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PB-ASC/1a/11.00

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

OBITUARY REFERENCE

MR. CHAIRMAN: Hon. Members, 13th December, 2011, marks the Tenth Anniversary of the dastardly attack on the Parliament House by terrorists.

On this occasion, we recall the supreme sacrifices made by our security personnel, including two persons borne on the staff of the Parliament Security Service of the Rajya Sabha Secretariat, five Delhi Police personnel and a woman constable of the Central Reserve Police Force who laid down their lives while preventing entry of terrorists into the Parliament House Building. A Gardener of the C.P.W.D. also lost his life in the incident.

I am sure, the whole House will join me in condemning this incident in unequivocal terms. We once again reiterate our firm resolve to fight terrorism with determination and rededicate ourselves to protect the sovereignty and integrity of our nation.

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I request Members to rise in their places and observe silence as a mark of respect to the memory of those who lost their lives in that tragedy.

(Hon. Members then stood in silence for one minute)

(Ends)

SHRI M. VENKAIAH NAIDU: Sir, during the course of the Session, I request you to allow some time to discuss this issue which is very important and which is agitating the minds of the entire country men. ... (Interruptions)... I am talking of Afzal Guru and others. ... (Interruptions)...

SHRI V.P. SINGH BADNORE: Sir, the families of these people have not been looked after. ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, it is not a political issue. It is a very serious issue. ... (Interruptions)... It is a very serious issue. ... (Interruptions)...

MR. CHAIRMAN: No; no; please.

SHRI M. VENKAIAH NAIDU: Sir, with all seriousness, I am submitting to the Chair to please allot some time to discuss that particular issue. ... (Interruptions)...

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MR. CHAIRMAN: All right. ...(Interruptions)...

SHRI S.S. AHLUWALIA: Sir, it is very important because, recently, ...
...(Interruptions)...

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJEEV SHUKLA): Sir, whenever the hon. Member wants to discuss it, we are ready for a discussion, and it is a good suggestion. ...(Interruptions)...

MR. CHAIRMAN: Fine. ...(Interruptions)...

SHRI RAJEEV SHUKLA: It is a good suggestion. ...(Interruptions)...

MR. CHAIRMAN: No; no; I think, the Minister has already given the Government's position on this. There is no difficulty. ...(Interruptions).... Thank you. Question No. 281, please. ...(Interruptions)...

SHRI RAJIV PRATAP RUDY: Sir, it is very sad that no family members of those people were there. It is very sad. No family members were there. ...(Interruptions)...

MR. CHAIRMAN: Question No. 281.

श्री पुरुषोत्तम खोडाभाई रूपाला : सभापति महोदय, राष्ट्रीय नदी संरक्षण योजना (एन.आर.सी.पी.) के अंतर्गत केन्द्र सरकार की ओर से राज्यों को नदी के जल-संरक्षण की योजना हेतु आर्थिक सहायता दी जाती है।

महोदय, मैं आपके माध्यम से माननीय मंत्री जी से यह कहना चाहता हूँ कि गुजरात सरकार की ओर से केन्द्र सरकार को दो प्रस्ताव भेजे गए थे। उन दो प्रस्तावों में से साबरमती नदी का एक प्रस्ताव स्वीकृत हो गया है और जो दूसरा प्रस्ताव सूरत के नजदीक मिंधोला नदी का था, वह अभी तक स्वीकृत नहीं हुआ है। वैसे सैद्धांतिक तौर पर सरकार ने स्वीकृति दे दी है, मगर जवाब में यह कहा गया है कि सूरत में मिंधोला नदी के संरक्षण का प्रस्ताव मूल्यांकन हेतु एक स्वतंत्र तकनीकी संस्थान को भेजा गया है।

(1B/LT पर क्रमशः)

1b/11.05/lp-sk

श्री पुरुषोत्तम खोडाभाई रूपाला (क्रमागत): उसमें अभी कितना विलंब होगा, कितने समय में आप इसको मान्यता देंगे? मैं साथ ही यह भी जानना चाहूंगा कि यह परियोजना लागू करने के लिए केंद्र सरकार के क्या नॉर्म्स हैं, क्या मानदंड हैं?

SHRIMATI JAYANTHI NATARAJAN: Sir, the hon. Member is absolutely right. Two proposals had come from Gujarat. One of them

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was for the conservation of the Mindola river. Now, two rivers run near Surat; one is the Tapti river and the other is the Mindola river, and then there is the Sabarmati river. The hon. Member has already raised this issue many times and he has also got a reply to an Unstarred Question.

Sir, the details are as follows. I do not wish to take the time of the House by giving all the time-line. The fact is that it is a 70-30 partnership. The Central Government gives 70 per cent and the State Government gives 30 per cent. All that is done. The DPR, that is, the project, was forwarded by the Gujarat Government, which accepted to pay 30 per cent cost. Clarifications were sought on certain details. Now, this has to be implemented by the State Municipal Corporation and the local authorities over there. Each step took a little while. I am happy to inform the House and the Member that after the expert report was submitted by the Delhi Technical University, that has also been accepted. Finally, the State Government of Gujarat has forwarded the modified DPR for rehabilitation of the river Mindola for an amount of Rs.298.27 crores on the 12th of November, 2011, and

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that has been sent to the Delhi Technical University for approval. As soon as that comes, which I expect within a month or so, it will be finalized and the project will be implemented.

श्री पुरुषोत्तम खोडाभाई रूपाला : सभापति जी, मैं माननीया मंत्री जी से यह जानना चाहूंगा कि इस योजना के अंतर्गत आपके, केंद्र सरकार के क्या मानदंड हैं कि इस नदी पर यह लागू किया जाएगा? क्या आप इस आधार पर लागू करते हैं कि इनका कोई स्त्राव क्षेत्र है, उसमें नदी के पानी की क्या स्थिति है, क्या क्षमता है, उसकी लंबाई-चौड़ाई या इस योजना को पसंद करने के लिए कोई मानदंड है? यह सूरत-मिंडोला नदी का जो प्रोजेक्ट है, इसके लिए आप कोई बैठक करके, जो भी संबंधित लोग हैं, जिनकी भी जिम्मेदारी है, आप इन सभी को इकट्ठा बुलाकर उसको फाइनेलाइज कर देंगे, क्या ऐसी कोई मंशा सरकार के मन में है?

SHRIMATI JAYANTHI NATARAJAN: Sir, the norms that are taken are really decided between both the Governments. As of now, there are very many polluted stretches of rivers even in Gujarat itself. What is done is, the important components are taken up. Now, we find that the main cause of pollution is really the domestic sewage; it is the cause of 75 per cent pollution; 25 per cent is because of industrial

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effluents. So, the domestic sewage plants have to work properly, the network has to work properly. At least, all the sewage has to reach that particular treatment plant, and the monitoring and operation of the treatment plant has to be done by the State Government. A particular stretch of the river is declared as a polluted stretch. After it is declared as a polluted stretch, the State and Central Governments take up the work with the Central Government contributing 70 per cent and the State Government contributing 30 per cent.

As for the other norms, the State Government has to first accept the 30 per cent component and the commitment to take up the operation and maintenance of the river. Then, it will have to follow the guidelines of the National River Conservation Plan, in which basically, we concentrate upon the components that I have mentioned just now -- the sewage treatment plants have to be maintained properly and networks have to be maintained properly. That is the only way in which the pollution can be properly controlled.

(fold. on 1c/hk)

Q. No. 281 (Contd.)

AKG-HK/1C/11.10

श्री नरेश चन्द्र अग्रवाल : श्रीमन्, मैं आपके माध्यम से माननीय मंत्री जी से जानना चाहता हूँ कि राष्ट्रीय नदी संरक्षण योजना के मानक क्या हैं? माननीय मंत्री जी, क्या आप यह महसूस करती हैं कि इसके मानक, जो बहुत कठोर हैं, उनमें कुछ सुधार करने की जरूरत है?

श्रीमन्, दूसरी बात यह है कि मैं गंगा और यमुना, दो नदियों के बारे में जानना चाहूँगा। गंगा की पवित्रता और उससे लोगों का जो जुड़ाव है, क्या माननीय मंत्री जी बताएँगी कि गंगा की सफाई के लिए प्रदेश सरकार ने जो प्रस्ताव भेजा है ...

श्री सभापति : नरेश जी, यह सवाल गुजरात पर है।

श्री नरेश चन्द्र अग्रवाल : श्रीमन्, यह सवाल गुजरात पर है, लेकिन गंगा ऐसी नदी है, जिसकी पवित्रता और जिसके महत्व को सभी लोग जानते हैं, हमने इसलिए यमुना नदी के बारे में नहीं पूछा, गंगा नदी के बारे में पूछा है। नर्मदा, गंगा, ये सब ऐसी नदियाँ हैं। इसलिए मैंने पूछा कि इसके मानक क्या हैं? इसमें तो सभी शामिल हैं। गंगा ऐसी नदी है, जिसकी पवित्रता और जिसके महत्व को सभी लोग जानते हैं। माननीय मंत्री जी, गंगा नदी की सफाई के लिए उत्तर प्रदेश सरकार ने जो एक्शन प्लान भेजा है, क्या आप उसको विशेष तौर पर स्वीकृत करने की कृपा करेंगी? यदि हाँ, तो कब तक?

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SHRIMATI JAYANTHI NATARAJAN: Sir, the polluted stretches in 1988-89 which were identified by the CPCB were ten. Then there are 33 grossly and less polluted stretches besides the Ganga river which were identified by the CPCB which form the basis for the conceptualization of the River Action Plans. What are the criteria or norms that the hon. Member wanted to know? Polluted stretch is identified as an area where the desired level of water quality does not meet defined usage with respect to Bio-chemical Oxygen Demand (BOD) and dissolved oxygen. Drinking water level quality, which is Class A, has got dissolved oxygen level of 6.0 mg per litre or more and BOD has to be less than 2.0 mg per litre or less and the Total Coliform has to be 50 MPN/100 ml. I can give the House the entire details if you want. But I don't want to take the time of the House. For bathing, the level is different. Drinking water source is Class C with conventional treatment followed by disinfection and for it the level is different. So, the main thing is calculated upon what is BOD and what is the level of dissolved oxygen. Regarding the river quality for the Ganga, Sir, we have different river qualities in 16 places -- Rishikesh,

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Haridwar, Garmukteshwar, Kannuaj, Kanpur, Allahabad, Varanasi, Patna, Rajmahal and Palta. In most of these places, Sir, the quality of water is not desirable -- the BOD levels are high and the dissolved oxygen levels are very low. The monitoring is going on. I can give the Member all the details. I have them here. But since the question relates to Gujarat, I will not give further details. For Ganga river, there is a Ganga River Basin Authority under the Chairmanship of hon. Finance Minister which is meeting constantly and the main thrust of the Ganga River Basin Authority is to treat it as a holistic river basin and not in a town-centric approach so that the flow of the river is maintained and the quality of the river is also maintained in a very holistic way. In all the polluted stretches, the Central Pollution Control Board carries out strategy from time to time. At this point of time, there are 115 stretches and seven projects have been sanctioned in Uttar Pradesh up to the tune of Rs.1,340 crore in the last three years. ... (Interruptions)..

श्री नरेश चन्द्र अग्रवाल : श्रीमन्, मैंने बड़ा स्पष्ट सवाल पूछा है, माननीय मंत्री जी ने खुद स्वीकार किया है, ...

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श्री सभापति : वे बाकी डिटेल्स आपको भेज देंगी।

श्री नरेश चन्द्र अग्रवाल : माननीय मंत्री जी ने अपने उत्तर में कहा है कि उन्होंने 16 जगह चेकिंग कराई और वहाँ उन्होंने प्रदूषण पाया। माननीय मंत्री जी, मैं जानना चाहता हूँ कि एक हजार करोड़ रुपए का जो प्लान है, इसको कब तक release कर दिया जाएगा, जिससे उस पर काम हो सके और गंगा फिर से पवित्र हो सके?

SHRIMATI JAYANTHI NATARAJAN: Money has already been released. We are working on it. The work has already started. ...*(Interruptions)*...

(Contd. by 1d/VKK)

-HK/VKK-PSV/1d/11.15

SHRIMATI JAYANTHI NATARAJAN (CONTD.): You must understand that the Prime Minister has appointed the Finance Minister as the Chairman. This is a special authority. The Central Government has released the funds. It is the State Government which has to work with the Central Government to implement it. I don't want to get into a Centre-State battle here. Whatever the Central Government has to do is being done on a war-footing. We are meeting from time to time.

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State Government authorities are also present there. It is for the State Government to implement it. When we have released the money, how fast those sewage treatment plants are set in order, how fast is the Municipal Corporation in Allahabad going to clear up the entire network, etc. are questions which the State Government needs to answer. The Central Government cannot do the work of a Municipal Corporation.

DR. C.P. THAKUR: Sir, the Minister talked about the Ganges in UP. The same thing applies to Bihar. It is highly polluted and nobody drinks water from the Ganges. (Interruptions)

MR. CHAIRMAN: The question is on rivers in Gujarat. (Interruptions)

DR. C.P. THAKUR: I am talking about the purity and the development of that basin. My question is: Whether the purity of water in the Ganges will be maintained in Bihar or UP and whether the basin would be looked after or not?

SHRIMATI JAYANTHI NATARAJAN: Sir, four sewerage projects of four towns in Bihar costing Rs.441.86 crore have been sanctioned. That has already been given. पैसा दे दिया गया है। Proposals have been

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sanctioned and, therefore, it is for the Government of the State to implement it. दोनों को एक साथ मिल कर काम करना है। ... (व्यवधान)...

श्री सभापति: डा. विजयलक्ष्मी साधौ।

डा. विजयलक्ष्मी साधौ: सभापति महोदय, मैं माननीय मंत्री जी से यह जानना चाहती हूँ कि ... (व्यवधान)...

MR. CHAIRMAN: Rudyji, please. (Interruptions) I am sure the hon. Minister would be making a statement. (Interruptions) Just one minute please. (Interruptions) Let the question be asked. (Interruptions)

डा. विजयलक्ष्मी साधौ: सर, मैं माननीय मंत्री जी से यह जानना चाहती हूँ कि ... (व्यवधान) ... नर्मदा नदी गुजरात में भी है। ... (व्यवधान)...

SHRIMATI JAYANTHI NATARAJAN: I came last night. (Interruptions) Tomorrow, I will make it.

डा. विजयलक्ष्मी साधौ: सर, नर्मदा नदी मध्य प्रदेश से आती है। मैं माननीय मंत्री जी से यह जानना चाहती हूँ कि नर्मदा नदी गुजरात में भी है, वह मध्य प्रदेश से आती है, तो नर्मदा नदी के संरक्षण के लिए माननीय मंत्री जी ने कितना अलॉटमेंट रखा है?

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SHRIMATI JAYANTHI NATARAJAN: Sir, I am sorry I don't have the details about the Narmada River. I will have to give it to the Member separately.

(Ends)

श्री गंगा चरण: सभापति महोदय, मेरा सवाल कैंसर रोग से संबंधित है। कैंसर एक ऐसा रोग है कि किसी मरीज को जब यह पता चलता है कि उसे कैंसर हो गया है, तो वह सदमे में आ जाता है। सिर्फ वही सदमे में नहीं आता है, बल्कि उसका पूरा परिवार सदमे में आ जाता है। जिस परिवार के किसी सदस्य को कैंसर होता है, तो वह सदस्य तो कैंसर की पीड़ा से मरता ही है, उसका पूरा परिवार भी आर्थिक पीड़ा से तबाह हो जाता है।

मेरा सवाल यह है कि आपने जो उत्तर दिया है कि एम्स हॉस्पिटल ने डिटेक्ट किया है कि 27 लाख लोग कैंसर से पीड़ित हैं। मुझे लगता है कि यह संख्या कम है, चूँकि आपने कहा कि मुझे राज्यों के बारे में पता नहीं है।

श्री सभापति: आप सवाल पूछिए।

श्री गंगा चरण: जी, सर। इनके द्वारा दिए गए जवाब से ही सवाल पूछ रहा हूँ। राज्यों के बारे में पता नहीं कि कितने कैंसर-पीड़ित हैं। दिल्ली में आपका एम्स है। उस एम्स में प्रतिवर्ष 11 लाख कैंसर-पीड़ित लोग रजिस्ट्रेशन कराते हैं। कैंसर भी कई प्रकार का होता है, उसमें सबसे खतरनाक कैंसर ब्लड कैंसर है।

सर, मैं आपको याद दिलाना चाहता हूँ कि अलका तिवारी नाम की एक लड़की, जो कानपुर के एक स्लम में रहती थी, उसको 10 साल से ब्लड कैंसर था। मैंने आपसे अनुरोध किया था, उसके बारे में टी.वी. और मीडिया में बहुत आया कि उसने अदालत में मर्सी किलिंग की दख्खास्त भी दी थी, सभापति जी,

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मैंने आपको भी पत्र लिखा था कि मेरे एम.पी. लैड से उसको 20 लाख रुपए की मदद कर दी जाए।

(1ई/वी.एन.के. पर क्रमशः)

-PSV/VNK-TMV/1e/11:20

श्री गंगा चरण (क्रमागत): लेकिन माननीय मंत्री जी का शुक्रिया अदा करना चाहता हूँ और खास तौर से मैडम गुलाम नबी आज़ाद जी का शुक्रिया अदा करना चाहता हूँ कि उन्होंने आपसे झगड़ा करके आग्रह किया ...(व्यवधान)...

श्री सभापति: प्लीज, देखिए ...(व्यवधान)...

श्री गंगा चरण : उस लड़की का इलाज कराने के लिए कहा। मैं उसका इलाज PGI लखनऊ में करा रहा था, लेकिन वहां bone marrow का इलाज संभव नहीं था। ...(व्यवधान)...

श्री सभापति: कृपया आप अपना सवाल पूछ लीजिए। ...(व्यवधान)...

श्री गंगा चरण: सर, यह मेरा सवाल है। ...(व्यवधान)...

श्री सभापति: आपका supplementary सवाल main सवाल से ज्यादा लंबा है। ...(व्यवधान)...

श्री गंगा चरण: सर, मेरा सवाल यह है कि क्या AIIMS में bone marrow transplantation की व्यवस्था नहीं थी कि आपने उसे Belur में भेजा? दिल्ली देश की राजधानी है और यहां पर AIIMS में, अपोलो में या किसी और हॉस्पिटल

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में bone marrow transplantation की व्यवस्था नहीं है। क्या आपको यह मालूम है? मैं आपसे यह जानना चाहता हूँ कि आप कितने समय में कम से कम दिल्ली में bone marrow transplantation की व्यवस्था करा देंगे? मेरा पहला सवाल यही है। दूसरा ...(व्यवधान)...

श्री सभापति: आप अभी एक सवाल पूछिए। ...(व्यवधान)...

श्री गंगा चरण: सर, यह भी इसी सवाल से संबंधित है। ...(व्यवधान)...

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

श्री गुलाम नबी आज़ाद: सर, सबसे पहले तो मैं यह कहना चाहूंगा कि यह जो estimate है, यह All India Institute of Medical Sciences का नहीं है, बल्कि यह Indian Council of Medical Research (ICMR) का है। पूरे देश में इसकी branches हैं। उनके estimate के अनुसार हमारे देश में किसी भी वक्त तकरीबन 27 लाख लोगों को कैंसर है। ...(व्यवधान)...

श्री राजीव प्रताप रूडी: सर, यह figure जँच नहीं रहा है। ...(व्यवधान)...

श्री सभापति: प्लीज, आप जरा सुन लीजिए। ...(व्यवधान)...

श्री गुलाब नबी आज़ाद: और ...(व्यवधान)...

श्री राजीव प्रताप रूडी: क्या यह figure पूरे देश का है? ...(व्यवधान)...

श्री गुलाब नबी आज़ाद: हां, यह पूरे देश भर का figure है। ...(व्यवधान)...

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श्री राजीव प्रताप रूडी: आपने अपने जवाब में कहा है कि 11 लाख प्रति वर्ष estimate किया है, तो 27 लाख कैसे होगा?

श्री गुलाब नबी आज़ाद: सबसे पहले अगर माननीय सदस्यों ने देखा होगा कि यह estimated है, क्योंकि हमारे देश में कोई इस तरह की screening नहीं हुई है। इस पर मैं दोबारा आता हूँ कि आगे आने वाले समय में यह कैसे होगा। दुनिया में भी, जहां भी इसके बारे में होता है, वह estimated ही होता है। इसमें पहले एक या दो स्टेट्स में करते हैं और फिर उससे ही estimate करते हैं कि पूरे देश में कितना हो सकता है, लेकिन individual screening हमारे देश में नहीं है। हम लोग आने वाले वक्त में इसको करने वाले हैं और इसके लिए already pilot project launch हुआ है। अभी यह estimated है।

आपने ठीक कहा कि 27 लाख हैं और हर साल 11 लाख add होते हैं, तो इसमें से हर साल मृत्यु भी होती है और जिनका treatment के दौरान early detection हो जाता है, Early detection के बाद उनको इस लिस्ट से निकाल दिया जाता है। उनकी भी संख्या लाखों में है। ...(व्यवधान)... यह जो 27 लाख रखा जाता है, उसमें जिनकी ailment ज्यादा है तथा जिनका इलाज चलता है, यह संख्या उनकी ही है। यह लिस्ट maintain की जाती है। अब एक सवाल है, जो माननीय सदस्य ...(व्यवधान)...

श्री गंगा चरण: कृपया मेरे सवाल का उत्तर दीजिए। ...(व्यवधान)...

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श्री सभापति: यह सवाल उनका है ...(व्यवधान)... आप सिर्फ उनके सवाल का जवाब दीजिए। ...(व्यवधान)...

श्री गुलाब नबी आज़ाद: उनके सवाल का जवाब यह है कि यह ठीक है कि हमारे पास अभी तक कैंसर के लिए 27 regional institutes हैं, जो पूरे देश में हैं और पूरे देश में 65 medical colleges identify किए हैं, जिनमें AIIMS भी है, PGI भी है और कई institutes भी हैं, जो tertiary level के cancer का इलाज करते हैं। जहां तक इन्होंने particular bone marrow के बारे में बताया है, इस संबंध में यह बताना है कि All India Institute of Medical Sciences पर pressure इतना है कि हर साल कैंसर के ही कई हजार मरीज वहां आ जाते हैं।

(1f/ds पर क्रमशः)

-VNK/DS-VK/11.25/1f

श्री गुलाम नबी आज़ाद (क्रमागत): लेकिन आने वाले वक्त में हमारी कोशिश है कि Government institutions में भी और खास तौर से ऑल इंडिया मेडिकल इंस्टिट्यूट में भी bone marrow और इस तरह की जो दूसरी सुपर स्पेशलिटीज़ हैं, उनकी सुविधा प्राप्त हो जाए।

MR. CHAIRMAN: Second supplementary please.

श्री गंगा चरण: सर, मैंने सिर्फ इतना पूछा था कि आप कब तक bone marrow transplant की व्यवस्था एम्स में कर देंगे? आपने कोई समय अवधि नहीं

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बतायी। आपने मेरे पहले सवाल का ही जवाब नहीं दिया है। मैंने समय अवधि पूछी थी कि यह देश की राजधानी है और यहाँ एम्स में आप कब तक bone marrow transplant की सुविधा प्रदान कर देंगे?

मंत्री जी से मेरा दूसरा सवाल यह है कि आपने कैंसर के इलाज के लिए बजट में 735 करोड़ रुपये की व्यवस्था की थी और यह कहा था कि जो मेडिकल कॉलेजिज हैं, उनमें हम एक कैंसर विंग स्थापित करेंगे। मैंने एक प्रपोजल झांसी मेडिकल कॉलेज के लिए दिया था, क्योंकि मैं यह मानता हूँ कि उत्तर प्रदेश में सबसे ज्यादा कैंसर पेशेंट्स अगर कहीं हैं, तो वे बुंदेलखंड में हैं। मेरी माँ की मृत्यु भी कैंसर से ही हुई थी, तो मुझे कैंसर पीड़ितों की सेवा करने में और उनकी मदद करने में कुछ आत्मसंतोष होता है। मैंने अपने क्षेत्र बुंदेलखंड में एक हेल्पलाइन नम्बर शुरू की है कि जितने भी कैंसर पेशेंट्स हैं, वे इस फोन नम्बर पर सम्पर्क करें और अपना एस्टिमेट दें, मैं उनको सरकार से मदद दिलवाऊँगा।

आप बीपीएल कार्डधारक को डेढ़ लाख की मदद करते हैं, जबकि इस पर 20-25 लाख का खर्चा आता है, तो उस बीपीएल कार्डधारक की डेढ़ लाख में कैसे मदद हो सकती है? बीपीएल कार्डधारक का मतलब जिनकी आमदनी 29 रुपये 50 पैसे है। जिनकी आमदनी 30 रुपये है, उनके इलाज में आप मदद नहीं कर पाते हैं, जबकि कैंसर रोग के लिए 735 करोड़ रुपया है। मेरा आपसे अनुरोध है कि चाहे वह बीपीएल कार्डधारक हो या मध्यमवर्गीय हो, क्या आप कम से कम

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एक लाख की आमदनी वाले का मुफ्त इलाज करने की व्यवस्था करवाएँगे, जिससे कैंसर पीड़ितों का सही इलाज हो सके?

श्री सभापति: थैंक्यू।

श्री गंगा चरण: यह बहुत ही संवेदनशील मुद्दा है और मैं समझता हूँ कि पूरा हाउस मुझसे सहमत होगा कि कैंसर पीड़ितों का मुफ्त इलाज होना चाहिए, सरकार कम से कम इतनी तो व्यवस्था करे। चाहे वह मध्यमवर्गीय हो या ..(व्यवधान).. इस पर मैं सरकार का जवाब चाहता हूँ।

MR. CHAIRMAN: This is not a debate. Please put your question.

श्री गुलाम नबी आज़ाद: सर, मैं माननीय सदस्यों के लिए थोड़ा सा बता दूँ कि जानकारी न होने की वजह से भी जिन लोगों को लाभ होना चाहिए था, वह नहीं हो रहा है। उसके लिए मैं बताना चाहूँगा कि पाँच स्कीमों के द्वारा इस वक्त कैंसर के लिए यहाँ पैसा दिया जाता है। हमारी नेशनल लेवल पर एक स्कीम "राष्ट्रीय आरोग्य निधि" है। इसमें 11 इंस्टिट्यूट्स हैं जिनमें ऑल इंडिया मेडिकल इंस्टिट्यूट, आरएमएल हॉस्पिटल, लेडी हार्डिंग हॉस्पिटल, सफदरजंग हॉस्पिटल, पीजीआई चंडीगढ़, जिपमेर पांडिचेरी, निमहेंस बंगलुरु, लखनऊ के दो हॉस्पिटल्स तथा शिलांग और इम्फाल के हॉस्पिटल्स शामिल हैं।

SHRI RAJNITI PRASAD: The question is very interesting कि आप एक लाख वाले को देंगे कि नहीं देंगे?

Q. No. 282 (Contd.)

श्री गुलाम नबी आज़ाद: आप यही जानकारी प्राप्त नहीं करते हैं, इसलिए गलत फॉर्म भर कर भेज देते हैं। अभी एक सवाल यह उठा कि MPs ने 244 या 241 requisitions भेजे हैं, उनमें से एक में भी फॉर्म नहीं है। मैं बताना चाहता हूँ कि उनमें आर्डर में तीन-चार ही हैं, जिसकी वजह से वे लाभ नहीं उठा पाते हैं। मैं पाँच स्कीमों का जिक्र करना चाहता हूँ। अगर बाकी लोगों को नहीं, तो कम से कम माननीय संसद सदस्यों को मालूम होगा कि इन पाँच स्कीमों के द्वारा कैंसर के लिए कैसे funds access करते हैं। इसलिए पहले आप जानकारी प्राप्त कर लीजिए, फिर स्पेसिफिक की बात कीजिए।

पूरे देश में ये 11 इंस्टिट्यूट्स हैं, जिनको स्वास्थ्य मंत्रालय से पैसे दिये जाते हैं।

श्री गंगा चरण: क्या ये 11 इंस्टिट्यूट्स देश में पर्याप्त हैं?

श्री सभापति: प्लीज़।

श्री गुलाम नबी आज़ाद: ये बीपीएल को कैंसर, हार्ट, किडनी और लीवर के लिए एक-एक लाख रुपये देते हैं। सर, जो दूसरी स्कीम है, हम स्टेट्स को ..(व्यवधान).. हम यह क्वेश्चन दो साल में कई दफा भेज चुके हैं, अगर वे नहीं पढ़ें, तो हम क्या कर सकते हैं? ..(व्यवधान)..

Q. No. 282 (Contd.)

श्री गंगा चरण: सर, मेरा सवाल ये समझ नहीं पाये। मेरे कहने का मतलब यह है कि एक लाख तक की आमदनी वाले को भी मुफ्त इलाज की व्यवस्था होनी चाहिए।

श्री सभापति: आप बैठ जाइए।

श्री गुलाम नबी आज़ाद: इसके अलावा, राज्य सरकारों की भी एक आरोग्य निधि है। उनको भी हम यहाँ से one third पैसा देते हैं और वे भी डेढ़ लाख रुपये तक दे सकते हैं।

(1g/KLG पर क्रमशः)

-DS/KLG-RG/11.30/1G

श्री गुलाम नबी आज़ाद (क्रमागत) : इसके साथ कैंसर के लिए, सिर्फ कैंसर के लिए 27 जो रीजनल इंस्टीट्यूट्स हैं, उनको हम केन्द्रीय सरकार से पैसे देते हैं। उन 27 रीजनल इंस्टीट्यूट में जो पेशेंट जाते हैं, वे रीजनल इंस्टीट्यूट्स भी एक लाख रुपए पर पेशेंट के हिसाब से देते हैं। यह तीसरी स्कीम है और चौथी स्कीम यह है कि money released under the State Illness Assistance Fund. उसके लिए भी पैसे दिए जाते हैं। इसके बाद हेल्थ मिनिस्टर की ग्रांट है, इसमें से भी पैसे दिए जाते हैं। तो मेरा निवेदन है कि पांच अलग-अलग स्कीमों के द्वारा केन्द्रीय सरकार की मदद से इस वक्त पैसा दिया जाता है। अब स्पेसिफिक क्वेश्चन यह है कि एक लाख रुपया किसको दिया जाएगा?(व्यवधान)

Q. No. 282 (Contd.)

श्री राजनीति प्रसाद : सर, ...(व्यवधान)

श्री सभापति : आप बैठ जाइए, राजनीति प्रसाद जी। ..(व्यवधान)

श्री गंगा चरण : एक लाख रुपया प्रति वर्ष आमदनी वाले को? ...(व्यवधान)

श्री गुलाम नबी आज़ाद : अभी तक यह सिर्फ बीपीएल के केसेस के लिए सुविधा है। एक दूसरी सुविधा है, जिसमें सिर्फ पचास हजार तक हम दे सकते हैं, लेकिन उसमें उनकी आमदनी पर ईयर 70,000/- रुपए से नीचे होना चाहिए।
...(व्यवधान)

श्री गंगा चरण : सर.. (व्यवधान)

श्री सभापति : अब आपकी टर्न खत्म हो गई, बैठ जाइए। ..(व्यवधान).. I am sorry, please sit down...(Interruptions) One minute, please. Hon. Members, we have taken 32 minutes and have just completed one question. I would submit to the House that this is unfair to others whose questions are also listed. If you wish, we will put some kind of a limit on the number of supplementaries.

