चाहता हूँ। जैसा ऑनरेबल लीडर ऑफ ऑपोजीशन ने कहा है, इसके लिए मैं ... (व्यवधान) ...

सर, मेरा एक suggestion है कि जो हमारे ex-MPs हैं, वे बेचारे बूढ़े हो जाते हैं। जब वे रेलवे में अकेले जाते हैं, तो फर्स्ट क्लास में जाते हैं और अगर उनके साथ कोई और जाता है, तो उसको सेकंड क्लास में जाना पड़ता है। मैं और कुछ नहीं चाहता, उनके लिए इसको दो कर दीजिए, क्योंकि बूढ़े आदमी को जरूरत है। मंत्री जी ऐसा ऑर्डर से कर सकते हैं।

(समाप्त)

**श्रीमती विप्लव ठाकुर (हिमाचल प्रदेश)** : सर, यह जो सेलरी का बिल आया है, इसके लिए बहुत criticism हुई, लेकिन जो बाहर बैठे हुए लोग हैं, जिनकी हमसे

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भी ज्यादा स्लैब्स हैं और उनको इतना मिल रहा है, वे नहीं समझते कि हमारी क्या हालत है। मैं यह कहना चाहती हूँ कि इसमें spouse की जगह spouse/companion होना चाहिए। जैसा डिंडसा जी ने कहा है कि जो old होते हैं, उनको companion की जरूरत होती है। Companion कहीं और बैठा हो और वे उधर अकेले हों। इसमें इतना जोर देना चाहिए, यही मेरा कहना है। जो single women हैं, उनके लिए companion होना जरूरी है।

(समाप्त)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Dr. Mungekar. Please take only one minute. (Interruptions) Please. (Interruptions) Dr. Mungekar.

**DR. BHALCHANDRA MUNGEKAR (NOMINATED):** Sir, according to me, the quantum of salary, allowances and pension is not at all important. According to me, what the hon. Minister of Parliamentary Affairs suggested, and, what hon. Leader of Opposition suggested... (Interruptions) Give me one and a half minute, please. In technical economic sense, every person charges a price for the service he renders. Similarly, whatever the Members of Parliament get as salary, allowances or pension, it is the price for the service which they are rendering to the society. But the price paid to the Members of

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Parliament should not be compared to the price paid to the regular workers. Pandit Jawaharlal Nehru said, "I will take pride in calling me as the first servant of India rather than calling me as the first Prime Minister of India." I am not going into the quantum of salary, allowances and pension. I recommend, suggest and support the view to have an independent mechanism other than the Parliament. This is my suggestion. Thank you. (Ends)

**सुश्री अनुसुइया उइके (मध्य प्रदेश) :** उपसभाध्यक्ष महोदय, मैं इस बिल का समर्थन करती हूँ।

माननीय उपसभाध्यक्ष महोदय, मेरा माननीय मंत्री जी से एक निवेदन है कि उन्होंने इस विधेयक में सत्र के दौरान सदस्य के बिना भी पति/पत्नी को allow किया है और ट्रेनों में भी पति/पत्नी को ही allow किया है। जो bachelor लोग हैं, जिनके पति नहीं हैं या जिनकी पत्नी नहीं है, उनके लिए किसी तरह का कोई प्रावधान नहीं रखा है। जो bachelor सांसद हैं, उनके लिए इसमें companion, सहयोगी के लिए भी प्रावधान रखना चाहिए।

(समाप्त)

(3जी/वाईएसआर पर आगे)



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-GSP/YSR-SCH/4.40/3G

**DR. T. SUBBARAMI REDDY (ANDHRA PRADESH):** Sir, once a person becomes a Member of Parliament he should be accessible, acceptable, and ready to serve the people twenty-four hours. A Member of Parliament must work 365 days in a year. It is very amazing to me. People want increase in their salary. I must say that the majority of Members of Parliament dedicate themselves to public life and they have no other income. A Member of Parliament goes out with dignity. If there are no facilities for him, then he is suffering. Therefore, the hike is very important. Then what should be the mechanism? Why should only Parliament do it? It is not correct. The Government must agree to it. Members of Parliament of both the Houses are agreeing and if somebody does not want it, very good, let them not draw the salary. If anybody opposes it, tell them that there is no salary hike for them at all.

(Ends)

**THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI PAWAN KUMAR BANSAL):** Sir, I thank all the hon. Members who participated in this discussion. It is indeed very satisfying and, as far as I

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remember, this is perhaps the first time that we have had a discussion on the subject in the two Houses of Parliament. Earlier the practice had been -- and that also drew a good bit of criticism from all quarters -- that we were passing the amendments related to increase in salaries and allowances of Members of Parliament without discussion. This time, in both the Houses, we have had, though short, but a very informative discussion on the issue. I thank Shri Arun Jaitleyji, the Leader of the Opposition, Shri Raashid Alviji, Shri Satish Misraji, Shri N.K. Singhji, Dr. Waghmare, Shri Bharatkumar Raut, Shri Sukhdev Singh Dhindsaji, Shrimati Viplove Thakur, Dr. Mungekar, Anusuiyaji, Dr. Subbaramiji and Shri Chaturvediji and other Members who made their contribution and intervention on this subject.

I would not like to take much time of the hon. House on this subject. All that I would say is that there is almost near unanimity on it. Of course, there is a difference of opinion again which came from Shri Raashid Alviji about the mechanism. But I think, Sir, it is time we set up a mechanism. Howsoever discreet we may be in exercising a right, the fact remains that every time this exercise is undertaken, there is a sort of odium that is attached to the entire exercise

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undertaken by the Committee and by Parliament. The Committee, of course, is a mechanism under the system. There is a Joint Select Committee of the two Houses which sits and discusses it.

This time I must thank the Committee for its splendid job. It went through the entire gamut of issues and also considered the comparative pays and allowances, etc., of Members of Parliament in different countries and came out with a report. It was our endeavour to give utmost respect to that report and a good many of the recommendations have been accepted.

Sir, about the mechanism, I would come back to the House at some appropriate time after the Government considers this, after we discuss it with others. But there is certainly a need to refer to the point, to emphasise the importance thereof, that what is important is not just the salaries, but, as Shri N.K. Singh said, the facilities provided to the Members of Parliament to discharge their responsibilities effectively and conscientiously.

In that regard, I say this as an individual now, research work is the most important thing. During this period of one year, the Members of Parliament have been speaking to me from time to time

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that they do need some efficient, qualified research hands. Again, to ultimately decide, to set up a mechanism at an appropriate time and ...(Interruptions)..

**श्री रामविलास पासवान:** श्री एन.के. सिंह जी ने जो कहा है कि प्रत्येक मैम्बर ऑफ पार्लियामेंट का एक ऑफिस होना चाहिए और एक एक्सपर्ट होना चाहिए। एक्सपर्ट आप अपनी तरफ से दीजिए, लेकिन उसका पैसा आप हम लोगों से मत लीजिए। आप ऑफिस और एक्सपर्ट दीजिए, तब मैम्बर ऑफ पार्लियामेंट काम करेगा। क्या वह बैठा रहेगा?

**श्री पवन कुमार बंसल:** मैंने शायद इस बात का जिक्र कर दिया था। I have underlined that issue. लेकिन इस वक्त यह संभव नहीं होगा कि मैं यहां एकदम इस पर कुछ टिप्पणी करूं या सरकार की तरफ से कुछ कहने की कोशिश करूं।

3h-psv पर जारी

-SCH/PSV-VKK/3H/4.45

**श्री पवन कुमार बंसल (क्रमागत):** उस बात की जरूरत कैसे और कहाँ है, उस पर ध्यान रखा जाएगा, लेकिन यह उन्हीं बातों के कारण था कि office allowances को 20 हजार से बढ़ा कर 45 हजार रुपए प्रति माह कर दिया गया है। यह एक प्रयास है कि दोनों हाउसेज के जो हमारे सदस्य हैं, वे उसका कुछ

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और फायदा उठा सकें। उसका काफी बड़ा हिस्सा, वे जो अपना स्टाफ रखते हैं, उन पर जरूर जाएगा। लेकिन, जैसा मैंने कहा कि जब इस पर एक विस्तारपूर्वक चर्चा की जाएगी, उस वक्त जो भी सिस्टम हम बनाएँगे, उसमें इन मुद्दों के साथ यह भी देखना होगा कि उसके बाद what is the relevance of the committee that we have set up and which have worked all these years. क्या उस कमेटी की जरूरत है या नहीं है, इन चीजों पर गौर करना होगा। इतने वर्षों से वह समिति चलती रही है, इसलिए जो जरूरी होगा, उन बातों पर थोड़ा विस्तारपूर्वक विचार किया जाए।

इस बात में कोई संदेह नहीं कि एक developing society में लोगों की उम्मीदें अपने चुने हुए नुमाइंदों से बहुत होती हैं। उन पर बहुत तरह की डिमांड्स होती हैं, उनको समय-समय पर बहुत जगह पर आना-जाना रहता है, उन्हें अपनी constituency में बहुत घूमना पड़ता है। लेकिन, अगर उन चीजों का जिक्र हम करेंगे या अगर हम ही यह अपनी तरफ से करेंगे, तो फिर वही बात आ जाएगी, इसलिए क्यों न एक ऐसी अच्छी कमेटी हो, जिसका जिक्र मैं इस वक्त तो नहीं कर सकता, लेकिन हमारे बीच में ही श्री एनकेसिंह जैसे सदस्य हैं, इनसे हम चर्चा करेंगे। इनको जिन्दगी का अनुभव है, हम सभी से मिलकर इस बात को देखेंगे कि आगे हमें क्या करना चाहिए। वह हम जरूर इसके लिए करेंगे। मैं यह कह सकता हूँ कि अगली बार आपको यह नहीं सुनना पड़ेगा कि चार साल पहले भी यही कहा गया था। इस समय इस मामले में जितना जल्दी

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हो सका, इस पर जितनी भी चर्चा की जरूरत होगी, वह करके आगे के लिए हम कोई-न-कोई अच्छा सिस्टम बनाने की कोशिश करेंगे। बस इन्हीं शब्दों के साथ मैं सभी सदस्यों का एक बार फिर से ...(व्यवधान)...

**श्री एस0एस0 अहलुवालिया:** सर, ...(व्यवधान)... मंत्री जी, कुँआरे लोगों ने जो बात उठायी, ...(व्यवधान)... उसके बारे में बताइए।

**श्री पवन कुमार बंसल:** सर, दो बातें रह गई थीं, जिनका अहलुवालिया जी ने जिक्र किया है। एक तो यह है, उसमें मैं इस बात पर गौर करवा लूँगा कि वह क्या है। जहाँ तक मैं समझता हूँ, सभी सदस्यों के लिए अभी भी यह है कि एक companion या एक सहयोगी उनके साथ सेकंड क्लास में जा सकता है। ऐसा नहीं लगना चाहिए कि I have rejected a particular point that is raised here. (Interruptions)

**श्री एस0एस0 अहलुवालिया:** वह companion नहीं है, वह attendant है।  
...(व्यवधान)...

**प्रो0 अलका क्षत्रिय:** सर, ...(व्यवधान)...

**SHRI PAWAN KUMAR BANSAL:** Sir, let me make the point that (Interruptions) अहलुवालिया जी, मैं उसको टोटली इंकार नहीं कर रहा हूँ।  
...(व्यवधान)... सर, मैं उसका परिप्रेक्ष्य बता रहा हूँ कि किस संदर्भ में यह बात उठती रही है। ये सारी बातें उस परमानेंट मैकेनिज्म के जरिए ही हो जानी चाहिए। सर, पहले किसी वक्त यह सिर्फ किसी मैम्बर के लिए होता था। बाद में

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यह माँग उठी थी कि मैम्बर्स के साथ एक अटेंडेंट होना चाहिए। बाद में वह बात मान ली गई थी। फिर यह कहा गया था कि अगर मैम्बर या उनकी पत्नी अथवा उनके पति उनके साथ सफर कर रहे हों, तो क्या वे सेकंड क्लास में जाएँ, अटेंडेंट वाली टिकट पर? मैं सही कह रहा हूँ, मैं इस हाउस में काफी समय से रहा हूँ। यह बात ऐसे ही उठती रही है। इस प्रकार उसके बाद यह सेकंड हो गया था। इस बात को टुकराया नहीं जा सकता कि जो सदस्य, for the single Members...(Interruptions)...

**श्री एस०एस० अहलुवालिया:** एक कुँआरी लड़की के साथ हो सकता है कि उसकी माँ या उसकी मौसी ट्रेवल कर रही हो। यह भी हो सकता है कि उसका फादर उसके साथ ट्रेवल करना चाहता हो या उसका भाई ट्रेवल करना चाहता हो, तो उसको आप अटेंडेंट नहीं, companion ही ट्रीट करेंगे। ...(व्यवधान)...

**श्री पवन कुमार बंसल:** मैं यह कह रहा हूँ कि इसके साथ-साथ एक दूसरा सवाल यह भी आ जाएगा कि ...(व्यवधान)... इसके साथ-साथ एक दूसरा सवाल भी जरूर आएगा। मैं इस बात को मानता हूँ। I appreciate that point, but, the question that would arise is: If we give an additional seat, do we retain the seat for the attendant as well? These are the questions which will have to be considered. जैसे पहले कहा गया था, राशिद अल्वी जी ने कहा था that we have made as many as 26 amendments in the past 60 years. But, we have always done with utmost care and

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discretion. It is not that recklessly, we have increased the salary for us. And, similarly, in the same way, I would say, Sir, these are the points which would need deeper consideration. But, I do not rule out the point made by the hon. Members that a single Member of the House also has to be accorded some sort of facility. We will see what we can possibly do in that regard. But, presently, it will be difficult for me to say that we are incorporating anything in this. But, this point is very well taken. I must say that. And about pension, I have made the submission that there has been good increase in it also. From Rs.8,000, we have raised it to Rs.20,000. I know that some Members approached me, saying that this is not adequate and this is not half of the salary. (Interruptions)

**श्री राजनीति प्रसाद:** सर, ...(व्यवधान)... 16 का 8 किया ...(व्यवधान)...

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** No, no. Please. (Interruptions) राजनीति जी, आप बैठिए।

**श्री पवन कुमार बंसल:** मैं वही बता रहा हूँ। ...(व्यवधान)... सर, हमें एक बात पर फिर से गौर करने की जरूरत है कि अगर हम एक दिन भी पार्लियामेंट में रह लें, तो हमें 20,000 रुपए की पेंशन मिलनी शुरू हो जाएगी। हम अपने आपका



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comparison दूसरे लोगों के साथ न करें। And, I would say, Sir, that would be rather demeaning if we try to do that.

(Contd. by RSS-NB/3J)

NB/RSS/3J/4.50

**श्री पवन कुमार बंसल (क्रमागत) :** हमें सिर्फ इसी बात पर ध्यान देना चाहिए कि हमारी पेंशन कितनी है? 5 वर्ष तक कितना भी समय लगा लिया हो, उतनी पेंशन मिलेगी, वह मिनिमम है। ऐसे बहुत से सदस्य यहां हैं, मैं दुआ करता हूं कि वे और लंबे अरसे तक यहां रहें, लेकिन आज के दिन बहुत से सदस्यों की पेंशन का जो पैसा बनता होगा, वह उनकी salary से ज्यादा बनता होगा। इस फारमूले के तहत वह बढ़ता जाता है। As it was very well clarified here that we must not compare ourselves with the Government servants. उनका अपना हिसाब है, 30-30 साल की उनकी सर्विस होती है, तब उनको पेंशन मिलती है। इधर दो साल, एक साल, कुछ समय के बाद भी यह प्रावधान है कि पेंशन मिल सकती है। इसलिए मेरी दरखास्त यही है कि हम इस बात को यहीं छोड़ें और भविष्य के लिए हम सब मिलकर जो सिस्टम बनाएंगे, यह बात उन पर छोड़ दें कि वे सब चीजों को देखकर कुछ व्यवस्था बनाएं।

**श्री सत्यव्रत चतुर्वेदी :** मंत्री जी, हमारे कुछ सदस्य इस बढ़ोतरी के खिलाफ हैं। अगर वे बढ़ी हुई तनखाह न लेना चाहें ... (व्यवधान)

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**श्री पवन कुमार बंसल** : मेरे ख्याल से कोई कहीं भी क्यों न हो, चाहे वे कहीं भी काम कर रहे हों, चाहे वे सदस्य हों या बाहर हों, अगर कोई बिना तनखाह के काम करना चाहता है, तो अक्सर ऐसा होता है कि सरकार कह देती है कि एक रुपया तनखाह ले लो और वह एक रुपए पर काम करता है। शायद ऐसे कुछ उदाहरण पहले भी हुए हैं, लेकिन इसके लिए कानून की कोई ज़रूरत नहीं है ... (व्यवधान)

**श्री राजीव शुक्ल** : उपसभाध्यक्ष जी, The Leader of the Opposition और सभी सदस्यों ने एक बात कही कि इसके लिए कोई permanent mechanism होना चाहिए और मैं भी उस कमेटी का सदस्य था, जिसने यह recommend किया था और अहलुवालिया जी ने उसमें यह सुझाव रखा था और उसको link किया था कि चूंकि हमारा दर्जा सेक्रेटरी से थोड़ा ऊपर है, इसलिए सेक्रेटरी की तनखाह से एक रुपए या दो रुपए ज्यादा करके, जितने allowances हैं, उनको इससे link कर दिया जाए, तो बार-बार यह झंझट नहीं रहेगा। यह एक अच्छा सुझाव था। इसी तरह से गुजरात असेंबली में क्लास वन ऑफिसर के साथ MLA का वेतन अपने आप बढ़ता रहता है ... (व्यवधान)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN)**: Now, the question is:

That the Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954, as passed by Lok Sabha, be taken into consideration.

*The motion was adopted.*

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**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, we shall take up Clause-by-Clause consideration of the Bill.

*Clauses 2 to 6 were added to the Bill.*

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

**SHRI PAWAN KUMAR BANSAL:** Sir, I beg to move:

That the Bill be passed.

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

(Ends)

**THE VICE-CHAIRMAN:** Now, further consideration of the Prevention of Torture Bill, 2010. Shri P. Chidambaram.

**MOTION FOR REFERENCE OF THE PREVENTION OF  
TORTURE BILL, 2010 TO SELECT COMMITTEE.**

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**THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM):** Sir, with your permission, I move the following motion:-

"That the Bill to provide punishment for torture inflicted by public servants or any person inflicting torture with the consent or acquiescence of any of any public servant, and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members:-

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1. Shri Ashwani Kumar
2. Dr. E.M. Sudarsana Natchiappan
3. Shri Shantaram Laxman Naik
4. Dr. Vijaylaxmi Sadho
5. Dr. Janardhan Waghmare
6. Shri S.S. Ahluwalia
7. Shri Kalraj Mishra
8. Shrimati Maya Singh
9. Shri Naresh Gujral
10. Shrimati Brinda Karat
11. Shri Satish Chandra Misra
12. Shri Ahmad Saeed Malihabadi
13. Dr. Ashok S. Ganguly

with instructions to report by the last day of the first week of the next session."

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

(Ends)

(followed by 3K/MKS)

MKS-VNK/4.55/3K

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN):** Now, Statements by Ministers. Shri S.M. Krishna.

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**STATEMENT RE. INDIA'S OFFER OF ASSISTANCE OF 25 MILLION  
US DOLLARS TO PAKISTAN FOR FLOOD RELIEF**

**THE MINISTER OF EXTERNAL AFFAIRS (SHRI S.M. KRISHNA):**

Sir, Pakistan has been severely affected by the massive floods that have caused widespread damage to life and property. The recent floods are being described as the worst in that part of the world in the last 80 years. According to the latest figures given by the UN Office for the Coordination of Humanitarian Affairs, 17.2 million people have been adversely affected by these floods. Death toll has reached over 1600. More than 1.2 million houses have been damaged or destroyed besides widespread damage to infrastructure, crops and livestock. All four provinces of Pakistan and Pakistan-occupied Kashmir have suffered the consequences. Latest reports indicate that the flood situation in Sindh continues to deteriorate, even as flood waters recede in Punjab.

We cannot remain unconcerned with this grave humanitarian crisis of enormous magnitude in our immediate neighbourhood. I had telephoned the Foreign Minister of Pakistan on 13<sup>th</sup> of August and conveyed our deepest sympathies and condolences to the people and

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Government of Pakistan, on this natural disaster, on behalf of the people and Government of India. As a gesture of solidarity with the people of Pakistan in their hour of need, I had also conveyed Government's offer of assistance of US \$ 5 million for provision of relief material from India for the flood victims in Pakistan.

Prime Minister called Prime Minister of Pakistan, Mr. Yusuf Raza Gilani, on August 19, 2010, to express his sorrow and to condole the deaths resulting from the huge floods in Pakistan. Prime Minister conveyed that the Government of India had already made an offer of assistance and was ready to do more to assist in this relief effort.

Pakistan has conveyed its deep appreciation of India's offer of assistance. While mentioning that the United Nations has launched a flash appeal soliciting contributions from the international community to assist the people affected by the floods, Pakistan requested on 27th August that India may channel its contribution to the flood victims through the United Nations.

As a more concrete assessment of the damage inflicted by this natural disaster and the urgent needs of the people of Pakistan emerges, Government has decided to increase its assistance to

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Pakistan from 5 million US Dollars, announced earlier, to 25 million US Dollars. Out of this amount, 20 million US Dollars would be contributed to the 'Pakistan Initial Floods Emergency Response Plan' launched by the UN Office for the Coordination of Humanitarian Affairs. The balance of 5 million US Dollars would be contributed to the World Food Programme for its relief efforts in Pakistan.

Prime Minister has rightly said that in such times of natural disasters, all of South Asia should rise to the occasion and extend every possible help to the affected people. We remain committed to assisting the people of Pakistan in all possible ways in this difficult hour.

Thank you, Sir.

(Ends)

**THE VICE-CHAIRMAN (PROF. P.J. KURIEN)::** Thank you very much. Now, Shri Palanimanickam.

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**STATEMENT RE. SIGNING OF PROTOCOL BY REPUBLIC OF  
INDIA AND SWISS FEDERAL COUNCIL TO AMEND THE  
EXISTING AGREEMENT AND PROTOCOL FOR AVOIDANCE  
OF DOUBLE TAXATION WITH RESPECT  
TO TAXES ON INCOME**

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI  
S.S. PALANIMANICKAM):** Sir, yesterday, the Republic of India and  
the Swiss Federal Council have signed a Protocol which will amend  
the existing Double Taxation Avoidance Agreement between the two  
countries (DTAA). The amended DTAA shall come into operation  
after it enters into force on completion of internal process by  
Switzerland side.

Salient features of this Protocol are:

1. Article on Exchange of Information has been amended to bring it in  
line with international standards.

(c) Under the current DTAA between India and Switzerland,  
India has not been able to obtain banking information from  
Switzerland. The protocol now seeks to amend the Article  
concerning Exchange of Information to enable exchange of such  
information.



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- (d) Information which is foreseeable relevant for carrying out the provisions of this agreement or to the administration or enforcement of the domestic laws concerning taxes can be exchanged under the DTAA, whereas earlier information which was relevant only for carrying out the provisions of DTAA could be exchanged.
  
- (e) Information exchanged is to be used for tax purpose only. However, the new Article also provides for use of information by such other purposes which are allowed under the laws of both States and the competent authority of the supplying State authorizes such use.
  
- (f) There is a specific provision to ensure that information will be exchanged even if there is no domestic interest.
  
- (g) There is a specific provision for providing banking and ownership information.
  
- (h) The new provision will be applicable only for prospective information and not for past information.

2. At present, the incomes from international shipping are not covered under the DTAA. This is now sought to be included in the DTAA by providing for residence based taxation for shipping income from international traffic.

3. Our earlier treaties used to cover tax sparing provisions where if the income is exempt in one country, the other country used to provide

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corresponding relief even if such taxes are not paid due to exemption. However, India no longer supports this method and is moving away from profit based exemption. Tax sparing (to be extent of 10% of interest income) is currently there in the existing DTAA. Therefore, it is sought to be deleted in the Article concerning elimination of double taxation.

4. Article on Non-discrimination is sought to be amended to provide that difference in tax rate of resident taxpayer and Permanent Establishment of non-resident tax payer should not be more than 10%.

5. Recognised pension fund or scheme is included in the definition of resident to enable them to get benefit of the DTAA.

6. A provision for Limitation of Benefit is sought to be introduced to prevent misuse of treaty benefits on dividend, interest, royalty, fee for technical services and other income.

(Ends)

(Followed by TMV/3L)

-MKS-TMV-MP/3L/5.00

**THE VICE-CHAIRMAN (PROF. P. J. KURIEN):** Now, we will take up clarifications on the statement made by the Home Minister regarding alleged diversion of funds for the welfare of STs and SCs to

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Commonwealth Games Projects by the Government of NCT of Delhi.

Shri Arun Jaitley, Leader of the Opposition.

**STATEMENT RE. ALLEGED DIVERSION OF FUNDS MEANT  
FOR WELFARE OF SCs/STs TO COMMONWEALTH GAMES  
PROJECTS -- contd.**

**THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY):** Sir, the hon. Minister made a statement before the House a few days ago on the diversion of funds meant for the welfare of the Scheduled Castes and the Scheduled Tribes in Delhi for the Commonwealth Games. The other day, when my esteemed colleague from the Bahujan Samajwadi Party, Shri Satish Misra, and Shri Venkaiah Naidu raised this issue, particularly, on the strength of an RTI query which indicated that an amount of Rs.678.91 crores meant for the welfare of the Scheduled Castes and the Scheduled Tribes had been diverted for the Commonwealth Games, it appeared to be difficult to believe. Now, when I read the statement, which was made by the hon. Minister in the House, the statement broadly says that as per the last Census of 2001, the Scheduled Castes population in Delhi is 16.9 per cent and, therefore, 16.9 per cent of the Plan outlay is meant for the welfare of the Scheduled Castes. The funds which are now utilised for

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this purpose are divided into two categories, Divisible and Indivisible. The Divisible Funds are meant for specific projects targeting the welfare of the Scheduled Castes and the Scheduled Tribes. When it comes to the second category, which is Indivisible Funds, it is mentioned that these are used like any other funds for infrastructure projects, whether they are hospitals, schools, road widening, flyovers, lights, etc. The statement says and I quote:

"Out of this, an amount of Rs.678.91 crore has been contributed from SCSP (which is the Scheduled Castes Sub Plan) fund to various Commonwealth Games-related infrastructure projects".

The reason given is that all these Commonwealth Game Projects would go to the welfare of the Scheduled Castes. Now, obviously, if the Indian Railways run trains, if the Air India flies aircraft, persons from any caste or creed can travel in them or fly in them. But that does not mean that the funds meant for the welfare of the Scheduled Castes can be diverted to such projects and say that they are beneficial to them. The object of the funds is really that these weaker sections need certain help in areas where this segment of the

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population predominantly resides, and that we must make sure that there is a provision for shelter, there is a provision for housing, there is a provision for infrastructure, sanitation, hospitals, healthcare, etc. Now, merely because some persons in Delhi who happened to be belonging to the Scheduled Castes are also going to go and watch the Commonwealth Games, you can't say that the stadia costs will be in the larger kitty of the Scheduled Castes' funds. Therefore, the charge which was made the other day by my friend from the BSP, Shri Misra, and Shri Venkaiah Naidu, on the strength of this reply, because it categorically says that from 2006 to 2011 an amount of Rs.678.91 crores meant for the Scheduled Castes Sub Plan has been spent on infrastructure projects of the Commonwealth Games, is substantiated. Now, the Commonwealth Games is not a project which either directly or indirectly or remotely goes to the benefit of the Scheduled Castes in specific. The Commonwealth Games is an area where you must divert funds out of the sports infrastructure funds or out of any other contingency funds of the Government. Can you say that funds meant for the welfare of women will be diverted because women are also going to be athletes in the Commonwealth Games? There is hardly

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any remote nexus between these two factors. Therefore, will the hon. Minister tell us whether it is a practice to spend this category of funds meant specifically for the Scheduled Castes on projects which have nothing to do, directly or indirectly, with the Scheduled Castes and then say that since they can also get the benefit of watching these games and this will go to their benefit and, therefore, we diverted these funds? This reply seems to be wholly unsatisfactory, and some kind of inquiry as to how the Delhi Government has done it should be instituted by the Government of India. Thank you.