SHRI TARIQ ANWAR: There should be some time limit.

MR. CHAIRMAN: We will discuss it in the Rules Committee. But I do want to mention this. Now, Shri Tiruchi Siva.

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Q. No. 282 (Contd.)

SHRI TIRUCHI SIVA: Sir, as per the estimated projection of the ICMR, prevalence of cancer is to the extent of 27 lakhs and the increase every year is 11 lakhs. This increase in number is something disheartening. I appreciate the Ministry for having taken the initiative of extending financial assistance and giving necessary treatment. But my supplementary is this. Even if a patient is treated upon, the disease is not cured but only the life span of the patient, who is affected, is being pulled on for some time. Now, there are some symptoms which, if diagnosed much earlier, could safeguard persons from being affected by cancer, and even educated people are not being aware of these symptoms. I would like to know from the Minister whether the Ministry has taken any initiative to create an awareness amongst people about these symptoms which may lead a person from being inflicted with cancer. If so, what are the steps? If not, does the Government have any idea to create this awareness amongst the people about the symptoms of cancer which could save them from the disease?

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Q. No. 282 (Contd.)

SHRI GHULAM NABI AZAD: Sir, this is a very important supplementary, and in response to this important query, I would like to simultaneously inform the House of another scheme before I reply to him. As it was said by hon. Members that we do not have any registry, I would like to say that India is the first country in the world which is going to screen the entire population within the next five years. We have already launched a programme, a pilot programme, of screening 100 districts across the country covering 21 States. This pilot programme has already been launched, and it is called the Prevention and Control of Cancer, Diabetes, Cardio Vascular Diseases and Stroke. Now, of course, I will only talk about cancer; I will not talk about cardio vascular diseases, stroke and all that. Under this scheme, in these 100 districts, the equipment is provided by the Health Ministry, Government of India. The human resources are being provided by the Government of India.

(Continued by 1H)

Q. No. 282 (contd.)

SHRI GHULAM NABI AZAD (contd.): Then, we have chemotherapy for 100 patients per district at the rate of one lakh rupees per patient. That takes care of the one lakh rupees that the hon. Member of Parliament was mentioning, and this is irrespective of whichever category one may belong to. That means, for 10,000 patients in these 100 districts, money is being paid by the Government of India at the rate of one lakh rupees per patient. This is the new scheme.

So far as the second question raised by the hon. Member is concerned, almost 30 per cent of the cancer deaths are due to dietary changes, behavioural changes, etc. We have through the media — the electronic media and the print media — already made it clear that it is because of the high body index which needs to be controlled, and also because of the low fruit and vegetable intake, lack of physical activity and use of tobacco and alcohol. If we stop these, we can keep away 30 per cent of the cancer-related diseases.

MR. CHAIRMAN: Can we go on to the next question? Shri Baishya. Very sharp and short question, please.

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Q. No. 282 (Contd.)

SHRI BIRENDRA PRASAD BAISHYA: Sir, a majority of the cancer patients in India come from Assam and the North-Eastern Region. According to WHO reports, the highest number of patients in our country come from Assam and the North-East. But the leading cancer-treatment institutions are either in Chennai, Mumbai, Delhi or Chandigarh. The distance of these centres from Guwahati and the other parts in the North-East is 2500 to 3000 kms. In reply, the Minister might say that there is already a cancer institute in Guwahati.

MR. CHAIRMAN: Question please.

SHRI BIRENDRA PRASAD BAISHYA: I am coming to the question, Sir. The cancer institute in the North-East is inadequate to treat the cancer patients. Everyday, hundreds of cancer patients from the North-Eastern Region are either moving to Mumbai to get treatment at the Tata Memorial Hospital, to Vellore, to PGI, Chandigarh, and so on. I request the hon. Minister to take care of the North-Eastern Region. There should be a super-speciality cancer hospital in the North-Eastern Region. In reply, the Minister might say that there is already...

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Q. No. 282 (Contd.)

MR. CHAIRMAN: Mr. Baishya, please. Do not make a speech.

SHRI BIRENDRA PRASAD BAISHYA: That institute is not enough, Sir. You either establish a super speciality cancer hospital in the North-East or upgrade the existing one. I want to have the reply, Sir.

श्री गंगा चरण : इस पर आधे घंटे की चर्चा कराइए ... (व्यवधान) This is an important subject.

श्री नरेश चन्द्र अग्रवाल : माननीय सभापति जी, हम इस पर आधे घंटे की चर्चा चाहते हैं ... (व्यवधान)

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

श्री गंगा चरण : सभापति जी, मैं इस प्रश्न के उत्तर से संतुष्ट नहीं हूँ, सरकार के आश्वासन से संतुष्ट नहीं हूँ, सरकार संवेदनहीन है ... (व्यवधान) इसलिए मैं सदन से बहिर्गमन करता हूँ।

(तत्पश्चात् माननीय सदस्य सदन से बाहर चले गए)

SHRI GHULAM NABI AZAD: Sir, what the hon. Member has said is not true. In addition to Assam, there is a Regional Institute of Medical Sciences at Imphal in Manipur.

SHRI BIRENDRA PRASAD BAISHYA: No, Sir.

MR. CHAIRMAN: Mr. Baishya, please. Sit down.

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Q. No. 282 (Contd.)

SHRI BIRENDRA PRASAD BAISHYA: That is not a world-class institute, Sir.

SHRI GHULAM NABI AZAD: You said that there is no arrangement. I have said that there are 27 regional cancer centres across the country. Out of these 27, in addition to the one in Assam, there is another one at Imphal in Manipur. There is also one at Agartala in Tripura. So, there are three in all in the North-East out of a total of 27 across the country.

MR. CHAIRMAN: Shri Hanumantha Rao.

SHRI BIRENDRA PRASAD BAISHYA: Sir, ...

MR. CHAIRMAN: No. Your question is over. आप बैठ जाइए ।

SHRI BIRENDRA PRASAD BAISHYA: I haven't got the reply, Sir. There should be a super-speciality hospital in the North-East. (Interruptions)

MR. CHAIRMAN: Mr. Baishya, you are interrupting the proceedings of the House. Be careful. (Interruption) Be careful. (Interruptions) You are disrupting the proceedings of the House. Please resume your place. (Interruption) (fd. by 1j/kgg)

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Q. No. 282 (Contd.)

1j/11.40/kgg

SHRI V. HANUMANTHA RAO: Mr. Chairman, Sir, I would like to put a very small question. In Andhra Pradesh, there are a number of private cancer hospitals. But, very few Government hospitals are there. My point is, whether the Government is doing anything in the field of Indian medicines like Ayurveda. They should allocate more funds because a lot of people are making Ayurveda medicines for cancer treatment. I would like to know whether the hon. Minister would give additional funds to Ayurveda also which would be useful for the people.

SHRI GHULAM NABI AZAD: Sir, it is a suggestion for consideration of the Government, thank you.

(Ends)

SHRI K.N. BALAGOPAL: Sir, in the answer to my first question on the utilisation of PMGSY funds in Kerala, the hon. Minister said that it was because of problems like inadequate availability of land, inadequate contracting capacity, inadequate number of Programme Implementation Units; they are hampering or hindering the utilisation of funds in Kerala.

As per the estimate, up to 2010, in India, 1,76,235 kms. of road is newly constructed and 1,18,718 kms. of road is upgraded as of September last year. But, Kerala has got only 580 kms. which is 0.3 per cent. If you take the population into consideration, it could have had 5,800 kms. of new road under PMGSY but we got only 527 kms. of upgradation; that is only 0.3 per cent. There is some other problem too. The Minister personally knows about it. The basic unit of PMGSY is inhabitation centres, that is, KARA; 500 people inhabited place to...

MR. CHAIRMAN: Your question please...

SHRI K.N. BALAGOPAL: In Kerala, they are saying that 8 metres is the width. The concept of KARA is there. I would like to know whether the Government is ready to reconsider the norms of PMGSY because

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Q. No. 283 (Contd.)

we have to get at least 3.5 per cent of the total expenditure of the PMGSY. I would like to know whether the Government is ready to reconsider the norms.

MR. CHAIRMAN: The gist is in the last two sentences.

SHRI JAIRAM RAMESH: Sir, I would like to dispel the apprehensions. There is no discrimination against Kerala. According to Kerala Government's own assessment of its need, 435 habitations were identified for PMGSY connectivity. This was done as part of the original plan. Out of these 435 habitations, 317 habitations were in population of category 500-999 and the balance were in the category of 100-plus. I would like to tell the hon. Member that the Government of India has sanctioned Rs.975 crores over the last 11 years to cover all these 435 habitations. The problem in Kerala is that out of these Rs.975 crores that has been sanctioned, only Rs.488 crores has been released because the release takes place when a demand is put on the Central Government on the basis of expenditure. On the 4th of October this year, the Kerala Government has placed an additional

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Q. No. 283 (Contd.)

demand of Rs.204 crores which we are about to release in the next few days.

The problem in Kerala has been—and this is a problem in some other States too—that the State Government has to provide money for the maintenance of the PMGSY road. Last year, the Kerala Government had to provide about Rs.3.6 crores, it provided only 40 per cent. This year, it has to provide Rs.4.5 crores, it has provided only about 50 per cent. The audit certificate for the last year has not been submitted. So, it is for these reasons that there has been a delay in releasing the additional Rs.200 crores. I wish to assure the hon. Member that in the next couple of days, this balance of Rs.200 crores would also be released to the Kerala Government.

(Followed by tdb/1k)

TDB/1K/11.45

MR. CHAIRMAN: Second Supplementary, please; very quickly.

SHRI K.N. BALAGOPAL: Sir, very quickly means! Please, be patient with me. Sir, I have to put my question. Sir, I have stated here one thing that we are getting only 0.3 per cent. I want to know whether the

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Q. No. 283 (Contd.)

hon. Minister accepts it. It is only 0.3 per cent. This money is collected from the Petroleum Cess. I want to know from the hon. Minister whether the Government would consider to hand over the money collected through the Petroleum Cess to the concerned States. I want to know from the hon. Minister whether Kerala would get the Petroleum Cess collected from Kerala for this purpose.

SHRI JAIRAM RAMESH: Sir, Kerala is part of India. This is a national programme. This is not a Kerala-specific programme. It is a national programme for which national norms are laid down. However, some flexibility is given to the State Governments considering the special needs of the States. Now, there is a cess on diesel. This year, 2011-2012, out of the total expenditure on PMGSY of about Rs.20,000 crores, about Rs.5,500 crores comes from the Diesel Cess, and the balance comes from the General Budget support and borrowings from the international agencies. However, it is completely wrong to say that the State's share is only 0.3 per cent. That is not the right way of looking at it. Every State prepares a core network of unconnected habitations. Based on that core network, the Government of India

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gives the sanctions. I want to tell the hon. Member that the primary focus in the PMGSY is not upgradation, is new connectivity, is to provide connectivity to all those habitations with all-weather roads which do not have roads. Now, in States like Kerala, Andhra, Tamil Nadu, Karnataka, Gujarat and Maharashtra where already connectivity has been provided, now there is a demand for upgradation. But with limited resources, we have to make a choice. As far as I am concerned, Sir, the focus in PMGSY has to be Bihar, Jharkhand, Orissa, Madhya Pradesh, U.P., West Bengal and Assam where there is no connectivity, to begin with.

SHRI RAJIV PRATAP RUDY: The North-East.

SHRI JAIRAM RAMESH: Yes, the North-Eastern States. So, I am sympathetic to the needs of upgradation, as far as Kerala is concerned. I have assured the hon. Member that we have already sanctioned Rs.975 crores, which we are committed to finance, which will take care of all the 435 habitations of population over 500. It is only in the case of upgradation that some of the advanced States may have cause for complaint. But as and when we increase the resources for

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Q. No. 283 (Contd.)

PMGSY, I am sure, we will be able to spend more money on upgradation as well.

MS. MABEL REBELLO: Sir, the hon. Minister has stated the problems, like unavailability of land, inadequate contracting capacity, inadequate number of Programme Implementation Units. Sir, I want to know from the hon. Minister as to why he is stating these problems. We state the problems to the Government. I would like to inform the hon. Minister, Sir, that States like Jharkhand, which are affected by underground activities, where the contractors are not available, their major problem is availability of contractors. Will the hon. Minister allow Central PSUs to undertake road construction under PMGSY? And for that, the contract has to be large enough; otherwise, they will not come forward. So, what does the hon. Minister propose to do in this regard?

SHRI JAIRAM RAMESH: Sir, the hon. Member knows very well that in the last couple of months, States like Jharkhand have received extraordinary priority under PMGSY. In fact, the amount of clearances that we have given to States like Jharkhand, Bihar and Orissa

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Q. No. 283 (Contd.)

particularly, keeping in view the problem of Left-Wing Extremism, has been unprecedented. Now, there are peculiar problems in Jharkhand because 14, out of the 24 districts are Naxal affected; three more have now been added. Sir, as a general policy, I am not in favour of Central PSUs undertaking PMGSY works. This is the responsibility of the State Governments; it is the responsibility of the State agencies. In Bihar, we have discontinued the practice of awarding contracts to Central PSUs because the Chief Minister wanted in that way. In Jharkhand, the demand has come that we should continue using Central PSUs, and we have agreed to continue using companies like HSCL, NPCC, and some other Central PSUs which have been operating there.

(Contd. by 1l-kl)

KLS/MCM/1L-11.50

SHRI JAIRAM RAMESH (CONTD): But I want to stress that we must discourage the use of the Central PSUs. This is the responsibility of the State Government. The States must have ownership of rural roads. The rural roads are not something that should be built by

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Q. No. 283 (Contd.)

Central Government agencies. This is something which States must own up and take responsibility. ...(Interruptions)...

PROF. P.J. KURIEN: Sir, the hon. Minister has just now said while replying to the question of Mr. Balagopal that this is a national programme and also there is no discrimination between the States. I fully agree. But there is a basic problem that these schemes are devised by bureaucrats here. There will be certain norms. These norms may not be implementable equally in every State. For example, in Kerala the earlier condition was that width should be 8 metre. In Kerala it was impossible to get that much of width for rural roads because land value was so much and nobody would allow. Therefore, we could not implement it. Therefore, my question is only this. It is in other States also, for example, North East. What has been planned here for implementation in the Central India will not be applicable to North East. Therefore, in this kind of scheme, the Centrally-sponsored schemes, will the Government allow certain amount of flexibility to States so that they can implement it? If you want the norms to be strictly implemented which are formulated by the

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Q. No. 283 (Contd.)

bureaucrats here, then this will not be implemented. So, will you allow a certain amount of flexibility to States? That is all what I am asking.

SHRI JAIRAM RAMESH: Sir, first of all, norms are formulated by bureaucrats and approved by politicians. So, don't blame only the bureaucrats.

PROF. P.J. KURIEN: I blame you also. ...(Interruptions)...

SHRI JAIRAM RAMESH: Sometimes the norms are approved by Parliament as well. ...(Interruptions)... Sir, the point is that Kerala is an exception to many national norms. I am sensitive to the needs of Kerala. ...(Interruptions)... I am sensitive to the needs of Kerala and North East. You have to have a separate dispensation. We are trying to have maximum flexibility. The hon. Member is aware that the roadway width under PMGSY has been reduced to six metres. The maximum gradient now one is to ten has been allowed. The issue of Kara, I know you come from Mavelikara, has also been engaging our attention. We are trying to somehow provide the flexibility. But let me underscore this fact that the South Indian States are generally doing

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very well on new connectivity. Their need is for upgradation but there is a huge backlog of connectivity in North India, East India and North East India, which the PMGSY must address. So, we are trying to bring a balance between upgradation and new connectivity. But the focus of the programme should not be lost. The PMGSY is for new connectivity in areas which do not have roads.

SHRI P. RAJEEVE: Sir, Kerala has developed road connectivity with its own funds. Now we are seeking Central assistance for upgradation of the existing roads and new roads. Actually, the development of Kerala has acted as a burden for further advancement of Kerala, which is discrimination. Is the Ministry ready to revisit the guidelines and include the upgradation of existing Panchayat roads under the PMGSY?

SHRI JAIRAM RAMESH: Sir, there is no discrimination against Kerala. I do not understand why this word is continued to be used. Yesterday there was a big *hangama* in the House on alleged discrimination against certain States, and I want to tell Mr. Ravi Shankar Prasad that as far as PMGSY is concerned, maximum funds

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are going to Bihar, Orissa, Jharkhand, West Bengal, U.P., Madhya Pradesh and barring West Bengal none of them is UPA ruled. ... (Interruptions)... Barring West Bengal none of them is a UPA ruled States. There is no discrimination in this matter. ...

श्री नरेश चन्द्र अग्रवाल : सर, यह गलत है, उत्तर प्रदेश के साथ भेदभाव हो रहा है।.....(व्यवधान)

(1m/gs आगे)

SSS-GS/1M/11.55

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

श्री जयराम रमेश: सर, नरेश चन्द्र अग्रवाल जी को जानकारी नहीं है। ... (व्यवधान)...

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

श्री जयराम रमेश: सर, नरेश चन्द्र अग्रवाल जी को जानकारी नहीं है। ... (व्यवधान)...

श्री नरेश चन्द्र अग्रवाल : सर, मंत्री जी, ... (व्यवधान)...

श्री सभापति: नरेश जी, आप बैठ जाइए। ... (व्यवधान).... प्लीज़ ... (व्यवधान)...

Q. No. 283 (Contd.)

श्री जयराम रमेश: सर, नरेश चन्द्र अग्रवाल जी को सिर्फ भेदभाव ही दिखाई देता है क्योंकि चुनाव आने वाले हैं। अभी मैं 12.00 बजे उनके एक और प्रश्न का जवाब देने वाला हूँ, उसमें मैं इसका जिक्र करूँगा। कोई भेदभाव PMGSY में नहीं है, अगर भेदभाव है...(व्यवधान)...

श्री विक्रम वर्मा : सर, मध्य प्रदेश में ...(व्यवधान)...

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

श्री जयराम रमेश: जवाब देने दीजिए। ...(व्यवधान).... वर्मा जी, मध्य प्रदेश को हजार किलोमीटर की अनुमति दी गई है। ...(व्यवधान)...

श्री विक्रम वर्मा : अनुमति दी गई है, तो फंड क्यों नहीं दे रहे हैं?
...(व्यवधान)...

श्री जयराम रमेश: क्या ? ...(व्यवधान)...

श्री विक्रम वर्मा : सर, मध्य प्रदेश के लिए फंड रिलीज होना चाहिए।
...(व्यवधान).... Please assure the House. Funds should be released.

SHRI JAIRAM RAMESH: I am telling you, there is no discrimination against Kerala. This is a PMGSY programme. I cannot start using PMGSY funds for upgrading or connecting roads within Panchayats.

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Q. No. 283 (Contd.)

For that we can have a separate scheme. But that is not the scheme of PMGSY. (Interruptions)

MR. CHAIRMAN: Please...(Interruptions)...

SHRI P. RAJEEVE: My question is whether the State Government..(Interruptions)... He has given an answer with regard to UP, Bihar. My question is whether the Government is ready to release.....

MR. CHAIRMAN: Q. No. 284. The question is over.

(Ends)

Q. NO. 284

SHRIMATI RENUBALA PRADHAN: I would like to know whether the Government has any plans to privatise any of the 19 nationalised banks in the near future. If so, please elucidate the details; and I would also like to know whether the Government is going to allow more foreign banks into the country as part of the present ongoing liberalized policy of the Government?

SHRI NAMO NARAIN MEENA: Sir, the merger of banks depends on the merging bank and the banks who want to be merged. There is no direction from the Government side in this regard. As far as foreign banks are concerned the licenses are given by the RBI and the information is available on the website of RBI.

SHRIMATI RENUBALA PRADHAN: Since more than seventy per cent of India is rural based, 82 RRB's with 16001 branches are very less. So I would like to know whether Government has any plans to oversee the number of RRB's in the country.

SHRI NAMO NARAIN MEENA: Sir, branch expansion is an on-going process. The RBI is implementing the financial inclusion in the entire

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Q. No. 284 (Contd.)

country. So far as the RRBs are concerned, yes, there is a plan of expansion and the proposals for 2012 is to open 1297 branches and in the year 2013, 1845 branches.

SHRI GUNDU SUDHARANI: It is good that the Finance Ministry has released a vision 2030 and prepared an Action Plan under this. It aims to open 30,000 branches and 1.5 lakh employment and 64 lakh crores of business. Firstly, I would like to know the progress of this action plan. Secondly, Sir, this can be achieved only if employees working in rural banks are given benefits at par with the nationalised banks because rural bank employees are giving services to farmers and BPL people. So, I would like to know from the hon. Minister what steps he is taking to provide them pension and other benefits at par with nationalised banks.

SHRI NAMO NARAIN MEENA: Sir, employees of the RRBs are covered under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and the Employees Pension Scheme of 1995 formulated thereunder. The employees of the sponsored banks, the

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Q. No. 284 (Contd.)

nationalised banks on the other hand are covered under the Employees Pension Regulation, 1993.

MR. CHAIRMAN: Question Hour is over.

(Ends)

SHORT NOTICE QUESTION**S.N.Q. No. 1**

श्री नरेश चन्द्र अग्रवाल : सभापति महोदय, अभी माननीय मंत्री जी प्रश्न संख्या 283 के जवाब में कह रहे थे ..(व्यवधान)..

श्री सभापति : आप इस पर सवाल पूछिए।

श्री नरेश चन्द्र अग्रवाल : सर, मैं इस पर ही सवाल पूछ रहा हूँ कि दक्षिण भारत, उत्तर भारत और नार्थ ईस्ट तीनों की स्थिति अलग-अलग है। मैंने भी इस संदर्भ में प्रश्न किया है और मेरा मूल प्रश्न यह है कि क्या माननीय मंत्री जी उत्तर भारत की विशेष परिस्थिति को देखते हुए जो भी ग्रामीण योजनाएं हैं, उनका मानक क्षेत्रफल और जनसंख्या के आधार पर रखेंगे या नहीं? माननीय मंत्री जी ने जवाब दिया है कि कुछ योजनाओं को छोड़कर बाकी को नहीं रखेंगे, क्योंकि ये मानक योजना आयोग ने बनाए हैं, मंत्री जी के विभाग ने नहीं बनाए हैं। उन्होंने कहा है कि उनके आधार पर केवल पॉपुलेशन और एरियाज़ को नहीं लिया जा सकता।

माननीय मंत्री जी, मैं आप से सिर्फ यह पूछना चाहता हूँ कि उत्तर प्रदेश और उत्तर भारत की योजनाओं के लिए आपने जिन मानकों को रखा है और इतने वर्षों से इन मानकों से जो योजनाएं चल रही हैं, उन योजनाओं का क्या रिज़ल्ट आया ? इसके साथ ही आगे कितने वर्षों में उत्तर प्रदेश और उत्तर भारत

अल्प सूचना प्रश्न संख्या :1(क्रमागत)

के सारे गांव इन योजनाओं से saturate हो जाएंगे? मैं इसके साथ यह भी पूछना चाहता हूं(व्यवधान)..

श्री सभापति : केवल एक सवाल।

श्री नरेश चन्द्र अग्रवाल : सर, इसी से जुड़ा हुआ है।(व्यवधान)..

श्री सभापति : हर चीज दुनिया में जुड़ी हुई है। आप केवल एक ही सवाल पूछिए।

श्री नरेश चन्द्र अग्रवाल : माननीय सभापति जी, जब हम और आप उत्तर प्रदेश से जुड़े हुए हैं, तो सभी कुछ जुड़ गया।(व्यवधान)..

श्री सभापति : हम सब देश से जुड़े हैं।

श्री नरेश चन्द्र अग्रवाल : जब सर्वोच्च पीठ उत्तर प्रदेश से जुड़ गई तो फिर सभी कुछ जुड़ ही गया। माननीय मंत्री जी, मैं उत्तर प्रदेश का विशेष उल्लेख करते हुए, आप से यह पूछना चाहता हूं कि आप जो *मनरेगा* की 100 days की बात कर रहे हैं, आपने इस 100 days पर जो रुपया खर्च किया है, इससे आप रोजगार देने की बात करते हैं, तो आप लोगों को 100 days के बजाए 365 दिन काम दीजिए। आप *मनरेगा* पर प्रति वर्ष 40,000 करोड़ रुपया खर्च करते हैं, उससे अब तक क्या एसेट्स तैयार हुए हैं?

श्री जयराम रमेश : सर, जैसा कि माननीय सदस्य ने कहा है कि हम जो मानक बनाते हैं, ये योजना आयोग के मानक हैं। इनके आधार पर ही हमारा मंत्रालय ग्रामीण विकास कार्यक्रमों के लिए राज्य सरकारों को धनराशि आबंटित करता

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है। ग्रामीण विकास मंत्रालय में इस साल करीब 88,000 करोड़ रुपए का प्रावधान किया गया है। इस 88,000 करोड़ रुपए में से मात्र 14 फीसदी BPL या गरीबों के आधार पर है, क्योंकि ये ऐसे कार्यक्रम हैं, जो मांग के आधार पर हैं। *मनरेगा* कार्यक्रम मांग के आधार पर है, PMGSY कार्यक्रम मांग के आधार पर है। जैसे कि *इंदिरा आवास योजना* है या गरीबों और बुजुर्गों के लिए *पेंशन की योजना* है या *पेयजल योजना* है, वहां गरीबी और आबादी दो मानक जरूर होते हैं। आप जानते हैं कि वित्त आयोग और योजना आयोग के माध्यम से राज्यों को धनराशि मिलती है और जो मानक लगाए जाते हैं, उनमें से करीब 60 प्रतिशत आबादी का होता है। करीब 15 से 20 प्रतिशत तक परकैपिटा इन्कम का होता है। मैं नहीं समझता कि किसी राज्य के साथ भेदभाव हुआ है। मिसाल के तौर पर मैं आपको बता दूँ कि आपने उत्तर प्रदेश के संदर्भ में जो *मनरेगा* का जिक्र किया है, इस साल करीब 20 फीसदी आबंटन उत्तर प्रदेश को गया है। हालांकि आबादी के आधार पर उत्तर प्रदेश का हिस्सा 16 प्रतिशत है, लेकिन उसकी तुलना में 20 प्रतिशत पैसा उत्तर प्रदेश को गया है।

मान्यवर, ये जो मानक हैं, ये ज्यादातर आबादी के आधार पर हैं। हमारा मंत्रालय इनमें कोई दखल नहीं देता है। यह पैसा वित्त आयोग और योजना आयोग के आधार पर दिया जाता है। माननीय सदस्य ने पूछा है कि उत्तर प्रदेश को महाराष्ट्र, कर्णाटक, तमिलनाडु और आन्ध्र प्रदेश के स्तर पर आने के लिए

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और कितने साल लगेगे, तो मैं कहता हूँ कि यह सिर्फ उत्तर प्रदेश की सरकार पर निर्भर है।..(व्यवधान)..

श्री नरेश चन्द्र अग्रवाल : मान्यवर, नहीं ...(व्यवधान)..

श्री वीर सिंह : सर, ...(व्यवधान)...

श्री सभापति : बैठ जाइए, बैठ जाइए।

श्री जयराम रमेश : अभी धनराशि की कोई कमी नहीं है। ...(व्यवधान).. अगर इसको ढंग से खर्च करेंगे....(व्यवधान)..

श्री सभापति : बैठ जाइए।(व्यवधान)..

श्री जयराम रमेश : अगले दस साल में उत्तर प्रदेश एक विकसित राज्य हो सकता है।(व्यवधान)..

श्री सभापति : थैंक यू, दूसरा सवाल पूछिए। ...(व्यवधान).. बैठ जाइए। अग्रवाल जी, आप दूसरा सवाल पूछिए।(व्यवधान)..

(10/AKG पर आगे)

AKG-USY/10/12.05

श्री नरेश चन्द्र अग्रवाल : माननीय मंत्री जी, आपके तमाम मंत्री, जो इस सरकार के मंत्री हैं, जो उत्तर प्रदेश के रहने वाले हैं, वे उत्तर प्रदेश जाकर लगातार यह बयान देते हैं कि उत्तर प्रदेश सरकार केन्द्र के पैसे का सही उपयोग नहीं कर

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रही है। आपके कुँवर साहब भी यही बयान देते हैं। वे अभी उत्तर प्रदेश गए थे, उन्होंने भी यही बयान दिया। ... (व्यवधान) ...

श्री सभापति : प्लीज़, आप सवाल पूछिए, भाषण मत दीजिए।

श्री नरेश चन्द्र अग्रवाल : श्रीमन्, मैं सवाल पूछ रहा हूँ। इस देश में सबसे ज्यादा प्रधान मंत्री उत्तर प्रदेश के हुए और वे भी कांग्रेस के थे। सबसे ज्यादा उपेक्षा उत्तर प्रदेश की हुई। सबसे ज्यादा साल उत्तर प्रदेश में कांग्रेस सरकार रही, उपेक्षा हुई। हमारी सरकार को तो चार ही साल हुए हैं। माननीय मंत्री जी, आप जानना चाहते हैं, आपकी जो IAY है ... (व्यवधान) ... मैं क्वेश्चन पर आ रहा हूँ। ... (व्यवधान) ...

MR. CHAIRMAN: Hon. Members, we have other business to transact. If this debate goes on, how we will close discussion on the question.

श्री नरेश चन्द्र अग्रवाल : मैं क्वेश्चन पूछ रहा हूँ।

माननीय मंत्री जी, मैं आपके संज्ञान में दो चीज़ें लाना चाहता हूँ और उनका उत्तर भी चाहता हूँ। आप IAY ले लीजिए। IAY में उत्तर प्रदेश में BPL का 2002 तक का जो सर्वे था, उसके अनुसार उत्तर प्रदेश में करीब 22 लाख परिवार बिना मकान के रह जाएँगे और उसको पूरा करने में करीब 8-10 साल लग जाएँगे। प्रधान मंत्री ग्राम सड़क योजना में 200 की आबादी तक की घोषणा हुई थी। अभी भी उत्तर प्रदेश में 500 तक की आबादी

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का फंड पूरा release नहीं हुआ, जिससे 500 तक की आबादी के गाँव सड़क से जुड़ जाएँ। 200 की आबादी वाले तो पूरी तरह से छूट गए। यह उपेक्षा किसकी तरफ से हो रही है? माननीय मंत्री जी, इसलिए मैं आपसे जानना चाहता हूँ कि चूँकि उत्तर प्रदेश में चुनाव भी होने जा रहे हैं, कब आचार संहिता लग जाए, उत्तर प्रदेश का विशेष ध्यान रखते हुए क्या आप उत्तर प्रदेश के लिए योजना आयोग से निवेदन करेंगे? माननीय वित्त मंत्री जी बैठे हुए हैं। माननीय वित्त मंत्री जी हम लोगों का अनुरोध सुन लें। क्या आप योजना आयोग से अनुरोध करेंगे कि वह अपने मापदण्डों को बदलते हुए, वे राज्य, जो बहुत पिछड़े हुए हैं, उत्तर प्रदेश सहित और भी उत्तर भारत, जहाँ देश की आबादी के 50 प्रतिशत लोग रहते हैं, उनके लिए विशेष मानक बनाते हुए उनको विशेष फंड देंगे? यदि हाँ, तो कब तक और यदि नहीं, तो क्यों?