(Ends)

(Followed by 3M/VK)

VK/5.05/3M

**SHRIMATI BRINDA KARAT (WEST BENGAL):** Mr. Vice-Chairman, Sir, I am afraid the hon. Home Minister's statement in response to our concerns expressed the other day, adds insult to injury. He says in the statement that he is making the following statement after obtaining the requisite information from the Government of the NCT Delhi. Obviously, the Government of NCT Delhi, who is the prime accused in this case of diversion of funds, is not going to admit to this diversion.

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The question that I want to put to the Home Minister is: has he consulted or got any information from the Planning Commission which is functioning under the jurisdiction of the Prime Minister? Why is this question relevant? Even the other day, I raised this issue because the Planning Commission in its circular in 2005 has clearly laid down the guidelines for the use of the Special Component Plan for the welfare and rights of the Dalits. In that statement, Sir, the copy of which I have here, the new revised guidelines have absolutely no space for this so called divisible and indivisible funds. What the Planning Commission guidelines say is --these are components of SCP and TSP -- only those schemes should be included under SCP/TSP that ensure direct benefits to individuals or families belonging to Scheduled Castes or Scheduled Tribes. Outlay -- this is very important -- for area oriented schemes directly benefiting Schedule Castes hamlets/villages having a majority of Scheduled Castes population/tribal hamlets and villages, only those may be included in SCP or TSP. This is what the Planning Commission guidelines are. So the first question is: has the Planning Commission approved, in the last four years, from 2006 to 2010, all this diversion of funds by the Delhi

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Government? Has the Home Minister found it out from the Planning Commission? That is the first clarification which is required. Secondly, even if we admit, which I do not, even if we accept the old guidelines prior to 2005 -- the Home Minister is quoting those -- what is the basis of the calculation that out of this indivisible amount 17 per cent has gone to the Dalits? Has the Minister looked at the answers which we have got here as to how this indivisible amount was spent? How do the Dalits benefit if Rs. 2 crores are spent for the cultural segment of the Queen's Baton Relay? How do the Dalits benefit if water is being given to the Commonwealth Games Village? How do the Dalits benefit if the money is being spent on the infrastructure for building roads leading to the stadium of the Commonwealth Games? How do the Dalits benefit if the money is being spent on the new infrastructure which is required for the stadium? What is the calculation of how many Dalits have cars who are going to use the flyovers, which are being built for which their funds have been spent? There are big highways and flyovers. Has there been any calculation by either the Delhi Government or the Planning Commission that the Dalits now have suddenly got the wherewithal and they are going to



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use the flyovers to reach the Commonwealth Games and sit on those seats with tickets provided by the Delhi Government from the SC Fund? Is that what we are trying to say? Therefore, Sir, it is a shame that approximately Rs. 700 crores meant for the Scheduled Castes have been diverted to the Commonwealth Games. As I said in the beginning, this adds insult to injury.

(Contd. By 3N)

RG/MCM/5.10/3N

**SHRIMATI BRINDA KARAT (contd.):** The only way this can be addressed is for the Central Government to have an inquiry into it and, secondly, to return Rs.700 crores which have been diverted from the Dalit Fund. And I would request the Home Minister to clarify whether this amount of Rs.700 crores, which has been diverted, will be given back to the Dalits.

(Ends)

**(THE VICE-CHAIRMAN (SHRI KALRAJ MISHRA) in the Chair.)**

**श्री सतीश चन्द्र मिश्रा (उत्तर प्रदेश) :** उपसभाध्यक्ष महोदय, माननीय गृह मंत्री महोदय ने जो स्टेटमेंट दिया है इसको पढ़ने के बाद, देखने के बाद और भी ऐसी चीजें सामने निकल करके आई हैं जिनका अभी भी खुल कर जवाब नहीं दिया

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गया है, लेकिन जितना जवाब दिया गया है उसी से मालूम पड़ रहा है कि किस तरीके से जो शैड्यूल्ड कॉस्ट और शैड्यूल्ड ट्राइब्स के लिए फंड्स थे, उनका डॉयवर्जन हुआ। हम लोगों को आर0टी0आई0 से जो इंफार्मेशन मिली थी और आपके सामने रखी थी, तब स्टेटमेंट के लिए बात कही गई थी। उस समय तो सात सौ करोड़ की बात थी। आपने जो स्टेटमेंट दिया है उसमें सात सौ करोड़ की जगह सात हजार करोड़ का खुलासा किया है कि इन्होंने सात हजार करोड़ रुपए डॉइवर्ट कर दिए। दिल्ली शहर में सात हजार करोड़ रुपए जो शैड्यूल्ड कॉस्ट और शैड्यूल्ड ट्राइब्स के स्पेशल कम्पोनेंट के लिए, उनके वैलफेयर के लिए प्लानिंग कमीशन की स्कीम के तहत यूज होने चाहिए थे, इसका एडमिशन आज यहां स्टेटमेंट में किया गया है कि जो एमाउंट Indivisible category में लिखा गया है उसमें आपने यह कहा है कि 6967.35 करोड़ रुपए जो इस्तेमाल किए गए हैं वे दिल्ली शहर की सड़कों में, फ्लाई ओवर में, ब्रिजेज में, टर्मिनल्स बनाने में और बस्तियां ठीक करने में लगाए गए हैं तथा इस तरह की और चीजों में लगाए गए हैं, न कि शैड्यूल्ड कॉस्ट, शैड्यूल्ड ट्राइब्स और जिसके लिए स्पेशल कम्पोनेंट था या जहां पर उनकी बस्ती थी, बस्तियों को तो आपने उखाड़ने का काम किया। इस दौरान जबकि आप गेम्स की तैयारी कर रहे थे जितनी भी बस्तियां थीं, जहां शैड्यूल्ड कॉस्ट और शैड्यूल्ड ट्राइब्स के लोग ज्यादा रहते थे, उनको आपने एक अभियान चला करके उखाड़ कर फेंकने का काम किया और उनको आपने कोई दूसरा स्थान नहीं दिया। उसके साथ-साथ आप यह कह रहे

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हैं कि जो टोटल एमाउंट आठ हजार करोड़ का था उसमें से इनके वैलफेयर के लिए सिर्फ 983 करोड़ रुपए खर्च किए और बाकी सात हजार करोड़ रुपए आपने दिल्ली शहर में जो फुटपाथ पहले से बने थे उनको तोड़ कर, उनके पत्थर हटा कर नया पत्थर लगाने के लिए, डिवाइडर्स को तोड़ कर के नये डिवाइडर बनाने के लिए और सड़कों को चौड़ा करने के लिए खर्च किए। आज के अखबारों में भी है कि जो सड़कें सैकड़ों करोड़ रुपयों से बनी थीं वे आज फिर टूट गई हैं, क्योंकि जल्दी में बनाई गई थीं। उन सब चीजों में आपने इस पैसे का इस्तेमाल किया, जबकि इन सब के लिए आपके पास अलग से धन होता है। सरकार के पास अलग से स्कीम्स होती हैं। जैसा कि अभी आपके सामने कहा भी गया, बताया भी गया कि जो प्लानिंग कमीशन की टीम है जिसके तहत में यह होता है, उसमें स्पेसिफिकली गाइड लाइंस हैं और गाइड लाइंस में लिखा गया है कि जहां पर ज्यादा डोमिनेटेड एरिया है जहां शैड्यूल्ड कॉस्ट और शैड्यूल्ड ट्राइब्स के लोग रहते हैं, उन एरियाज के डवलपमेंट में भी आप रुपया लगा सकते हैं। आपने इस तरीके से यह खुलासा कर दिया है कि 678 करोड़ रुपए तो आपने कॉमनवैल्थ गेम्स के लिए डॉयवर्ट कर दिए, लेकिन इसके साथ-साथ आपने करीब छः हजार तीन सौ करोड़ रुपए और चीजों में लगाए, जिनका भी कोई सीधा संबंध शैड्यूल्ड कॉस्ट और शैड्यूल्ड ट्राइब्स और इनसे संबंधित वैलफेयर से नहीं था। इसके अलावा जब हमने अपनी बात रखी तथा जब यह इश्यु उठा था तो हमने कहा था कि हमको सेंट्रल गवर्नमेंट से और प्राइम मिनिस्टर से इसलिए जवाब

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चाहिए, यह स्टेट सब्जेक्ट नहीं था, क्योंकि यह पूरी कंट्री का सब्जेक्ट था। हमने कहा था 72 हजार करोड़ रुपए इस प्रकार से स्पेशल कम्पोनेंट में जो शैड्यूल्ड काँस्ट और शैड्यूल्ड ट्राइब्स के वेलफेयर के लिए दिया गया था, ऑल ओवर कंट्री में, इस प्रकार इसका दुरुपयोग हुआ है। माननीय गृह मंत्री जी, आपने अपने स्टेटमेंट में उसका कोई भी जिक्र नहीं किया है उस 72 हजार करोड़ रुपए, जिसका मिसयूज पूरी कंट्री में आपने डॉयवर्जन करके, आपने शैड्यूल्ड काँस्ट और शैड्यूल्ड ट्राइब्स के वेलफेयर के लिए न देकर आपने अन्य चीजों में इसको इस्तेमाल कर दिया है, इसके लिए तो आपको खुद अपना सीधा जवाब देना था।

(30/gs पर क्रमशः)

KS-GS/30/5.15

**श्री सतीश चन्द्र मिश्रा (क्रमागत) :** आपने यह जवाब सिर्फ दिल्ली गवर्नमेंट से मंगाकर देने का काम किया है, उसमें भी आपने डिटेल्स नहीं दी हैं। डिटेल्स न देकर दिल्ली गवर्नमेंट ने अपनी खामियों को छुपाने का काम किया है। मान्यवर, इससे घृणित कार्य और कोई नहीं हो सकता है। यह शर्म की बात है कि एक स्पेशल कम्पोनेंट प्लान के तहत, जो धनराशि शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के वेलफेयर के लिए होती है, उसको आप कॉमनवेल्थ गेम्स में खर्च कर देते हैं। आप कॉमनवेल्थ गेम्स पर 30 से 35 हजार करोड़ रुपये खर्च कर रहे हैं। आप लोगों को 18 दिन का न्यौता देकर 18 दिन का खेल खेलने जा रहे हैं। वह

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खेल कैसे होंगे, यह तो बाद में पता लगेगा, लेकिन इन 18 दिनों के लिए आपने जो गरीबों का निवाला छीना है, शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के लिए जो धनराशि थी, उस धनराशि को आपने डायवर्ट करके खेल में लगाया है, यह बहुत ही शर्मनाक चीज है। यह show करती है कि कांग्रेस सरकार की दलित विरोधी नीति रही है, चाहे वह केन्द्र की सरकार हो, चाहे वह प्रदेश की सरकार हो। इसीलिए मैंने कहा था कि 72000 करोड़ रुपये का केन्द्र की सरकार ने पूरी कंट्री में डायवर्जन किया है, उसका आपने खुलासा नहीं किया है। दिल्ली में जो कांग्रेसी सरकार है, जो दलित विरोधी सरकार है, उसके बारे में आपने खुलासा किया है कि 8000 करोड़ रुपया जो आपने एस0सी0/एस0टी0 का इस्तेमाल कर लिया है, उस 8000 हजार करोड़ रुपये को आप तुरंत वापिस ही न करें, बल्कि आप उसको इंटरेस्ट सहित वापिस करें और इस पैसे को दलितों की स्कीम्स में लगाएं। यह पैसा शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के वेलफेयर के लिए था। जो 72000 करोड़ रुपये का डायवर्जन हुआ है, उसके बारे में माननीय मंत्री जी बताने का कष्ट करें। आपने 8000 करोड़ रुपये किस तरह से लगाए हैं, इसका खुलासा नहीं किया है, इसके बारे में भी बताएं ?

(समाप्त)

**SHRI D. RAJA (TAMIL NADU):** Sir, it says 'The Statement of the Home Minister on the Alleged Diversion of Funds meant for the Welfare of SCs/STs to Commonwealth Games projects'. The 'alleged' diversion is no more an allegation. It is a fact and the fact has been established by the report obtained through the Right to Information.

Sir, when there has been a diversion, the Government should come out honestly to accept that it has, indeed, taken place. The Government should own the responsibility for the diversion.

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Sir, the SC Sub-Plan and the Tribal Sub-Plan have certain objectives to directly benefit the Scheduled Castes and Scheduled Tribes. That is what we have under the Planning Commission's guidelines. But how are the funds meant for the welfare of Scheduled Castes and Scheduled Tribes being diverted? Is it an acceptable thing? Government should clarify this. Does the Government accept what is going on in Delhi or in some other parts of the country?

Sir, here these Divisible and Indivisible categories are, again, a deceptive ploy used by the Government of the day to divert these funds. On the indivisible category, the statement says, "In this category, the amount could be spent for the welfare of SCs which is not marked as SCSP in the Demand Book but has been taken on the presumption that the benefit under this category of schemes flows to SCs". Now, who does that presumption? Is there any basis for that? How can that presumption be a reality? This is again a deception, deceiving the Dalits and the Adivasis of our country. You build no road and you claim it benefits the SCs/STs. You build a railway station. Yes, it benefits the SCs/STs. You build airports. Yes, it benefits the SCs/STs and Adivasis. You build anything in this country, any big dam or any plant; yes, it benefits the SCs and STs.

Why did you start having a separate Sub-Plan for SCs and a Tribal Sub-Plan? If that is the fact, if everything benefits the SCs and STs, then, why do you have that separate Plan? The Government should make it clear and explain this.

This is nothing but the cheating of the SCs and STs. I am sorry to use that word. But dining in Dalit houses will not gloss over this deception of the SCs and STs. It is deceiving, Sir!

(contd. by 3p/kgg)

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Kgg-asc/3p/5.20

**SHRI D. RAJA (contd.):** I can use a harsher word, it is betraying the trust the SCs and STs have in our system. They have faith in our democracy, they have faith in our system. But, if this system, this democracy deceives them in the name of divisible category and indivisible category, whom to blame? The Government should own the responsibility for this diversion.

Having said that, Sir, I agree with my previous speakers, Comrade Brinda and Shri Arun Jaitley, the LOP, who said that there should be a proper inquiry; the inquiry must be made as to how this diversion was allowed. Sir, we are spending thousands of crores of rupees for the Commonwealth Games. If they are so keen for the uplift of dalits and adivasis, let those funds be diverted to the Scheduled Castes sub-plan and tribal sub-plan. Are they doing that? In the name of beautifying Delhi, what is happening in the preparations to the Commonwealth Games? What is happening in Delhi? The Government should be honest enough to admit and say, 'yes, the diversion has taken place and Government will inquire into the diversion and those responsible for this will be taken to task.' Otherwise, you cannot build faith in the minds of dalits and adivasis. The Government must come out clearly and honestly on this issue. Thank you. (Ends)

**SHRI JESUDASU SEELAM (ANDHRA PRADESH):** Mr. Vice-Chairman, Sir, I would like to seek some clarifications from the hon. Home Minister. Before that, I would like to draw the kind attention of the hon. Minister through you, Sir, on the special component plan. I do not know why it is changed to sub-plan. It is not a subordinate plan. It is a special component plan, and there is a tribal sub-plan. It

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has an origin; late Madam Indira Gandhi, the then Prime Minister, during the early 80's, one of the ways or devices to check the menace of naxalism was introduction of special component plan and tribal sub-plan to focus on the needs of the disadvantaged sections who were joining the movement those days. Sir, from that day, I must submit to hon. Misraji, that we do not have to learn from you as to how we should look after the disadvantaged sections... (Interruptions)

**श्री वीर सिंह :** सर, ये क्या कह रहे हैं? ...(व्यवधान)..

**श्री जेसुदासु सीलम :** हमने बोला कांग्रेस ...(व्यवधान)..

**उपसभाध्यक्ष(श्री कलराज मिश्र) :** मिस्टर सीलम, आप बैठिए। ..(व्यवधान)..

**श्री सतीश चन्द्र मिश्रा :** सर, ...(व्यवधान)..

**उपसभाध्यक्ष :** मिश्रा जी, आप बैठिए। ...(व्यवधान)...आप लोग बैठिए। ...(व्यवधान)..

**SHRI JESUDASU SEELAM:** I am not yielding.

**श्री सतीश चन्द्र मिश्रा :** आप इस तरीके से इस्तेमाल कर रहे हैं, ...(व्यवधान)..

**उपसभाध्यक्ष :** मिस्टर सीलम, ..(व्यवधान).. आप लोग भी बैठिए। ..(व्यवधान).. मिश्रा जी, आप लोग बैठिए। ...(व्यवधान).. वीर सिंह जी, आप लोग बैठ जाइए। ...(व्यवधान)..

**श्री जेसुदासु सीलम :** हमसे किसी ने नहीं पूछा है, ...(व्यवधान)..

**श्री ब्रजेश पाठक :** ये ऐसा क्यों कर रहे हैं?... (व्यवधान)..

**उपसभाध्यक्ष :** ब्रजेश जी, आप लोग बैठ जाइए। ...(व्यवधान).. आप भी बोलेंगे। ..(व्यवधान)..आप बैठ जाइए। ...(व्यवधान)..प्लीज़, आप सब लोग बैठिए। ...(व्यवधान)..

**श्री जेसुदासु सीलम :** आप बोल रहे हैं....(व्यवधान).. कांग्रेस गवर्नमेंट, ...(व्यवधान).. उन्होंने बोला कांग्रेस गवर्नमेंट...(व्यवधान)..

**उपसभाध्यक्ष :** बैठिए, बैठिए। ...(व्यवधान)..

**श्री जेसुदासु सीलम :** आप मान लीजिए, ...(व्यवधान)..गलत नहीं कहा है। ...(व्यवधान)..



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**उपसभाध्यक्ष(श्री कलराज मिश्र):** अब आप बैठ जाइए।...(व्यवधान)...बैठ जाइए, बैठ जाइए। ...(व्यवधान).. आप लोग अपने-अपने स्थान पर बैठिए। ...  
...(व्यवधान).. बैठिए। ..(व्यवधान)..

**श्री जेसुदासु सीलम :** मैंने कोई गलत नहीं कहा है।...(व्यवधान)..

**श्री सतीश चन्द्र मिश्रा :** कैसे दुरुपयोग करें, इनको सिखाने की जरूरत नहीं है। ...  
...(व्यवधान)..

**उपसभाध्यक्ष :** मैं उसको देख लेता हूँ।...(व्यवधान)... मैं उसको देखकर ही उसके अनुसार कार्यवाही करूंगा। ...  
...(व्यवधान)..मैं उसको देख लेता हूँ और देखने के बाद उस पर कार्यवाही करूंगा। ..(व्यवधान)..प्लीज़, आप लोग बैठिए। ...  
...(व्यवधान)..

**श्री जेसुदासु सीलम :** मैंने ऐसा कुछ नहीं बोला, ...  
...(व्यवधान)..

**उपसभाध्यक्ष :** बैठिए, मैंने कह दिया है, आप बैठिए। ...  
...(व्यवधान)...बैठिए, आप लोग बैठिए।। ...  
...(व्यवधान)..मिश्रा जी, ब्रजेश जी, आप लोग बैठें। ..  
...(व्यवधान)..आप लोग बैठिए। ..  
...(व्यवधान)..

**SHRIMATI BRINDA KARAT:** This is not the way to speak. It is highly insulting.

**उपसभाध्यक्ष :** मैं उसको देखकर, जैसा भी होगा वैसा करूंगा। ...  
...(व्यवधान)..

**श्री सतीश चन्द्र मिश्रा :** सर, इनको अपनी बात करनी है, तो ये अपनी बात कर सकते हैं, लेकिन यह कहना कि कैसे हम काम करना सीखें और कैसे रुपए का

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दुरुपयोग ..(व्यवधान)...करना चाहते हैं....(व्यवधान).. ये हमसे ही सीखें।....(व्यवधान)..

**उपसभाध्यक्ष(श्री कलराज मिश्र) :** सीलम साहब, आप अपनी बात कहिए।  
...(व्यवधान)..

**श्री ब्रजेश पाठक :** ये अपने शब्द वापस लें। ...(व्यवधान)..

**श्री जेसुदासु सीलम :** वापस लेने की जरूरत नहीं है। ..(व्यवधान)..

**उपसभाध्यक्ष :** आप बैठ जाइए। ...(व्यवधान). मिस्टर सीलम, आप अपनी बात कहें। ...(व्यवधान).. आप बैठिए।...(व्यवधान).. आप बैठ जाइए ... (व्यवधान) ... मिनिस्टर साहब इस सम्बन्ध में बात कर रहे हैं ... (व्यवधान) ... आप बैठ जाइए ... (व्यवधान) ... आप भी बैठ जाइए ... (व्यवधान) ...

(Followed by 3q/AKG)

KLS/AKG/3Q-5.25

**THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM):**

Just one minute, Sir. ...(Interruptions).. Just one minute. ... (Interruptions).. Please sit down. ... (Interruptions).. Please sit down for one minute. ... (Interruptions).. Please sit down for one minute, please. ... (Interruptions)..

**उपसभाध्यक्ष :** आप बैठ जाइए ... (व्यवधान) ...

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**SHRI P. CHIDAMBARAM:** Mr. Vice-Chairman, Sir, I did not quite get the exact words which hon. Member from the Treasury Benches said. But, obviously, something that he said, has hurt Members of the BSP and some other Members, I apologise for that.

**उपसभाध्यक्ष (श्री कलराज मिश्र) :** सीलम जी, अब आप अपनी बात खत्म कीजिए।

**SHRI JESUDASU SEELAM:** Let me clarify. ...(Interruptions)... Why should he apologise? ...(Interruptions)... I have not said anything. ...(Interruptions)...

**THE VICE-CHAIRMAN:** The hon. Minister has already apologised. ...(Interruptions)...

**SHRI JESUDASU SEELAM:** Hon. Members referred to the Congress Governments, we would like to submit before the House...(Interruptions)...

**श्री ब्रजेश पाठक :** सर, मंत्री जी ने माफी माँग ली, माननीय सदस्य माफी माँगें ... (व्यवधान) ...

**उपसभाध्यक्ष :** हो गया ... (व्यवधान) ... पाठक जी, आप बैठ जाइए ... (व्यवधान) ... सीलम जी, आप अपनी बात कहिए ... (व्यवधान) ...

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**SHRI JESUDASU SEELAM:** Sir, let me say something.

...(Interruptions)...

**श्री सतीश चन्द्र मिश्रा :** सर, वे अपनी बात पर अभी भी stick कर रहे हैं ...  
(व्यवधान) ...

**उपसभाध्यक्ष(श्री कलराज मिश्र) :** मिनिस्टर साहब ने स्वयं इस बात पर खेद व्यक्त किया है ... (व्यवधान) ... उन्होंने खुद खेद व्यक्त किया है, इसके बाद भी आप खड़े हैं ... (व्यवधान) ... आप बैठ जाइए ... (व्यवधान) ... खुद मंत्री महोदय ने खेद व्यक्त किया है ... (व्यवधान) ... करीमपुरी साहब, आप बैठ जाइए ... (व्यवधान) ...

**SHRI JESUDASU SEELAM:** The Special Component Plan and the Tribal Sub-Plan, I think, this nomenclature need to be retained. It is said that the Sub-Plan indicates subordination. It is not subordination. Madam Indira Gandhi wanted to really help the disadvantaged sections. ...(Interruptions)...

**श्री सतीश चन्द्र मिश्रा :** लेकिन अब तो नहीं कर रहे हैं ... (व्यवधान) ...

**उपसभाध्यक्ष :** आप लोग शांत रहें ... (व्यवधान) ... उनको केवल एक मिनट बोलना है ... (व्यवधान) ... वे एक मिनट के बाद बैठ जाएँगे, आप लोग बैठ जाइए ... (व्यवधान) ... आप लोग शांत रहिए ... (व्यवधान) ... सीलम जी, आप अपनी बात कहिए ... (व्यवधान) ...

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**SHRI JESUDASU SEELAM:** Sir, I must give some background because it is not Delhi. ...(Interruptions)... सभी स्टेट गवर्नमेंट्स में misuse हो रहा है। I would like to draw...(Interruptions)...

**श्री सतीश चन्द्र मिश्रा :** आप उठाइए ... (व्यवधान) ... misuse सामने आ गया है ... (व्यवधान) ...

**उपसभाध्यक्ष (श्री कलराज मिश्र) :** आप लोग बैठ जाइए ... (व्यवधान) ... वे अपनी बात कह रहे हैं ... (व्यवधान) ...

**SHRI JESUDASU SEELAM:** I have a right to say. ...(Interruptions)... Sir, if there is any misuse, it should be inquired into. ...(Interruptions)...

**श्री सतीश चन्द्र मिश्रा :** सर, वे ऐसी बात कर रहे हैं ... (व्यवधान) ... misuse कर रहे हैं ... (व्यवधान) ... वे कह रहे हैं कि हम misuse कर रहे हैं ... (व्यवधान) ... वे डंके की चोट पर कह रहे हैं कि हम misuse करेंगे ... (व्यवधान) ...

**SHRI JESUDASU SEELAM:** It is a fact that there is a diversion. ...(Interruptions)... This should be stopped. ...(Interruptions)...

**THE VICE-CHAIRMAN:** Please take your seat. ...(Interruptions)... मिश्रा जी, आप भी बैठिए ... (व्यवधान) ...

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**SHRI JESUDASU SEELAM:** I have a right to speak here.

...(Interruptions)... Why are they interrupting me, Sir?

...(Interruptions)...

**उपसभाध्यक्ष (श्री कलराज मिश्र) :** आप भी बैठिए ... (व्यवधान) ... प्लीज़,

आप बैठ जाइए ... (व्यवधान) ...

**SHRI JESUDASU SEELAM:** I have a right to say. ...(Interruptions)...

**उपसभाध्यक्ष :** सीलम जी, आपने अपनी बात कह दी है। आपको जितना कहना

था, आपने पूरा कह दिया है, आप बैठ जाइए ... (व्यवधान) ... आप सब लोग

बैठ जाइए। इतना उत्तेजित होने की जरूरत नहीं है ... (व्यवधान) ... मंत्री

महोदय उसका उत्तर देने वाले हैं ... (व्यवधान) ... अब आप बैठिए, मंत्री

महोदय इसका उत्तर देने वाले हैं ... (व्यवधान) ... इतना उत्तेजित होने की

जरूरत नहीं है ... (व्यवधान) ... प्लीज़, आप बैठिए ... (व्यवधान) ... Please

take your seats. ...(Interruptions)... श्री प्रकाश जावड़ेकर।

**SHRI JESUDASU SEELAM:** Why should I sit down?

...(Interruptions)... I wanted to say something. ...(Interruptions)...

**THE VICE-CHAIRMAN:** Please take your seat. ...(Interruptions)...

Mr. Seelam, please take your seat. ...(Interruptions)... No, no, you

are not allowed now. ...(Interruptions)... Please take your seat.

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**SHRI JESUDASU SEELAM:** I would like to seek clarification from the hon. Minister whether...(Interruptions)...

**THE VICE-CHAIRMAN (SHRI KALRAJ MISHRA):** Please take your seat now. ...(Interruptions)...

(Followed by 3R/NBR)

NBR-SCH/3R/5.30

**THE VICE-CHAIRMAN:** Please take your seat...(Interruptions)...Mr. Seelam, please take your seat ...(Interruptions)...You have already spoken...(Interruptions)... You have already said what you want to say...(Interruptions)...

**SHRI JESUDASU SEELAM:** Sir, I have not spoken ...(Interruptions)...

**THE VICE-CHAIRMAN:** No, no...(Interruptions)...Please take your seat...(Interruptions)...No, no...(Interruptions)...Take your seat, Mr. Seelam...(Interruptions)...

**SHRI JESUDASU SEELAM:** Sir, how can you say? I have not spoken...(Interruptions)...

**THE VICE-CHAIRMAN:** Please take your seat...(Interruptions)... He has already spoken...(Interruptions)...

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**SHRI JESUDASU SEELAM:** Sir, I am only trying to  
...(Interruptions)...

**THE VICE-CHAIRMAN (SHRI KALRAJ MISHRA):** I am not allowing  
you ...(Interruptions)... Please take your seat.

**SHRI JESUDASU SEELAM:** Sir, I go by your ruling  
...(Interruptions)...I appeal to you, I have not said anything at  
all...(Interruptions)...