श्री जयराम रमेश : सर, वास्तविकता यह है कि योजना आयोग के तहत विशेष मापदण्ड होते हैं और पिछड़े राज्यों के लिए एक special treatment दिया जाता है। योजना आयोग से बुंदेलखंड पैकेज की घोषणा हो चुकी है। कई ऐसे कार्यक्रम हैं, जिनमें बिहार, झारखंड, उड़ीसा, उत्तर प्रदेश या जो स्पेशल कैटेगरी स्टेट्स हैं, उत्तर-पूर्वी राज्य हैं, उनके लिए स्पेशल दर्जा दिया गया है।

सर, इन्होंने कई बात उठाई है। एक तो इन्होंने प्रधान मंत्री ग्राम सड़क योजना के बारे में जिक्र किया। मैं आपको बिना राजनीति के उत्तर देना चाहता

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हूँ, हालाँकि आप इसको बार-बार एक राजनीतिक मुद्दा बना रहे हैं। प्रधान मंत्री ग्राम सड़क योजना का यह मकसद था कि जो 500 से ऊपर की आबादी है, 500 plus habitation है, उसको जोड़ा जाए। धन राशि की कमी थी। इसलिए हमने उन आबादियों को प्राथमिकता दी, जिनकी पॉपुलेशन 1000 से भी ऊपर थी। आपको यह जान कर खुशी होगी कि कल ही हमने निर्णय लिया है कि हम इस सीमा को अभी और कम करें और 800 से लेकर 999 तक जो habitations हैं, हम उनके लिए भी सारे भारत में PMGSY में काम करेंगे। ... (व्यवधान) ...

श्री नरेश चन्द्र अग्रवाल : 500 तक की घोषणा हो चुकी है।

श्री जयराम रमेश : आप मेरी पूरी बात तो सुनिए। ... (व्यवधान) ...

श्री नरेश चन्द्र अग्रवाल : आप 800 से 1000 ले रहे हैं। हम 500 से 200 पर जा रहे हैं और आप 800 से 1000 पर जा रहे हैं!

श्री जयराम रमेश : एक तो आप बिल्कुल गलतफहमी में हैं। प्रधान मंत्री ग्राम सड़क योजना में कभी नहीं कहा गया था कि 200 की आबादी ली जाएगी। यह कभी नहीं कहा गया था। ... (व्यवधान) ... मुझे मेरी बात खत्म तो करने दीजिए। पहले चरण में हम 800 से लेकर 999 तक की आबादी लेंगे। जब वहाँ के 90 प्रतिशत works sanction होंगे, काम sanction होंगे, तब हम 600 से लेकर 799 तक की आबादी लेंगे। हम यह क्यों कर रहे हैं? क्योंकि माँगें बहुत आ रही हैं। अभी आपने केरल से सुना कि हमें upgradation के लिए पैसा चाहिए। कई

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दक्षिण भारतीय राज्यों से और माँगें आ रही हैं। हम PMGSY में जो पैसा खर्च करते हैं, इस साल हमने करीब 20 हजार करोड़ रुपए खर्च किए हैं, अगर हमारे पास अनगिनत पैसा होता, तो हम लोग 10 या 15 की आबादी भी लेते।

(1पी/पीएसवी पर जारी)

-AKG/PSV-PK/1P/12.10

श्री जयराम रमेश (क्रमागत): लेकिन, क्योंकि धनराशि की कमी है और तीस राज्यों में हमें इसे बाँटना है, इसीलिए हम इसे चरणों में ले रहे हैं। आपको यह जानकर खुशी होगी कि कल ही हम लोगों ने यह निर्णय लिया है कि 800 से लेकर 999 तक की आबादी को इससे जोड़ा जाएगा।

आपने पहले कहा कि प्रधान मंत्री ग्राम सड़क योजना के तहत उत्तर प्रदेश को कोई मंजूरी नहीं दी गई है। ...(व्यवधान)... प्रधान मंत्री ग्राम सड़क योजना के तहत 26 जिलों में करीब 500 सड़कों के लिए हमारे पास प्रस्ताव आया था, हमने उसको तुरंत मंजूरी दी है। आज मैं पूरी जिम्मेदारी के साथ कह सकता हूँ कि उत्तर प्रदेश का कोई भी प्रस्ताव प्रधान मंत्री ग्राम सड़क योजना के तहत हमारे मंत्रालय में रुका हुआ है, यह बात बिल्कुल बेबुनियाद है। ...(व्यवधान)...

श्री नरेश चन्द्र अग्रवाल: श्रीमन्, ...(व्यवधान)...

श्री सभापति: आपको दूसरा सवाल पूछना है या तकरीर करनी है? ...(व्यवधान)...

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श्री नरेश चन्द्र अग्रवाल: सर, मैं जो पूछ रहा हूँ, उसका जवाब ही नहीं आया।
...(व्यवधान)...

श्री सभापति: अगर आपको जवाब नहीं मिला है, तो आप लिखित में दीजिए कि सवाल का जवाब unsatisfactory था। ...(व्यवधान)...

श्री नरेश चन्द्र अग्रवाल: माननीय सभापति जी, अगर हम नये सदस्यों को आपका संरक्षण नहीं मिलेगा तो हम लोगों का बड़ा नुकसान होगा।
...(व्यवधान).... हम सीखने के लिए आए हैं। ...(व्यवधान).... कुछ सीखने के लिए आए हैं। ...(व्यवधान)....

MR. CHAIRMAN: Please don't waste time. ..(Interruptions)..

श्री नरेश चन्द्र अग्रवाल: हम प्रयास कर रहे हैं कि अपनी बात को कह सकें।...(व्यवधान)...

श्री सभापति: आप अपना दूसरा सवाल पूछ लीजिए। दूसरे लोगों को भी सवाल पूछने हैं। ...(व्यवधान)...

श्री नरेश चन्द्र अग्रवाल: जी, सर। ...(व्यवधान).... माननीय मंत्री जी,
...(व्यवधान)....

एक माननीय सदस्य: सर, ये दोनों सवाल पूछ चुके हैं।...(व्यवधान)...

श्री सभापति: दोनों पूछ चुके? ...(व्यवधान).... O.K. ..(Interruptions)..

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अल्प सूचना प्रश्न संख्या :1(क्रमागत)

श्री नरेश चन्द्र अग्रवाल: मैंने एक ही पूछा है, सर। ...(व्यवधान)... माननीय सभापति जी, प्लीज़। ...(व्यवधान)...

श्री सभापति: आपने सवाल पूछ लिए हैं। ...(व्यवधान)... Sorry ...(व्यवधान)... नहीं, अब आप बैठ जाइए। ...(व्यवधान)... अब आप बैठ जाइए। ...(व्यवधान)... श्री मोहन सिंह।

श्री मोहन सिंह: सभापति महोदय, अभी योजना आयोग के उपाध्यक्ष बुंदेलखंड गए थे। उन्होंने कहा कि भारत सरकार ने राज्य सरकार को बुंदेलखंड के विकास के लिए जो विशेष फंड दिया, उत्तर प्रदेश के हिस्से में उसका सदुपयोग नहीं हुआ और अभी तक पूरा खर्च नहीं हुआ। मनरेगा में उत्तर प्रदेश में जो गड़बड़ियाँ थीं, माननीय मंत्री जी ने खुद ही उनके सम्बन्ध में अनेक सार्वजनिक बयान दिये, पत्र लिखे और सी.बी.आई. से जाँच कराने की माँग की।

मैं माननीय मंत्री जी से यह जानना चाहता हूँ कि जिन राज्यों को आप केन्द्रीय फंड से पैसा देते हैं और यदि उस फंड का दुरुपयोग होता है, उसकी ठीक से समीक्षा नहीं होती, तो क्या केन्द्र से इसकी जाँच की कोई विशेष व्यवस्था सी.ए.जी. के जरिए या अपनी ही तरफ से सी.बी.आई. के जरिए इसकी जाँच कराने की कोई व्यवस्था करेंगे?

श्री जयराम रमेश: हमारे पास तीन विकल्प हैं। पहला है- पैसा रोकना, जिसके पक्ष में मैं बिल्कुल नहीं हूँ। दूसरा है- सी.बी.आई की जाँच। सी.बी.आई की जाँच

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तभी हो सकती है, जब हम लोगों को राज्य सरकार की सहमति हो और वह कभी होती नहीं है, तो CBI enquiry भी नहीं हो सकती है। ... (व्यवधान)... जो तीसरा विकल्प है या तीसरा रास्ता जो हमने अपनाया है, वह सी.ए.जी. का ऑडिट है। आपको जानकर खुशी होगी कि पहली बार सारे ग्रामीण विकास कार्यक्रम-- इसमें कुछ शंका थी, कुछ doubts थे कि क्या सी.ए.जी. ऑडिट लागू हो सकता है, परन्तु सी.ए.जी. की मुलाकात के बाद हमने यह निर्णय लिया है कि सारे ग्रामीण विकास कार्यक्रम, सारे 28 हजार करोड़ रुपए, जो इस साल खर्च होंगे, सी.ए.जी. ऑडिट की perview में आएँगे और इसकी शुरुआत हम मनरेगा से करेंगे। सी.ए.जी. परफॉर्मंस ऑडिट 12 राज्यों में करेगी और अलग-अलग महत्वपूर्ण राज्यों के लिए स्पेशल ए.जी. भी नियुक्त किए जाएँगे। तो सी.ए.जी. ही हमारे पास एकमात्र रास्ता है, जिससे हम कुछ नियंत्रण रख सकते हैं। परन्तु, यह बात सही है कि मैंने मुख्य मंत्री जी को खत लिखा था कि 7 ऐसे जिले हैं, जहाँ भारी मात्रा में घोटाले उभर कर निकले हैं। ... (व्यवधान)...

श्री ब्रजेश पाठक: वह पूरी तरह से राजनीति से प्रेरित था। ... (व्यवधान)...

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

एक माननीय सदस्य: उनको अपनी बात पहले खत्म करने दीजिए। ... (व्यवधान)...

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अल्प सूचना प्रश्न संख्या :1(क्रमागत)

श्री ब्रजेश पाठक: अगर इनको जाँच करानी थी तो उत्तर प्रदेश सरकार ...
...(व्यवधान)...

श्री सभापति: यह आपका सवाल तो नहीं है? ...
...(व्यवधान)...

श्री ब्रजेश पाठक: जहाँ भी भ्रष्टाचार की बात आती है, हमारी सरकार उससे सख्ती से ...
...(व्यवधान).... और वह उसकी जाँच कराती है। ...
...(व्यवधान).... इस तरह से राजनीतिक बयानबाजी करना उचित नहीं है। ...
...(व्यवधान).... मैं उस बयान की भर्त्सना करता हूँ ...
...(व्यवधान).... मैं उसकी निंदा करता हूँ ...
...(व्यवधान)....

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

श्री ब्रजेश पाठक: चुनाव के समय इस तरीके से आपको काम नहीं करना चाहिए।
...
...(व्यवधान)...

MR. CHAIRMAN: The Short Notice Question is over.

(Ends)

(Followed by 1q/pb)

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-PK/PB-VNK/1q/12.15

PAPERS LAID ON THE TABLE

SHRI GHULAM NABI AZAD: Sir, I lay on the Table—

I. A copy (in English and Hindi) of the Ministry of Health and Family Welfare Notification No. F.14-369(98) Co-ordination Cell/Estt.I, dated the 19th May, 2011, publishing the All India Institute of Medical Sciences (Amendment) Regulations, 2011, under sub-section (3) of Section 28 of the All India Institute of Medical Sciences Act, 1956.

II.(1) A copy each (in English and Hindi) of the following papers, under sub-section (4) of Section 18 and Section 19 of the Post-graduate Institute of Medical Education and Research, Chandigarh Act, 1966:—

- (a) Forty-third Annual Report of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, for the year 2009-10.
- (b) Annual Accounts of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, for the year 2009-10, and the Audit Report thereon.
- (c) Review by Government on the working of the above Institute.

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

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

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- (a) Twenty-eighth Annual Report and Accounts of the HSCC (India) Limited, NOIDA, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Company.

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

- (a) Forty-ninth Annual Report and Accounts of the National Academy of Medical Sciences, New Delhi, for the year 2009-10, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Academy.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.

(MR. DPUTY CHAIRMAN IN THE CHAIR)

SHRI PRAFUL PATEL: Sir, I lay on the Table—

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

- (i) (a) Thirtieth Annual Report and Accounts of the National Bicycle Corporation of India Limited (NBCIL), Mumbai, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller

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and Auditor General of India thereon.

- (b) Statement by Government accepting the above Report.
- (ii) (a) Forty-first Annual Report and Accounts of the Bharat Pumps and Compressors Ltd. (BPCL), Naini, Allahabad, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
 - (b) Statement by Government accepting the above Report.
- (iii) (a) Fifty-first Annual Report and Accounts of the Tungabhadra Steel Products Limited (TSPL), Hospet, Karnataka, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
 - (b) Statement by Government accepting the above Report.
- (iv) (a) Annual Report and Accounts of the M/s Bridge and Roof Company (India) Limited, Kolkata, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
 - (b) Statement by Government accepting the above Report.
- (v) (a) Thirty-ninth Annual Report and Accounts of the Scooters India Limited (SIL), Lucknow, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of

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India thereon.

- (b) Statement by Government accepting the above Report.
- (vi) (a) Annual Report and Accounts of the Andrew Yule and Company Limited (AYCL), Kolkata, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
 - (b) Statement by Government accepting the above Report.
- (vii) (a) Fifty-eighth Annual Report and Accounts of the HMT Limited, Bangalore, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
 - (b) Statement by Government accepting the above Report.
- (viii) (a) Fifty-ninth Annual Report and Accounts of the Hindustan Cables Limited, Kolkata, the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
 - (b) Statement by Government accepting the above Report.
- (ix) (a) Annual Report and Accounts of the Bharat Bhari Udyog Nigam Limited (BBUNL), Kolkata, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
 - (b) Statement by Government accepting the above Report.

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(x) (a) Forty-seventh Annual Report and Accounts of the Cement Corporation of India Limited (CCI), New Delhi for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Statement by Government accepting the above Report.

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

(i) (a) Annual Report and Accounts of the Fluid Control Research Institute (FCRI), Palakkad, Kerala, for the year 2010-11, together with the Auditor's Report on the Accounts.

(b) Statement by Government accepting the above report.

(ii) (a) Forty-first Annual Report and Accounts of the Automotive Research Association of India (ARAI), Pune, for the year 2010-11, together with the Auditor's Report on the Accounts.

(b) Statement by Government accepting the above Report.

SHRI JAIRAM RAMESH: Sir, I lay on the Table, under sub-section (2) of Section 29 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, a copy (in English and Hindi) of the Ministry of Rural Development (Department of Rural Development) Notification No. S.O. 2202 (E), dated the 22nd September, 2011, amending Paragraph 1 (IV) of Schedule I to the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

SHRIMATI JAYANTHI NATARAJAN: Sir, I lay on the Table, a copy

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each (in English and Hindi) of the following papers —

- (i) (a) Annual Report and Accounts of the Padmaja Naidu Himalayan Zoological Park (PNHZP), Darjeeling, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Park.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above.
- (ii) (a) Annual Report and Accounts of the Central Zoo Authority (CZA), New Delhi, for the year 2009-10, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Authority.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (ii) (a) above.
- (iii) (a) Annual Report and Accounts of the Wildlife Institute of India (WII), Dehradun, for the year 2009-10, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Institute.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (iii) (a) above.

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SHRI NAMO NARAIN MEENA: Sir, I lay on the Table—

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Economic Affairs), under Section 31 of the SEBI Act, 1992:—

- (1) No. LAD-NRO/GN/2011-12/18/26148, dated the 16th August, 2011, publishing the Securities and Exchange Board of India (Registrars to an Issue and Share Transfer Agents) (Second Amendment) Regulations, 2011.
- (2) No. LAD-NRO/GN/2011-12/17/26149, dated the 16th August, 2011, publishing the Securities and Exchange Board of India (Merchant Bankers) (Second Amendment) Regulations, 2011.
- (3) No. LAD-NRO/GN/2011-12/16/26150, dated the 16th August, 2011, publishing the Securities and Exchange Board of India (Prohibition of Insider Trading) (Amendment) Regulations, 2011.
- (4) F. No. LAD-NRO/GN/2011-12/19/26273, dated the 17th August, 2011, publishing the Securities and Exchange Board of India (Stock Brokers and Sub-Brokers) (Second Amendment) Regulations, 2011.
- (5) F. No. LAD-NRO/GN/2011-12/22/27668, dated the 30th August, 2011, publishing the Securities and Exchange Board of India (Mutual Funds) (Amendment) Regulations, 2011.

II. A copy (in English and Hindi) of the Ministry of Finance (Department of Financial Services) Notification No. G.S.R. 779 (E),

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dated the 21st October, 2011, publishing the Life Insurance Corporation of India, Class III and Class IV Employees (Promotion) Amendment Rules, 2011, under sub-section (3) of Section 48 of the Life Insurance Corporation of India Act, 1956.

III. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Financial Services), under sub-section (11) of Section 19 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970:—

- (1) H.O./Admn./F-49/3241, dated the 2nd September, 2011, publishing the Allahabad Bank (Officers') Service (Amendment) Regulations, 2010.
- (2) Serial No.214, dated the 3rd November, 2011, publishing corrigendum to Notification No. H.O./Admn./F-49/3241 (Sl. no.181), dated 2nd September, 2011(Hindi version).

IV. A copy each (in English and Hindi) of the following papers, under sub-section (3) of Section 20 of the Insurance Regulatory and Development Authority Act, 1999:—

- (a) Annual Report of the Insurance Regulatory and Development Authority (IRDA), Hyderabad, for the year 2010-11.
- (b) Review by Government on the working of the above Authority.

V. A copy each (in English and Hindi) of the Annual Reports and Accounts of the following Regional Rural Banks, for the year 2010-11, together with the Auditor's Report on the Accounts, under Section 20 of the Regional Rural Banks Act, 1976:—

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Malwa Gramin Bank, Sangrur, Punjab
Mizoram Rural Bank, Aizawl, Mizoram
Uttarbanga Kshetriya Gramin Bank, Cooch Behar, West Bengal
MGB Gramin Bank, Pali-Marwar, Rajasthan
Tripura Gramin Bank, Agartala, Tripura
Mahakaushal Kshetriya Gramin Bank, Jabalpur, Madhya Pradesh
Chhattisgarh Gramin Bank, Raipur, Chhattisgarh
Sharda Gramin Bank, Satna, Madhya Pradesh
Meghalaya Rural Bank, Shillong, Meghalaya
Uttaranchal Gramin Bank, Dehradun, Uttarakhand
Andhra Pradesh Grameena Vikas Bank, Warangal, Andhra Pradesh
Vananchal Gramin Bank, Dumka, Jharkhand
Parvatiya Gramin Bank, Chamba, Himachal Pradesh
Vidisha Bhopal Kshetriya Gramin Bank, Vidisha, Madhya Pradesh
Madhya Bharat Gramin Bank, Sagar, Madhya Pradesh
Langpi Dehangi Rural Bank, Karbi Anglong, Assam
Maharashtra Gramin Bank, Shivajinagar, Nanded
Ballia-Etawah Gramin Bank, Ballia, Uttar Pradesh
Sutlej Gramin Bank, Bathinda, Punjab

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Visveshvaraya Grameena Bank, Mandya, Karnataka
Krishna Grameena Bank, Gulbarga, Karnataka
Utkal Gramya Bank, Bolangir, Odisha
Saurashtra Gramin Bank, Rajkot, Gujarat
Jharkhand Gramin Bank, Ranchi
Paschim Banga Gramin Bank, Howrah, West Bengal
Manipur Rural Bank, Keishampat, Imphal
Madhya Bihar Gramin Bank, Patna
J&K Grameen Bank, Narwal, Jammu
Ellaquai Dehati Bank, Srinagar, Kashmir
Samastipur Kshetriya Gramin Bank, Samastipur, Bihar
Sarva U.P. Gramin Bank, Meerut, Uttar Pradesh

VI. A copy each (in English and Hindi) of the following papers, under Section 29 of the Life Insurance Corporation Act, 1956:—

- (a) Forty-first Valuation Report of the Life Insurance Corporation of India as on 31st March, 2011.
- (b) Fifty-fourth Annual Report and Accounts of the Life Insurance Corporation of India (LIC), Mumbai, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (c) Review by Government on the working of the above Corporation.

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

- (i) (a) Fourteenth Annual Report and Accounts of the Industrial Investment Bank of India Limited (IIBI), Kolkata, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Bank.
- (ii) (a) Annual Report and Accounts of the India Infrastructure Finance Company Limited (IIFCL), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Performance Report of the India Infrastructure Finance Company Limited (IIFCL), New Delhi, for the year 2010-11.
- (iii) (a) Thirty-ninth Annual Report and Accounts of the General Insurance Corporation of India (GIC), Mumbai, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Corporation.
- (iv) (a) Annual Report and Accounts of the United India Insurance Company Limited, Chennai, for the year 2010-11, together

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with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

- (b) Review by Government on the working of the above Company.
- (v) (a) Annual Report and Accounts of the Oriental Insurance Company Limited, New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Company.
- (vi) (a) Annual Report and Accounts of the New India Assurance Company Limited, Mumbai, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Company.
- (vii) (a) Annual Report and Accounts of the National Insurance Company Limited, Kolkata, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

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

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

- (i) (a) Twenty-fourth Annual Report and Accounts of the Institute for Studies in Industrial Development (ISID), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Institute
- (ii) (a) Annual Report and Accounts of the Institute for Social and Economic Change (ISEC), Bangalore, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Institute.
- (iii) (a) Eighteenth Annual Report and Accounts of the Centre for Development Economics (CDE), Delhi School of Economics, Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Centre.
- (iv) (a) Annual Report and Accounts of the Centre for Policy Research (CPR), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.

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- (b) Review by Government on the working of the above Centre.
- (v) (a) Annual Report and Accounts of the National Council of Applied Economic Research (NCAER), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Council.

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

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under Section 159 of the Customs Act, 1962, along with Explanatory Memoranda:—

S.O. 1475 (E), dated the 28th June, 2011, regarding exchange rate for conversion of certain foreign currency into Indian currency or vice versa for the purpose of assessment of imported and export goods.

S.O. 1486 (E), dated the 30th June, 2011, amending Notification No. S.O.748 (E), dated the 3rd August, 2011, to substitute certain entries in the original Notification.

G.S.R. 500 (E), dated the 1st July, 2011, publishing the Customs Tariff (Determination of Origin of Goods under the Preferential Trade Agreement between the Governments of the Republic of India and Malaysia) Rules, 2011.

S.O. 1635 A (E), dated the 15th July, 2011, amending Notification No. S.O.748 (E), dated the 3rd August, 2011, to

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substitute certain entries in the original Notification.

S.O. 1749 (E), dated the 27th July, 2011, regarding the exchange rate of conversion of certain foreign currency into Indian currency or vice versa for the purpose of assessment of imported and export goods.

S.O. 1759 (E), dated the 29th July, 2011, amending Notification No. S.O.748 (E), dated the 3rd August, 2011, to substitute certain entries in the original Notification.

S.O. 1889 (E), dated the 12th August, 2011, amending Notification No. S.O.748 (E), dated the 3rd August, 2011, to substitute certain entries in the original Notification.

S.O. 1975 (E), dated the 26th August, 2011, regarding exchange rate for conversion of certain foreign currency into Indian currency or vice versa for the purpose of assessment of imported and export goods.

S.O. 2028 (E), dated the 30th August, 2011, amending Notification No. S.O.748 (E), dated the 3rd August, 2011, to substitute certain entries in the original Notification.

S.O. 2084 (E), dated the 15th September, 2011, amending Notification No. S.O.748 (E), dated the 3rd August, 2011, to substitute certain entries in the original Notification.

S.O. 2093 (E), dated the 16th September, 2011, regarding revision of Exchange Rate for the currency Swiss Franc for imported and export goods.

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S.O. 2244 (E), dated the 28th September, 2011, regarding the exchange rate for conversion of foreign currency into Indian currency or vice versa for the purpose of assessment of imported and export goods.

S.O. 2270 (E), dated the 30th September, 2011, amending Notification No. S.O.748 (E), dated the 3rd August, 2011, to substitute certain entries in the original Notification.

S.O. 2364 (E), dated the 14th October, 2011, amending Notification No. S.O.748 (E), dated the 3rd August, 2011, to substitute certain entries in the original Notification.

S.O. 2444 (E), dated the 27th October, 2011, regarding the exchange rate for conversion of foreign currency into Indian currency or vice versa for the purpose of assessment of imported and export goods.

S.O. 2470 (E), dated the 31st October, 2011, amending Notification No. S.O.748 (E), dated the 3rd August, 2011, to substitute certain entries in the original Notification.

S.O. 2579 (E), dated the 15th November, 2011, amending Notification No. S.O.748 (E), dated the 3rd August, 2011, to substitute certain entries in the original Notification.

G.S.R. 712 (E), dated the 22nd September, 2011, notifying All Industry Rates of Duty Drawback, for the year 2011-12.

G.S.R. 713 (E), dated the 22nd September, 2011, publishing the Customs, Central Excise Duties and Service Tax Drawback (Amendment) Rules, 2011.

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G.S.R. 745 (E), dated the 4th October, 2011, publishing the On-site Post Clearance Audit at the Premises of Importers and Exporters Regulations, 2011.

G.S.R. 757 (E), dated the 12th October, 2011, amending Notification No. G.S.R. 393 (E), dated the 30th June, 2006, to insert certain entries in the original Notification.

G.S.R. 787 (E), dated the 28th October, 2011, amending Notification No. G.S.R. 712 (E), dated the 22nd September, 2011, to substitute certain entries in the original Notification.

II. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under sub-section (7) of Section 9A of the Customs Tariff Act, 1975, along with Explanatory Memoranda:—

- (1) G.S.R. 738 (E), dated the 3rd October, 2011, amending Notification No. G.S.R. 889 (E), dated the 26th December, 2008, to substitute certain entries in the original Notification.
- (2) G.S.R. 739 (E), dated the 3rd October, 2011, seeking to continue the levy of anti-dumping duty on imports of Caustic Soda, originating in, or exported from the People's Republic of Korea and imported into India at modified rates as recommended by the Designated Authority in final findings of Mid-term Review Investigation.
- (3) G.S.R. 775 (E), dated the 20th October, 2011, seeking to levy anti-dumping duty on imports of Certain Rubber Chemicals (MBTS) Dibenzothiazole disulphide, originating in, or exported from the People's Republic of China, for a

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further period of five years pursuant to the final findings of Sunset review investigations conducted by the Directorate General of Anti-dumping and Allied duties.

III. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under Section 296 of the Income Tax Act, 1961, along with Explanatory Memoranda:—

- (1) S.O. 2045 (E), dated the 6th September, 2011, specifying the allowances and perquisites of Serving as well as retired Chairman and Members of UPSC.
- (2) S.O. 2394 (E), dated the 17th October, 2011, publishing the Income -Tax (Seventh Amendment) Rules, 2011.
- (3) S.O. 2429 (E), dated the 24th October, 2011, publishing the Income -Tax (Eighth Amendment) Rules, 2011.
- (4) S.O. 2468 (E), dated the 29th October, 2011, publishing Corrigendum to Notification No. GSR 2394 (E), dated the 17th October, 2011.

IV. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under sub Section (4) of Section 94 of the Finance Act, 1994, along with Explanatory Memoranda:—

- (1) G.S.R. 642 (E), dated the 25th August, 2011, publishing the Service Tax (Fourth Amendment) Rules, 2011.
- (2) G.S.R. 771 (E), dated the 21st October, 2011, publishing Service Tax (Fifth Amendment) Rules, 2011.

V. A copy each (in English and Hindi) of the following

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Notifications of the Ministry of Finance (Department of Revenue), under sub-section (2) of Section 38 of the Central Excise Act, 1944, along with Explanatory Memoranda:—

- (1) G.S.R. 676 (E), dated the 13th September, 2011, amending Notification No. G.S.R. 541 (E), dated the 18th July, 2011, to substitute certain entries in the original Notification.
- (2) G.S.R. 677 (E), dated the 14th September, 2011, publishing the Central Excise (Fourth Amendment) Rules, 2011.
- (3) G.S.R. 678 (E), dated the 14th September, 2011, publishing the CENVAT Credit (Fourth Amendment) rules, 2011.

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

- (a) Annual Report and Accounts of the Empowered Committee of State Finance Ministers, New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Committee.

SHRI S. GANDHISELVAN: Sir, I lay on the Table, under sub-section (3) of Section 31 of the Cigarettes and Other Tobacco Products (Prohibition and Regulations of Trade and Commerce, Production, Supply and Distribution) Act, 2003, a copy (in English and Hindi) of the Ministry of Health and Family Welfare Notification No. G.S.R. 786 (E), dated the 27th October, 2011, publishing the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Second amendment) Rules, 2001.

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SHRI R.P.N. SINGH: Sir, I lay on the Table—

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

- (i) (a) Fifty-second Annual Report and Accounts of the Indian Oil Corporation Limited (IOC), Mumbai, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Corporation.
- (ii) (a) Eighteenth Annual Report and Accounts of the Oil and Natural Gas Corporation Limited (ONGC), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Corporation
- (iii) (a) Fifty-eighth Annual Report and Accounts of the Bharat Petroleum Corporation Limited (BPCL), Mumbai, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Corporation.
- (iv) (a) Annual Report and Accounts of the GAIL (India) Limited, New Delhi, for the year 2010-11, together with the Auditor's

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Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

- (b) Review by Government on the working of the above Company.
- (v) (a) Fifty-ninth Annual Report and Accounts of the Hindustan Petroleum Corporation Limited (HPCL), Mumbai, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Corporation.
- (vi) (a) Tenth Annual Report and Accounts of the Balmer Lawrie Investments Ltd. (BLIL), Kolkata, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Company.
- (vii) (a) Annual Report and Accounts of the Biecco Lawrie Limited (BIECCO), Kolkata, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.
- (b) Review by Government on the working of the above Company.

II. A copy each (in English and Hindi) of the following papers, under sub-section (4) of Section 20 of the Oil Industry (Development) Act, 1974:—

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(a) Annual Report and Accounts of the Oil Industry Development Board (OIDB), New Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

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

III. Statement (in English and Hindi) giving reasons for not laying the Annual Report and Audited Accounts of the Rajiv Gandhi Institute of Petroleum Technology (RGIPT), for the year 2009-10, within the stipulated period.

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

(a) Annual Report of the National Institute of Rural Development (NIRD), Hyderabad, for the year 2010-11.

(b) Annual Accounts of the National Institute of Rural Development (NIRD), Hyderabad, for the year 2010-11, and the Audit Report thereon.

(c) Review by Government on the working of the above Institute.

SHRI SUDIP BANDYOPADHYAY: Sir, I lay on the Table—

I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Health and Family Welfare, under Section 93 of the Food Safety and Standards Act, 2006, along with delay statement:—

(1) F.1-61/FSSA/2009-DFQC, dated the 10th March, 2011, publishing the Food Safety and Standards Authority of

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India (Procedure for Transaction of Business of the Central Advisory Committee) Regulations, 2010.

- (2) F.1-61/FSSA/2009-DFQC, dated the 10th March, 2011, publishing the Food Safety and Standards Authority of India (Transaction of Business at its meetings) Regulations, 2010.
- (3) F.1-61/FSSA/2009-DFQC, dated the 10th March, 2011, publishing the Food Safety and Standards Authority of India (Procedure of Scientific Committee and Scientific Panels) Regulations, 2010.

II. A copy (in English and Hindi) of the Ministry of Health and Family Welfare Notification No. G.S.R. 752 (E), dated the 12th October, 2011, regarding Prohibition of the drug Letrozole for induction of ovulation in anovulatory infertility, under Section 38 of the Drugs and Cosmetics Act, 1940.

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

- (i) (a) Annual Report and Accounts of the Population Research Centre, Institute for Social and Economic Change (ISEC), Bangalore, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Centre.
- (ii) (a) Annual Report and Accounts of the Population Research Centre, Utkal University, Bhubaneswar, for the year 2010-11, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above

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Centre.

- (iii) (a) Annual Report and Accounts of the Population Research Centre, Centre for Research in Rural and Industrial Development, Chandigarh, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Centre.
- (iv) (a) Annual Report and Accounts of the Population Research Centre, Panjab University, Chandigarh, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Centre.
- (v) (a) Annual Report and Accounts of the Population Research Centre, Institute of Economic Growth, University of Delhi, Delhi, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Centre.
- (vi) (a) Annual Report and Accounts of the Population Research Centre, JSS Institute of Economic Research, Dharwad, Karnataka, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Centre.
- (vii) (a) Annual Report and Accounts of the Population Research Centre, The Gandhigram Institute of Rural Health and

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Family Welfare Trust, Dindigul, Tamil Nadu, for the year 2010-11, together with the Auditor's Report on the Accounts.

- (b) Review by Government on the working of the above Centre.
- (viii) (a) Annual Report and Accounts of the Population Research Centre, Department of Statistics, Gauhati University, Assam, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Centre.
- (ix) (a) Annual Report and Accounts of the Population Research Centre, Department of Economics, Lucknow University, Lucknow, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Centre.
- (x) (a) Annual Report and Accounts of the Population Research Centre, Department of Statistics, Patna University, Bihar, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Centre.
- (xi) (a) Annual Report and Accounts of the Population Research Centre, Department of General and Applied Geography, Dr. Harisingh Gour University, Sagar (M.P.), for the year 2010-11, together with the Auditor's Report on the

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Accounts.

- (b) Review by Government on the working of the above Centre.
- (xii) (a) Annual Report and Accounts of the Population Research Centre, Himachal Pradesh University, Shimla, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Centre.
- (xiii) (a) Annual Report and Accounts of the Population Research Centre, Department of Economics, University of Kashmir, Srinagar, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Centre.
- (xiv) (a) Annual Report and Accounts of the Population Research Centre, University of Kerala, Thiruvananthapuram, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Centre.
- (xv) (a) Annual Report and Accounts of the Population Research Centre, Andhra University, Visakhapatnam, for the year 2010-11, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above

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Centre.

(xvi) (a) Annual Report and Accounts of the Population Research Centre, Mohanlal Sukhadia University, Udaipur, for the year 2010-11, together with the Auditor's Report on the Accounts.

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

(xvii) (a) Annual Report and Accounts of the Population Research Centre, Gokhale Institute of Politics and Economics, Pune, for the year 2010-11, together with the Auditor's Report on the Accounts.

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

(xviii) (a) Annual Report and Accounts of the Population Research Centre, Department of Statistics, the Maharaja Sayajirao University of Baroda, Vadodara, 2010-11, together with the Auditor's Report on the Accounts.

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

SHRI RAJEEV SHUKLA: Sir, I lay on the Table, a copy each (in English and Hindi) of the following statements showing the action taken by the Government on the various assurances, promises and undertakings given during the Session shown against each:—

1. Statement No. XXV Hundred and Ninety-fourth Session, 2001.
2. Statement No. XXX Hundred and Ninety-sixth Session, 2002.
3. Statement No. XXVII Hundred and Ninety-eighth Session, 2003.
4. Statement No. XXIV Two hundred and Second Session, 2004.

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5. Statement No. XIX Two hundred and Third Session, 2004.
6. Statement No. XIX Two hundred and Fourth Session, 2005.
7. Statement No. XXIV Two hundred and Fifth Session, 2005.
8. Statement No. XXI Two hundred and Sixth Session, 2005.
9. Statement No. XX Two hundred and Seventh Session, 2006.
10. Statement No. XX Two hundred and Eighth Session, 2006.
11. Statement No. XV Two hundred and Ninth Session, 2006.
12. Statement No. XVI Two hundred and Tenth Session, 2007.
13. Statement No. XV Two hundred and Eleventh Session, 2007.
14. Statement No. XV Two hundred and Twelfth Session, 2007.
15. Statement No. XIII Two hundred and Thirteenth Session, 2008.
16. Statement No. XII Two hundred and Fourteenth Session,
2008.
17. Statement No. IX Two hundred and Fifteenth Session, 2009.
18. Statement No. VIII Two hundred and Seventeenth Session,
2009.
19. Statement No. VII Two hundred and Eighteenth Session,
2009.
20. Statement No. VI Two hundred and Nineteenth Session,
2010.
21. Statement No. V Two hundred and Twentieth Session, 2010.
22. Statement No. III Two hundred and Twenty first Session,
2010.
23. Statement No. II Two hundred and Twenty second Session,
2011.
24. Statement No. I Two hundred and Twenty third Session,
2011.

(Ends)

MESSAGE FROM LOK SABHA

**THE PETROLEUM AND MINERALS PIPELINES (ACQUISITION OF
RIGHT OF USER IN LAND) AMENDMENT BILL, 2011.**

SECRETARY-GENERAL: In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Bill, 2011, as passed by Lok Sabha at its sitting held on the 12th December, 2011.

Sir, I lay a copy of the Bill on the Table.

(Ends)

REPORT OF COMMITTEE OF PRIVILEGES

SHRI S.S. AHLUWALIA (JHARKHAND): Sir, I present the Fifty-seventh Report (in English and Hindi) of the Committee of Privileges on the alleged misbehavior with Shri Rajiv Pratap Rudy, Member Rajya Sabha by the CEO & MD of IFCI Ltd.

(Ends)

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**REPORTS OF DEPARTMENT RELATED PARLIAMENTARY
STANDING COMMITTEE ON FINANCE**

SHRI S.S. AHLUWALIA (JHARKHAND): 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 Finance (2011-12):—

- (i) Forty-first Report on the Insurance Laws (Amendment) Bill, 2008;
- (ii) Forty-second Report on the National Identification Authority of India Bill, 2010; and
- (iii) Forty-third Report on the Banking Laws (Amendment) Bill, 2011.

(Ends)

**REPORTS OF COMMITTEE ON WELFARE OF
SCHEDULED CASTES AND SCHEDULED TRIBES**

SHRI JABIR HUSAIN (BIHAR): Sir, I lay on the Table, a copy each (in English and Hindi) of the following Reports of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Petroleum and Natural Gas:—

Sixteenth Report on Action Taken by the Government on the recommendations contained in their First Report (Fifteenth Lok Sabha) on Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Oil and Natural Gas Corporation (ONGC); and

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Seventeenth Report on Action Taken by the Government on the recommendations contained in their Fourth Report (Fifteenth Lok Sabha) on Reservation for and Employment of Scheduled Castes and Scheduled Tribes in allotment of Gas and Petrol Agencies.

(Ends)

STATEMENT RE. IMPLEMENTATION OF TWO HUNDRED AND EIGHTEENTH REPORT AND TWO HUNDRED AND NINETEENTH REPORT OF DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON INDUSTRY

THE MINISTER OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI PRAFUL PATEL): Sir, I make a statement regarding Status of implementation of recommendations contained in the Two Hundred and Eighteenth Report and Two Hundred and Nineteenth Report of the Department-related Parliamentary Standing Committee on Industry pertaining to the Ministry of Heavy Industries and Public Enterprises.

(Ends)

THE APPROPRIATION (NO.4) BILL, 2011 -- Contd.

MR. DEPUTY CHAIRMAN: Now, we shall take up further consideration of the Appropriation (No. 4) Bill. The hon. Minister to reply.

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THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): Mr. Deputy Chairman, Sir, first of all, I would like to express my gratitude and appreciation to all the hon. Members who have made their contribution on the Second Supplementary Demand (General).

As per the Constitutional practice, this House does not discuss the Demands for Grants; but it discusses the proposals while considering the Appropriation Bill. Therefore, the relevant Appropriation Bill is being discussed. Sir, large number of issues have been raised on this occasion.

(Contd. by 1r/SKC)

1r/12.20/skc

SHRI PRANAB MUKHERJEE (contd.): The Leader of the Opposition has brought out the entire economic scenario in the context of international developments and also some domestic developments. I appreciate his concerns, and the concerns of all the Members of the House, about certain deteriorating trends in the economy, about how we can prevent them and address those issues in the correct perspective. Before coming to that aspect, Mr. Deputy Chairman, Sir, I would like to explain what was the necessity of having this

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second supplementary demand, and whether it was done because the various provisions in the Budget were under-funded or because certain exigencies had emerged which required the budgetary support to fulfill the commitment. There was no emerging exigency that was sudden, but, at the same time, it belied the expectations which we had at the time of presentation of the Budget. For instance, the ruling petroleum prices prevailing at that point of time, around the months of December, 2010, and January and February, 2011, were around 90 dollars per barrel, that is, that of the Brent crude which we normally use. Our refineries are meant to refine those types of crude. Now, we have noticed that throughout the year, from April onwards, the average price of petroleum crude has been around 107 to 110 dollars per barrel. Therefore, the calculation which was made on the basis of the price of 90 dollars per barrel can no longer remain relevant.

Now, when eight months had passed, we found that the subsidies which we had calculated to be provided to the fuel sector surpassed our expectations. If you would notice, out of about Rs.56,848 crores of supplementary demand, the subsidies on fertilizers, fuel and food taken together come to Rs.46,000 crores.

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Some hon. Members have said that we are reducing fertilizer subsidy. That is not correct. We are not increasing fertilizer subsidy. Even on Urea the subsidy has not been abolished. I would come to that aspect a little later. I would be happy if the total fertilizer subsidy is confined to Rs.90,000 crores against a projection of Rs.40,000 crores, but, I am afraid, it may go up, because the international price has increased substantially. It is more than 200 dollars per tonne and we have to import it, not substantially, but practically, fully. We hardly produce any fertilizer of that category here.

(contd. at 1s/hk)

HK/1s/12.25

SHRI PRANAB MUKHERJEE (CONTD.): Of course, there are uncertainties of certain Middle Eastern countries which have huge rock phosphate as their store and which manufacture this fertilizers. The political uncertainties are prevailing there. Hon. Members are fully aware of this. I need not go into this. Food subsidies have also increased because, as the hon. Members are aware, we have not increased the issue prices which we provide to the Public Distribution System, to the BPL families and to the AAY families. Issue prices

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have not been changed since 2001, whatever be the procurement prices. This is one of the reasons for which we have to ask for more money from this House and that House. The other was, we announced in the Budget about the enhancement of the remuneration of persons who are engaged in Self-Help Groups from Rs.750 to Rs.1500 and from Rs.1500 to Rs.3000. Naturally, it was a policy announcement but the actual number was to be worked out later on and we had to provide some amount for ICDS and we have provided about Rs.1950 crore for this. Some pensions and allowances of the Armed Forces because of some additions in the strength were required for. Those have also taken into account. Rests are the minor details; the hon. Member has seen that and I am not going into that aspect. The question is: To what extent, it is going to affect our fiscal deficit? To what extent, it would have an impact on the Budget? Some hon. Members have expressed their concerns rightly. But merely we should not go for this number in absolute figure. The total supplementary is Rs.65,864 crore. If we take it into account in terms of percentage, it accounts for 5.25 per cent of the total budgetary expenditure of Rs.12,57,729 crore. Naturally, one may say

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that you have already surpassed your fiscal deficit which was 4.7 per cent. So, this is 5.25 per cent of your total budgetary allocation of Rs.12,57,729 crore. But it is not like that. Hon. Members are fully aware that if the mid-term allocation is in terms of percentage, it is around that. I can share some of the information with hon. Members. For instance, during 2006-07, this mid-term allocation was 6.99 per cent of the budgetary allocation; in 2007-08, it was 9.69 per cent of the budgetary allocation. Additionalities were 21.25 per cent in 2008-09 and 13.13 per cent of 2010-11. But, in course of time, it was absorbed with the savings and with the allocation of the mopping up of the resources. The second aspect of it is that, and rightly it was pointed out by the hon. Leader of the Opposition, the IIP figure was released yesterday where the industry has negative growth of more than 5 per cent in the month of October.

(Contd. by 1t/KSK)

KSK/12.30/1T

SHRI PRANAB MUKHERJEE (CONTD): And, the overall growth, from April to October, in the industrial sector has been around 3.7 per cent. The question has been raised whether we have entered into a

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recession. Have we entered into a phase where the Indian economy is going to be derailed? Have we entered into a situation where we cannot retrieve the situation and move ahead? Most respectfully, I would like to submit that if you look at the performance of the economy, particularly in the crisis situations, you will notice that Indian workers, Indian managers, Indian farmers and Indian entrepreneurs have the capacity and resilience to overcome the crisis. In system, we have the capacity to rise to the occasion. Take the case of 1979-80. The rate of inflation was as high as 16 per cent. The GDP growth was minus-5. But, thereafter, we could revive the economy, and in 1981-82, the rate of inflation came down to 2.5 per cent and the average growth from 1982-1985, during the Sixth Plan period, was a little more than five per cent. It is not accidental, or, one-time event. Even when the second crisis came in 1991, where again the rate of inflation was around 16 per cent and the GDP growth came down to less than two per cent, we could bounce back, and hon. Members are fully aware that during that period, we registered 5.6 per cent GDP growth at an annual average between 1990-1995 during the Eighth Plan period. The short point, which I am trying to drive at, Mr. Deputy

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Chairman, Sir, is that we have the resilience, we have the capacity and we shall have to unleash this capacity. We have to ensure that all the potential forces of production and our enterprising skills are to put in place. There is a perception that there is a paralysis in the decision-making process. The Government does not function; there is no cohesion, consistency in the policy; and, a lot of *adhocism* is taking place. Most respectfully, I would like to submit that it is not so. During this period, in the last couple of months, we have not only taken initiatives, but we have finalised the policies - new manufacturing policies, incentives to the SMEs, package for the rehabilitation of the debt-stressed handloom sectors, Accelerated Skill Development Programmes, financial inclusions. Hon. Members are fully aware that we are committed that by 31st March, 2012, we will provide the banking facilities to 73,000 villages through new technology.

(continued by 1u – gsp)

GSP-MP-12.35-1U

SHRI PRANAB MUKHERJEE (CONTD.): The bankers have identified these 73,000 villages having 2,000 or more population. We have been

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able to cover substantially and the target will be reached, I am told, by 31st December. Therefore, actions are being taken. Policies are being initiated. Yes, sometimes, there may be some setbacks. It is nothing new. The Leader of the Opposition is fully aware that running a coalition is not a very easy job, and, he himself had to suffer; the NDA had to suffer. There was not one NDA from 1998 to 2004. There was one NDA from 1998 to 1999. The Government lost its majority by one vote, and, that was not merely because of the efforts of the combined Opposition but because one of the allied partners withdrew the support. Therefore, if I try to convince my alliance partners to carry on with me, there is nothing wrong because the Indian electorate has not given me the mandate with 273 Members. The mandate, which they have given, is a limited mandate, improving from 147 to... (Interruptions)...

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

श्री उपसभापति : अरे बैठिए ... (व्यवधान)...

SHRI PRANAB MUKHERJEE: Please excuse me. (Interruptions) पाणि साहब, मेहरबानी करके आप चुप बैठिए। ... (व्यवधान)...

श्री उपसभापति : अच्छी डिबेट के बीच में आप क्यों बोलते हैं? ... (व्यवधान)...

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SHRI PRANAB MUKHERJEE: Please don't interrupt. (Interruptions)

Enough is enough. Please. (Interruptions) I am not yielding. Please.

Sir, my respectful submission is, yes, the Indian electorate has given us a little more mandate, increasing our strength from 147 to 206, but that is a limited mandate. The mandate is clear, carry people with you. Look at the scenario as to how many General Elections did we have since 1990 - first one in 1989; second in 1991, third one in 1996, fourth one in 1998, and, the fifth one in 1999. Then some regularity came, and, subsequent elections were held in 2004 and 2009. Nobody has brought it to us. It has not come from another planet. We, the politicians, sometimes must criticize it. We want stability. When the mandate of the people is fractured, we cannot afford to have the luxury of going to elections after 12 months, 14 months or 18 months. Some sort of chemistry works in all political parties that let us not institutionalize instability in the Parliamentary democracy.

I congratulate the Opposition parties because during UPA-I, in the entire five years' period, there was occasion only once to take the Vote of Confidence, of course, on a major issue, but not frequently

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because we recognized that to inject instability by playing with the numbers, is not going to help us. And, that inspires confidence in me; not merely what has been stated by some columnists or journalists, either here or there. But apart from that, I would like to submit that the issue is serious. Yes, the industrial growth has come down.

(Contd. by YSR-1W)

-GSP/YSR/12.40/1W

SHRI PRANAB MUKHERJEE (CONTD.): Recession in Europe is no longer a mere theoretical proposition. It is a reality. And it is staring us in the face. I do hope that the arrangements, which the European leaders have made, will resolve the crisis, and it will not go beyond the affected countries, because their economies are small. But if it extends to a large economy, any amount of bailout package will not be sufficient, and the worldwide depression will take place. We are concerned, because we cannot remain insulated from the adverse impact of that. Fortunately, American economy has started recovering slowly. Its unemployment rate has come down. There is a possibility of having positive growth. If it is followed in Japan and if the major developed economies revive or start the process of recovery,

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India has the resilience to take advantage of it. It is not a theoretical proposition. We took advantage of that. After the crisis of 2008, from nine per cent, you all know how fast we have been decelerating. Every quarter it is coming down. In the third quarter, it was as low as 5.8 per cent. Like many other countries, we have to inject substantial quantum of liquidity in the system; in terms of GDP percentage, it was almost three per cent of the GDP and, in absolute terms, Rs.1,86,000 crore were injected. We prevented further deceleration. Growth became 6.8 per cent in 2008-2009. But quick recovery started, and next year it was eight per cent. And, in 2010-2011, it became 8.5 per cent. The point that I am trying to make is that we have the resilience. Our economy has the capacity and our entrepreneurs have the capacity. Now we have to do it 'collectively'. We shall have to work together. I said 'collectively,' because today there are certain areas where partisan politics does not help us. It does not help us either as party or as an integral part of the nation. Therefore, we shall have to find out a mechanism through which we can work out, in the larger national interests, certain broad major economic policies. While speaking on the floor of the House, I remember, and perhaps some of

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the Members who were Members at that time will remember, that it was in 1995 that I signed the WTO Agreement at Marrakesh. It was fiercely opposed. One of the conditionality in the IPR Agreement was that India would have to amend its patent laws of 1973 to provide not only the product patent but also process patent. In the Lok Sabha, we got through. But we could not get through in this House. We attempted twice, not once. It was strongly opposed. Then a Co-ordination Committee was formed with the strange combination headed by Dr. Ashok Mitra and Dr. Murli Manohar Joshi. Both of them shared same common approach.

(Contd. by VKK/1X)

-YSR/VKK-MCM/1x/12.45

SHRI PRANAB MUKHERJEE (CONTD.): And it could not be passed. What happened was somebody complained in the WTO that India has failed to comply with the requirements of the agreement. We had to contest. Even the Solicitor General, Mr. Soli Sorabjee, was sent; some law officers were sent one after another. But, we lost in the dispute resolution mechanism. We could not establish that we did the correct thing. A situation arose that either amend the law or get out of

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the WTO. Government changed. I was sitting exactly where Mr. Surender is sitting now and it was to be decided as to what is to be done in this House itself. Collectively, we decided to amend the Act despite the differences which were displayed just 6-7 years ago but, when the national interest demanded, we could do it. If we could do it in 2001, surely we can do it in 2011 and 2012.

Mr. Deputy Chairman, Sir, through you, I welcome the suggestion put forward by the Leader of Opposition that we will try to build up consensus. Where there is an area of agreement, let us proceed with that, but, there is also an area of disagreement. It is not a question of one individual's ego; it is a question of national interest. Therefore, if we find that some more time will be required to convince others to create conducive atmosphere to expand the area of agreement and reduce the area of disagreement, we should give time. But, we should not lose track of it.

From my side and from the Government side, Mr. Deputy Chairman, Sir, through you, I can assure the House that the Government will not be lacking in trying to build up the consensus on broad economic policies in which the vital interests of the country lie.

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But, we would have to demonstrate, we will have to convey the message. I am not going to the remote past, but, just in the last session, when a very popular leader of the civil society went on agitation, in the Prime Minister's room, sitting with the Leader of Opposition, the Leader of Opposition of the other House and other senior leaders, we could work out a formula, we could formulate the views of this House and that House which resolved that crisis. Therefore, if we could have done it in the Monsoon Session, we can do it again in the Winter Session and fortunately, after some initial deadlock, we have been able to resolve the impasse and we are proceeding. But, we shall have to do it more expeditiously. There should be visible demonstration. You are correctly saying that people are feeling disappointed that why should they invest. After all, investors are those who have money. They have many choices. There are various choices. But, everybody would like to make investment in India if he feels that the atmosphere is conducive. I do not claim that there are no lapses on our part. I do not claim that we are infallible. But, the short point which I am trying to drive at is that we shall have to discharge the responsibility for which we are mandated by the

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electorate of this country. Mr. Deputy Chairman, Sir, I always believe — somebody may agree with me or may not agree with me — when I come to be a Member of Parliament, it is my voluntary action.

(Contd. By TMV/1y)

-VKK-TMV-GS/1Y/12.50

SHRI PRANAB MUKHERJEE (CONTD.): Nobody tells me that I will have to be elected from a Lok Sabha constituency. I offer myself as a candidate, go to the electorates, beg votes from them and ask them to elect me, and thereafter, if I find that the Parliament which is a body of deliberation, discussion, debate and finally decision making is converted into a demonstrative platform, I feel that we are not doing justice either to ourselves or to the electorates. Of course, there may be areas where tension will be there, passion will be high and tempers will be high. But it is the responsibility of the leaders of various political parties, including the ruling party, to resolve the issues. I own my share. It may be a large share. But all of you have a small share and we have to try to resolve the issues. As the Opposition you have every right to oppose, expose and, if possible, depose. That is the traditional role. But how can it be done? Despite my best efforts I

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have not been able to find out the great purpose that we have achieved simply by obstructions. I had seen in this House one important debate -- I am giving you a reference -- on whether the Governor's conduct can be discussed on the floor of the House. If you look at the rules, the rules plainly say that the conduct of the Governor can't be discussed on the floor of the House. A situation arose in November, 1967 when an elected Government was dismissed. Eminent Parliamentarians like Mr. Bhupesh Gupta, Mr. Ramamurthy and a couple of others debated it in this House itself and, ultimately, the ruling came from the Chair that the conduct of the Governor while discharging his Constitutional responsibility could be discussed and that has become the rule of the law. That has become the rule of the day. But it was debated; it was discussed and it was achieved. The debate went on throughout the day, not one day but for two or three days and, ultimately, considering all aspects, the Chair finally gave the ruling. Therefore, if we, on contentious issues, share our views, discuss our views and listen to all, then we will find a way out, what is needed today.

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I am fully aware of the problems. No Finance Minister will find it comfortable when rupee is declining, when inflation is still perilously close to the double digit, when industrial production is coming down and when there is slow-down in growth. Then a message will have to be conveyed collectively. We have to convey that, yes, however difficult the problem may be, the collective wisdom of the political establishments in this country can resolve it. Therefore, we will sit across the table, try to work out a mechanism through which important decisions can be taken. Once we start taking important decisions, once the institutions start functioning, once the Parliament starts functioning, it will have its impact on the Government. When the Parliament starts functioning, it will inspire confidence in the minds of the people, when the institutions, not one institution but all the institutions, are fully operationalised -- that is the strength of the democracy -- you will find that there is confidence in the whole system and that will get reflected in various economic activities.

(Contd. by 1Z/VK)

VK/1Z/12.55

SHRI PRANAB MUKHERJEE (CONTD): That is my most respectful submission. I am repeating it once again that the Leader of the Opposition raised the debate to a much higher level in a broad panoramic view and discussed it in the context of the international situation, national situation and national development. I would not like to take more time of the House. Mr. Deputy Chairman, Sir, if I have transgressed a little bit from the conventional debate on Supplementary Demand, I would like to be excused. But as today is the 13th December, I am talking today because of the persons whom we have paid our homage. I was just sitting there where Surinder is sitting and some of the leaders of the Government were sitting here. The Chairman had just left and if that door had not been closed on that day, many of us would not have remained alive and speaking to each other. One lady and a couple of security forces, sacrificing their lives, prevented the terrorists to come in. What happened after that? Just by quoting it, I will conclude my observations. The Congress President, Shrimati Sonia Gandhi, was not in the Parliament premises at that time. But when she heard it on the television, immediately,

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her first job was to ring the Prime Minister, Shri Atal Bihari Vajpayee, to inquire whether he was safe. Next day, the Prime Minister responded by saying, "Indian democracy is safe. When in a crisis like this, the Leader of the Opposition telephones the Prime Minister and inquires about his safety, Indian democracy is safe". Let us keep Indian democracy safe; let us keep Indian economy safe. Let us move forward. Let us not move backward, go backward and try to drag each other because if I drive backward, I will take you. If you drive backward, you will take me. But collectively, we can move forward. Thank you. (Ends)

SHRI S.S. AHLUWALIA: Sir, yesterday, I had mentioned about Sikkim. I would like to get a response from the hon. Minister regarding the income tax exemption.

SHRI PRANAB MUKHERJEE: So far as Sikkim is concerned, I am receiving representations and some representations I have already received. I am looking into it.

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MR. DEPUTY CHAIRMAN: The question is :

That the Bill to authorize payment and Appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2011-12, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2, 3 and the Schedule were added to the Bill.

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

SHRI PRANAB MUKHERJEE: Mr. Deputy Chairman, Sir, I move :

That the Bill be returned.

The question was put and the motion was adopted.

(Ends)

MR. DEPUTY CHAIRMAN: The House is adjourned for lunch to meet at 2 p.m.

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

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RG/2.00/2A

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

THE COMMERCIAL DIVISION OF HIGH COURTS BILL, 2010 (contd.)

THE VICE-CHAIRMAN: Now, further consideration of the Commercial Division of High Courts Bill, 2010. Mr. Minister, would you like to say something?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): I have already made a few important points. I have nothing more to say now.

THE VICE-CHAIRMAN: Now, Shri Ravi Shankar Prasad.

SHRI RAVI SHANKAR PRASAD (BIHAR): Mr. Vice-Chairman, Sir, I am grateful that you have given me a chance to initiate this debate on this important Bill, that is, the Commercial Division of High Courts Bill, 2010. At the outset, let me make some general observations. This Bill was passed by the other House without any discussion. When the matter came here, seeing the mood of the House, the matter had to be referred to the Select Committee. And, once the recommendations of the Select Committee came about, a lot of

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changes have been contemplated. Some may be conceded and some not accepted. Perhaps, it is an example for us to reflect that passing a Bill in a hurry may not always be the case of doing justice. And particularly, such a Bill, which seeks for commercial division, creation of Benches, in the High Courts, require a little more revision, even if there were pressing obligations on the Treasury Benches to ensure that Bills had to be passed anyhow. I only hope that, in future, this issue will be kept in mind.

Sir, what is the basic purpose of this Bill? As I see it, to win investors' confidence, we have to have Fast Track Courts on the commercial side; in one line, if I can say that. The Government has taken into account the Law Commission's Report and some of the experiences of other countries. Now, what is the experience of the Western countries, particularly, the U.S. and England? Two issues always arise. One is, forum non conveniens. If the plaintiff is an alien or an Indian seeking a relief against an American or a Westerner, then, immediately, the Indian system will be praised. In the Bhopal Gas Tragedy case, as you are aware, Mr. Vice-Chairman, Sir, a claim was

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filed there. The U.S. standards are liberal as far as the grant of liability clause is concerned.

(Continued by 2B)

2b/2.05/ks

SHRI RAVI SHANKAR PRASAD (contd.): But, suddenly, the then Union Carbide moved, invoked the great tradition of Indian judicial system. India being a big liberal democracy, Justice Keenan said, "India is a big power. I am sure Bhopal Gas Tragedy victims can get justice there. Let the proceedings in the US court in New York, therefore, terminate". The forum for non-conveniens was not used as an alibi at all there. There are other lines of cases. I recall the Bhatnagar case in the US courts where because some of the claimants were Americans; they raised the plea of forum for non conveniens holding that the Indian judicial system has collapsed. Sir, I belong to the same profession as my good friend, the Law Minister, belongs to, as also many other eminent lawyers, who are here. I felt sorry when some lawyers from India went and gave affidavits in American courts saying that the judicial system in India had collapsed. There can be delays. There can be delays anywhere. When I found

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the former Chief Justice of India going abroad and deposing before them, saying that the Indian judicial system had collapsed, I really felt sorry. If this is what they have felt after retirement, one can very well ask the question as to what they were doing when they were in power as Chief Justices of India. Sir, these are occasions to reflect upon these issues.