**THE VICE-CHAIRMAN:** You have already spoken  
...(Interruptions)...Please take your seat.

**SHRI JESUDASU SEELAM:** No, Sir...(Interruptions)...

**श्री ब्रजेश पाठक:** सर, यह चेयर को चुनौती दे रहे हैं ...(व्यवधान) चेयर को  
चुनौती दे रहे हैं यह...(व्यवधान)

**THE VICE-CHAIRMAN:** You have already spoken...(Interruptions)...  
Please take your seat...(Interruptions)... Shri Prakash Javdekar  
...(Interruptions)... प्रकाश जावडेकर जी, आप बोलिए ...(व्यवधान) यह  
रिकॉर्ड में नहीं जाएगा ...(व्यवधान) श्री सीलम जो बोलेंगे, वह रिकॉर्ड में नहीं  
जाएगा ..(व्यवधान) प्रकाश जावडेकर जी, आप बोलिए ...(व्यवधान)



**SHRI JESUDASU SEELAM: \***

**उपसभाध्यक्ष (श्री कलराज मिश्र):** प्लीज़, आप बैठिए ...(व्यवधान) आप बैठिए ...(व्यवधान) यह रिकॉर्ड पर नहीं जाएगा ...(व्यवधान) आप जो बोल रहे हैं, वह रिकॉर्ड पर नहीं जाएगा ..(व्यवधान) श्री प्रकाश जावडेकर ...(व्यवधान) अब आप बैठिए, हमने दूसरा नाम बुला लिया है ...(व्यवधान) प्रकाश जावडेकर जी, आप बोलिए ...(व्यवधान)

**श्री प्रकाश जावडेकर:** सर, वह बैठ ही नहीं रहे हैं ..(व्यवधान)

**THE VICE-CHAIRMAN:** Please take your seat ...(Interruptions)... Take your seat...(Interruptions)...I say, Mr. Seelam, take your seat ...(Interruptions)... No. I cannot allow you...(Interruptions)...

**SHRI PRAKASH JAVADEKAR (MAHARASHTRA):** Sir, I would like to ask the hon. Minister just to explain column no. 4 in the table. Column no. 3 says that the total expenditure on the Commonwealth Games is Rs. 6,000 crores and the value of the expenditure on the CWG projects would also benefit the SC/ST which is put at Rs. 4,000

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crores. तो 80 फीसदी रकम ऐसी है, जिसका एससी/एसटी को फायदा होगा, यह बताया जा रहा है। How have you calculated this? How are you justifying the amount of Rs. 2,000 crores which is not going to be benefited to the SC/ST? Please give the details. Why am I asking this? It is because, it is nothing but a jugglery. In a planning process, the whole Special Component Plan -- now it is called the Sub-Plan -- is aimed at empowering the hitherto neglected sections and those who have lagged behind. So, these are the target-specific schemes. And, money meant for the target-specific schemes has been diverted in the name of indivisible pool and to rationalise that diversion, now, you are saying that there is a component of Rs. 4,000 crores out of Rs. 6,000 crores which will also benefit SC/ST. Sir, this is nothing but jugglery. So, my pointed question is: What justification the hon. Minister gives to Rs. 2,000 crores which does not benefit SC/ST.

(Ends)

**श्री रामविलास पासवान (बिहार):** सर, शैड्यूल्ड कास्ट्स के लिए Special Component Plan बनाया गया था और शैड्यूल्ड ट्राइब्स के लिए Tribal Sub Plan बनाया गया था। उसमें यह कहा गया था कि केन्द्र सरकार और राज्य सरकारें उनकी पॉपुलेशन के मुताबिक अपने बजट का पैसा अलग रखेंगी और

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शैड्यूल्ड कास्ट्स और शैड्यूल्ड ट्राइब्स की आवश्यकता के हिसाब से उनके ऊपर वह पैसा खर्च किया जाएगा। यह आश्चर्य की बात है, क्योंकि हमें लगता है कि होम मिनिस्टर साहब को मिसगाइड किया गया है। जैसा हमारे साथियों ने कहा, आप रोड बना रहे हैं, स्कूल बना रहे हैं या हॉस्पिटल बना रहे हैं, उसमें आप यह पैसा डायवर्ट कर रहे हैं। आप कह रहे हैं कि खेल सबके लिए है, लेकिन शैड्यूल्ड कास्ट के कौन से लोगों ने कहा था कि आप यहां कॉमन वेल्थ खेल खेलिए? क्या किसी ने आपको कहा था? क्या किसी ने एप्लाई किया था? उन बेचारों के पास तो पेट भरने के लिए अन्न भी नहीं है। मलेरिया हो जाता है, तो वह मर जाता है। जो जूता बनाता है, उसके बेटे के पांव में हवाई चप्पल भी नहीं है। जो कपड़ा बनाता है, उसके बदन पर कपड़ा नहीं है। जो महल बनाता है, उसके लिए झोंपड़ी भी नहीं है। जो सबकी गंदगी साफ करता है, वह सबसे गंदी बस्ती में रहता है। जो सबको अनाज खिलाता है, उसका बेटा भूखे पेट सो जाता है। रात में जब वह अपनी मां से कहता है कि मां! रोटी दो, रोटी दो, तो मां के पास सूखी रोटी भी नहीं होती है कि वह अपने बच्चे को खाने के लिए दे दे।

(Continued by 3s/PSV)

-NBR/-USY-PSV/3s/5.35

**श्री रामविलास पासवान (क्रमागत):** जब बच्चा रोता है, तब माँ उसको थप्पड़ मार देती है और बच्चा रोता हुआ जाकर सो जाता है और आप कहते हैं कि कॉमनवेल्थ गेम्स में उनको भी हक मिलेगा। ...(व्यवधान)... कॉमनवेल्थ गेम्स

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में उनका भी हक है। प्रधान मंत्री जी यहाँ पर बैठे हुए हैं। शैड्यूल्ड कास्ट के लिए, Dalit affairs के लिए जो group of ministers था, उसमें यह प्लान बनाया गया है और यह सीधा \* है, यह \* की बात है। यहाँ पर आप कॉमनवेल्थ गेम्स खेल रहे हैं और कहते हैं कि इसमें शैड्यूल्ड कास्ट्स को इतनी हिस्सेदारी मिलेगी। कौन-सा शैड्यूल्ड कास्ट वहाँ स्वीमिंग पूल में तैरने जाएगा? जो फ्लार्ड ओवर बनता है, क्या आप उसे शैड्यूल्ड कास्ट के लिए बना रहे हैं? इसका सीधा-सा उद्देश्य यह था कि जहाँ ट्राइबल का एरिया है, जहाँ से होकर नेशनल हाइवे नहीं जाएगा, वहाँ आप लिंक रोड बना देंगे, जहाँ उसको यूनिवर्सिटी से मतलब नहीं है, वहाँ उसके लिए स्कूल बना देंगे, उसके गाँव में किसी चीज की जरूरत है, जैसे चापाकल की जरूरत है, उसके लिए कुछ करेंगे, लेकिन आप divisible/indivisible की बात कर रहे हैं। कहा जाता है कि होशियार चोर जब चोरी करने जाता है तो अपनी जेब में रोटी का टुकड़ा रख लेता है और ज्यों ही कुत्ते की आवाज आती है, वह रोटी का टुकड़ा फेंक देता है। चोर चोरी करने में और कुत्ता रोटी का टुकड़ा खाने में मस्त हो जाता है। आप इस तरह की फीगर क्यों दिखला रहे हैं? आज यही चीज लोगों में नफरत पैदा करती है। जब लोग देखते हैं कि शैड्यूल्ड कास्ट्स के लोगों को इतना मिल रहा है या शैड्यूल्ड ट्राइब्स के लोगों को इतना मिल रहा है, तब वे समझते हैं कि सारा धन शैड्यूल्ड कास्ट्स/ शैड्यूल्ड ट्राइब्स के लिए जा रहा है, जबकि हकीकत में उसको कुछ नहीं मिलता है। यह ठीक कहा गया कि यदि 600 करोड़ रुपए का मामला रहता,

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\* Expunged as ordered by the Chair.

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उस समय तो हमें यह विश्वास भी नहीं हो रहा था कि इसमें 600 करोड़ रुपए डायवर्ट किये गए हैं, लेकिन अब तो यह कहा जा रहा है कि इसमें 7000 करोड़ रुपए डायवर्ट कर दिए गए हैं। यह बहुत ही गम्भीर मामला है। प्रधान मंत्री जी यहाँ बैठे हुए हैं। हम उनसे यह आग्रह करेंगे। हम आपके दर्द को समझते हैं। आपने कैबिनेट में जो-जो बातें कहीं थीं, वे हमें याद हैं, लेकिन इस तरह की घटना एक एक्जाम्पल है। आप इसमें कड़ा एक्शन लीजिए। इसमें जो पैसा खर्च किया गया है, उसको लौटाने का काम कीजिए और प्रत्येक राज्य सरकार को पत्र लिखिए कि जो भी Special Component Plan है और जो भी Tribal Sub-Plan है, उसमें से पैसे का कहीं भी डायवर्जन होगा, तो उस सरकार को सारा-का-सारा central aid बन्द कर दिया जाएगा। यह उसमें already है। ... (व्यवधान)... जो भी मेथड अपनाना हो, अपनाइए। मैं आपसे यह कहना चाहता हूँ कि हम आँकड़े में जाना नहीं चाहेंगे, लेकिन यह एक बहुत ही सीरियस मामला है और इस सीरियस मामले को सीरियसली टेक अप करना चाहिए। धन्यवाद।

(समाप्त)

**THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM):** Mr. Vice-Chairman, Sir, these are Plan funds, which were given to the Government of NCT of Delhi. And, the issue is how the Government of NCT of Delhi, spent these funds, in the light of the guidelines.

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Naturally, I will have to obtain information from the Government of NCT of Delhi. It is not some something that was given to the Ministry of Home Affairs. It is not something that comes under my direct control. I can confess to you that I spent a considerable amount of time trying to understand what went on. I think, we must first understand as to what had happened. And, then, we can make a judgement. After all, we are the supreme legislative body we can make a judgement whether what had happened was right or wrong. If it is right, the matter ends there. But, if it is wrong, we will take corrective action. I had expected a hard criticism. But I had also expected a word of acknowledgement that I have, at least, obtained the facts and placed before this House, without any attempt to hide anything or shirk anything or block anything.

As I understand the matter, Plan funds are given to each State and to each Union Territory. Under the guidelines, 'x' percentage of the Plan funds must be allocated to the SCs and STs on the basis of the proportion of the SC population and the ST population in that State. Now, to put it more simply, if, say, Rs. 10,000 crores are given to a State and 10 per cent of the population of that State is the

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Scheduled Castes, Rs. 1000 crore, out of Rs. 10,000 crores, would go to the SCSP.

(Contd. by 3t -- SKC)

3t/5.40/skc

**SHRI P. CHIDAMBARAM (contd.):** And if, say, two per cent of the State is ST, two per cent of Rs.10,000 crore, Rs.200 crores, should go to the TSP. Those are the guidelines. But, for many, many years, all the States have been following this practice of Divisible and Indivisible. I have examples of other States too. Let us defer the judgement on whether it is right or wrong for another five or ten minutes. All States have been following this practice of Divisible and Indivisible.

In 2006, as I will presently show, the guidelines were revised, and that is how the problem has arisen. Now, what is given as Divisible is exclusively spent on projects which directly benefit the SCs, or the STs, as the case may be. What is put under the Indivisible category by the State concerned has invariably been used to fund certain projects. Now, what does that mean in this case

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where NCT is concerned? In the case of NCT, from 2006-07 to 2010-11, the total size of the funds for SCSP -- I have the figures for five years -- comes to Rs.8009 crores. These Rs.8009 crores have been divided into Divisible and Indivisible categories. I have, in my statement, told you that under the Divisible category, they had put Rs.983 crores and they have nearly spent the entire Rs.983 crores on projects that directly benefit the welfare of the Scheduled Castes. The rest is being put into the Indivisible category. And out of what was put into the Indivisible category, roughly about Rs.7100 crores, Rs. 678 crores have been contributed to these CWG infrastructure projects. Those are the facts. Let me recall again. Of a total of about Rs.8000 crores, Rs.983 crores have gone into the Divisible category, which is nearly fully spent. The remaining, about Rs.7100 crores, have gone into the Indivisible category. Rs.678 crores have been contributed from that Rs.7100 crore to the CWG infrastructure. Those are the facts. Now, is this right or wrong? In my view, reading the guidelines that were revised in 2006, this appears to be wrong. (Interruptions) I have no hesitation. This appears to be wrong.



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Now, this money is being spent. We have to now find some way to get this money back into the SCSP. Therefore, as I said, this is not in NCT alone; this is, practically, in all the States. In fact, I have the example of one State; I don't wish to make an issue of that State. I have downloaded from the website. For example, there was a State roads project. Rs.74 crores came from the remainder of the Plan funds and Rs.10 crores came from the SCSP of that State. Likewise, there is another example I have of an equity participation for implementation of a thermal power station; Rs.63 crores came from the regular Plan funds and Rs.21 crores came from the SCP fund. (Interruptions) Therefore, this is a practice that has been practically followed in all the States. Now, on the basis of the 2006 guidelines, is it right or wrong? My answer is -- and I am not the final authority to give the answer; it is the Planning Commission and then, the Prime Minister who have to finally decide it -- it appears to me to be wrong. Has the Planning Commission recognized this? Yes, the Planning Commission has recognized this. On the 4<sup>th</sup> of June, 2010, they have appointed a taskforce under Dr. Narendra Jadhav, consisting of various Members -- Secretary, Ministry of Social Justice, Secretary,

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Ministry of Tribal Affairs, Principal Secretary, Department of Social Justice, Maharashtra, Principal Secretary, Department of Social Justice, Madhya Pradesh, Principal Secretary, Department of Social Justice, Gujarat, Principal Secretary, Adi Dravidar and Tribal Welfare Department, Tamil Nadu and Adviser, SJ&E, Planning Commission -  
- to re-examine and revise the extant guidelines issued by the Planning Commission for implementation of SCSP and TSP to understand the operational difficulties in consultation with implementing Ministries, and suggest remedial action so that SCSP and TSP can be implemented effectively in future.

(Contd. at 3u/hk)

HK/3u/5.45

**SHRI P. CHIDAMBARAM (CONTD.):** So, I am sure, this Committee will give its Report and whatever rectification has to be made will be made. Now I asked a specific question: "Now that we have spent Rs.678.91 crores, is there any difficulty of taking it back from the total Plan and bringing it back to SCSP?" ...(Interruptions)...