Sir, I was just going through a very interesting write-up which the Law Commission has quoted, 'Prof. J. Fawcett's *Trial in England or Abroad; the Underlying Policy Considerations*' (3.12.8). He wrote an article in the Oxford Journal of Legal Affairs. At page 205, the article states that none of the cases in which the House of Lords has granted stay of English proceedings is the plaintiff an English. That means, the moment a non English invokes the House of Lords seeking relief against, maybe, an Indian or a South African or an African or an Asian, they say, "Go to your original country". But if an English or an American invokes the jurisdiction, they will urge the plea of forum for non conveniens; no part of cause of action has arisen in England or America as the case may be, but the case would be entertained. I think the first question which the hon. Law Minister needs to answer

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is: After this great commercial division, when the Bill becomes a reality, about which we have some reservations and which I will share with the House in the course of my observations, and I presume that the forum of non conveniens plea will be given a go by because it is very important in American and English courts. That is a very serious question, that such an important Bill ought to have been preceded by some statistical data of as to how many cases of big value/ticket litigations are pending in India, at what level, above five crores of rupees, above three crores, above four crores, above ten crores, above 100 crores and so on. I am sorry there is no statistical data at all because the law as it stands today, hardly six High Courts have original jurisdiction.

(cd. by 2c/kgg)

2c/2.10/kgg

SHRI RAVI SHANKAR PRASAD (contd.): Now, you are giving to all, if the valuation is above a particular pecuniary benchmark.

Sir, before I come to the nitty-gritty of the Bill, I have to raise a larger question. There is delay in the country in the judicial administration. What kind of signal are we giving to ordinary litigant in

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the country? “Your case will wait in the turn; some cases are high priority cases; therefore, they will be taken out of turn not by a single judge but by a division bench.” Yes, I can understand if because of fast track some criminal cases have been expedited. But, appeals come to the High Court. We know that people are in jail, languishing for years together and they are told, ‘Wait in the queue.’ If certain cases become high profile, then they are taken out of turn because of variety of considerations. But, an ordinary convicted criminal by a trial court is waiting for his turn in the High Court! The same is about the civil cases—partition suit, first appeal, second appeal, etc. Hon. Law Minister, I would be really grateful if you tell the House on the number of first appeals pending in different High Courts of India. I will be really grateful for the data on partition suits, title suits, land alienation, etc.

Sir, we have to be alive to these questions of justice. While speaking on this Bill, I am reminded of a very interesting incident which remains in my memory, when I just began my practice in the Patna High Court in the early 80’s. It is a very telling comment on the quest for justice in India. Sir, I read in the Indian Nation that an under-trial prisoner Mohamadeen Mian was in jail for 49 years. I was

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amazed. The PIL was in its infancy. I drafted and the judges almost snubbed me, 'What this nonsense, Mr. Prasad. Is this the way!' I said, 'Sir, there has to be a way out. This man is in jail for 49 years. Even if he is convicted, he cannot serve in jail beyond 20 years!' After a great persuasion, a notice was issued to the Superintendent of that jail where he was supposed to be.

Mr. Deputy Chairman, Sir, this was reported in the media and I had a very emotional follow up of this. His nephew was looking for him because his father, while dying, had secured a promise from him that he would look for his younger brother who was in jail since 1940 in Hazaribagh. He was working in Assam. Then, the DM of Motihari, from where he hailed, sent him the notice saying, 'This young lawyer is following your case, go and meet him.' I got an order from the High Court enabling the nephew to meet him. He went to meet with an image that there was a big *massa* on his forehead. They met. I got him released. I got him a compensation of about Rs.25,000 by fighting with the High Court.

Sir, the reason why I am mentioning this case is that the destiny has been kind to me that I have got many assignments in the public

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life, the professional life. But, the smiling face of Mohamadeen Mian, when he came to meet me after release, would remain the biggest trophy of my life. I am sure, there are Mohamadeen Mians languishing in different jails of India. How will they feel about it? These are issues which have to be addressed. Maybe, you can discuss the technical issue of differentia; this can be a valid legislation under article 14; we lawyers can settle that in law courts. But, when we sit in Parliament, hon. Law Minister, we do not go by technicalities alone because we represent also the soul of India in many ways, the concerns of India in many ways. The question we have to ask today is, when we are having a separate division for high-flying commercial cases to be fast-tracked, are we alive to the concerns of the poor common man who is languishing in jail or waiting for a title suit on the recovery of his house? These are issues to be considered. I would like the House to reflect on these. Sir, I regret to say that I do not find any kind of message about them.

Let us take another case. I would like to be enlightened, hon. Law Minister, as to what is the exact number of pendency of cases in the country. We hear 3 crores, we hear 4 crores, we hear 5 crores.

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(Interruption) Is it 3.2 crores? Now, there is a debate about it. The Supreme Court's hon. Chief Justice said that some cases are five years old, only they are serious and the rest are not. Therefore, at least for the sake of clarity, inform this House today as to what is the exact number of pendency in different High Courts of India, in the civil courts of India and in the Supreme Court of India. How many cases are how much old? The reason why I am asking this question is, you have as much professional experience as I have, or even more in many cases; whenever we apply before the courts for any urgent matter, what they say? "Sorry, we are helpless, we are overloaded." Have you factored into the load of the High Court because of this new Commercial Division Benches that are being created? Everyday, we hear reports in the media, in the seminars, in the course of judicial proceedings, 'Sorry, we do not have time. We are overloaded.'

(Contd. by tdb/2d)

TDB/2D/2.15

SHRI RAVI SHANKAR PRASAD (CONTD.): Therefore, this new legislation, namely, all the High Courts having been granted the original jurisdiction of a specified value in a Division Bench would

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create further load. Have you done some home work about the load concept? Are you going to have some additional judges? Are you thinking about it? These are very important issues. You cannot wish them away. It is all the more important that the appeal lies to the Supreme Court only. Under this Bill, or, as the Bill passed by the other House, the appeal lies only to the Supreme Court against a Division Bench order of two judges.

Mr. Vice-Chairman, Sir, of late, we have given statutory powers to the Supreme Court in many legislations, like the Gratuity Act of 2003 and other Acts. You know, an appeal is of right, if you are able to show your point. Now, in the Supreme Court, they ask a question, “We know that we are the appellate body, but we are over-loaded. Show your main point. Pay all the money. Then come”. Therefore, because of the over-loading of the Supreme Court, the appellate remedy is also becoming ineffective in many ways, if not irrelevant altogether. Therefore, when you are giving this power of appeal to the Supreme Court, then, it is important that the work load of the Supreme Court should also be factored into. Sir, these are my important general observations, which I have to make, as far as the

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Bill is concerned. Now, I come to some of the specific nitty-gritty of this Bill.

Sir, as I see the Bill, you have made great changes, as far as this whole commercial dispute definition is concerned. Earlier, it was in Section 2, a detailed explanation, immovable property, movable property, a lot of things were there. Now, I see that in the light of the Select Committee's recommendations, you have changed the definition substantially. It says, "Commercial dispute means a dispute arising out of export or import of merchandise, joint-ventures agreement, capital markets, stocks or securities, as defined in clause (h) of Section 2 of the Securities Contract (Regulations) Act of 1956, intellectual property, software, hardware, network, internet, website, foreign direct investment..." Mr. Vice-Chairman, Sir, the foreign direct investment never leaves us. It keeps on appearing and appearing and appearing everywhere. No problem. It further states, "Agreements providing for international commercial arbitration". Now, hon. Law Minister, my question is this. Does a bank's debt or a debt of a financial institution come within the ambit of the commercial dispute or not, as the law you have proposed to be amended? It is because

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joint-venture agreements can have banking liabilities, whether it is software, hardware, website, intellectual property right. Therefore, may be, not in a strict sense, but, may be, if interpretation is there. Why I am asking this clarification is very important. If you see Section 8, it says, “The valuation being given by the plaintiff is sufficient to show that it is worth one crore or five crores, as the case may be”. You have not changed Section 8. Sir, Section 8 says, “The specified value of the subject matter of the commercial dispute in a suit or appeal or application shall be determined in the following manner:- (a) where the relief is sought, then, whatever relief he seeks of money, interest, etc.” Can a bank seek a proceeding against any debtor under the provisions of this Act or not? Let me tell you why it is important. There is The Recovery of Debts Due to Banks and Financial Institutions Act of 1993. If I can read this for you, Section 2 of this Act is very clear. It says, “This Act may be called Recovery of Debts Due to Banks and Financial Institutions”. Now, bank means banking company, corresponding new banks and everything. Any banking company will come within its ambit. There is no bar of any Banking Regulation Act. It says, “Financial Institution means under 4(A) of the

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Companies Act or the securitization company or reconstruction company shall obtain a certificate of registration”.

(Contd. by 2e-cls)

KLS/2E-2.20

SHRI RAVI SHANKAR PRASAD (CONTD): Therefore, financial institutions have also been described in a liberal interpretation, banking companies and corporations are also described in a liberal interpretation. The reason why I am asking this question is, in this Section 18, 'bar of jurisdiction' of this Debt Recovery Act, '..or on from the appointed day no court or other authority shall have or entitled to exercise any jurisdiction, power of authority except the Supreme Court and High Court under article 226.' Therefore, it is an ousted clause, the Debt Recovery Act, whereunder if it is a bank's debt or it is a debt of financial institutions, then it will straightaway be covered by this provision and all other clauses are ousted except by Supreme Court or the High Court re-jurisdiction. Now let me read the present Bill, here clause 8, sub-clause 4 says, 'the manner of valuation and determination of the subject matter of commercial dispute in a suit, appeal or application under this Act shall override any

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provision for valuation of subject matter of any suit under any law for the time being in courts.' Therefore, if any plaintiff, say, a bank or a financial institution determines the valuation and declares it in terms of 84, it becomes final. Under Section 18 of Debt Recovery Act that becomes final which will prevail. It is a grey area. We would like clarity on it. The reason why I am asking you this is, the first question is whether a bank debt comes within the ambit of this law or not because in the original one it was, but in the amendment you are silent. You have kept to yourself the right to notify any other services. But in the way whole thing has been described, joint venture, export-import of merchandise, if bank is involved, the bank would come in the picture. It is a grey area where there is lack of clarity. The second issue is also equally important. What about the court fee? Will these big companies having thousands of crores of international operations pay peanuts as court fee? There is a proper Court Fee Act but there has to be certain clarity to be given either in the rules of the High Court or all these things. I think it is very important that there must be clarity about the court fee because you are giving them a special forum of two High Court Judges deciding in a particular timeframe, giving

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judgment in 30 days, if not given the judgment then reason is to be given. Therefore, everything is superfast track. Yet, they will not pay for it. You have to have more clarity on it. Sir, I have my serious reservation. I understand the need to have investment in the country; I understand the need that investors who come to India must have an assurance that if there is a dispute it will be fast tracked. Sir, I remember a very interesting story which I can share here. In the Government of Mr. Vajpayee when I was handling your portfolio for sometime, I was in New York and one day an investor in New York came to meet me. He had supplied something here in Haryana, I still remember. But he went for a litigation and he was confronted with an injunction in a court in Haryana. He said to me, "What should I do?" I said, "Go and face the litigation in India. You will have to face it." I understand the need for that but the need should not be projected in a way that a common man's thrust in our judicial process gets dented. That is what I would like to highlight. Therefore, the load of Judges, the need for fast-tracking of criminal cases of ordinary litigants, who are languishing in jails, the need for fast-tracking the civil case of a poor landlady or landholder, all those are equally important and plus

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the load on the Judges and on the High Court. I think these are issues which need proper clarity. Sir, with these words, I do not want to take long time, I am quite sure the hon. Minister in the course of his reply will add this as serious areas of concern which I have highlighted. Thank you, Sir, I am grateful to you.

(Ends)

(Followed by 2F/SSS)

SSS/2.25/2F

SHRI SHANTARAM NAIK (GOA): Sir at the outset I would like to congratulate you..

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Me? Why?

SHRI SHANTARAM NAIK: It is because as a Chairman of the Select Committee you have done a wonderful job of convincing all the Members who are towing a different line. Of course, they have given their dissent notes but they have given their dissent notes very decently, without any problem and therefore, all the credit goes to you. Therefore, I would like to congratulate you at the outset.

THE VICE-CHAIRMAN: But don't take more time.

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SHRI SHANTARAM NAIK: Sir, we had almost thirty sittings and I was privileged to be the Member of that Committee. We had examined about 50 memorandums, considered the views of eminent lawyers, associations, businessmen, industrialists to arrive at a conclusion. Sir, the need for this arose and we are delayed a bit. After 1991, when we declared a new economic policy, free economy wants to have a play. If we want a free economy to play, then, we have to have a conducive atmosphere for entering into memorandums, MoUs and the consequent litigations. In today's world, every memorandum, every agreement is followed by litigation, whether one likes it or not. That is because you cannot express every intention, every intent in terms of words. Therefore, litigations are bound to be there. If you want to have investments in our country, free flow of money for whatever that is required, then, we should obviously create this atmosphere and Commercial Division of High Court is one such way. In fact, investment that will be coming, I think, a portion of that investment can be reserved for building infrastructure for the other courts which we require or even infrastructure of a High Court and Supreme Court. Unless money comes, it will be difficult for us to go ahead. One of the

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criticisms, which was made, specially by hon. Member, Shri D. Raja who was there, was that we are taking the side of higher litigants and we are not looking at the poor class. Shri Ravi Shankar Prasad also said this and we have never created this sort of a system anywhere in the past for weaker sections. It is not true. Since independence we have been creating special tribunal, tenancy courts, rent tribunal for all the weaker sections. Whatever issues related to weaker sections are there we have given special treatment and therefore, these are the courts and tribunals which you have been creating since independence. It is only today that we are dealing with elite class. It is not that anytime in the past weaker sections of the society have not been considered. Now, Sir, in this connection I would like to say that pending cases in other courts are there. Lakhs of cases are pending. This is the reality. Sometimes, I feel that judiciary also makes sweeping remarks saying that because legislature is not acting, because executive is not acting that is why they are acting. In fact, nobody can encroach upon each other's realm. Even if one organ is not working, automatically power does not get transferred to the other organ. If that was logic, tomorrow Prime Minister of India can say, 'In

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Supreme Court and High Court lakhs of cases are pending and since you are not dealing with this I will pass the judgment.’ Can Prime Minister of India say so? Judiciary says, ‘since you are not legislating, we are legislating through judgments.’ They are doing it. Can Prime Minister say so? Therefore, it is better that each one sticks to their respective organs, respective powers. As it is stated, there are only six High Courts where the original jurisdiction is there. In fact, we are on a stage to abolish original jurisdiction. That is a different item altogether.

(Contd. by NBR/2G)

-SSS/NBR-MP/2G/2.30.

SHRI SHANTARAM NAIK (CONTD.): But, now, in this matter, if only six High Courts have got the Original Jurisdiction, what are we going to do with respect to other High Courts? Are we going to restrict this legislation with respect to only six High Courts? Or, are we going to convince the State Governments to have Original Jurisdiction, at least, in some major States. Maybe, smaller States may not require, because they may not have many commercial litigations. So, give exception to them. But, there may be other States, which are bigger

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States, where you do not have the Original Jurisdiction. If Original Jurisdiction is to be established there, again, infrastructure, more Judges are required. Sir, have you thought of implications of these, I would like to know.

Sir, number of Judges is a perennial problem. In this case, if number of Judges is not increased, then the Bill will remain only on paper. It is not just allotting two Judges separately and makes them sit as Commercial Division does not make any sense. You have to provide additional Judges in the respective High Court to deal with commercial litigations. Secondly, if case goes to the Supreme Court, the same problem will be there. I think, the time has come that in the Supreme Court too we may have to create another system or another division to deal with commercial cases. In any case, the increase in number of Judges is very essential and this has to be taken up on priority. We are not able to fill the vacancies. In these circumstances, I don't know how the hon. Minister is going to face the situation. Everything is not in his hands. The things are taken away by the Courts through judgments. They decide. The power, earlier, basically, was lying with the Government of India. But, one fine day,

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one judgment is passed and power is snatched away. We are not able to do anything because of the circumstances. Nobody should construe that we are interfering with judgments. But, when the power came to the Supreme Court, the situation remains the same. I ask: was it given or was it taken by consensus or was there any discussion between the Government and the Supreme Court? No. Sir, unilaterally, they pass judgment that from today onwards the power of appointment will rest with them. The meaning is same. Earlier we used to blame the Government of India for not filling up of vacancies. Is there any improvement after the powers have substantially been vested with the Supreme Court? No.

I come to the question of transfer of cases. It was discussed earlier. I would like know whether all commercial cases which are pending in various courts should be transferred. Then, more or less, a consensus now has arrived at that the cases which have reached to a final stage will continue, but all other cases will be transferred. This is more or less the consensus arrived at. I think appropriate amendments are moved by the hon. Minister in this regard.

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Another aspect is the training of Judges. Commercial litigation is a very, very technical matter. It is very difficult for an average judicial officer to deal with commercial litigations, especially in the light of new developments that are taking place in various fields like IT, coupled with other commercial activities. If the Judge is not well-versed with these things, it is very difficult. Sir, training has to be provided. But, the question arises: who will give training? For normal Judges we have got our training institutions. We send them there for training relating to Cr.P.C., C.P.C., etc. They are normal laws. But, who will train our Judges as far as commercial litigations are concerned? I am not aware whether there is any institution in the country for this purpose. If not, we have to find a way out, because without giving training to Judges in these commercial litigations and asking them to pass judgments may not be that fruitful.

(CONTD. BY USY "2H")

-NBR-USY-SC/2H/2.35

SHRI SHANTARAM NAIK (CONTD.): Then, another question was raised by Shri Ravi Shankar Prasadji, rightly so, regarding the fees. According to me, the fees should be increased like anything. The

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fees should be on very, very higher side because the issues involve crores of rupees and a judgement worth crores of rupees should not be made available for just Rs. 300-400. I am not suggesting any quantum, but it should be on very, very higher side. I will even go to the extent of saying that ten per cent of the fees charged by a lawyer of any commercial litigation should be charged and allotted for the development of infrastructure of courts. I hope Shri Ravi Shankar Prasadji would agree with me that ten per cent of his fees is charged for the development of infrastructure of courts. I hope, all lawyers would also agree with me on this count.

Lastly, this Bill is the need of the hour and it should be passed at the earliest so that more investment comes in and we are able to encourage the foreign investors to invest in this country.

श्री वीर सिंह (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, आपने मुझे उच्च न्यायालय वाणिज्यिक प्रभाग विधेयक 2010 पर बोलने का अवसर दिया, इसके लिए मैं आपके प्रति आभार व्यक्त करता हूँ। महोदय, यह विधेयक वाणिज्यिक विवादों के न्याय निर्णय के लिए उच्च न्यायालयों में वाणिज्यिक प्रभाग स्थापित करने और उनसे संबंधित विषयों हेतु लाया गया है। यह विधेयक जटिल और महत्वपूर्ण है। लोक सभा द्वारा इस विधेयक को बिना किसी चर्चा के दिनांक 18.12.2009 को

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पारित कर दिया गया। राज्य सभा में दिनांक 22.12.2009 को इसे प्रवर समिति को जांच के लिए सौंपा गया था। समिति ने जांच के उपरांत अपनी रिपोर्ट दिनांक 29 जुलाई 2010 को राज्य सभा में प्रस्तुत कर दी थी। यह विधेयक विधि आयोग के 188वें प्रतिवेदन में की गयी सिफारिशों पर आधारित है, जिसमें यूके, यूएसए और कतिपय अन्य देशों के उच्च न्यायालयों में वाणिज्यिक पद्धति पर भारत के उच्च न्यायालयों की समीक्षा की गई थी तथा प्रत्येक उच्च न्यायालय में उच्च तकनीकी सुविधाओं वाले वाणिज्यिक प्रभाग के सृजन की सिफारिश की गयी थी, जिससे कि वे त्वरित निपटान के आधार पर उच्च मूल्य के वाणिज्यिक मामलों पर कार्यवाही कर सकें। महोदय, मेरा मानना है कि विधि आयोग ने भारत के विभिन्न न्यायालयों में लम्बित वाणिज्यिक मामलों संबंधी किसी आंकड़े पर विचार किए बिना ही अपनी सिफारिश कर दी है। मैं जानना चाहूंगा कि विधेयक के प्रख्यापन से पहले सरकार ने क्या कोई अध्ययन किया है? उस अध्ययन के क्या कोई परिणाम सामने आए हैं? यदि नहीं, तो उसके कारण क्या हैं? कृपया इस संबंध में स्पष्टीकरण दें। इसके साथ-साथ इस विधेयक के उद्देश्यों और कारणों के कथनानुसार इसका अधिनियम उच्चपण वाले वाणिज्यिक विवादों के त्वरित और प्रभावी ढंग से समाधान हेतु तंत्र बनाकर वाणिज्य और व्यापार में निर्बाध प्रगति प्राप्त करने हेतु किया गया है। यह सरकार की वैश्वीकरण, निजीकरण और उदारीकरण की नीतियों को आगे बढ़ाने के लिए है। हमारी बहुजन समाज पार्टी वाणिज्य और व्यापार के विरुद्ध नहीं है परन्तु ऐसा आम

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आदमी की कीमत पर और उसे न्याय देने में विलम्ब करके या न्याय देने से वंचित करके नहीं किया जा सकता है।

(2जे-एमसीएम पर क्रमशः)

MCM-PK/2J/2-40

श्री वीर सिंह (क्रमागत) : महोदय, भारतीय न्यायपालिका की प्रमुख समस्या न्याय देने में होने वाली देरी और लम्बित मामलों की बढ़ती संख्या है। मामलों का लम्बित होना, न्याय पाने वाले आम आदमी को सबसे ज्यादा प्रभावित करता है। गुणवत्ता युक्त कानूनी सहायता, सेवा काफी महंगी होती है और आम आदमी उसका खर्च नहीं उठा सकता है। चूंकि कुशल विधिक सेवा वाणिज्य वर्ग को उपलब्ध है, इसलिए उन्हें मामलों की सुनवाई और निबटाने में वरीयता मिल सकती है। हमारी पार्टी का मानना है कि विधेयक में आम आदमी के मौलिक अधिकारों और रोजी-रोटी संबंधित मामलों का हनन हो सकता है और उसका सालों प्रतिक्षा के बाद भी किसी कीमत पर अधिकाधिक वाणिज्यिक विवादों के मामलों को शीघ्र निबटाने पर जोर है। इस विधेयक ने उच्च न्यायालयों को मूल अधिकारिता प्रदान करने के मुद्दे पर काफी ध्यान दिया गया है।

दलितों व अन्य पिछड़े वर्गों के मूल अधिकारों से संबंधित सामान्य मामलों की सुनवाई के लिए उपलब्ध न्यायाधीशों की संख्या कम हो जाएगी। वैसे ही हमारे उच्च न्यायालयों में दलित अधिकारों, दहेज के मामलों व मजदूरों की क्षतिपूर्ति से संबंधित लाखों मामले दशकों से लम्बित हैं। अतः वाणिज्यिक प्रभाग

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का सृजन किए जाने से अन्य मामलों के लिए उपलब्ध संसाधन कम हो जाएंगे और उनके निबटान में विलम्ब होगा। अनेक उच्च न्यायालयों में बड़ी संख्या में न्यायाधीशों के पदों के खाली होने से यह स्थिति और भी गंभीर हो गई है। भविष्य में न्यायाधीशों की नियुक्ति शीघ्रताशीघ्र की जानी चाहिए। मान्यवर, आज पूरे देश के उच्च न्यायालयों में लगभग 45 लाख मुकदमे लम्बित हैं, जिसमें केवल उत्तर प्रदेश में इलाहाबाद उच्च न्यायालय में 11 लाख मुकदमे लम्बित हैं। इसी प्रकार से देश के अन्य प्रदेशों के उच्च न्यायालयों में काफी लम्बित मुकदमे हैं। उसी प्रकार से जिला न्यायालयों व उनके अधीनस्थ न्यायालयों में 2009 के आंकड़ों के अनुसार पूरे देश में 2,72,75,953 मुकदमे लम्बित हैं, जिसमें उत्तर प्रदेश में 54,04,633 मुकदमे लम्बित हैं। अब तो 2011 में लम्बित मुकदमों की संख्या 75 से 80 लाख तक पहुंच गई होगी। मान्यवर, इस प्रकार महाराष्ट्र में 41,58,458, पश्चिम बंगाल में 25,97,655 और गुजरात में 21,62,599, कर्नाटक में 11,39,691, मध्य प्रदेश में 11,30,542, बिहार में 14,90,833, राजस्थान में 14,18,883 मुकदमे लम्बित हैं। इसी प्रकार देश के अन्य प्रदेशों की स्थिति यही होगी, जहां बड़ी मात्रा में मुकदमे लम्बित पड़े हुए हैं।

मान्यवर, आज पूरे देश में उच्च न्यायालयों में जजों की बहुत कमी है। उत्तर प्रदेश देश का सबसे बड़ा प्रदेश है, जहां पर वर्तमान में 160 जजों की नियुक्ति की गई है, जिसमें 68 जज ही कार्यरत हैं, शेष 92 जजों के पद रिक्त पड़े हुए हैं। उत्तर प्रदेश के इलाहाबाद उच्च न्यायालय में एक भी अनुसूचित जाति

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का जज नहीं है। मान्यवर, यू0पी0ए0 सरकार जो कांग्रेस के नेतृत्व में चल रही है, एक तरफ तो दलितों की बात करती है, अनुसूचित जाति के लोगों के अधिकारों की बात करती है, लेकिन कितना गंभीर मामला है कि आज भी अनुसूचित जाति का एक भी जज उत्तर प्रदेश इलाहाबाद उच्च न्यायालय में नहीं है। ऐसा क्यों हो रहा है? क्यों अनुसूचित जाति के साथ अन्याय हो रहा है? क्या अनुसूचित जाति में पढ़े-लिखे लोग नहीं हैं? क्या अनुसूचित जाति में वकील लोग नहीं हैं? उत्तर प्रदेश के माननीय उच्च न्यायालय में एक भी जज अनुसूचित जाति का नहीं है और ऐसा क्यों हो रहा है? जैसे उत्तर प्रदेश की हालत है, इसी प्रकार से पूरे देश में भी यही हालत है। तो सरकार और माननीय मंत्री जी यह स्पष्ट करें कि क्यों नहीं आप उत्तर प्रदेश के अंदर और पूरे देश के अंदर अनुसूचित जाति के जजों की नियुक्ति नहीं कर पा रहे हैं? इसका क्या कारण है और इसका जवाब व स्पष्टीकरण अवश्य दें। यह बहुत गंभीर मामला है और इस कारण से पूरे देश में अनुसूचित जाति के साथ अन्याय हो रहा है। डा0 भीमराव अम्बेडकर साहब ने भारतीय संविधान में जो आरक्षण दिया है, उस आरक्षण के आधार पर पूरे देश के अंदर अनुसूचित जाति के जजों की भी नियुक्ति होनी चाहिए, क्योंकि अनुसूचित जाति में बहुत-बहुत काबिल लोग पड़े हुए हैं और विद्वान भी हैं, लेकिन ऐसा जानबूझकर किया जा रहा है, यू0पी0ए0 की सरकार ऐसा जानबूझकर कर रही है और खास कर उत्तर प्रदेश के साथ जो देश का सबसे बड़ा प्रदेश है।

(2k/GS पर क्रमशः)

PB-GS/2K/2.45

श्री वीर सिंह (क्रमागत): मान्यवर, पूरे देश के रखरखाव के लिए केन्द्र सरकार के द्वारा 100 करोड़ रुपये से बढ़ाकर 500 करोड़ रुपये की व्यवस्था की गयी है, यह बहुत ही कम है। केन्द्र सरकार के द्वारा पूरे देश के उच्च न्यायालयों व जिला न्यायालयों को मॉडर्न बनाया जाये, उनको सुसज्जित किया जाये तथा जजों को पूर्ण सुविधा दी जाए और इसके साथ ही साथ जजों की संख्या बढ़ायी जाए। पूरे देश में उच्च न्यायालयों में जो जजों के पद रिक्त हैं उन्हें शीघ्र भरा जाए। पूरे देश में डा० भीमराव अम्बेडकर के द्वारा संविधान में दिए गए अधिकारों के अनुसार आरक्षण कोटा पूरा किया जाए। तब हम पूरे देश में उच्च न्यायालयों व जिला न्यायालयों में भारी तादाद में लम्बित मुकदमों का निस्तारण कर सकेंगे।

मान्यवर, मेरा एक सुझाव और है। 21 नवम्बर, 2011 को उत्तर प्रदेश की मुख्य मंत्री, बहन कुमारी मायावती जी ने उत्तर प्रदेश को चार भागों में बांटकर अलग-अलग राज्यों का दर्जा देने का प्रस्ताव पास करके केन्द्र सरकार के पास भेज दिया है। यदि यह प्रस्ताव सदन में जल्दी स्वीकृत हो जाए और अलग-अलग राज्य स्थापित हो जाए तो अलग-अलग राज्यों में उच्च न्यायालय बनेंगे और इससे लोगों को न्याय पाने में सुविधा होगी।

मान्यवर, इसके साथ ही साथ मेरा यह कहना है कि भारतीय संविधान के अनुच्छेद 14 में सभी प्रकार के भेदभाव का विरोध किया गया है तथा इसका उद्देश्य सभी नागरिकों को समान अवसर प्रदान कर सामाजिक और आर्थिक

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असमानता को समाप्त करना है। भारत के संविधान प्रस्तावना और मूल अधिकारों तथा राज्य के नीति निर्देशक सिद्धान्तों में विशेष रूप से अनुच्छेद 14,15,16,21,38,39 और 46 में परिकल्पित सामाजिक और आर्थिक न्याय के अधिकार का उद्देश्य समाज के गरीब, पिछड़े और उपेक्षित नागरिकों के जीवन को सार्थक बनाना है। साथ ही साथ यह कानून के समक्ष समानता और कानून के संरक्षण की गारण्टी देता है। इस विधान से वादियों के दो वर्ग बन जायेंगे, एक वह जिनके विवाद का मूल्य, आरम्भिक मूल्य अर्थात् 5 करोड़ रुपये से अधिक है जो सीधे उच्च न्यायालय जा सकता है और दूसरा वह जिसके विवाद का मूल्य विनिर्दिष्ट मूल्य से कम है और वह सिविल न्यायालय में ही जाएगा। हमारी बहुजन समाज पार्टी का सोचना है कि विधिक प्रणाली के प्रचालन से समान अवसर के आधार पर न्याय को बढ़ावा मिले और विशेष रूप से उपयुक्त विधान को सुनिश्चित करने के लिए निःशुल्क कानूनी सहायता उपलब्ध करायी जाए। ... (समय की घंटी)... जिससे कोई भी नागरिक आर्थिक या अन्य असमानताओं के कारण न्याय पाने के अवसरों से वंचित न हो सके। इस विधेयक के खण्ड 9 (5) के अनुसार वाणिज्यिक पीठ उसके पास आने वाले मामलों के संबंध में एक वर्ष के भीतर निर्णय सुनायेगी और बहस की समाप्ति के बाद 30 दिनों के भीतर न्याय प्रदान करेगी। अन्य मुकदमों के संबंध में ऐसा कोई प्रावधान नहीं है। अतः यह साफ तौर पर न्याय प्रदान करने की प्रक्रिया में भेदभाव का मामला है और

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मामलों के शीघ्र निपटान के मामले में देश के गरीब और दलित व पिछड़े वर्ग के लोगों के अधिकारों का हनन हो जाता है।

श्री उपसभापति : आप समाप्त कीजिए।

श्री वीर सिंह : इससे न्याय की गम्भीर अवहेलना होगी क्योंकि देश में न्याय प्रणाली गरीबों के विरुद्ध है और सरकार संविधान के अनुसार अपने कर्तव्यों का निर्वहन नहीं कर पा रही है। इस विधेयक के प्रावधान गरीबों के न्याय मांगने के बचे हुए अवसर भी उनसे छीन लेंगे।

मान्यवर, हमारा मानना है कि यह विधेयक सर्वजन हिताय सर्वजन सुखाय के हितों के विपरीत है तथा अतर्कसंगत, असंवैधानिक और जनहित विरोधी है। ...(समय की घंटी)...इस विधेयक को किसी भी तरह भारतीय विधिक प्रणाली में सुधार करने के लिए सरकार की ओर से किया गया संतुलित प्रयास नहीं माना जा सकता है, क्योंकि इससे मौजूदा खामियों जिनसे देश की न्याय प्रदान करने की प्रणाली ग्रस्त है, में और वृद्धि होगी।

श्री उपसभापति: वीर सिंह जी, आप समाप्त कीजिए।

श्री वीर सिंह: इस विधेयक में न्याय प्रदान करने में असमानता को स्थायी बना दिया है और डा० भीमराव अम्बेडकर द्वारा भारतीय संविधान में वर्णित समानता के सिद्धान्तों का उल्लंघन किया गया है। यह कानून गरीब, शोषित, दलित आदमियों और धनाढ्य वर्ग, जो समान रूप से न्याय प्राप्त करने के लिए न्यायालयों में आते हैं, के बीच भेदभाव करता है तथा समानता के सिद्धान्तों के भी

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विरुद्ध है। समय की मांग है कि इस प्रकार के मामलों का शीघ्रता से निपटान करने हेतु सरकार एक नया “न्यायिक सुधार विधेयक” पुनः स्थापित करे।
धन्यवाद।

(समाप्त)

(2L/ASC पर आगे)

21/2.50/skc

SHRI T.K. RANGARAJAN (TAMIL NADU): Sir, the policies of the Government have changed radically since 1991, the year in which our economy was opened up to foreign investment in a big way. Privatization, liberalization and globalization have given a big boost to our economy. That may be true. To boost privatization, Government has opened up the defence industry, and now they want to open up retail trade. Their new guidelines say that corporate and non-banking finance companies could apply for licenses to set up banks. They have decided to amend the Banking Regulations Act. The Government is moving fast towards reform, but who has benefited? The rich became richer while the poor became poorer. It created two Indias, as correctly mentioned by our leader, Shri Sitaram Yechury, ‘Shining India’ and ‘Suffering India’.

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This morning, there was a spirited reply by the Finance Minister. He wanted to mesmerize the entire House and spoke very well! I thought he would give some concessions to the poor and the needy. Hon. Member, Mr. Raja, referred to the SCs and STs. I thought the hon. Minister would give some concessions to the SCs and STs. Nothing of the sort happened and the Minister just concluded his speech.

Sir, the hon. Minister wants to extend the benefits and comforts of litigation to the 'shining India', the corporates and multi-nationals, through this Bill. This Bill has been brought to steal a march over the poor people of the country in the matter of early disposal of cases. This classification clearly discriminates the poor from the rich. The Bill goes against the Directive Principles of State Policy, as correctly mentioned by Shri Ravi Shankar Prasad. The Directive Principles say that equal opportunity to secure justice must be entitled to all. Let the Minister say how the Bill ensures equal opportunity to all. I say, this is not going to happen.

Sir, this Bill was passed in the Lok Sabha without discussion. We oppose this method. In a democracy, you must allow for a

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discussion. We oppose the Bill because it would create an unwarranted and uneven precedent. The rich may get justice but the ordinary citizens, the *am admi*, have to wait for a long time to get justice. It goes against the Directive Principles of the State, which say that equal opportunity must be given to all for securing justice. This Directive Principle has been given a go-by.

Sir, the Bill undermines and dilutes article 14 of the Constitution. Article 14 states, “the State shall not deny to any person equality before law”. But, here they are constituting a separate court to deal with commercial disputes of five crores of rupees; where is the equality before law? In the Standing Committee, hon. Member, Mr. Rajeeve of the Marxist Party, had submitted a detailed dissent note. There was a consensus that Rs. Five crores must be reduced to one crore. Even that was not accommodated. I would request the Minister to look into that. So, where is the equality? The spirit of Article 14 has been violated in this Bill.

Sir, according to me, the sole purpose of this Bill is to pave way for legal liberalization. It would give to the rich and the corporate a high-tech fast track commercial division in High Courts and high-tech

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facilities in each high court, so that they handle commercial cases of high threshold value on a fast track basis. So, what about the ordinary litigants? They have been waiting for 20 years and 30 years. Even in normal cases, it takes, at least, twelve years for a case to first go to the lower court, then the appellate court, and so on.

Sir, what this Bill will do is, it would take away even the existing judges who are dealing with ordinary cases.

(contd. at 2m/hk)

HK/2m/2.55

SHRI T.K. RANGARAJAN (CONTD.): They will now deal with high-tech cases only. So, the ordinary litigant has to wait for more than 30 years. Sir, what is happening today if courts do not give judgements in time? I can quote Tamil Nadu experience. Due to judicial delay, in Tamil Nadu, Katta Panchayat method is used. Katta Panchayat method is used for settling the dispute. It is a rustic mediation. No given rule, no norms, no logic. At least, tribal mediation has some logic. This Katta Panchayat has no logic. Only through rowdyism with the help of local police things are settled. In other parts of the country, similar Katta Panchayats are prevailing. They may have

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different names. Sir, you are creating a jungle law which we cannot support. What is presently needed is more High Court benches. Today, there are even State capitals without High Court benches. Please create more High Court benches. Large number of vacancies are there in High Courts. Please fill up the vacancies immediately. By this way only you can solve the problem of delay in judiciary. You may show so many reasons for Commercial Courts. Karl Marx once said, "Reasons have always existed but not always in a reasonable form." About the lower courts less said the better. You yourself are a lawyer, I am not a lawyer; Ravi Shankar is a lawyer. Common people approach the lower court to get their grievances redressed. But what are the conditions in lower courts. No basic infrastructure, over-crowded and very unhygienic. Nobody wants to enter the court. This is the situation. The perusal of the definition of 'Commercial Dispute' speaks that it is a dispute between the persons in creamy layer. Even though the Fast Track Courts have been established at district levels to dispose of the civil and criminal cases, their effectiveness has not been reviewed. Fast Track Court Judges are appointed on contract basis. They are not regular judges; they are appointed on contract

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basis. The effective functioning has not taken into consideration that should also be included. Sir, I would like to ask the Minister: Why don't you establish Supreme Court Bench in other parts of India? From Tamil Nadu there was a long-time demand to establish Supreme Court Bench in Chennai which naturally will benefit the southern States. The litigants need not travel up to Delhi. The Constitution of India allows setting up of Supreme Court benches. If establishing permanent bench may take time, I request the Minister why don't you establish circuit benches. Please think it over. Sir, in addition to my general opposition to the Bill, I will bring to the attention of the House some incongruities in the Bill. There is a Recovery of Debts Due to Banks and Financial Institution Act, 1993. There is also the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. These two Acts empower financial institutions to take over the immovable properties pledged to them as collateral security. The Court cannot stay the proceedings. But in the present Bill, under clause 2(1)(a) *Explanation*, it appears that such properties can also be litigated in the Commercial Division of High Court. I apprehend, there is going to be a serious confusion and

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unnecessary litigation regarding the jurisdiction of Debt Recovery Tribunal and Commercial Division of High Court. In Arbitration and Conciliation Act, 1996, International Commercial Arbitration and Domestic Arbitration, there will be overlapping.

(Contd. by 2n/KSK)

KSK/3.00/2N

SHRI T.K. RANGARAJAN (CONTD): Sir, I would like to draw your attention to one more anomaly - the court fee. It was correctly pointed out by other hon. Members also. Sir, the courts are run with tax payers' money - tax paid by ordinary citizens. But, what is the court fee that the corporates are paying? It is merely Rs. 2,000. What is the value of a case of Rs. 5 crores? Litigants, filing cases of Rs.5 crores, are paying only Rs.2,000 as court fee. The court fee was determined in 1950, about 60 years back. There has been no revision of the court fee. The Law Ministry should take steps to revise this fee, at least, now. The Law Commission, in its 236th report, has recommended for revising the court fee. But, I do not know when it is going to be revised.

MR. DEPUTY CHAIRMAN: Please conclude now.

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SHRI T.K. RANGARAJAN: Sir, according to me, about 50,000 cases are pending in the Supreme Court. The Supreme Court is working with 75 per cent less Judges than its total sanctioned strength. That is what I was told. Allahabad High Court is functioning with just 62 Judges, out of a total strength of 160. Gujarat High Court has 18 vacancies. Yesterday, I enquired about Punjab-Haryana High Court. They said that out of 68, only 46 Judges are available in the Punjab-Haryana High Court. Total number of posts in all the 21 High Courts in India is 895, and currently, only 610 posts are filled, thereby creating 285 vacancies.

Sir, if the court fee is low, it will be easy for corporates to approach the court even on trivial grounds. It will increase the litigations. The Government is not coming forward to solve the problem.

Finally, Sir, we have 5-star and 7-star hotels. Here, you are going to establish a 7-star court. The name is 'Commercial Division of High Court'. You don't want to call it a 7-star hotel. You are giving it a different name. Sorry, we don't agree to the Bill.

(Ends)

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SHRI N.K. SINGH (BIHAR): Sir, I think that very eminent lawyers have spoken on this Bill. Even more eminent lawyers are slated to speak on this Bill. So, as a student of Economics, there is a huge disadvantage for me to make any worthwhile significant contribution, particularly when the Bill is also being piloted by a very eminent lawyer. I will endeavour to make some very brief and some very general observations.

First, it is, no doubt, true, as my very good friend, Shri Ravi Shankar Prasad, has said that wherever we have travelled all over the world, India, as an investment destination, has always been questioned by doubting investors saying that your legal system is, no doubt, outstanding; there is, no doubt, a question that eventually, the right thing will happen. Of course, it is not very clear whether it will happen in their lifetime, their children's lifetime, or, the lifetime of their grandchildren. So, there is no doubt that there is need to, obviously, expedite the process of delivery of justice. The question really is whether this is the right mode and this is the right approach to get that outcome. Many friends of mine have pointed to huge pendency in the High Courts. The figures vary. The figures, which are before me,

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point out that there were 254 vacancies out of 886 vacancies of Judges for High Courts in September, 2009. The number of cases pending in High Courts is over 40 lakhs. Therefore, this pendency, perhaps, was not taken into account when the 188th Law Commission had made a recommendation, without reference to the statistical data on the pendency, for the establishment of Commercial Division of High Courts. Therefore, the extent to which the establishment of these Commercial Divisions will mitigate the normal dispensation of justice is one aspect that the hon. Minister may wish to take into account.

My second point relates to domain knowledge. How many Judges have the domain knowledge to deal with commercial disputes? Sir, I will give you two critical examples where the issue of domain knowledge comes into play.

(continued by 2o – gsp)

GSP-VNK-20-3.05

SHRI N.K. SINGH (CONTD.): The first, Sir, is an issue of how do you evaluate in today's international module, the embedded intellectual property rights. I had, Sir, the privilege of heading a Committee under the World Intellectual Property Rights Organization, which dealt with

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embedded intellectual property rights, and, the huge amount of prevarication which exists in the judicial verdicts all over the world on how do you evaluate properly to realize the embedded value of intellectual property rights in transactions of other kinds. I wonder, Sir, if there are enough people with domain knowledge who can really be assigned for commercial division.

Related to this, Sir, is this whole area of penumbra of uncertainty on the law of transfer pricing in India. This is one area, Mr. Minister, where our law on transfer pricing is exceedingly weak compared to what international benchmarking would be. How would the establishment, Sir, of Commercial Division be able to have people, which will establish norms both in regard to the evaluation of intellectual property rights and the evaluation of transfer pricing.

Sir, my third point is that the definition of 'commercial dispute' as contained in this Act seems to be exceedingly ambiguous. Please have a look, Mr. Minister, on what the definition of 'commercial dispute' is. It covers all kinds of disputes and this itself will really lead to ambiguous interpretation of various kinds. The scope, therefore, of

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‘commercial dispute’, in my view, needs to be circumscribed and needs to be invested with a degree of clarity.

Sir, my next point really is, we know it and the Minister knows better than anybody else, that perhaps, in an average litigation, seventy per cent of cases, which reach a certain stage, Government is the principal litigant. The litigant role of the Government, therefore, is one of the very critical factors in regard to the level of pendency which has been reached. So, how does one really define ‘commercial dispute’ in a manner, which does not effect Government’s right to become the principal litigant, or, would Government like to circumscribe the kind of cases in which it would like to play itself as the role of a litigant?

The issue relating to the ambiguity on Debt Recovery Tribunal and the conflict this may have with the working of Debt Recovery Tribunal is a point, which Mr. Rangarajan has raised, and, with which, I would really like to associate myself.

Finally, Sir, I think, my point is a moral point and the moral point is that you are creating a separate division to cover cases of Rs. 5 crore and above and assign Judges to do so. If you don’t enlarge not

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only the pool of Judges but the domain knowledge of Judges, this would be at the grave expense of the administration of justice not only to the poor in normal cases but also the case of litigation and pendency is very large. By all means, Mr. Minister, do something to improve our image as an investment destination, improve our image that the dispensation of justice is time-bound, is quick, is efficacious and expeditious but we should not really do so in a manner which creates moral jeopardy of various kinds. Thank you, Sir.

(Ends)

DR. K.P. RAMALINGAM (TAMIL NADU): I thank the hon. Deputy Chairman for giving me the opportunity to speak on the Commercial Division of High Courts Bill, 2010. Sir, the idea mooted in August, 2009 is now in the form of a Bill within two years. This Bill is based on the recommendations of the Parliamentary Standing Committee on Law and Justice and also the Law Commission for high-tech fast track commercial division of High Courts. It has been reported that this is based on the models of UK, USA and some other countries.

Cost-effective and cost-efficient solution for companies is the motive behind this Bill. The obstacles in enforcing contracts in India

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and the capacity of our judicial system have been pointed out by the World Bank.

(Contd. by YSR-2P)

-GSP/YSR/3.10/2P

DR. K.P. RAMALINGAM (CONTD.): The Law Ministry had also given an assurance in this regard. That is why this Bill is before us now.

In the age of liberalisation, privatisation, and globalisation (LPG), corporate sector gets more attention from the Government. Big moneyed business houses dictate terms. Some of them get justice easily, without any delay. The Bill aims at giving justice to corporates in cases worth Rs. five crore and more. That means those who have got cases less than that have to wait for many more years. In the Madras High Court alone, 4,06,958 cases are pending as on May, 2007. In spite of arbitration bodies, it will still be more now. I want to urge upon the Minister that justice to the poor must also get your attention.

As you all know, agriculture is the backbone of our country. Some land disputes involving poor agricultural families are pending for 20 years, and in some cases even more than 30 years. Such

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agricultural land is not used for cultivation in some areas because of litigation. The failure of the judiciary affects our agro economy also. Justice delayed is justice denied.

The fate of civil disputes has wiped out many families in villages whereas our Government is running forward to help big corporate houses. The Government must be careful. We all know that corporate houses, big industrial houses, and trade houses contribute to corruption now. The very same people promote anti-corruption crusaders under the shadow of civil society. I repeat that the very same people promote anti-corruption crusaders under the shadow of civil society. They are like the mischievous mother who pinches her child and rocks the cradle too. So the Government must be balanced in its approach towards fast-track courts. Poor farmers and poor people in other sections of society are also waiting for justice for long in many of our civil courts all over the country. In their case also, justice must be fast-tracked.

Delay in disposing cases is caused because of non-availability of infrastructure, court buildings, sufficient number of judges, and also because of inadequate number of qualified lawyers. So we must open

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our eyes and provide all necessary facilities to our judicial system. There are more than 40 lakh cases pending before our High Courts all over the country. There are 254 vacancies out of 886 posts of judges in High Courts. With the passing of this Bill, when Commercial Division of High Courts are started, some of the existing judges will have to be spared to attend high profile cases of big corporates in the hi-tech fast track courts. This will further delay the justice for the poor. I would like to urge upon the Law Minister to introduce slab system for corporate cases, as has been stated by our elder Members. Different heavy fee structure must be there. From Rs. five crore onwards, for every additional crore, enormous fee must be fixed. A minimum of five per cent fee must be fixed. We know courts, the High Courts and the Supreme Court, are empowered to fix court fee. But the Government of India should give proper guidance for fixing court fee. That money must be used to compensate the poor farmers waiting for justice in our courts. This amount must be used to appoint more judges and set up special fast track courts for the poor. This money must be used to fund judiciary to appoint more judges and create arbitration bodies. This must be done in the Supreme Court

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also for high profile cases. Even labour disputes and cases relating to workmen must be settled fast. Creation of adequate mechanism to provide justice is a must. Our Government must not give an impression that corporate sector alone gets more patronage and protection. (CONTD. BY VKK/2Q)

-YSR/VKK-HMS/2q/3.15

DR. K.P. RAMALINGAM (CONTD.): Our Government must not give an impression that corporate sector alone gets more patronage and protection. We must collect more money from corporates who can pay more for speedy justice. That money must be used to reduce the backlog of pending cases involving the poorer sections of the society.

When we ensure that rich litigants need not wait, we must also ensure that poor litigants get justice within reasonable time. Cases involving workers, farmers, women and children must be handled with a spirit of social justice. All must be treated equal before law. Unfortunately, this Bill may create the need for more Judges to hear regular cases. That must be noted. We cannot allow our judicial system to help only the rich at the cost of the poor. It is said that laws kneel before rich and crush the poor. We must not allow that to

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happen. There is one good welcoming factor in this Bill, that is, only with necessary documents, trials will begin in the special Commercial Division. Similar method must be adopted in all cases. This will avoid the root cause of adjournments and delays. This highlight of the Bill is a welcoming factor. It is said that establishment of Commercial Courts in foreign countries is successful. We need success but we must also help our poor people to succeed (Time-bell) especially the farmers who are the backbone of our agriculture. Anyhow, I appreciate the Government for considering, at least, the corporate sector's request. At the same time, some States have already constituted several special courts *suo motu*, without the knowledge of the Government of India, to take revenge against all the political opponents. But, sometime, the so-called law guarantors who constituted the special session courts, have been getting adjournments for 150 times in an illegal wealth case and not allowing the case to be tried for the past 15 years. This type of lacuna should not be raised in the commercial courts. This should be clarified.

MR. DEPUTY CHAIRMAN: Mr. Ramalingam, please conclude.

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DR. K.P. RAMALINGAM: With these words of caution, I welcome the Bill and I conclude. Thank you.

(Ends)

SHRI SUKHENDU SEKHAR ROY (WEST BENGAL): Sir, major areas of the Bill have already been travelled by distinguished Members who spoke before me even though I have certain observations to make. We all are aware about how the High Courts are over-burdened with cases. According to the figures that are made available on 5th December this year on the website, it appears that not only billions of cases are pending in different High Courts of the country but altogether, 268 vacancies are there in the High Courts out of the total approved strength of 895. This Commercial Division of High Courts is going to over-burden the High Courts even more. This Bill says that there shall be one or more Commercial Divisions in a High Court. I am just giving an example of our Calcutta High Court. Only 39 Judges are working. There are 19 vacancies. Out of 39 Judges, two Judges head the Circuit Bench at Port Blair on rotation. There is a long-standing demand in the North Bengal region for establishment of a Circuit Bench of the High Court and after prolonged discussions and

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persuasions, the Central Government has approved for a Circuit Bench at Jalpaiguri in North Bengal. The State Government has provided all the infrastructure for court rooms and also for the residence of Judges. But, unfortunately, as I have come to know from the reply given by the hon. Minister for Law and Justice to one of my Unstarred Questions very recently that the Chief of the judiciary in our State has commented that, that infrastructure in North Bengal is not sufficient for running a Circuit Bench.

(Contd. by KR/2r)

-DS/KLG-KR/3.20/2R

SHRI SUKHENDU SEKHER ROY (CONTD.): Although the fact remains and we sincerely believe that no Judge wants to move from Kolkata to a distant place. That is the only reason. That is why the Circuit Bench has not yet started functioning. In this situation, when we are going to open another Commercial Division in a High Court like ours, this will actually cost the ordinary litigants. Therefore, my humble request to the hon. Law Minister would be that before giving effect to this Bill sufficient care should be taken so that the existing vacancies are filled up and the working strengths of various High Courts should

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be increased to a considerable extent keeping in view the growth of population, growth of court cases and the growth in the number of litigants.

My next point is as per provision of this Bill, the arbitration matters which are pending in High Courts shall be taken care of by the Commercial Division. It shows that these commercial disputes of high amount will get priority over all other matters which are pending in High Courts. Is it not discriminatory? Is it not greasing the oily heads?

Clause 5, sub-clause (8) of the Bill provides, *inter alia*, that cost will be ordered if any party to the dispute fails to file paper book within the time stipulated. On the other hand clause 9 of sub-clause 5 of the Bill provides for commercial division, I am putting emphasis on the word 'shall', shall pronounce judgement within 30 days from the date of conclusion of arguments. Now, if the court does not pronounce judgement even after the expiry of 30 days from the date of conclusion of the arguments, what will be the consequence? The Bill is completely silent over that.

The next point is taking a cue from this provision; I am asking myself whether such provisions will be made in all cases, in all

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disputes, the pat comes the reply that there is no reply to my question. (Time-bell) One minute, Sir.

Sir, the distinguished lawyer and former Speaker of the Lok Sabha, once commented "Justice is a purchasable commodity." Looking at this Bill, I pray to God that no Bill should turn to be a preferential Bill which is beneficial for the top echelons of the society, only for the richest who present the aircraft on the birthday of his wife, who builds residences by spending Rs.5,000 crores for habitation of only four members of the family. This Bill should not be aimed for those people. My submission is that there should be a proper equilibrium in justice rendering system. Thank you.

(Ends)

श्री राजनीति प्रसाद (बिहार) : उपसभापति जी, बहुत-बहुत धन्यवाद। अभी जो माननीय सदस्य ने भाषण किया है, वह बहुत अच्छा भाषण किया है और बहुत अच्छा आर्गुमेंट दिया है कि यह जो कॉमर्शियल बेंच बनने जा रही है, इस कॉमर्शियल बेंच में पांच करोड़ से ऊपर के जितने लोग होंगे, उनका ही केस आएगा। इसका मतलब यह है कि जो कॉरपोरेट बॉडी के लोग होंगे, उनका ही इसमें आएगा। वैसे तो मैं इस बिल का समर्थन कर रहा हूँ, लेकिन मेरा यह कहना है कि जो गरीब लोगों के केस हैं, जैसे एक साधारण सी जमीन के लिए जिनका

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सिविल केस है, या जो क्रिमिनल केस हैं, वर्षों से लंबित हैं, उनके लिए भी कोई अलग से कानून बनना चाहिए।

(2एस/एनबी पर क्रमशः)

TMV-NB/2S/3.25

श्री राजनीति प्रसाद (क्रमागत) : अगर आप इसके लिए कानून नहीं बनाते हैं, तो वे केसेज़ 15 साल, 20 साल, 25 सालों तक चलते रहते हैं। आपका ध्यान 5 करोड़ से अधिक रकम वाले मामलों की तरफ गया है, इसके लिए आपको धन्यवाद, लेकिन गरीब लोगों का क्या होगा? गरीब लोगों के लिए भी कुछ होना चाहिए। आपको पता होगा कि यहां पर मौत की सज़ा देने के बाद भी 10 साल, 15 साल या 20 सालों तक भी वह केस pending रहता है। उसका execution होगा या नहीं? इसके लिए अलग से कानून बनाने की जरूरत है। यदि आपने कॉमर्शियल डिस्प्यूट के लिए यह कानून बना ही दिया है, तो उसमें एक इज़ाफा करिए कि 5 करोड़ रुपए से ज्यादा रकम के केसेज़ के लिए कोर्ट फीस तय करिए। उसकी कोर्ट फीस कितनी होगी? अगर वह उस रकम का 5 परसेंट, कोर्ट फीस के तौर पर देता है, तो इससे जो पैसा आएगा, उससे गरीबों को मदद मिलेगी।

मैं एक बात और कहना चाहता हूं कि आपने फास्ट ट्रैक कोर्ट बनाया है, उसके लिए पैसा कहां से आएगा? अगर आप इन 5 करोड़ रुपए से ऊपर के दावों में कुछ कोर्ट फीस फिक्स करेंगे, तो आपको फास्ट ट्रैक कोर्ट को पैसा देने

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में सहूलियत होगी। मैं एक बात और जानना चाहता हूँ कि आप यह बताइए कि विभिन्न हाई कोर्टों में कितने जजों की पोस्ट्स खाली पड़ी हैं? यह जो additional Commercial Division आप बना रहे हैं, उनकी ट्रेनिंग कहां से होगी? अगर वकीलों को कॉमर्शियल मामलों की जानकारी नहीं है, अगर जजों को कॉमर्शियल मामलों की जानकारी नहीं है, तो आप कैसे उनका सेलेक्शन करेंगे? इसके बारे में आपको विचार करना पड़ेगा और विचार करना चाहिए। इसलिए मेरा निवेदन है कि आप इसके बारे में जरूर विचार करिए। उन्होंने एक बात और कही है कि 30 दिनों में यह मामला निपट जाना चाहिए। मैं यह कहना चाहता हूँ कि बहुत सारे कानून ऐसे हैं, जिनमें लिखा है कि आप 6 महीनों में यह केस conclude कर दीजिए, लेकिन वे केसेज़ 2 साल, 4 साल, 10 सालों तक चलते हैं, लेकिन लिखा हुआ है कि आपको 6 महीने में कंप्लीट कर देना है। इसलिए ऐसा कोई कानून होना चाहिए कि अगर एक महीने में फैसला नहीं हुआ, तो आप क्या करेंगे? इस बारे में यह कानून silent है।

आप आज यहां यह बिल लाए हैं, यह कानून आज यहां पास होने जा रहा है, इसलिए मैं आपसे निवेदन करना चाहूंगा कि इसके बारे में जरूर विचार करिए और यह तय करिए कि हाई कोर्ट में जो कॉमर्शियल डिवीजन बनेगा, उसको कौन लोग चलाएंगे, कैसे उनकी ट्रेनिंग होगी, उस जज को आप कहां से लाएंगे, कैसे ये सब चीजें तय होंगी, क्योंकि अभी अलग से कॉमर्शियल डिवीजन नहीं है। इन सारी बातों को कहते हुए मैं आपसे आग्रह करता हूँ कि जो बातें दूसरे

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लोगों ने कहीं और मैंने जो बातें कहीं, उन पर विचार करते हुए आप जरूर इस कानून में सुधार करिए। धन्यवाद।

(समाप्त)

MR. DEPUTY CHAIRMAN: Shri Rama Jois. You take seven or eight minutes because the LOP also wants to speak.

SHRI M. RAMA JOIS (KARNATAKA): Mr. Deputy Chairman, our Constitution came into force on 26th January, 1950. Six decades have already elapsed. Even after six decades a uniform law relating to High Court organisation and constitution has not been enacted. The very object of entry 78 in the Union List was to have a uniform law relating to High Courts. In fact, as an advocate, I had made several representations to the Government of India to make a law relating to High Courts because some three or four High Courts are called Chartered High Courts. The Charter was issued by the British Crown. It is really shameful that some of the High Courts are even today continuing in the name of the British Crown which the Government has not undone. Therefore, the first thing that should have been done by the Government of India was to bring a uniform law relating to High Courts for the entire country under entry 78. The Government of India

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has been sleeping for 60 years. Rip Van Winkle slept only for 20 years. This Government of India was sleeping three times more than the period Rip Van Winkle slept, that is, 60 years.

(Contd. by 2T/VK)

VK/2T/3.30

SHRI M. RAMA JOIS (CONTD): Therefore, my first objection is this peaceful legislation is uncalled for. They should have brought a common High Court Act removing all the letters patent or charters issued by the British Crown. Now as far as the High Courts are concerned, there is no uniformity at all. There is another thing called intra-court appeal. It is no appeal at all. That is practicing. If a single judge of a High Court delivers a judgement, he is as much a High Court. There is no provision in the High Court that an appeal shall lie to two judges. Two judges do not form a superior court. What is an appeal? A.I.R. 1970 Supreme Court, page 1, says, "An appeal from a lower court to a higher court is an appeal". Here single judge is not a lower court. But still things are going on. 'Nothing succeeds like success'. That is what is happening. They should have brought it. I had been an advocate in the Karnataka High Court for 20 years and

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then I had been a judge for 15 years. Never a suit has been tried in a High Court. The Karnataka High Court has no jurisdiction. Thereafter, I became Chief Justice of the Punjab High Court. There is also no original jurisdiction. This aspect, whether there should be original jurisdiction or not, has been considered by two Committees, one Satish Chandra Committee, three Chief Justices and the second Malimath Committee. The Satish Chandra Committee said that in the nature of things, High Court is a court of appeal and revision and extraordinary jurisdiction is under Article 226. In fact, that is the real power of the High Court. Under Article 226, the type of relief, the extent of relief given by the High Court during the 60 years is enormous. Students, who could not get seat in Medical Engineering, they have got the seat. Those who could not get appointment, have got it. All types of reliefs have been made available. In the Karnataka High Court, the writ petition number per year is 20,000 to 25,000. In addition to that, they have got other jurisdiction. Now you are adding this civil jurisdiction. In order to solve these civil court cases, City Civil Courts have been established at Ahmadabad, Bangalore, Mumbai and other places only to handle civil court cases. Then the Satish

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Chandra Committee recommended that the original civil jurisdiction which is only 1.5 or six crores should be removed. Subsequently, the Malmath report -- he was Chief Justice of Karnataka and Kerala - - all the three Chief Justices have said that original civil jurisdiction should not be there in the High Court. Then this is the Government of India's decision. The Government of India, Ministry of Home Affairs, addressed a communication to the Registrar of High Courts, dated 5th October, enclosing a summary of recommendations of the Satish Chandra Committee, as accepted by the Government of India. Accordingly, the Government of India have accepted the following amongst other recommendations: the order under a civil jurisdiction of the High Courts of Delhi, Himachal Pradesh and Jammu and Kashmir be abolished. This is a decision of the Government of India. That decision is there on the file. Subsequently, following that, Maharashtra passed Act 15 of 1987 abolishing the original jurisdiction of the Bombay High Court. When the constitutional validity was challenged before the Supreme Court, the Supreme Court upheld the constitutionality, that is, 2005 (2) SCC 591 N. Guzdar vs. State of Maharashtra and other. Here, neither in the Statement of Objects,

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nor in the so called Law Commission Report, which recommended for original jurisdiction, they have not even considered the earlier Satish Chandra Report or Malmath Report or the decision of the Central Government taken on that. In spite of that the original jurisdiction is being added. In fact, trial of a case originally or hearing a writ petition or a civil revision or an appeal in the High Court is entirely different. Original jurisdiction was hearing the statement of witnesses, recording deposition, documents, etc. All these things can be done by the experienced civil judge who can sit only singly. Here I do not know whether two judges will sit or one judge will sit in the High Court because a trial of a case is not practicable with two judges. Only one judge should do it. In Bangalore, there were no city civil courts. Twenty five or thirty City Civil Courts in Bangalore take the burden. Now you are transferring these cases to the High Court.