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**SHRI SATISH CHANDRA MISRA:** It is not only Rs.678 crores which we are saying. We are saying that the entire 'indivisible', which you have used, is wrong. ...(Interruptions)...

**SHRI P. CHIDAMBARAM:** No. For the Commonwealth projects, we have used only Rs.678.91 crores. The question is about the Commonwealth projects. ...(Interruptions)...

**SHRI SATISH CHANDRA MISRA:** You have admitted this in the second part that it is being used for roads, footpaths. ...(Interruptions)...

**SHRI P. CHIDAMBARAM:** Whether that is right or wrong, I have not examined it. So, I cannot make a statement on that. ...(Interruptions)...

**SHRI SATISH CHANDRA MISRA:** Sir, we would like ...(Interruptions)...

**SHRI P. CHIDAMBARAM:** Let the Task Force go into it. Now everybody is seized of this matter. I said, "In my *prima facie* view using Rs.678 crores out of SCSP to the Commonwealth Games infrastructure appears to be wrong." And, I think, you should take that for what its worth. Let it be examined by Dr. Narendra Jadhav

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Committee. I have asked a question, "Listen, now that we have used it for the Commonwealth Games project, can you bring it back to the SCSP from the funds which will be allocated, say, in 2010-11 or 2011-12?" Well, frankly, I have got the answer and I am grateful for the answer. I said, "Why can't Rs.678.91 crores be added back to SCSP, either in 2010-11 if funds remain, or in 2011-12?" The answer of the Government is, "Yes, Sir, it can be brought back." So, we will bring it back. In the meanwhile, let the Jadhav Committee look into the matter and give its Report. And I assure you, as far as NCT is concerned, I will ensure that the Report is implemented. As far as all the States are concerned, I am sure the Prime Minister is listening to the matter. He is the Chairman of the Planning Commission. Orders will be issued after the Jadhav Committee Report is received. I request the matter be allowed to rest here.

(Ends)

**MESSAGES FROM THE LOK SABHA**

- (I) The Indian Medicine Central Council (Amendment) Bill, 2010.
- (II) The Representation of the People (Amendment) Bill, 2010.

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

(I)

"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 31<sup>st</sup> August, 2010, agreed without any amendment to the Indian Medicine Central Council (Amendment) Bill, 2010, which was passed by Rajya Sabha at its sitting held on the 25<sup>th</sup> August, 2010."

(II)

"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 31<sup>st</sup> August, 2010, agreed without any amendment to the Representation of the People (Amendment) Bill, 2010, which was passed by Rajya Sabha at its sitting held on the 30<sup>th</sup> August, 2010.

(Followed by 3w/KSK)

**SPECIAL MENTIONS**9A/VNK**DEMAND TO IMPLEMENT 27 PER CENT RESERVATIO FOR OBCs IN  
ALL THE STATES AND UNION TERRITORIES OF THE COUNTRY**

**श्री नरेन्द्र कुमार कश्यप (उत्तर प्रदेश):** महोदय, संविधान के अनुच्छेद 340 के तहत 1979 में गठित मंडल आयोग ने 1980 में अपनी रिपोर्ट प्रस्तुत की। इसके बाद राष्ट्रपति के आदेश द्वारा भारत सरकार ने सामाजिक और आर्थिक रूप से पिछड़े वर्गों के लिए केन्द्रीय सरकार की नौकरियों में 27 प्रतिशत आरक्षण प्रदान करने का आदेश जारी किया और इन वर्गों की सूची में कम शामिल करने या अधिक शामिल करने या नहीं शामिल करने की शिकायतों के लिए राष्ट्रीय पिछड़ा वर्ग आयोग अधिनियम अप्रैल, 1993 में अधिनियमित हुआ। जनवरी, 2006 में संविधान के अनुच्छेद 15 के संशोधन और जनवरी, 2007 में केन्द्रीय शैक्षिक संस्थान अधिनियम के अधिनियमन के साथ केन्द्र सरकार द्वारा पिछड़े वर्गों की सूचीबद्धता केन्द्रीय शैक्षिक संस्थानों में भी प्रवेश हेतु संगत हो गई है।

उत्तर प्रदेश सहित कुछ प्रदेशों में मंडल आयोग की सिफारिश के आधार पर पिछड़ों को नौकरियों एवं पंचायत चुनाव में आरक्षण का लाभ मिला, परंतु अभी भी कई प्रदेशों व केन्द्र शासित प्रदेशों में 27 प्रतिशत आरक्षण की बात तो छोड़िए, इन प्रदेशों में अभी तक पिछड़ी जातियों की पहचान भी नहीं की गई, जैसे अरुणाचल प्रदेश, गोवा, मिजोरम, मेघालय, झारखंड व लक्षद्वीप आदि। खेद का विषय है कि मंडल कमीशन की रिपोर्ट लागू हुए करीब दो दशक बीत

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चुके हैं, परंतु उपरोक्त प्रांतों के पिछड़े वर्ग के लोगों को आरक्षण प्रक्रिया का लाभ अभी तक नहीं मिल पा रहा है। आपके माध्यम से मेरा सरकार से अनुरोध है कि इस संबंध में सरकार एक ठोस नीति बनाकर उचित कार्रवाई करे, जिससे सभी राज्यों में समान रूप से पिछड़े वर्ग के लोगों को इसका लाभ मिल सके।

अतः मैं सरकार से अनुरोध करता हूँ कि वह उत्तर प्रदेश की तरह देश के सभी राज्यों व केन्द्र शासित राज्यों में 27 प्रतिशत आरक्षण का लाभ दिलाना सुनिश्चित करे।

(समाप्त)

RSS/9B

**DEMAND TO REINSTATE THE TEMPORARY  
WORKERS OF CERTAIN DIVISIONS OF POSTAL  
DEPARTMENT IN CHENNAI.**

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**SHRI N. BALAGANGA (TAMIL NADU):** Sir, I would like to bring to the attention of the Government the pathetic service conditions of 155 Temporary Status Casual Labourers at par with group D in Chennai Air Mail Sorting Division, Chennai, Sorting Division and RMS 'M' Division. The 155 TSCL D staff were appointed first as casual labourers when there was ban on new recruitment in 1982-83. Later on, in 1985-86, after the ban on new recruitment was lifted, on the persistent appeal

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of these labourers for absorption, the Postal Department conferred on them the temporary status of casual labourers and promised them that they would be absorbed in permanent service in due course. To their dismay, till today, after serving for more than twenty years, the poor casual labourers have not been made permanent government servants. Due to this, this staff is deprived of other benefits enjoyed by the Group D staff, like recovery of GPF subscription, pension to all TS group; D servants etc. I urge upon the Government of India to consider the long pending grievances of these 155 people and take steps to make them as permanent employees of the department as early as possible.

(Ends)

MKS/9C

**REQUEST FOR FRAMING RULES TO RECOGNISE  
EMERGENCY PHYSICIANS IN THE COUNTRY**

**SHRI A. ELAVARASAN (TAMIL NADU):** Sir, the Emergency Care in our country is still in the basics except for a few pockets of excellence serving good. Currently, we are lacking four decades behind the western countries in providing emergency care to common people.



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Medical Council of India announced this course ten years back but has not implemented it so far. Only last year, the Council has implemented it with a lot of regulations. There are qualified Emergency Physicians, in India, who studied full time Emergency Medicine course in India and from abroad. This is a course with unique characters and these Emergency Physicians have the quality of the entire specialty to the amount needed in the Emergency Room. It is true that it cannot be replaced by any other specialty. No single existing specialty can serve the purpose to hundred per cent. But it is very unfortunate that the Medical Council of India has mentioned quality of the entire specialty courses and avoided the Emergency Physicians who have studied full time course in private universities. If you really want to improve the Emergency Care in India, these Emergency Physicians from private universities, who have the knowledge on Emergency Medicine and can replace the need of multiple doctors in the resuscitation bay of the Emergency Room within the golden hour of emergency management. With these words, I request the Government to implement the rules to recognize all the existing

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Emergency Physicians from various private universities, who are available from a decade and also involve them in the Emergency care.

(Ends)

(Followed by TMV/9D)

-TMV/9D

**DEMAND FOR EARLY SANCTION FOR SETTING UP OF  
TAJ INTERNATIONAL AIRPORT AT GREATER NOIDA  
IN UTTAR PRADESH.**

**SHRI AMBETH RAJAN (UTTAR PRADESH):** Sir, there is heavy air traffic at Delhi Airport. Manifold increase in the arrival of passengers and their relatives waiting for receiving them has led to congestion in the airport. The outcome of this is that aircrafts are being held overhead for many hours and are often diverted to the nearest airports like Jaipur, Lucknow, etc. This involves heavy fuel expenses which causes heavy financial burden on airline companies and also harassment to passengers. Due to this unscheduled landing of aircrafts in a non-designated airport, passengers are forced to land at destinations which are not of their choice.

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There is necessity for another airport at Delhi. This demand has been raised in various fora. In this context, I wish to draw the attention of the Government towards the proposal of the Uttar Pradesh Government for setting up an international airport, that is, Taj International Airport, at Greater Noida. It is important to mention here that the technical approval had been accorded by the Ministry of Civil Aviation on 9<sup>th</sup> April, 2009. It is also important to note that there are airports within the radius of 150 kilometres of existing airports. The example in hand is the airports at Mumbai and Navi-Mumbai which are situated 35 kilometres apart from each other and there are many such airports.

I urge the Government to expedite the sanction for establishing an international airport by Government of Uttar Pradesh at Greater Noida for better air traffic management, fuel efficiency and to avoid unnecessary diversion of flights.

(Ends)

MP/9E

**DEMAND TO TAKE MEASURES TO CURB THE LOSS  
OF LIFE IN ROAD ACCIDENTS IN THE COUNTRY**

**श्री अवतार सिंह करीमपुरी (उत्तर प्रदेश) :** सभापति महोदय, हमारे देश में आए दिन होने वाली सड़क दुर्घटनाओं में अनेकों लोगों की जान चली जाती है और बहुत से लोग जीवन भर के लिए अपंग हो जाते हैं। इतना ही नहीं बहुत से जाने-माने नेता भी दुर्घटनाओं का शिकार होकर हमारे बीच से चले गए। दुर्घटना के शिकार पांच वर्षों में हुई मौतों का आंकड़ा दिल को दहलाने वाला है।

मैं सदन के संज्ञान में लाना चाहता हूँ कि वर्ष 2004 में 91,376 दुर्घटनाओं में 2,58,326 लोग, वर्ष 2005 में 98,254 दुर्घटनाओं में 2,71,760 लोग, वर्ष 2006 में 1,05,725 दुर्घटनाओं में 2,93,202 लोग, वर्ष 2007 में 1,14,590 दुर्घटनाओं में 3,15,641 लोग तथा वर्ष 2008 में 1,18,239 दुर्घटनाओं में 1,18,316 लोग मौत के काल में समा गए यानी केवल 5 वर्षों में करीब 5,28,184 दुर्घटनाओं में 14,57,245 मौतें हुई हैं, जो सदन के लिए बड़ी चिंता का विषय है।

महोदय, वाहनों के पंजीकरण के समय अथवा उसके उपरान्त परिवहन विभाग रोड टैक्स वसूलता है। सड़कों पर टोल टैक्स वसूला जाता है, वाहनों के बीमों के एवज में बीमा कंपनी भी पूरी धनराशि लेती है, लेकिन इसके बावजूद भी दुर्घटनाग्रस्त लोगों को उचित मुआवजा नहीं मिल पाता है।

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अतः मैं आपके माध्यम से सरकार से मांग करता हूँ कि दुर्घटनाओं से देश को बचाने के लिए तथा दुर्घटनाग्रस्त लोगों को उचित मुआवज़ा दिलाने के लिए आवश्यक कदम के साथ लाइसेंसिंग प्रक्रिया को मज़बूत करना, लाइसेंसधारी को सही परीक्षण ट्रेनिंग व्यवस्था दिलाने, नशा करने वाले चालक के लाइसेंस को निरस्त करने की व्यवस्था, स्पीड लिमिट का सटीक अनुपालन, चालकों की ड्यूटी अधिकतम एक बार में चार घंटे हो, first-aid की रोड साइड पर व्यवस्था हो, ambulance तथा सड़कों पर गिरने वाले पेड़ों को शीघ्र हटाने, सड़कों पर पशुओं का आवागमन जैसे महत्वपूर्ण कार्य कराने का कष्ट करें, ताकि लाखों लोगों की जान बचाई जा सके।

(समाप्त)

Sc/9f

**DEMAND TO TAKE EFFECTIVE MEASURES TO PREVENT  
DEATHS DUE TO HUNGER IN THE COUNTRY.**

**श्री कलराज मिश्र (उत्तर प्रदेश) :** महोदय, झारखंड राज्य में भूख से मरने वालों की संख्या लगातार बढ़ रही है। विगत एक माह, जुलाई से अगस्त तक यह संख्या आधा दर्जन से ऊपर पहुंच गयी है। 30 जुलाई को विश्रामपुर, 10 अगस्त को सूतपुरवा, 16 अगस्त को फुलवरिया और 18 अगस्त को पलामू परशुरामखाप में भूख से मौतें हुई हैं।

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अकाल का दंश झेल रहे गरीब लोग भूख से मर रहे हैं, वहीं अनाज गोदामों में सड़ रहा है। सुप्रीम कोर्ट कह रहा है कि अनाज सड़ाने से अच्छा है, उसको गरीबों में बांट दिया जाए। वहीं मनरेगा का पैसा और काम भी इनको नहीं मिल पा रहा है। कई लोगों को मौत के बाद, उनके घर प्रखण्ड के अधिकारी मनरेगा की रकम देने पहुंचे हैं। इस क्षेत्र के निर्धन लोग अन्य प्रदेशों में काम-काज के लिए जाते हैं, जिससे परिवार में केवल वृद्ध लोग ही रह गए हैं। इनको न तो वृद्धावस्था पेंशन मिल रही है और न ही वे ज्यादा उम्र होने के कारण मनरेगा में काम करने लायक हैं। सरकारें भी भूख से होने वाली मौत को स्वीकार करने की बजाय इसको बीमारी से हुई मौत बताकर अपना दामन साफ कर लेती हैं।

मैं सदन के माध्यम से मांग करता हूं कि ऐसे क्षेत्रों में तत्काल प्रभावी कदम उठाएं और संभव हो तो संग्रहित अनाज को बर्बाद होने और सड़ाने की जगह उसको ऐसे क्षेत्रों में वितरित करने की व्यवस्था की जाए। धन्यवाद।

(समाप्त)

MCM/9G

#### **DEMAND TO GIVE STATUS OF ST TO CERTAIN CASTES**

**श्री गंगा चरण (उत्तर प्रदेश) :** महोदय, लोधी (लोधी-राजपूत), लोधा, लोध, किसान, पिछड़ी जाति में आती हैं। उक्त जातियां (लोध) जाति के उपनाम हैं। उक्त जाति का उद्भव कश्यप (निषाद) गोत्र से हुआ है। चूंकि लोध जाति का गोत्र कश्यप है जिसे आज निषाद, केवट, मल्लाह, ढीवर कहते हैं। यह जाति

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अधिकांश नदियों, जंगलों व समुद्रों के किनारे बसी हैं। इस जाति का मुख्य धंधा मछली मारना व नदियों के किनारे खेती करना है। इस जाति के पूर्वज इस देश के मूल निवासी थे। इस जाति की उत्पत्ति भगवान शंकर के गणों लोध्रा से हुई है। इसके बाद निषाद राज गोह व वीर एकलव्य थे। आज भी ये जातियां आदिवासियों का जीवन जी रही हैं। महान लेखिका महाश्वेता देवी ने पश्चिम बंगाल की आदिसी लोध जाति पर उपन्यास लिखा, जिस पर उन्हें बुकर पुरुस्कार मिला। पश्चिम बंगाल उड़ीसा में तथा अन्य कई प्रांतों में लोध जाति को आदिवासी जाति का दर्जा मिला हुआ है तथा उत्तर प्रदेश के मैनपुरी, फिरोजाबाद, शिकोहाबाद जिलों में डिनोटिफाइड कॉस्ट में रखा गया है। आज भी सरकारी नौकरियों में उक्त जातियों की .01 प्रतिशत भी हिस्सेदारी नहीं है, जबकि उक्त जातियों की आबादी देश की कुल आबादी का 12 प्रतिशत है।

अतः हम सरकार से मांग करते हैं कि लोध, लोधा, लोधी राजपूत, केवट, निषाद, कश्यप, मल्लाह व बिन्द जातियों को आदिवासी का दर्जा दिया जाए, जिससे कि उनको सरकारी नौकरियों और उच्च शिक्षा में उच्च स्थान मिल सके।

(समाप्त)

(9h पर आगे)

GS/9h

**DEMAND TO RESOLVE THE PROBLEMS BEING FACED  
BY FARMERS IN VIDARBH REGION OF MAHARASHTRA.**

**श्री अविनाश पांडे (महाराष्ट्र) :** महोदय, मैं आपके संज्ञान में विदर्भ में रहने वाले किसानों की समस्याओं को लाना चाहता हूँ। अभी किसानों को जो कर्जमाफी दी गयी है, उससे उन्हें काफी लाभ हुआ है। मगर कर्जमाफी करने से ही निश्चित रूप से उनकी स्थिति में बहुत ज्यादा सुधार नहीं होने वाला है।

अतः विदर्भ रिजन में किसानों की स्थिति सुधारने के लिए, मैं केन्द्र सरकार से अनुरोध करूंगा कि महाराष्ट्र सरकार को विशेष पैकेज दिया जाए, जिसके तहत किसानों को विपणन की सुविधा, अपने मकानों की टूट-फूट ठीक करने की सुविधा आदि की व्यवस्था कर दी जाए, ताकि वे अपने पैरों पर खड़े हो सकें। आज वहां "मनरेगा" के अंतर्गत गांव में किसानों को रोजगार का साधन तो मिल ही रहा है, परन्तु इस रोजगार के साधन से वर्ष भर उनका काम नहीं चलने वाला है, इसलिए इसकी सीमा को बढ़ाने की आवश्यकता है।

अतः मेरा केन्द्र सरकार से अनुरोध है कि विदर्भ के किसानों की समस्याओं पर दृष्टि डालते हुए ये उपाय किए जाएं।

(समाप्त)



ASC/9J

**DEMAND TO ADDRESS THE PROBLEMS OF POSTAL STAFF IN  
THE COUNTRY**

**सुश्री अनुसुइया उइके (मध्य प्रदेश):** महोदय, मैं इस विशेष उल्लेख के माध्यम से केन्द्र सरकार को सूचित करना चाहती हूँ कि संचार साधनों के विस्तार एवं आधुनिकीकरण के उपरांत भी सुदूर ग्रामीण क्षेत्रों में आज भी लोगों के संदेशों का पहुंचाने का कार्य डाक तार विभाग द्वारा ही किया जाता है। भले ही यह कार्य सरकार के लिए लाभकारी नहीं है, किन्तु फिर भी इसके महत्व एवं आवश्यकता को किसी भी दृष्टि से कम नहीं माना जा सकता है।

डाक विभाग तथा उसके कर्मचारियों की विभिन्न समस्याएं हैं, जिनका निराकरण किया जाना अति आवश्यक है। संक्षिप्त विवरण इस प्रकार से है:-

1. भारत सरकार द्वारा 80 प्रतिशत आबादी की सेवा करने वाले डाक सेवकों को शासकीय कर्मचारी घोषित नहीं किया गया है, जबकि उनके द्वारा डाक विभाग के पूरे कार्य किए जाते हैं। अतः डाक सेवकों को शासकीय सेवक घोषित किया जाए।
2. आकस्मिक तथा अस्थाई ग्रुप डी तथा इसी तरह के अन्य कर्मचारियों को नियमित किया जाए तथा डाक लेखा की शार्ट ड्यूटी स्कीम के तहत भर्ती कर्मचारियों को वरीयता भी सर्वोच्च न्यायालय के निर्देशानुसार शीघ्र दी जाए।

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3. नई पेंशन नीति का युक्तियुक्तकरण भारतीय डाक कर्मचारी महासंघ की मांग के अनुसार उनसे चर्चा कर के शीघ्र किया जाए।
4. भारतीय डाक कर्मचारी महासंघ की मांग के अनुसार समूह सी एवं डी के कर्मचारियों की वेतन विसंगति तथा छोटे वेतन आयोग की विसंगतियों को तत्काल दूर किया जाए।

अतएव, मैं सरकार से यह अनुरोध करना चाहती हूं कि उक्त बिन्दुओं पर ध्यान देकर, शीघ्र निराकरण कराने का कष्ट करें, ताकि डाक कर्मचारी उत्साहित होकर डाक सम्प्रेषण का कार्य सुचारु रूप से करते रहें।

(समाप्त)

AKG/9K

**DEMAND TO GRANT SPECIAL FINANCIAL PACKAGE TO  
CHHATISGARH FOR DEVELOPMENT OF SMALL AND  
FOREST BASED INDUSTRIES**

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**श्री श्रीगोपाल व्यास (छत्तीसगढ़) :** महोदय, छत्तीसगढ़ राज्य नैसर्गिक संसाधनों से युक्त होने पर भी सबसे गरीब राज्यों में आता है। राज्य की 46 प्रतिशत भूमि वनाच्छादित व पहाड़ी है। खनिज इन्हीं वनों के नीचे हैं। अनेक कारणों से इनका दोहन मर्यादित है। ये ही क्षेत्र कम विकसित हैं और नक्सलवाद व माओवाद के शिकार हैं। राज्य के मैदानी क्षेत्रों में स्टील, ऊर्जा, कोयला आदि उद्योग हैं, पर

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उपभोक्ता वस्तुएँ, जैसे केमिकल, ऑटोमोबाइल तथा अन्य लघु उद्योग नहीं हैं या नगण्य हैं। यदि इनके समान लघु व वनोपज आधारित उद्योगों का विकास होगा, तो वह विकेन्द्रित, रोजगारोन्मुखी व पर्यावरण-मित्र होगा तथा लोगों को स्थानीय स्तर पर रोजगार देने में समर्थ होगा।

मेरा सरकार से निवेदन है कि वह उक्त कामों के लिए छत्तीसगढ़ को विशेष आर्थिक पैकेज प्रदान करे।

(समाप्त)

VK/9L

**DEMAND TO GIVE ADEQUATE COMPENSATION TO FARMERS  
FOR LOSING LAND FOR RAILWAY PROJECT IN CHHATTISGARH**

**SHRI R.C. SINGH (WEST BENGAL):** Sir, under Dalli-Rajhara-Raoghat-Jagadalapur railway project in district Durg, Chhattisgarh, 94 kilometres of railway line is to be constructed and more than 500 farmers are losing their land. This is a Naxalite-affected area and the farmers who are affected due to above projects are poor tribals. The present compensation given is very less when compared to compensation paid in other parts of the country. The Government of Chhattisgarh made an assessment about the compensation to be paid if land is acquired and it has assessed for payment of Rs. 15 lakh per

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acre. The policy of the Government is, if a person has one acre or less and if he loses 50 per cent of it, he will get employment and if a person has half acre of land and if he loses that, he would not get any employment and get only compensation. So I request that even the tribals who have lost their half acre of land should also be given employment as they do not have any other source of income and compensation has to be paid as per the assessment made by the Chhattisgarh Government. Now the work in 42 kilometres has started because it is unaffected by Naxalites, but the remaining area is affected by Naxalites. So I request the Government to give compensation as requested above and also give employment to every family which has lost its land at the earliest. Thank you.

(Ends)

SCH-9M

**DEMAND TO GIVE ATTENTION TOWARDS ALLEGED ATROCITIES  
AGAINST PEOPLE IN THE NAME OF LAND ACQUISITION FOR  
INDUSTRIAL PROJECTS IN ORISSA**

**श्री रुद्रनारायण पाणि (उड़ीसा):** महोदय, माननीय प्रधान मंत्री जी ने हाल ही में घोषणा की है कि संसद के अगले सत्र में भूमि अधिग्रहण के बारे में एक व्यापक

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विधेयक लाया जाएगा। औद्योगीकरण तथा विकास के नाम से देश में कृषि योग्य भूमि इतनी मात्रा में अधिग्रहीत की जा रही है कि इससे किसान बहुत परेशान हैं एवं खेती बहुत ही प्रभावित हो रही है। इसका कृषि उत्पादन पर इतना असर पड़ेगा कि खाद्य सुरक्षा पर भी संकट दिखाई देगा। अतः भूमि अधिग्रहण पर सुविस्तृत केन्द्रीय कानून का होना नितांत आवश्यक है। राज्यों के पास यद्यपि इस आशय का कानून अथवा नीतियां मौजूद हैं, लेकिन वे भी पर्याप्त नहीं हैं। इस मामले में एक राष्ट्रीय दृष्टिकोण तथा केन्द्रीय नीति की आवश्यकता है।

उड़ीसा में व्यापक औद्योगीकरण के नाम पर हो रहे भूमि अधिग्रहण से गरीब किसान तथा आम आदमी परेशान हो रहे हैं। उनके प्रति केन्द्र यथोचित ध्यान दे, ऐसा मेरा अग्रह है।

कलिंग नगर में गरीब आदिवासी इससे प्रभावित हैं। ढेंकानाल जिले में एक प्रस्तावित विद्युत केन्द्र के द्वारा विस्थापितों पर भयंकर अत्याचार किया जा रहा है। 'पोस्को' एरिया में विस्थापितों को पुलिस द्वारा पैर से मारने का चित्र टीवी पर भी प्रदर्शित हो चुका है। भूमि अधिग्रहण को ले कर उड़ीसा में चल रहे अत्याचार के प्रति ध्यान दिया जाए, ऐसा मेरा निवेदन है।

(समाप्त)

RG/9N**DROUGHT SITUATION IN BIHAR**

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**SHRI N.K. SINGH (BIHAR):** Sir, I would like to bring to the attention of the Government the drought situation in Bihar and other parts of Eastern India. The Government of Bihar has declared all the thirty-eight districts as drought-hit. The rainfall deficit is more than 30 per cent. The impact has been the worst in the districts, South of Ganga, where all the 17 districts have a rainfall deficit of more than 20 per cent, with Buxar recording a whopping deficit of 70 per cent. In addition to the deficit in rainfall, the severity of the summer heat this year has further worsened the situation, and the Kharif crop production has witnessed a jolt. The shortage of rains has badly hit paddy sowing and transplantation in Gaya, Aurangabad, Jehanabad, Arwal, Nawada, Patna, Rohtas, Kaimur and Nalanda. If the State does not receive adequate rainfall this month also, the livelihood of many farmers and their food security will be severely affected. The Chief Minister of Bihar has requested the Centre to release Rs.5000 crores in order to undertake relief measures. The State of Bihar has

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been plagued by natural calamities since the last three years in the form of successive floods and droughts.

I would urge upon the Centre to take necessary steps to help the Government of Bihar and the people of the State to overcome the crisis of drought.

(Ends)

(Followed by 90)

90/PSV/SPL. MENTION/31.08.2010

**DEMAND TO BRING A LEGISLATION TO EMPOWER  
THE GOVERNMENT OF ANDHRA PRADESH FOR  
SUB-CATEGORISATION OF SCHEDULED CASTE CATEGORY**

**श्री नंदी येल्लैया (आन्ध्र प्रदेश):** महोदय, आन्ध्र प्रदेश में 15 प्रतिशत Reservation Quota में हरेक SC community को उसका वाजिब हिस्सा दिलाने के लिए SCs का Sub-Categorisation System वर्ष 2001 से 2004 तक लागू था। इन चार सालों में राज्य की सबसे पिछड़ी अनुसूचित जातियों, जैसे मादिगा, मेहतर, रेल्ली और इनकी sub-castes को educational institutions और सरकारी नौकरियों में रिजर्वेशन का बहुत फायदा हुआ। मगर बाद में सुप्रीम कोर्ट ने यह कह कर इस सिस्टम को खत्म कर दिया था कि राज्य सरकार को ऐसा करने का अधिकार नहीं है।

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रिजर्वेशन के लिए सभी SCs को एक युनिट नहीं माना जा सकता, क्योंकि किस जाति ने कितनी छुआछूत और सामाजिक-आर्थिक अन्याय सहा, उसके अनुसार उसकी स्थिति और जातियों से अलग है। इसीलिए पिछले 6 सालों से आन्ध्र प्रदेश के SCs Sub-Categorisation System को restore करने की माँग कर रहे हैं।

सामाजिक न्याय मंत्रालय द्वारा constituted ऊषा मेहरा कमिशन ने भी ऐसे sub-categorisation के लिए सिफारिश कर दी थी, मगर अब तक ऊषा मेहरा कमिशन की रिपोर्ट यूनियन केबिनेट के पास finance clearance के लिए pending पड़ी हुई है।

सभी राज्यों में SC/STs को लेकर हालातों में बहुत फर्क है, इसलिए मेरा केन्द्र सरकार से अनुरोध है कि वह आन्ध्र प्रदेश के इस मामले को अन्य राज्यों के साथ न जोड़े और अतिशीघ्र ऊषा मेहरा कमिशन की रिपोर्ट को यूनियन केबिनेट से मंजूर करवाकर इसी सत्र में आन्ध्र प्रदेश सरकार को SCs के sub-categorisation के लिए empower करने वाला एक Constitution Amendment Bill संसद में पेश करे। धन्यवाद।

(समाप्त)



9p/ks

**TANDON COMMITTEE RECOMMENDATIONS  
ON DEEMED UNIVERSITIES**

**SHRI BHARATKUMAR RAUT (MAHARASHTRA):** Sir, I wish to mention a serious issue facing the academic community of our nation.