(Contd. By 2U)

RG/3.35/2U

SHRI M. RAMA JOIS (contd.): Then, the burden on the High courts becomes unbearable. Secondly, you will be putting a reverse gear. Therefore, I would like to say that the entire legislation is a retrograde

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step, and instead of taking away the original jurisdiction of the existing six High Courts, they are conferring it on others. Moreover, it is left to the decision of the Chief Justice of the respective High Court. If the Chief Justice wants, he can have the original division; otherwise, not. The law must be applied to all the High Courts uniformly. But leaving this decision to Chief Justices and introducing this Commercial Division in some chosen High courts alone is not correct. Moreover, the value has been kept at Rs.5 crores. There can be non-commercial cases involving more than Rs.5 crores. Then, why should these cases be treated differently? When the minimum limit for original jurisdiction is Rs.5 crores, then, what is the difference between a commercial case and a non-commercial case whose speculative value is more than Rs.5 crores? Therefore, my submission is that the best thing for the Government is to enact a uniform law and bring in a legislation after a thorough debate. In this case, there was no debate, nothing. The Chief Justices Committee had been totally ignored, and a decision has been taken. Sir, my submission is that this Bill is a highly retrograde step, and therefore, I appeal to the hon. Minister to withdraw this Bill and bring in a uniform

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legislation for all the High Courts, and it is high time that such a law was brought. Thank you.

(Ends)

SHRI BHUBANESWAR KALITA (ASSAM): Sir, I agree with my esteemed colleague that this Bill is the need of the hour, with the change in economic policy, with globalisation of our economy and with multiplicity of cases that have been coming on commercial matters. Sir, this Bill has given powers to the States and their respective High Courts to constitute a Commercial Division. So, the power lies with the respective High Courts and State Governments. But what we are very much concerned is about the pendency of a large number of cases. As we all know, justice delayed is justice denied. So, we have to think about the pendency of these cases. Why I am mentioning this point here is that with the Commercial Division of the High Courts, we will have the original jurisdiction. So, a large number of cases from the District Courts and Lower Courts will be transferred to the High Courts. And, as you know, Sir, there are only six High Courts which have got the original jurisdiction; we have to think about that. Several Members have mentioned about

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vacancies of Judges in almost every High Court. So, dealing with this large number of cases and pendency of a huge number of cases is a challenge before us. Here, I would request the hon. Minister to consider a few points which I want to submit here in a brief manner. Already, a number of points have been made by Members and the Select Committee also has done a very good job by considering almost all the important points. So, I am not going to repeat them. But here, I want to mention about the filling up of vacancies of High Court Judges. I want to repeat a request which we have earlier made, that is, setting up of High Courts in States, particularly, in the North-Eastern region, where there are none. The Law Ministry has taken an initiative in certain cases, and I want to repeat that request. Also, the situation will be the same in the case of the Supreme Court, and there will be huge pendency of cases and a huge transfer of cases to the Supreme Court in due course. And there are vacancies in the Supreme Court as well. So, I would request the hon. Minister to consider setting up of Benches of Supreme Court in different States.

(Continued by 2W)

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2w/3:40/ks

SHRI BHUBANESWAR KALITA (contd.): We have been demanding a Supreme Court Bench particularly at Guwahati for a long time. I hope the hon. Minister, while considering this Bill, will also consider this request of setting up a Supreme Court Bench at Guwahati.

Sir, a lot has been said about the pecuniary jurisdiction of the Commercial Division, which is proposed at five crore rupees. The Select Committee has reduced it to one crore rupees; that is a good step. I appreciate that. Also, pendency in these cases can be avoided and we can have desired results only if we proceed through the fast-track method. Hence, I appreciate the Bill and support it wholeheartedly.

(Ends)

SHRI SHASHI BHUSHAN BEHERA (ODISHA): Sir, this Bill has come to the House for the second time. Earlier, it had been sent to the Select Committee. From the Select Committee it has now come back to the House. Sir, a lot has been discussed so far as this Bill is concerned.

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Sir, we are a country of more than 120 crores of population and more than 70 per cent of the people live in rural areas; many live below the poverty line; they need justice. Justice must be delivered at their doorsteps. Instead, through this Bill, Government has preferred to give relief to the corporate sector, the big investors and reduce their problems, problems relating to their commercial aspirations.

Sir, a lot has been discussed here. Mr. Rangarajan has rightly mentioned that the Government is seeking to give relief to the corporate sector at the cost of the tax-payer's money. On the other hand, as rightly pointed out by Mr. Ravi Shankar Prasad, a lot of cases are pending in the High Courts and the Supreme Court. More than three crore cases are pending. There is a huge backlog and there are many vacancies in the judiciary. In such a situation, we are not thinking of the poor people, especially those belonging to the Scheduled Castes and Tribes, women. These people are being denied timely justice. They are not able to get justice in time also because of their financial conditions. The Government needs to devise a mechanism for giving quick relief to the poor. Though a lot of steps have been taken in this regard, the implementation has been

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very poor. Sir, because of the new economic policy of privatisation, liberalisation and globalisation since 1991, the Government has been under pressure from the investors, especially the foreign investors, to sort out problems relating to commercial matters. It was in that regard that the Joint Conference of the Chief Ministers of the States and the Chief Justices of High Courts was held and the Conference had made certain recommendations to the Law Commission and to the Government. The Government, then, decided to bring forward this Bill. The Bill was referred to the Select Committee and the Committee, after deliberating on the provisions, has brought it back before the House.

(cd. by 2x/kgg)

2x/3.45/kgg

SHRI SHASHI BHUSAN BEHERA (contd.): Now, I have a doubt-- with the prevailing situation of the country, with a huge pendency of cases in this country, with a huge vacancy of judges—how this country can think of having new Commercial Division in all High Courts? When there is pressure in many States demanding for new benches of the High Court to cater to the litigants who are living in

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distant places, the remote areas--who need to travel more than 500 kms. to reach to the High Court, who are not getting justice in civil suits, in their own disputes—how can you think of creating new Commercial Divisions? How can we think of reforms in the law only for a Commercial Division for the corporate people?

Sir, I would not take much time. This Bill aims at reducing the problems related to the corporate people. Let this be experimented in the States like Maharashtra, Punjab, West Bengal, in the corporate cities where the commercial problems are more. On experimentation, if you find that it reduces the problems there, then it can be extended to the other High Courts. This will help in clearing the doubts and it would help in the judicial reforms also.

Sir, we have reached such a state where we are forced to think of judicial reforms, to give justice to the common people, to the poorer people, to the Scheduled Castes and the Scheduled Tribes, women and children. For this, we need reforms. Instead of that, we are blindly bringing in reforms only for the investors, for the outsiders, for the commerce people. It may be experimented in the corporate cities, the

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cosmopolitan cities and those High Courts. If it gives good results, then you can extend it to the other High Courts.

Sir, there is a demand for a new bench of High Court in many States, not just in Orissa. When we fail to meet such a demand, the reform, by setting up a Commercial Division will help only the commerce people.

With these words, I conclude my speech. Thank you.

(Ends)

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

THE VICE-CHAIRMAN: Now, the Leader of the Opposition.

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Mr. Vice-Chairman, Sir, this is a Bill which the hon. Minister, Mr. Salman Khursheed, has inherited. I am not sure that if he had to initiate the drafting of this Bill, with his experience both in public affairs and law courts, he would have thought some of the provisions were at all required. Sir, this is a Bill which really has no political issues. Therefore, on the basis of political issues or ideologies or preferences, we cannot divide ourselves. It is a Bill which relates to the functioning of the judicial institution. What do we do about the commercial cases

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which are pending before the courts? Therefore, when we legislate, we must bear in mind that we do not bring about a legislation and pass it here; at the moment, it is notified, those on whom it will impact find that it is an unworkable piece of legislation and you find that the recipients of this legislation start laughing at it. I would make good each one of these observations I am making.

This Bill is obviously motivated by one good desire that both the changing horizons of economy and technology have had a great impact, as far as the judicial institution is concerned.

(Contd. by tdb/2y)

TDB/2Y/3.50

SHRI ARUN JAITLEY (CONTD.): Litigation and the character of litigation has changed. People are looking at quicker disposals, people are looking at fairer jurisprudence, and people are looking for specialized courts. So, if you deal with Information Technology, you deal with intellectual property, you deal with joint-ventures, you deal with investment issues, you have specialized institutions which are able to expeditiously dispose of those cases, and, this perhaps may be the motivating desire of whoever conceived of this Bill and decided

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to go ahead with this Bill. Currently, Sir, this Bill intends to create in every High Court of the country a Commercial Division. The impact will be that there will be a separate division in every High Court of India which will deal with commercial cases. The kind of commercial cases in the original Bill, as approved by the Lok Sabha, was different. But the Select Committee has now narrowed it down, and, I am, therefore, only going to concern myself with what the Select Committee has done, with some of the amendments which the hon. Minister has accepted.

Currently, Sir, and Mr. Rama Jois just now mentioned, there was a Charter of the Presidency High Courts, which had an original side. The word 'original side' means that High Courts hear various kinds of cases -- but civil disputes go by way of civil claims rather than appeals or revisions or constitutional claims or writ petitions, which are in the other jurisdiction of the court; though in the Bombay High Court, even writ petitions are considered on the original side -- the original side of most High Courts already has in the original Presidency High Courts a Commercial Division, which was functioning. These were the Calcutta High Court, the Madras High

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Court and the Bombay High Court. The Delhi High Court which was created in the 1960s, after the division of the Punjab High Court, the original bench used to be in Shimla, the Punjab High Court did not have an original side. The Delhi High Court was given an original side, and because there was an off-shoot in Himachal Pradesh, when the State was created, that is the fifth High Court in the country which has an original side. I just heard Mr. Rama Jois said, probably, I am not sure, whether the Jammu and Kashmir High Court has one or not. But these are five High Courts which certainly have an original side which is functioning. Go to any practitioner on the original side; a judge or a lawyer or a litigant. The average life of a case when it goes to the city civil court could be two years, three years or four years at an outer limit. If the amended CPC is strictly applied, it could be finished within one year. If you go to the original sides of the High Courts, which are the functioning Commercial Divisions, the average life of a case, in the first instance, is ten to fifteen to eighteen years. So, here is an amendment, conceived by somebody, to expedite important commercial cases, and the first limb of the amendment is, take it away from the fastest and the quickest layer of the judicial system and

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transfer it to the laziest layer of the judicial system. I am sure the hon. Minister is aware that on these original sides, when pleadings are completed and date for trial is given, you are lucky if you can get a date in the next two years. So, if in 2011, a date for trial is fixed, you will get a date in 2013, 2014. And if the trial does not conclude in 2014, your next hearing will be in 2017. So, the first thing that this law is going to do is, pick up all these cases of high commercial interests, because we want to be a very efficient economy, and cases of high commercial interests must be before a specialized court, the first thing that we have done is, we have placed these cases into the laziest and the slowest layer of the judicial system. Why do I say it is the slowest layer? If you look at the pendency of cases, the Supreme Court receives appeals from all over the country. The Minister will have the accurate figures. The pendency of cases before the Supreme Court at any given time is not more than 35, 40, 45,000.

(Contd. by 2z-cls)

KLS/2Z-3.55

SHRI ARUN JAITLEY (CONTD): It is in that range. If you go to the civil courts in the country or the lower courts, civil and criminal courts

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and subordinate courts, where bulk of litigation is there and in two to three years a case gets over, you have close to about three crores cases pending. So, two-and-a-half crore to three crores are pending, two-and-a-half crores are filed every year. So, the filing is about two-and-a-half crore. Even that volume of cases which are filed, they are being disposed of. I remember when I was holding the responsibility which the hon. Minister is holding, at that time, I used to say that about thirty lakh cases are pending in the High Courts. That figure has gradually moved to fifty lakh. So, every High Court today has lakhs of cases which are pending and you can test it on the simple proposition, how many cases are filed in the subordinate civil courts, how many are disposed of, and the figure is broadly the same. So, they are maintaining the parity. How many are filed in the High Courts and how many are disposed of, you will find that the filing is much higher than the disposal. So, we are now transferring all commercial disputes to the slowest and the laziest layer of the Indian judicial system. That is the first defect that this Bill has. We are transferring it where the pendency is extremely high.

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Thirdly, we are transferring it to a layer where the appointment process is the slowest. In every seminar you will find senior Judges saying that we must expedite and do something about the arrears. I know the Minister will not have a single file on his table with regard to judicial appointment and if a file does come to his table, it would not be there for more than 48 hours. The process of Judicial appointments in the High Courts is that the collegium of the High Court will initiate the name, it will go to the Ministry for processing, for collecting all information, through the Minister it goes to the Supreme Court, it will come back, from him it goes to the Prime Minister, then the President and then the appointment is notified or not notified. The biggest problem which Minister after Minister is facing is this. The High Courts which are supposed to initiate an appointment six months before the vacancy is created, because the date of birth of every Judge is known, so the date of his retirement is also known, so, it does not come to you as a surprise. If you know that, six months before his retirement start the appointment of his successor so that by the time he retires the successor is appointed. I do not recollect any case where the High Court has complied with this guideline and

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started this process six months before the retirement of a Judge. They do not follow this principle and the principal reason why thirty per cent vacancies are there in the High Court across the country, 268 out of 895, the figure was just now mentioned or 27 per cent, whatever is the percentage, because the process of appointments has not commenced. Within the pipeline of the appointment process only 60-70 cases would be pending. So, there would be over 200 cases where the first recommendation itself has not been made. Now you have a layer where there are vacancies, where there are delays. And I have one more objection and I say this out of experience because there was a decision that we took when we were in Government and please consider this. When these cases are decided in the districts, you will probably have litigants who belong to that district. Their spending capacity because of their earning capacity is limited. The moment this litigant finds his case transferred in the first instance to the High Court, from some district in Uttar Pradesh, some district in Karnataka or West Bengal, he has to travel to the city in which the High Court is located. The cost of travel, the cost of stay in that city, the cost of engaging a lawyer in that city who inevitably charges more

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than the lawyer in his district, at times is far beyond the paying capacity of this litigant.

(Contd by 3a/SSS)

SSS/3A/4.00

SHRI ARUN JAITLEY (CONTD.): So, his litigation is going to become several times costlier. When three new States were created, Ranchi had a Bench. There was no difficulty. We created a High Court. In Chhattisgarh, the capital was Raipur. We put the High Court in Bilaspur for a balancing reason. In Uttarakhand, it was decided that since it is a hill State and the Capital is Dehradun, at least create an institution in the hills and therefore, in the Almora region, since the Capital was in Garhwal, we created in Nainital. Years later, when I happened to visit it, as an ordinary citizen and I met litigants there, some of them shared their experience and said, 'Sir, did you pick up the costliest city in our State because every time somebody has to reach the State, he has to travel 14 hours, he has to reach two days earlier. In Nainital, you have to stay in a hotel. The hotels are not like the plains in Roorkee or Haridwar. The hotels are costlier. So, the cost of approaching that High Court is several times more. So, what

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is your Bill doing? You are now transferring all commercial cases to the slowest layer of Indian judicial system. You are transferring it in the name of early disposal to a layer which normally takes ten years to dispose of an original side case. You are transferring it to an institution where 30 per cent posts are always vacant and you are transferring it to a layer which is the costliest layer, amongst the costliest layers. The same principle applies to the Supreme Court and that is why my friend from Assam or my friend from Bhubaneswar were saying, 'Create Benches in the North-East.' Mr. Kalita had created in the North-East. The Governments have repeatedly tried to create a Supreme Court Bench in the North-East. The Constitution provides for it. You can create but the Court does not agree. So, every time a litigant has to come from North-East to the Supreme Court, it costs. So, why are you transferring all these cases to an institution which is slow, an institution where there are vacancies and institutions which are costlier? Now, please look at what you have done. If you look at the provisions of this law, I am just referring to some provisions which at least I have found not very comprehensible. In your amendment that you have moved, in Clause 7 of the

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amendment, you have said, “at page 22 line 26 for the words, ‘single judge’, ‘at least two judges’”. Sir, this is the first time I have come across a proposition that commercial disputes will be heard by two judges. All over India at least in five High Courts you have an experience of commercial disputes of a certain value being heard by High Courts. These commercial disputes are uniformly heard by a single judge. Not only India, you see the international experience. You have the commercial courts functioning in the High Courts in England. It is headed by a single judge. Please name one jurisdiction anywhere that you can imagine which has our kind of a system where a commercial dispute is heard by a division bench of two judges. All over India it is one judge. What is the compulsion to say that we can't trust one judge? It must go before two judges. Now, the impact of two judges is that it delays it further. The impact is, now to get both those judges together, in any case there is inadequacy of judges in High Courts, you get two judges, the possibility of the two differing will also be there. Then, you will create a provision which will be referred to a third judge. I have at least in my limited experience never come across a precedent of original side of Commercial disputes being

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heard by the bench of two judges. There are appeals which are heard by two judges. Now what is the jurisprudential rationale that a commercial dispute should be heard by two judges and not by one judge? If at all, it will only delay further and create a possibility of conflict of opinion between two judges.

(Contd. by NBR/3B)

-SSS/NBR-PSV/3B/4.05.

SHRI ARUN JAITLEY (CONTD.): You have two Judges hearing a commercial dispute. What are the kinds of disputes? If you take a practical view, 'commercial dispute' means, disputes relating to export/import, joint-venture, capital market, intellectual property, software, FDI, agreements providing international arbitrations, etc. Now, I have no doubt; you can work out percentage. But, overwhelmingly, a large percentage of these cases are already between these four principal High Courts. Some of them may be in Bangalore or Hyderabad or Ahmedabad, because these are predominantly in areas where there is a greater economic activity. A number of these cases are such, and by its very character, that people prefer to file them in those High Courts which already have a

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Commercial Division or the original side. Now, take a case of intellectual property right. Over the last 20 years, you have flood of litigations on intellectual property rights. Now, this litigation, except a little bit in Bangalore and Ahmedabad, is essentially spread between Delhi, Mumbai and Chennai. I have no doubt that over 80 per cent to 90 per cent are already between the High Courts of these three States. So, what is the point in transferring cases of Bihar, Allahabad and UP and creating Commercial Divisions there? Joint-venture agreements will be where the economic activity is. In any case, in most joint-venture agreements, you have an arbitration clause. And, if you have an arbitration clause -- inevitably that is the provision -- and if it the international commercial arbitration, the venue may be outside India in most cases and in some cases it may be India. So, it again goes to these bigger metros. Capital markets and stocks would be mostly in Mumbai. And, as far as software and internet disputes are concerned, here the jurisdiction can be almost created, because wherever the computer head is located the jurisdiction would be there. So, litigants are going to prefer those areas where there is a Commercial Division. So, even if you do not have this Bill, bulk of

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these cases across the country, are already in those High Courts which have an original side. And, those High Courts have a great tradition of original side which has worked itself out. Now, you have, therefore, started, in the name of a problem, which does seriously exist, creating an original side in every High Court of the country itself.

Sir, you kindly see two other provisions. I find a lot which has to be desired in the drafting of this Bill. If the hon. Minister would kindly turn to Clause 9 of the original Bill which defines commonsense principles, besides defining the Code of Civil Procedure. How will a case work? It does not require the ingenuity of a lawyer. The case works when a litigant files a civil claim, the defendant files his reply, the judge will decide what are the disputed issues, ask the parties to file documents and lead evidence by Affidavit or otherwise. So, this is a simple procedure. It is not an ingenues process; it is a commonsense process. You have created a provision in 9(2) (a) which say that a plaintiff files a plaint. When the plaintiff files a plaint, he does not know what reply the other man is going to give. He does not know what are the contested issues, what the disputes are going to be raised by the other man. It is only on the contested issues that

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trial will go on. But, whoever has drafted this says, "...along with the plaint..." -- in 9(2)(a) (iii) and (iv) -- "...he will file an Affidavit of his Examination in Chief as his evidence..." What will he file as evidence? He does not know what dispute the other man is going to raise. He will file an Affidavit giving statements of his entire witnesses. Now, the hon. Minister, Mr. Khursheed, has been a very experienced lawyer. I will sit down for a moment if the hon. Minister educate me whether it is possible in any jurisprudence for a person, along with the plaint to file detailed evidence for that reply has to come. He does not know what the contested issues are, what are the issues on which a person is at loggerheads. So, whoever has drafted it has to assume, must hallucinate what the other man is going to say and, in anticipation, file a reply to it.

(CONTD. BY USY "3C")

-NBR-USY/3C/4.10

SHRI ARUN JAITLEY (CONTD.): I can't understand how this Bill has been drafted. Similarly, please turn to clause 12(vi). What is the rationale behind saying that applications under article 226 and 227 of the Constitution, which deal with the orders of subordinate courts will

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be transferred to this commercial site? Ordinarily, the civil suits don't concern themselves with the writ petitions. A writ petition is really for the enforcement of a constitutional or an administrative right or against an injustice against a State. A writ petition has nothing to do with a commercial dispute between private businessmen. So, whoever has drafted this has done a hurried job. Similarly, if you see clause 19 on the last page of the original Bill, you have said that because there is a reference to the district courts and wherever there is a reference in the Arbitration Act to the district courts that should be taken as a reference to the Principal Civil Court; it should be taken as a reference to the High Courts. So, you are amending the Arbitration Act by this. There is no difficulty. But, then, by this Act, you are transferring all intellectual property disputes to the Commercial Division. Similarly, your Trade Mark Act, the Copyright Act, the Patent Act all have a reference to the district court, as a court of first instance where the cases are to be filed. So, if you only amend the Arbitration Act, you will leave out all the IPR Acts, and, then, you are going to have a situation where this Act says that go to the Commercial Division and the Trade Mark Act, the Patent Act and the Copyright Act will say that

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go to the city Civil Court. So, whoever has done it, has done it in a great hurry.

Sir, I conclude by just repeating what I said in the opening. Mr. Khursheed has inherited this Bill. It has come as a part of the legacy when he got this department. This Bill is, perhaps, a creation of a *bona fide* thought process: Let us transfer commercial cases to higher courts so that they are heard better. It is motivated by some kind of an enthusiasm, but it is completely misconceived, badly drafted and it is going to take from years to decades now, and would cost ten times more. I would urge upon the hon. Minister, and that's why I said that it is not a politically contentious issue, please pause over this Bill and think about it once again if you want to press this Bill, or, re-consider whether this Bill is at all required.

(Ends)

DR. E.M. SUDARSANA NATCHIAPPAN (TAMIL NADU): Sir, I fully support this Bill because this gives new view on the commercial disputes. I fully agree with the Leader of the Opposition on many of the factual things and also on legal procedures. But, at the same time, we are in a position of having a very strong hierarchical legal

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system. When we participated in one of the seminars in Germany, the people were discussing as to what the difference is between China and India, on the business aspect. One thing they said was that whatever the highest position or the lowest position decides to start an industry that will be done by the Chinese Government, but in India there will be many barriers at every level. The second thing they said was that the Judicial system is very perfect in India, but in China they are still at the architectural stage, and they could not come up to the expectations of the world standard. Therefore, India is having a very strong judicial system. I fully agree that there are a huge number of pending cases. About more than two crore cases are pending, and more so, every High Court is overburdened.

(Contd. by 3d — PK)

-USY/PK/3D/4.15

DR. E. M. SUDARSANA NATCHIAPPAN (CONTD.): The appointment of judges is delayed because of various reasons, because the system has been taken over by the Judiciary itself. Judiciary itself appoints their own judges. Therefore, a lot of delay takes place. These are all managerial things which should be looked into by way of perfect

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discussion between the Executive and the Judiciary. In due course, it can be looked after properly. On the other hand, as the Leader of the Opposition said, coming forward with such a legislation is a *bona fide* effort of the Government to have a speedy disposal of commercial disputes. Sir, already, the quasi judicial system is available. When there is a dispute on patent or copyright, they go to the Appellate Tribunal, chaired by a retired judge of the High Court. Some other retired judges are looking after this. Anyhow, we are, again and again falling into the system of judges, whether they are serving judges or retired judges. Even in arbitration, we are not following the international pattern. There, it is the professional groups who become the arbitrators. We are choosing only the retired judges. Nowadays, when we talk with retired judges, they say: “we are very happy after retirement.” This is because, even after retirement, they are getting a lot of money for a sitting in arbitration. They charge even Rs.1 lakh for a sitting in arbitration. They even go to Singapore or Hong Kong to put a case. Since the company is a multinational company, they are ready to pay the money. Therefore, they are ready for that. Therefore, we should take into consideration the retired judges who

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have retired from the Supreme Court at the age of 65 or the judges who have retired from the High Court at the age of 62 -- depending upon them -- having their grand children around and playing with them in their own houses, they can put the arbitration cases also there. This can be stopped by way of perfecting the system with having more judges.

(Mr. DEPUTY CHAIRMAN in the Chair.)

I am not saying that the present number is sufficient or the present infrastructure is sufficient; it is not sufficient. We have to look into it thoroughly. We have to come out with some remedy for that. For that, I would like to suggest that when you are creating a system of separate Benches, it should have some logic behind it. For example, even after the creation of this particular Commercial Bench, if the appeal goes to the Supreme Court, the stake may be of Rs.50,000 crores, but they will have to pay only Rs.250/-. How is it possible? An ordinary person has to wait for so many years at the doors of the Supreme Court to get a disposal on the death penalty or life imprisonment. They have to wait for the disposal of the cases which are now pending before the Commercial Benches. Therefore, we

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should have a separate system for the payment of court fee also. When they go for arbitration, they have to pay lakhs of rupees as arbitration fee for the Arbitrator and also the lawyers. At the same time, if it goes through the Court, they need not pay more than Rs.250/- as Court fee. It is much insufficient. Under article 145, the Government can request the Supreme Court to reframe their own system, and, if necessary, we can also come out with a procedural law, with the consent of both, the Supreme Court and the High Court, so that the Court fee is restructured according to that. We will be getting huge money on account of that. There is a recommendation in the Report of the Parliamentary Standing Committee on Law and Justice that separate levy should be given, court fee should be structured for the commercial disputes; so that, even the Supreme Court — at random, we can say that—earns per year more than Rs.10,000 crores. Now, we are parting with more than Rs.90 crores per year for their expenditure. The income is only Rs.8 crores but the expenditure is more than that. If we allow the Commercial Dispute Benches to get the court fee on par with other expenditures, then, automatically, the Supreme Court will also have sufficient money. We

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can also appoint more judges in the Supreme Court and also in the High Courts. The surplus money can be circulated up to the level of the Judicial Magistrate or Munsif courts in villages. The infrastructure is starved of because of the scarcity of funds at the State level.

(Contd. by 3E/PB)

-PK/PB/3e/4.20

DR. E.M. SUDARSANA NATCHIAPPAN (CONTD.): All the mofussil courts, subordinate courts are starved of funds. There is no space even for a Judge to sit and decide the cases. There is lack of infrastructure in other ways also at all the State level courts. This problem can also be addressed if this particular Bill comes into force and if a proper approach is made towards that.

Regarding the procedural aspect, Sir, I feel that our Leader of Opposition is very right in saying as to why the Division Bench has to sit for these matters and the original suits should also be decided by the Division Bench. In certain chartered High Courts just like Chennai, etc., Sir, there are some procedures where the evidence is taken by a Registrar or by a Single Judge if there is a dispute in admissibility of the evidence. The hon. Law Minister is also bringing in an amendment

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to this effect. If there is a dispute of admissibility of evidence, then that can be referred to the Division Bench. Therefore, referring it to the Division Bench means that the appeal is automatically going to the Supreme Court alone so that the matter is settled forever. We cannot have further proceedings. So, the years of dispute in pendency can be solved by way of this Division Bench. If there is a Single Bench, then it has first to go to the Division Bench; after that, it has to come to the same High Court and then it will go to the Supreme Court. It will take more time because of the hierarchy in the Judiciary. Therefore, I feel that when we would apply this particular enactment, which is a new enactment and which is a modern one, it needs a lot of inputs. We can work on the procedural aspects of it after having proper discussion with the Judiciary. They should not feel that we are trespassing into their field. There can be a forum in which both the Judiciary and Executive can sit together, and, under Article 145, it can formulate and come out with a procedure by which the commercial disputes can be settled very well. The number of Judges is to be increased and the infrastructure has to be upgraded. The financial

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aspect can be taken care of by the system itself. It can generate the money for looking after these issues.

With these observations, I feel, Sir, this is the right time when we are bringing in this Bill. When we would implement it, we may experience some teething trouble. But I think that can be addressed then and there and we can come out with certain remedies on those issues. Thank you, Sir.

(Ends)

SHRI D. RAJA (TAMIL NADU): Sir, I was a Member of the Select Committee which dealt with this Bill. I had given a dissent note also. I am not an eminent lawyer like Salman Khursheed or Arun Jaitley or Ravi Shankar Prasad. But as a political activist, how do I look at this Bill?

Sir, when this Bill came to public domain, it was opposed by none other than Justice Krishna Iyer. Justice Krishna Iyer has pointed out that this legislation is violative of Article 14 of the Constitution. It creates poor litigants and rich litigants, and this goes against the very spirit of the Directive Principles of the State Policy. So, this legislation is not a proper legislation but we discussed it. I do feel that this

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legislation is not in tune with the concept of justice we all believe in, trust in, and this creates two classes, i.e., poor litigants and rich litigants. If you take Rs. 1 crore, which is the dispute benchmark, for a poor man, ten thousand rupees is a big money, but, for some rich people, even ten crores is a small money. It is relative. But justice must be common to all. That is why I think that even at this last minute, the hon. Law Minister, Shri Salman Khursheed, may think over taking it back. This Bill can be taken back and reconsidered by the Government, without making it a prestige issue, because, there is nothing wrong in it. You are talking about consensus. That consensus cannot be a bipartite consensus. It can be the overall House consensus. You must try to build consensus.

(Contd. by 3f/SKC)

3f/4.25/skc

SHRI D. RAJA (contd.): What we are saying is, try to find out whether there is any point in it or not. I agree with Mr. Arun Jaitley when he asks, where would we be taking up disputes on the Intellectual Property Rights or copyrights? I think, the time has come when you will have to strengthen judiciary and fill up all vacancies. Try to

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dispose of the pending cases that run into lakhs, try to build the infrastructure wherever it is necessary and expand the network of courts. For instance, the legislation on Gram Nyayalayas was passed. But, what about the functioning of the Gram Nyayalayas? We do not know where the Gram Nyayalayas are functioning and which are the States that are doing well in terms of the Gram Nyayalayas. So, we are trying to pass legislations, we are trying to create new courts, but on the ground the situation is very bad.

Therefore, I would request the hon. Minister to take the sense of the House, take the Bill back, take your time and come back to the House. We would consider it then, but right now, please do not try to push the Bill in a hurry and get the approval of the House. It is not fair. That is the final request I make to you. Please, take the Bill back.

(Ends)

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): Hon. Deputy Chairman, Sir, I thank the hon. Leader of the Opposition and all the distinguished Members who have spoken with great passion and great involvement and commitment to the delivery of justice in this country. I also appreciate the words spoken

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from across the floor and by hon. Member, Mr. Raja, that there are certain aspects in this Bill that require perhaps further consideration and may be even some informal consultation before we move forward. I am very happy to consider that, but I do want to preface that first with a few very important points that I hope the Leader of the Opposition will keep in mind.

It is understandable that the purpose for which this Bill has been brought is shared by many Members in the House and some Members feel that, frankly, this is not a good purpose. I would want to refer to that in a moment.

The fact that I have inherited this Bill makes me feel proud that I have an inheritance from a very successful predecessor of mine, but certainly, if it is an inheritance, I must not only protect and preserve it, but I also should refine it, particularly, when we have such wonderful advice that is coming from across the floor from people who are vastly experienced in the field of law.

Sir, the essential issue is that we want to provide for a faster method and a simpler method of deciding commercial disputes in this country, and nobody should really object to that to the extent that

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people feel that this is to be done at the cost of the average citizen, perhaps the marginalized poor citizens of our country. That is not true at all. The purpose is to move in tandem, just as we are concentrating on providing greater service to the common citizen, looking at how we can strengthen the National Legal Services Authority and the State Legal Services Authority, the footprint of legal aid, ensuring that we bring about the brightest minds that are working in some of our top legal institutions and universities of law that have brought about revolutions in the country in the last ten years, involve them more directly in the work of providing legal aid, educating people about legal rights and ensuring that when they get to the court, they have the confidence that they are not being taken for a ride, that they actually have the best possible assistance available to them. We are also totally committed to the enhancement of doorstep delivery of justice and, therefore, the Act that was passed for establishing Gram Nyayalayas is extremely important for us. We have provided funding for it. Of course, the States have taken a little bit of time. Some States have made a yeomen effort to move forward, but many of the

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States are lagging behind as far as the Gram Nyayalayas are concerned.

(contd. at 3g/hk)

HK/3g/4.30

SHRI SALMAN KHURSHEED (CONTD.): There is also an issue and that, of course, is reflected in the learned Leader of the Opposition's speech as well, and that is an issue of quality of service and delivery of justice that is available at the lower level, at the subordinate court level and at the High Court level. A lot of people believe that the quality of service if it suffers at the subordinate court level it is largely because infrastructure is lacking. We have an extremely ambitious plan for providing infrastructure. We have an extremely important mission for justice delivery and for judicial reform -- a mission that over the next five years will hopefully transform the entire landscape as far as justice delivery is concerned. And this mission is making, firstly, the most important effort which a lot of learned Members have mentioned. With the availability of specific statistics we can actually look at the impact that this or any other legislation will make. We have broad figures available. And those broad figures are available now on websites as

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well. I can give the latest figures that are available to us from the Supreme Court. But details are not available, the status of each case is not available, details regarding the kind of cases and sort of courts they are in are not available. Today we are providing computerization in all courts. In the next three years, we would be able to cover all the courts in this country and, therefore, would be able to keep real time actual track of what cases are being filed and what cases are being disposed of. And we would certainly be in a much better situation to be able to analyse the impact of any legislation of what would happen. For instance, when the legislation under the Negotiable Instruments Act was passed for bouncing of cheques, we all thought there was a beneficial legislation, but we also know now the Magistrate Courts are completely choked with those cases. Therefore, on the suggestion that we should have shifts courts -- we should have courts for morning and evening shifts -- we should have courts on holidays, lawyers have some reluctance and difficulty in accepting that proposition. In the north east, lawyers are willing to work on holidays, but I do know in my own State and in my friend's State, lawyers are not willing to work in the evening. They don't want to come back and

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work in the evening in the second shift. And certainly they don't countenance the idea that another set of lawyers can come and work in the evening because they would rather like to keep all the work themselves. So, the purpose here is not only to help the rich. The purpose is to ensure that the marginalized get justice; the purpose also is to ensure that the world looks upon us as an effective legal system where there is a quick delivery of justice. And it is not only for people who are coming from abroad to invest in this country, but also for the growing Indian economy, the volumes that are now involved and the kind of transactions that take place that we should have quick delivery. It is understandable that people feel that quick delivery should not come at the cost to someone else. The issue of court fee was raised. Can't we charge more court fees? That aesthetically looks worse that somebody who has money can buy justice but somebody who doesn't have money can't buy justice. A person who is prepared to pay higher court fees can get fast track court, but a person who doesn't pay higher court fees can't get a fast track court. So, we have to balance the statistics with the substantive justice provisions that we have before you. Sir, as far as the specific issues

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that have been raised, I would like to urge the Leader of the Opposition to look not at the Bill that was passed by the Lok Sabha, but the Bill that has been reported upon and the Bill that is before you with amendments that we have suggested in that Bill where some of the issues that have been raised have been addressed. But I don't want going by the words of learned Member, Mr. Raja. I don't want to 'push it upon you' today. If you feel that this requires more reflection and you think that after more consultation and reflection we can come back to you, we have no problem. I am offering you a carrot but along with the carrot I must get something in return. What I want the House to reflect very seriously upon is that you should be willing to consider the total purpose of this Bill.

(Contd. by 3h/KSK)

KSK/MP/4.35/3H

SHRI SALMAN KHURSHEED (CONTD): This Bill is not to create a divide between the rich and the poor. This Bill is to provide an effective remedy for one important part of our economy today. Now, of course, there was talk about 5-star and 7-star hotels and that we are not willing to call it a 5-star court or a 7-star court; so, we are

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calling it Commercial Division. Commerce is a reality in our country today, and commerce is a reality in our country that is feeding and giving jobs to thousands and thousands and millions of people. And, we will have to develop commercial institutions and we will have to protect them. But, once again, I repeat, commercial institutions will not be developed in a manner that will exploit those who are marginalised, those who are weak and those who cannot stand on their feet in the marketplace. That is the whole idea of how the UPA Government has developed this entire approach that we have a very-very specific approach towards social justice, providing a network for those, providing a safety net for those who cannot sustain or cannot stand up to the competition that is in the marketplace and helping them both, with education and with other services. So, gradually, over the years, they would be able to stand in the marketplace with confidence and also in a manner in which it could be said that there is true equality in our country.

This is not a departure from article 14. This is an attempt to give article 14 real substance. There must be a growing economy for us to be able to make the dream of article 14 come true. So, Sir, through

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you, I am submitting to the House that I respond and respect the sense of the House. It is not to withdraw the Bill but to consult with you. We have got some amendments. We would be able to bring some more amendments, if it is found necessary, to the satisfaction of the House. And, I hope that when I come back, as soon as I can, the House will be good enough next week to support me and help me move forward.

I will say in the end that I also get a sense today that the House needs to discuss the legal system - what we are doing in the legal system, what is happening with appointment of Judges, what is happening with creation of new institutions, what is happening in the legal aid, what is happening with justice at the doorstep, what is happening with legal education. I do think that the House deserves an opportunity not only to discover what the Government is doing in this entire field but also to share with the Government their own ideas, creative ideas, on how we can take this story further. I think, at an appropriate stage, this discussion would be a very useful discussion in the House.

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Sir, with your permission, I seek only little more time so that I can come back with more amendments -- Next week possibly, if the time permits -- and then, the House can finally put its seal of approval on this Bill. Thank you very much.

MR. DEPUTY CHAIRMAN: Consideration of the Commercial Division of High Courts Bill, 2010, is deferred.

(Ends)

MR. DEPUTY CHAIRMAN: Now, we shall take up the Copyright (Amendment) Bill, 2010.

SHRI M.V. MYSURA REDDY: Sir, I have a Point of Order.

श्री शिवानन्द तिवारी : सर, मेरा एक प्वाइंट ऑफ ऑर्डर है। ... (व्यवधान)...

MR. DEPUTY CHAIRMAN: One minute please... (Interruptions). I have to hear to the Point of Order... (Interruptions). क्या प्वाइंट ऑफ ऑर्डर है? ... (व्यवधान)...

श्री शिवानन्द तिवारी : सर, मेरा प्वाइंट ऑफ ऑर्डर यह है कि मंत्री जी इस बिल को पेश नहीं कर सकते हैं, इसलिए कि इसमें इनका conflict of interest है। आपने देखा होगा, Ethics Committee की रिपोर्ट का 294 यह बताता है कि किसी भी मैम्बर का जिसमें conflict of interest हो, pecuniary interest

श्री उपसभापति : आप कौन से बिल के बारे में बोल रहे हैं?

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श्री शिवानन्द तिवारी : सर, मैं कॉपीराइट बिल के बारे में बोल रहा हूँ।

श्री उपसभापति : अभी मंत्री जी नहीं बोले हैं... अभी तो बिल ही introduce नहीं हुआ। ...(व्यवधान)...

श्री शिवानन्द तिवारी : ये introduce नहीं कर सकते हैं। ...(व्यवधान)... मेरा कहना यह है कि ये कॉपीराइट बिल introduce नहीं कर सकते हैं क्योंकि इस मामले में इनका conflict of interest है। टी.सीरीज़ जिसका म्यूज़िक वर्ल्ड में 80 परसेंट business पर कंट्रोल है...

(3J/SC-GSP पर क्रमशः)

GSP-SC-4.40-3J

श्री शिवानन्द तिवारी (क्रमागत) : इनका बेटा उसका वकील है। इनका आर्थिक हित इस बिल के साथ जुड़ा हुआ है।...(व्यवधान)..ये पहले खुद उसमें वकील थे। ..(व्यवधान).. इसलिए ये इस बिल को इंट्रोड्यूज़ नहीं कर सकते।...(व्यवधान)..

श्री उपसभापति : नहीं, नहीं। यह कैसे ..(व्यवधान)..

श्री शिवानन्द तिवारी : हम यह कहना चाहेंगे कि एथिक्स कमेटी की जो रिपोर्ट है, उसमें 294 को देखा जाए। ..(व्यवधान).. कृपया 294 को पढ़ा जाए। ..(व्यवधान).. “Whenever a Member has a personal or specific pecuniary interest (direct or indirect) in a matter being considered by the Council or a Committee thereof...” (Interruptions)

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SHRI M.V. MYSURA REDDY: Sir, he is appearing on behalf of ...

(Interruptions)...

MR. DEPUTY CHAIRMAN: See, Rule 294 is relating to Declaration of Interest.

श्री शिवानन्द तिवारी : वे डिक्लेयर करें। ..(व्यवधान)..

MR. DEPUTY CHAIRMAN: Rule 294 (1) says “whenever a Member has a personal or specific pecuniary interest, direct or indirect, in a matter being considered by the Council or a Committee thereof, he shall declare the nature of such interest notwithstanding any registration of his interests in the Register, and shall not participate in any debate taking place in the Council or its Committees before making such a declaration.” On this specific issue, if any Member has any interest, he has to declare, and, then only, he has to talk.

श्री शिवानन्द तिवारी : मिनिस्टर का ही है। ..(व्यवधान).. हमने कहा है कि मिनिस्टर का इसमें pecuniary interest है।

श्री उपसभापति : कैसे है? आप बताइए। ..(व्यवधान)..

श्री शिवानन्द तिवारी : इनका बेटा टी सीरीज़ का वकील है, जिसका म्यूज़िक इंडस्ट्री में 80 परसेंट शेयर है और वह मामला इस बिल में है। ..(व्यवधान).. ये

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पहले खुद इसके वकील थे। ..(व्यवधान).. आप स्पष्टीकरण दें कि वह वकील नहीं है। ..(व्यवधान)..

MR. DEPUTY CHAIRMAN: The Minister of Parliamentary Affairs is here. Whatever you had to say, you have said. (Interruptions)

संसदीय कार्य मंत्री (श्री पवन कुमार बंसल) : सर, माननीय सदस्य..(व्यवधान)..

श्री शिवानन्द तिवारी : मिनिस्टर साहब इसका जवाब दें। ..(व्यवधान)..

श्री उपसभापति : पार्लियामेंटरी अफेयर्स मिनिस्टर इंटरवीन कर रहे हैं। ..(व्यवधान)..

श्री शिवानन्द तिवारी : ये कैसे देंगे? ..(व्यवधान).. जवाब संबंधित मंत्री महोदय दें।..(व्यवधान)..

श्री उपसभापति : पार्लियामेंटरी अफेयर्स मिनिस्टर हैं..(व्यवधान).. One minute. (Interruptions)

श्री पवन कुमार बंसल : सर, माननीय सदस्य ..(व्यवधान)..

MR. DEPUTY CHAIRMAN: I will hear you also. (Interruptions)

श्री पवन कुमार बंसल : सर, यह कोई तरीका नहीं है। वे बात ही नहीं करने दे रहे हैं।..(व्यवधान)..

SHRI M. VENKAIAH NAIDU: Sir, first of all, the Members, who have raised objection, have to be heard. (Interruptions)

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श्री शिवानन्द तिवारी : जवाब माननीय मंत्री जी को देना चाहिए। ..(व्यवधान)।..

श्री उपसभापति : आप बैठिए। ..(व्यवधान)।.. I have heard you.

(Interruptions) Tiwari ji, I have heard you. (Interruptions)

श्री शिवानन्द तिवारी : इनका बेटा वकील है या नहीं? ..(व्यवधान)।.. इनका बेटा टी सीरीज़ का वकील है या नहीं है।..(व्यवधान)।..

MR. DEPUTY CHAIRMAN: I have heard you. (Interruptions) Let us hear Mr. Mysura Reddy.

SHRI M. VENKAIAH NAIDU: Sir, two three Members have raised objections. Please hear them. (Interruptions)

MR. DEPUTY CHAIRMAN: These are the two Members. (Interruptions) Hon. Members, please. (Interruptions) Yes, Mr. Mysura Reddy.

SHRI M.V. MYSURA REDDY: Sir, my submission is also relating to Rule 294. The Minister is piloting the Bill. One official amendment, that is, 31 D is there. There is a dispute between the TV broadcasters and the music companies. In this, T-Series has a prominent role, and, HT Media Limited filed a petition also. They went to court and the CCI also. They gave the judgement that it was a monopolistic tendency and they are investigating into the case also. For those

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seven, eight cases, I am having a record that his son is appearing on behalf of Super Cassettes Industries Limited. It is the name of the company. (Interruptions) His son is appearing. (Interruptions)

श्री उपसभापति : आप बैठिए। ..(व्यवधान)..

श्री शिवानन्द तिवारी : टी सीरीज़ कम्पनी को *

श्री पवन कुमार बंसल : सर, इस तरह से इल्ज़ाम लगाना गलत है। यह बात सही नहीं है। ..(व्यवधान)..

श्री उपसभापति : तिवारी जी, आप बैठिए। ..(व्यवधान).. आप बात मत कीजिए। ..(व्यवधान)..

श्री पवन कुमार बंसल : आपका कहना सही नहीं है। आपको बोलने का अधिकार है, इसका मतलब यह नहीं है कि जो आपके मन में आए, वह आप कहेंगे। ..(व्यवधान)..

MR. DEPUTY CHAIRMAN: Nothing will go on record. (Interruptions)

श्री शिवानन्द तिवारी : *

श्री पवन कुमार बंसल : आप क्या बात कह रहे हैं? आप जानते हैं कि 18 साल का लड़का भी अपने आप अलग हो जाता है। ..(व्यवधान)..

SHRI M.V. MYSURA REDDY: *

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MR. DEPUTY CHAIRMAN: Nothing will go on record. (Interruptions)

(Followed by YSR-3K)

-GSP/YSR-MCM/4.45/3K

SHRI PAWAN KUMAR BANSAL: Sir, it is very unfair. (Interruptions)

श्री उपसभापति : आपने प्वाइंट ऑफ आर्डर रेज किया, तिवारी जी ने बोला और मैसूरा रेड्डी साहब बोल रहे हैं। बोलने के बाद I have to hear the other side also. (Interruptions)

श्री प्रकाश जावडेकर : सर, हमारी भी साइड है।.....(व्यवधान)

MR. DEPUTY CHAIRMAN: You have not demanded that. प्वाइंट ऑफ आर्डर आपने डिमांड नहीं किया।.....(व्यवधान) ठीक है.....(व्यवधान)

SHRI M. V. MYSURA REDDY: Sir, I was saying this. (Interruptions)

MR. DEPUTY CHAIRMAN: Please sit down. (Interruptions) You had said whatever you wanted to say. (Interruptions)

SHRI M. V. MYSURA REDDY: Sir, you have to give your Ruling. (Interruptions)

MR. DEPUTY CHAIRMAN: You have said that there is a case. I heard you. Now let the Parliamentary Affairs Minister say. (Interruptions) After this if there is any clarification..(Interruptions).. तिवारी साहब, आप बैठिए। (Interruptions) Don't make allegation. (Interruptions)

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Unless you give a notice ..(Interruptions).. Don't make an allegation.

(Interruptions)

श्री पवन कुमार बंसल : तिवारी साहब, यह Parliamentary Affairs का ही मामला बनता है.....(व्यवधान) आप रेज कर रहे हैं।.....(व्यवधान)

MR. DEPUTY CHAIRMAN: Any Minister can intervene.

(Interruptions)

श्री पवन कुमार बंसल : आप मुझे बोलने का भी अधिकार नहीं देंगे?.....(व्यवधान)

श्री उपसभापति : बंसल जी, आप बोलिए।.....(व्यवधान)

श्री प्रकाश जावडेकर : सर, हमारा point भी तो सुनना चाहिए।.....(व्यवधान)

श्री उपसभापति : हां, सुनेंगे।.....(व्यवधान) पाणि जी, आप बैठिए,.....(व्यवधान) आप बोलिए।.....(व्यवधान) I heard you.

(Interruptions)

SHRI PRAKASH JAVADEKAR: Sir, give me only two minutes.

(Interruptions) मैं दो मिनट में नया प्वाइंट बतला रहा हूँ।.....(व्यवधान)

MR. DEPUTY CHAIRMAN: I have called the Minister. (Interruptions)

I will call you after the Minister. (Interruptions) Don't make it an issue.

(Interruptions) आप बैठिए।.....(व्यवधान)

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SHRI PRAKASH JAVADEKAR: Sir, I am not making it an issue.

(Interruptions) I have a point. (Interruptions) Sir, I have new information. (Interruptions)

MR. DEPUTY CHAIRMAN: I have called the Minister. First let us hear him, then you can speak. (Interruptions) आप बैठिए.....(व्यवधान)

SHRI M. VENKAIAH NAIDU: Sir, he is not a Member of the House. (Interruptions)

MR. DEPUTY CHAIRMAN: I have to hear him. (Interruptions) He is the Parliamentary Affairs Minister. (Interruptions)

SHRI M. VENKAIAH NAIDU: Sir, this is about the proceedings of the House. (Interruptions)

MR. DEPUTY CHAIRMAN: No, he can participate. (Interruptions) There are Rulings. He can participate, Mr. Venkaiah Naidu. (Interruptions)

SHRI M. VENKAIAH NAIDU: Sir, this is about the proceedings of the House, not about the debate. (Interruptions)

MR. DEPUTY CHAIRMAN: Even on clarification, he has the right to give clarification. (Interruptions) He has got the right. (Interruptions) There are Rulings. (Interruptions)

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SHRI PRAKASH JAVADEKAR: Sir, I have some information.

(Interruptions) After that the Minister can respond. (Interruptions)

MR. DEPUTY CHAIRMAN: What is there if he speaks?

(Interruptions)

SHRI PRAKASH JAVADEKAR: Sir, give me only one minute.

(Interruptions)

MR. DEPUTY CHAIRMAN: I can't understand why you are saying that you want to speak first. (Interruptions) When a Minister intervenes, he will be given the preference. (Interruptions) Why are you making this a big issue? (Interruptions)

श्री प्रकाश जावडेकर : सर, मेरा प्वाइंट यह है कि मैं एच0आर0डी0 कमेटी का मेम्बर हूं, सर, इस बिल में.....(व्यवधान)

श्री पवन कुमार बंसल : सर, यह बिल बिल्कुल स्पष्ट है। माननीय सदस्य ने जिसने यह ऐतराज किया है उन्होंने यह नहीं कहा कि माननीय मंत्री के किसी डिपेंडेंट का.....(व्यवधान)

श्री प्रकाश जावडेकर : सर, मेरा प्वाइंट सुन तो लो, केवल एक मिनट की बात है।.....(व्यवधान)

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श्री पवन कुमार बंसल : क्या जो माननीय नेता विपक्ष हैं, किसी न किसी के लिए कभी पेश नहीं हुए होंगे? क्या उसके बाद उनको यहां बोलने का मौका नहीं मिला होगा? क्यों उन्होंने उस पर यहां अपने विचार नहीं रखे होंगे?

(3L/gs पर क्रमशः)

VKK-GS/3L/4.50

श्री पवन कुमार बंसल (क्रमागत): सवाल यह होता है कि मौके पर अगर आप किसी मंत्री पर इल्जाम लगा रहे हैं तो आपको भी अपने, अपने spouse और अपने डिपेंडेंट, चिल्ड्रन के बारे में यह स्पष्ट तौर पर बता देना चाहिए। ...*(व्यवधान)*... Sir, I am sure, we all understand that an advocate is a person who is on his own fee. *(Interruptions)* He does not support the Minister. *(Interruptions)*

श्री शिवानन्द तिवारी : बंसल जी, इसको पढ़िए। ...*(व्यवधान)*...

श्री पवन कुमार बंसल : सर, यह इल्जाम सही नहीं है। ...*(व्यवधान)*... This is not in good taste. I would say that this is rather unparliamentary. This is not in good taste. *(Interruptions)* आप पूछिए अपने नेता विपक्ष से कि वे किस-किस के लिए पेश हुए होंगे? ...*(व्यवधान)*... क्या किसी विषय पर बोलेंगे नहीं? ...*(व्यवधान)*... यह क्या बात है ? ...*(व्यवधान)*... Sir, this decision is a decision of the Government of India. The decision is of the Cabinet. *(Interruptions)* It's Cabinet's decision. *(Interruptions)*

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

The House then adjourned at fifty-one minutes past four of the clock

-KR-TMV-LP/3M & 3N/5.05 & 5.10

The House re-assembled ten minutes past five of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

श्री प्रकाश जावडेकर : सर, हमारा मुद्दा सुनिए, मेरा यह मुद्दा है, यह जो बात चल रही है कि क्या मिनिस्टर को बिल रखने से पहले डिक्लेयर करना चाहिए, यह सैक्शन 31 D, ..(व्यवधान)..

MR. DEPUTY CHAIRMAN: Will you allow me to speak for a minute? Please allow me. (Interruptions)... I have just called out ... (Interruptions)...

श्री प्रकाश जावडेकर : सर, रूलिंग देने से पहले..(व्यवधान)..

MR. DEPUTY CHAIRMAN: I am not giving any ruling. (Interruptions)... I am not giving any ruling. (Interruptions)... Please sit down. आप बैठिए। आप इतनी जल्दी क्यों करते हैं? ..(व्यवधान).. हमारे सामने यह सवाल है कि अभी बिल कंसीडरेशन के लिए लिया नहीं गया था, I have just called the Minister and the Minister has

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not yet got up also. At that time, objections were raised. So, there was no material before the Chair. On that subject there was no discussion whatsoever. We have not started the discussion at all. Before the Bill could be taken up for consideration you have started raising objections. (Interruptions)... When I am talking (Interruptions)... जरा सुनिए..(व्यवधान)..

श्री शिवानन्द तिवारी : उपसभापति जी, यह प्वाइंट ऑफ ऑर्डर है..(व्यवधान)..

श्री उपसभापति : तिवारी जी..(व्यवधान)..

श्री प्रकाश जावडेकर : सर, एक मिनट..(व्यवधान).. Sir, give me one minute. (Interruptions)... Give me one minute. (Interruptions)...

श्री उपसभापति : मैं आपको टाइम दे रहा हूं..(व्यवधान)..मैं आपको टाइम दे रहा हूं, मगर ..(व्यवधान).. It is my duty to clarify. (Interruptions)...

DR. V. MAITREYAN: Sir, the Minister is going to discuss something else. (Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Maitreyan, don't you want to listen to me? (Interruptions)...

श्री शिवानन्द तिवारी : उपसभापति जी, मेरा प्वाइंट ऑफ ऑर्डर था..(व्यवधान)..

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श्री प्रकाश जावडेकर : सिर्फ सुनने के लिए कह रहा हूँ..(व्यवधान)..

MR. DEPUTY CHAIRMAN: You are raising so many objections. (Interruptions)... Mr. Maitreyan, I am in the Chair. (Interruptions)... Please. (Interruptions)... I have to hear both the parties. (Interruptions)... It is not that just because you shout I should listen to you. (Interruptions)... I have to listen to both the sides. (Interruptions)... My request to all the Members is not to ask the Chair that I should listen only to this or that. (Interruptions) मैं बोलने देता हूँ, आप बैठिए ..(व्यवधान)..मैं कह रहा हूँ ..(व्यवधान)..

श्री प्रकाश जावडेकर : वन मिनट सर, ..(व्यवधान)..

SHRI BALBIR PUNJ: Sir, you give him two minutes. (Interruptions)...

MR. DEPUTY CHAIRMAN: You don't be his advocate. He can directly talk to me. (Interruptions)...

श्री प्रकाश जावडेकर : वन मिनट सर, ..(व्यवधान)..सर, जब यह बिल आया..(व्यवधान)..

श्री शिवानन्द तिवारी : सर, मेरा प्वाइंट ऑफ ऑर्डर था..(व्यवधान)..मेरा प्वाइंट ऑफ ऑर्डर था..(व्यवधान)..मिनिस्टर इस बिल को ले नहीं कर सकते हैं..(व्यवधान)...

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SHRI PRAKASH JAVADEKAR: He is allowing me. What is your objection? (Interruptions)...

MR. DEPUTY CHAIRMAN: I am assuring him that I am going to listen to him. (Interruptions)... I assured him that I would listen to him. But in the meantime, you are not allowing me to speak also. (Interruptions)...

SHRI TIRUCHI SIVA: It is overriding the Chair himself. (Interruptions)... It is not fair. (Interruptions)...

श्री उपसभापति : आप बैठिए, आप बैठिए..(व्यवधान)..आप सभी बैठिए..(व्यवधान)..

श्री सत्यव्रत चतुर्वेदी : अगर उनको अलाऊ करते हैं तो हमको भी अलाऊ करिए..(व्यवधान)..

श्री उपसभापति : आप बैठिए, आप बैठिए ..(व्यवधान)..आप सभी बैठिए..(व्यवधान).. प्लीज आप भी बैठिए..(व्यवधान)..मैं किसी को नहीं ..(व्यवधान).. आप बैठिए..(व्यवधान)..

श्री प्रकाश जावडेकर : सर, बिल इंट्रोड्यूज हुआ है..(व्यवधान)..

MR. DEPUTY CHAIRMAN: I am just bringing to the notice of the House that if you have any objection, you have every right to raise a point of order. My point is that the Bill or whatever it is, I have just

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called out the Copyright (Amendment) Bill. (Interruptions)... Listen to me. (Interruptions)... Why do you talk? (Interruptions)... How can you listen to me? (Interruptions)...

श्री प्रकाश जावडेकर : यह बिल स्टैंडिंग कमेटी के पास गया..(व्यवधान)..

MR. DEPUTY CHAIRMAN: Don't you have patience, at least, to wait for some time? (Interruptions).... Why do you go on making a running commentary? (Interruptions)... Now, I have just called out the Copyright Bill. Suddenly you got up and said, "a point of order". I listened to you and I listened to Mr. Mysura Reddy. I didn't see that he raised his hand because I was only looking towards you. Now he has raised his hand. So, I will give him time. But the point is that you have raised rule 294. (Interruptions)... मैं रूलिंग नहीं दे रहा हूँ, मैं बोल रहा हूँ, आप सुनिए..(व्यवधान)..

(akg/30 पर जारी)

AKG-VK/30/5.15

श्री उपसभापति (क्रमागत) : आपने रूल 294 उठाया। Both of us read Rule 294. Whatever I have to say, I will say. When you raised your objection, you did not allow the Minister to say anything. In the meantime, the House was adjourned.

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श्री शिवानन्द तिवारी : मिनिस्टर कह ही नहीं सकते ... (व्यवधान) ...

श्री उपसभापति : तिवारी जी, यह ज्यादाती है। प्लीज़, देखिए, यह हाउस है।

Mr. Mysura Reddy, your point is under Rule 294! (Interruptions).

श्री नरेश चन्द्र अग्रवाल : इनकी बात अभी सुनी नहीं गई।

SHRI M.V. MYSURA REDDY: Sir, Rule 294 says, "Whenever a Member has a personal or specific pecuniary interest, direct or indirect..." Here, it is indirect. The last line says, "Shall not participate in any debate taking place in the Council..."

MR. DEPUTY CHAIRMAN: Please read further.

SHRI M.V. MYSURA REDDY: "...or its Committees before making such a declaration." He did not declare it.

MR. DEPUTY CHAIRMAN: You did not allow him to do that. (Interruptions).

SHRI M.V. MYSURA REDDY: How can he declare it now? (Interruptions).

MR. DEPUTY CHAIRMAN: Let me make it clear. (Interruptions).

श्री प्रकाश जावडेकर : सर, मंत्री महोदय ने पिछले सेशन में यह बिल introduce किया। जब उन्होंने इसे introduce किया, तब हमने objection नहीं किया था।

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अब objection करने के पीछे क्या बात हुई? तो बात यह हुई कि जब बिल introduce किया गया था, तो what was it saying?

श्री उपसभापति : देखिए, इसे गवर्नमेंट ने introduce किया है। ... (व्यवधान)...

श्री प्रकाश जावडेकर : मैं वही बता रहा हूँ कि I am a Member of the Standing Committee. That Bill went to the Standing Committee. उसमें क्या लिखा था? Section 31 says....

श्री उपसभापति : आप इसे डिबेट में बोलिए ना ... (व्यवधान) ... Whatever you have to say, say it in the debate.

श्री प्रकाश जावडेकर : सर, यह लिखा था। अब क्या हो गया?

MR. DEPUTY CHAIRMAN: As far as Rule 294 is concerned, it only says that the Member who has interest, directly or indirectly, can participate in the debate but after declaring it. (Interruptions).

The House is adjourned till 11 a.m. tomorrow.

The House then adjourned at seventeen minutes past five of the clock till eleven of the clock on Wednesday, the 14th December, 2011.