The Tandon Committee has recommended the de-recognition of more than 100 Deemed Universities in the country to pave the way for establishment of foreign universities in their place. Sir, if these universities are closed, the future of thousands of our students, teachers and employees will be in jeopardy.

Amongst these universities, the Tilak Maharashtra Vidyapeeth is the oldest. It was established in 1921 under the guidance of Mahatma Gandhi and was awarded the Deemed University status in 1987. Since then, the Vidyapeeth has been receiving funds from the Central Government, the UGC and the State Government.

Sir, I am a student of this Deemed University.

Sir, to keep our cultural values alive, the curriculum of the Tilak Maharashtra Vidyapeeth is focusing on the development of an education System in which students are taught both traditional as well

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as modern sciences. The Distance Education Programme of the Vidyapeeth has really benefited a large number of students from the under-privileged and weaker sections. More than 30 per cent of the students enrolled are from the reserved category. It is questionable as to how and on what basis the Review Committee has recommended the Tilak Maharashtra Vidyapeeth for de-recognition. The UGC Committee had recommended Deemed University status to the Vidyapeeth in October, 2009.

It is well-known that the education system of the European and American Universities considerably differs from the system prevalent in Indian Universities. Even then, the Government is considering establishment of foreign universities in the country.

I request the Government to seriously look into this matter of de-recognition of Deemed Universities status, which was recommended by the Tandon Committee.

(Ends)

Kgg/9q

**REQUEST TO TAKE STEPS TO STOP CONTAMINATION OF  
GROUNDWATER IN ERODE DISTRICT OF TAMIL NADU**

**SHRI K.V. RAMALINGAM (TAMIL NADU):** The ground water in several parts of Erode District, Tamil Nadu is contaminated heavily due to indiscriminate discharge of untreated effluents by the textile and leather processing units. The ground water pollution poses serious threat to the public health. Cauvery Nagar in Erode is one of the most affected places with high level ground water pollution. The colour of water drawn from many wells is dark red. They have no other options but to use the polluted water for all purposes except drinking. They are buying packaged water for drinking purposes, use of polluted ground water has led to serious health problems. A large number of people suffer from skin related diseases. The situation is getting worse as the authorities in the district administration and the Tamil Nadu Pollution Control Board have grossly failed to check the discharge of untreated effluents in the vacant land and the water carrying channels. Numerous protests by almost all political parties and trade unions have already been organized urging the authorities to shut down the

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units polluting the environment. But, their pleas have fallen on deaf ears.

I earnestly seek the Centre's immediate intervention so that the State of Tamil Nadu take steps on a war footing. If the unmindful discharge of effluents continued for more years, the ground water could not be used for any purpose. The Centre should urge the State Government to initiate concrete action against the unmindful polluting of the land and water resources.

(Ends)

TDB/9R

**DEMAND TO REVIEW UNIQUE IDENTIFICATION PROJECT  
LAUNCHED IN THE COUNTRY**

**SHRI SYED AZEEZ PASHA (ANDHRA PRADESH):** Sir, since May 2009, the Unique Identification UID Project is under implementation. Even though any legislation sanctioning it is yet to be passed in Parliament, the UID Authority is functioning. Sir, Rs.1950 crores have been allocated to the project. In addition to this allocation, the census expenditure has a budget of Rs.3023 crores. The Unique Identification Authority of India, UIDAI plans to use the census data to issue

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AADHAR numbers. The total project is estimated to cost Rs.1,50,000 crores. The budget for the Authority was passed with the Government of India annual Budget but without discussion on it or setting up of UIDAI. The UID project envisages recording ten finger prints and iris scan of all people residing in India. That the project has been launched without such a study is a matter of grave concern.

The authority presents the UID project to the public as a way to prevent leakages in the PDS and MGNREGS. If the project could achieve this, it would be a welcome solution, but even a cursory examination reveals several reasons why this objective seems impossible to achieve. Among these is the fact that many countries, after trying similar projects, have abandoned them. The new elected UK Government scrapped their National Identity Card Project on June, 2010. Further, the UID is poised to completely change norms of privacy, confidentiality and security of personal information. The scheme is extraordinarily expensive. There is an unrealistic assumption behind the project that technology can be used to fix the ills of social inefficiencies. The benefits from the project, in terms of raising the efficiency of Government schemes, appear to be limited.

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The Government has skipped public debate around criticisms and alternative suggestions.

Hence, I demand the Government that there is an urgent need to review the UID Project immediately.

(Ends)

KLS/9S

**NEED FOR A COMPREHENSIVE LEGISLATION FOR  
AGRICULTURAL WORKERS**

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**SHRI RAMA CHANDRA KHUNTIA (ORISSA):** Sir, from amongst 400 million unorganized workers, a majority of them are agricultural workers, who are not covered by any labour law, social security, health safety and other miscellaneous aspects. The First Labour Commission and the Second Labour Commission had made special considerations for agricultural workers. The Arjun Sengupta Committee also recommended two separate legislations, for agriculture workers and unorganized workers. For the unorganized workers, we have passed the Unorganised Workers' Social Security Act. But it does not cover the agricultural workers.

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It is said that no relationship has been established with agricultural workers, and it is also difficult to collect contribution from both the employers and the employees working in the agriculture sector. Hence, without this contribution, the Government will have to bear a total of Rs.22,000 crores to meet the expenditure. The State Governments are not prepared to share the 50 per cent responsibility, although health safety and social security are, basically, the responsibility of the State Governments.

Hence I urge upon the Central Government to take up this matter with the State Governments, and ensure that a special legislation is brought forward for agricultural workers.

(Ends)

(Followed by 9T)

NB/9T

**DEMAND FOR EARLY ALLOTMENT OF LAND FOR STUDY  
CENTRE OF ALIGARH MUSLIM UNIVERSITY IN BIHAR**

**श्री रामविलास पासवान (बिहार) :** सभापति जी, भारत सरकार ने बिहार के किशनगंज में अलीगढ़ मुस्लिम यूनिवर्सिटी स्टडी सेंटर खोलने का निर्णय लिया, लेकिन अन्य राज्यों में जहां अलीगढ़ मुस्लिम यूनिवर्सिटी स्टडी सेंटर्स को खोलने

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की प्रक्रिया पूरी हो गई है, वहीं किशनगंज में अभी तक इसके लिए ज़मीन तक उपलब्ध नहीं कराई गई है। किशनगंज में इस अलीगढ़ मुस्लिम यूनिवर्सिटी स्टडी सेंटर को खोलने के लिए कम से कम 250 एकड़ ज़मीन चाहिए। बिहार के मुख्य मंत्री ने 4 जुलाई, 2010 को घोषणा की थी कि 250 एकड़ ज़मीन अलीगढ़ मुस्लिम यूनिवर्सिटी स्टडी सेंटर खोलने के लिए दे दी गई है। इस ज़मीन को तीन जगहों पर देने का निर्णय किया गया है, जब कि अलीगढ़ मुस्लिम यूनिवर्सिटी के निर्धारित मापदंड के अनुसार ढाई सौ एकड़ ज़मीन का एक ही plot होना चाहिए। वहां पर हाल ही में कुछ संगठनों द्वारा काफी संख्या में लोगों को बसा दिया गया है।

अलीगढ़ मुस्लिम यूनिवर्सिटी के वाइस चांसलर कुछ माह पूर्व किशनगंज गए थे और उन्होंने साफ शब्दों में बिहार सरकार से कहा था कि सेंटर के लिए dispute free and one continuous plot of land चाहिए। वाइस चांसलर ने बिहार के मुख्य मंत्री को fax भी किया, लेकिन अभी तक कोई जवाब नहीं आया है। दूसरी समस्या यह है कि सेंटर के लिए स्थायी तौर पर ज़मीन चाहिए यानी permanent land चाहिए, जब कि बिहार सरकार 30 साल की lease पर ज़मीन देना चाहती है। यदि 31 मार्च, 2010 तक ज़मीन की प्रक्रिया पूरी नहीं हुई, तो किशनगंज में अलीगढ़ मुस्लिम यूनिवर्सिटी स्टडी सेंटर बनाने का मामला खटाई में पड़ सकता है। अतः मेरा निवेदन है कि तत्काल ज़मीन उपलब्ध कराकर वहां अलीगढ़ मुस्लिम यूनिवर्सिटी स्टडी सेंटर खोला जाए। (समाप्त)



SSS/9U

**REQUEST TO INCLUDE CASHEW IN THE EXPORT INCENTIVE  
SCHEME**

**SHRI M. P. ACHUTHAN (KERALA):** Sir, it is learnt that the Government has excluded cashew from the export incentive scheme for labour-intensive export sector. It is most unfortunate that the cashew industry which employed over three lakh workers, did not figure in the list of export-oriented industries eligible for the incentives worth Rs. 1,052 crores announced by the Union Commerce and Industry Minister on 23<sup>rd</sup> of this month. Cashew industry is one of the most important foreign exchange earners for the country with an export earning of Rs. 2,908 crores during 2009-10. Cashew also has other reasons to be considered for the scheme as 98 per cent of the workers in the industry were women. There is perhaps no other industry in the country with such high participation of women. It is a gross injustice to keep out cashew from the scheme. The Centre must recognize the contribution being made by the cashew industry to its export efforts and extend whatever assistance it can to the

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industry. So, I request the Minister to include cashew in the export incentive scheme for labour intensive export sector and help the cashew industry which is a traditional industry in Kerala.

(Ends)

KSK/MP/5.50/3W

**(MR. CHAIRMAN in the Chair)**

**RE. CLARIFICATION ON SPEECH OF KM. MAMATA BANERJEE AT  
A POLITICAL RALLY AT LALGARH**

**THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI PAWAN**

**KUMAR BANSAL):** Mr. Chairman, Sir, a few days ago, some hon.

Members had raised the issue of a speech delivered by Km. Mamata Banerjee, Minister for Railways, at a rally at Lalgargh on August 9, 2010.

Sir, that rally was organised by a forum called Forum of Citizens against Violence. And, the convenor was an ex-IAS officer. Sir,

Kumari Mamata Banerjee has clarified that she addressed that rally in her capacity as the leader of Trinamool Congress. Sir, the

Government does not think that she said anything at that rally which contradicts the declared policy of the Government. In fact, she said

that she opposes violence and she does not want anybody to be

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killed. She also said that the peace process should start. Sir, all that is said at a political rally need not be taken as either the confirmation or contradiction of Government's policy. The Government's policy in respect of Left Wing Extremism has been outlined by the hon. Prime Minister on more than one occasion, and I may assure the august House that the Government will implement the policy.

(Ends)

(followed by 3x - gsp)

GSP-SC-3X-5.55

**VALEDICTORY REMARKS**

**MR. CHAIRMAN:** Hon. Members, the 220<sup>th</sup> Session of Rajya Sabha comes to a close today. It commenced on the 26<sup>th</sup> July, 2010, and was extended by two days in order to transact essential Government Business. Fifty-nine new Members joined the House during the Session. I am confident that they would make valuable contributions to the House in the days to come. I am glad to mention that 26 of them have already made their maiden speeches. Important legislation has been passed by the Council during this Session. Apart from transacting Government Business, the Session provided opportunities

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to Members to discuss some important issues through seven Calling Attention Notices and two Short Duration Discussions.

I have asked the Secretary-General to make available to all concerned the statistical data on this Session.

Notwithstanding the impressive work transacted in the course of the Session, the House could not conduct any Business for five days. In addition, there were several disruptions and adjournments as a result of which eight Question Hours were lost.

This is a matter on which I wish to draw the attention of the Members. When the Rules of Conduct of Business were drawn up decades back, it was not visualized that perceived concerns or grievances would be articulated through disruption of proceedings. This is now taking place with disturbing regularity. The practice tramples on the rights of individual Members, detracts from the dignity of Parliament, and, has invited public criticism.

Earlier, the Chair, recognizing the need for such articulation on matters of urgent public interest and apart from what is covered under Rule 180, sought to seek a solution through the so-called 'Zero Hour' restricted to three-minute interventions by up to ten Members. This

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too does not seem to meet the requirements, and, as a consequence, leads to a fairly regular disruption of the Question Hour which is the most-effective window available to individual Members to seek information and accountability.

It is evident that we need to think collectively about the matter and explore possible options for saving the Question Hour from such disruptions. It may be noted that while the other time lost is compensated by sitting beyond the normal hours, it is only the Question Hour which is irretrievably lost in disruptions. The Chair will, therefore, continue its consultations on the re-scheduling of daily items of Business in order to strike a balance between expression of perceived concerns and the normal business of the day. One option is to start the proceedings with the 'Zero Hour' at 11.00 a.m. and take up the Question Hour later in the day.

I take this opportunity to thank the Leader of the House, the Leader of the Opposition, Leaders of various political parties and groups and the hon. Members for the cooperation extended by them for the overall smooth functioning of the House.

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I also thank the Deputy Chairman, Members on the Panel of Vice-Chairmen and the officers and staff of the Secretariat for their assistance and cooperation.

Now, before we adjourn the House *sine die*, we will have the National Song.

**(The National Song, "Vande Mataram", was then played)**

(Followed by YSR-3Y)

-GSP/YSR/6.00/3Y

**MR. CHAIRMAN:** The House stands adjourned *sine die*.

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**The House then adjourned *sine die* at six of the clock.**