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Shravana 21, 1936 (Saka)

# **LOK SABHA DEBATES**

**(English Version)**

**Second Session**

**(Sixteenth Lok Sabha)**



(Vol. X Contains Nos. 20 to 30)

**LOK SABHA SECRETARIAT**

**NEW DELHI**

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## **LOK SABHA DEBATES**

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LOK SABHA

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Tuesday, August 12, 2014/Shravana 21, 1936 (Saka)

The Lok Sabha met at Eleven of the Clock

[HON. SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

*[English]*

**HON. SPEAKER:** Q. No.481, Shri Satyapal Singh

**(Q.481)**

*[Translation]*

**SHRI SATYA PAL SINGH:** Speaker Madam, I would like to know from the Hon. Minister through you whether the Government has a plan to build a cold storage to keep the vegetables of the farmers safe, so that if the vegetables are not sold in the market, they can be kept in the cold storage and they do not get spoiled? In the absence of cold storage, 35-40 percent of the vegetables rot due to being unsold and farmers suffer huge losses, as a result of which vegetables become expensive. I would like to know from the Hon. Minister through you that if the Government has any plan to set up cold storages in the vegetable markets, then what are its state-wise details and when will this plan be completed in the district centre markets?

**SHRI RADHA MOHAN SINGH:** Speaker Madam, the Government plans to build cold storage and the Ministry of Agriculture is implementing the Integrated Horticulture Development Mission during the 12th Five Year Plan. In all the loan related projects of post-harvest infrastructure including cold storages in MIDH, provision of subsidy of 35 percent of the project cost in general areas and 50 percent in hilly

scheduled areas has been made. Apart from this, the Ministry of Food Processing is also implementing the Cold-Chain, Value Addition and Testing Infrastructure Scheme from the year 2008-09, there is a provision of subsidy at the rate of 50% of the total cost of plant, machinery and technical civil works in general areas is provided, subject to a maximum grant-in-aid of Rs. 10 crore and 75% in North-East, Jammu and Kashmir, Himachal Pradesh and Uttarakhand. Also, through the Agricultural and Processed Goods Production and Export Development Authority, which we know as APEDA, the Ministry of Commerce provides grant-in-aid up to 90 percent to the State Government agency for setting up cold storage for export and also provides assistance to non-Government exporters at the rate of subsidy of 40 percent with a limit of Rs. 75 lakh.

**SHRI SATYA PAL SINGH:** Speaker Madam, my second supplementary question to the Hon. Minister is that farmers take vegetables to big cities and mandis to sell them far away, but there are no resting spaces for farmers in the mandis for them to stay, due to which, farmers who reach the market at night, they face problems with resting arrangements and accommodation. I would like to know through you from the Hon. Agriculture Minister whether the Government has any plan to build resting spaces for farmers in the mandis? If so, what are its details?

**SHRI RADHA MOHAN SINGH:** Speaker Madam, marketing yards are created by the State Governments. Hon. Member has given a good suggestion. I will discuss and write to the State Governments, so that those

Mundy resting spaces are built. Farmers keep their produce in cold storage, what is the value of its losses? Also, is there any cold storage chain in the country at present? If so, what is the difference between requirement and availability? Apart from this, I also want to know what is the state wise details of the above difference and what is the loss caused due to it?

Madam, in relation to the CIPATT study, which was conducted in the year 2007-2008, the estimated value of losses of crops and livestock products at the national level i.e. economic value was approximately Rs. 44,143 crore. According to this report, post-harvest losses in selected coarse grains have been found to be in the range of 3.9 percent to six percent, in pulses, 4.3 percent to 6.1 percent, and in oilseeds, 2.8 to 10.8 percent. Losses in selected fruits and vegetables have been estimated to range from 5.8 percent to 18 percent. We have the state wise details and it has been tabled in the House. It has been attached inside it.

*[English]*

**SHRI K. PARASURAMAN:** Madam, I want to know from the Hon. Minister whether the Government is having any proposal to set up cold storages in Tamil Nadu particularly in Thanjavur. If there is no proposal, I want to know whether the Government has any proposal to provide financial assistance as grant to private parties in setting up of these cold storages.

*[Translation]*

**SHRI RADHA MOHAN SINGH:** Madam, there are many schemes of the Government of India and also of many State Governments. If any proposal comes under those guidelines, it can definitely be made in Tamil Nadu also.

**SHRI AKSHAY YADAV:** Hon. Speaker, most of the cold storages in Uttar Pradesh are located in Jaswant Nagar and Sirsaganj. This area is a huge area of potato production. However, every year, the crop here gets spoiled. As a result of this, less potatoes reach the cold storage and the cold storage owners have to suffer huge losses. Will the Minister provide financial assistance to keep cold storages operational, which are shutting down due to losses? And for those that have already closed, will there be provisions to restart them through subsidies?

**SHRI RADHA MOHAN SINGH:** It is true that subsidy is given in the construction of cold storage. At present, there are 6,890 cold storages in the country and 2176 in Uttar Pradesh. We subsidize their construction. Now a new arrangement has been made that Government assistance should be arranged for training the technicians of cold storage employees, so that they can be trained to reduce their losses.

*[English]*

**SHRI K. H. MUNIYAPPA:** Speaker Madam, agriculture is the most important sector and the backbone of this country. Thirty per cent of the



agro-products including vegetables are perishing and cause loss to the farmers every year. If the Government thinks to constructing cold storages in every district, they can construct them even with the amount of loss which the farmers are suffering. May I know from the Hon. Minister whether there is any plan by the Government to construct cold storage in each district of the country or on the basis of cost-sharing with the States?

*[Translation]*

**SHRI RADHA MOHAN SINGH:** Madam, there are many schemes of the Government of India and also the State Governments. Like, Food Corporation of India also builds warehouse and rents them. Similarly, CWC and SWC of the State Government also have warehouses. Under this scheme, any entrepreneur in any district can build a warehouse.

*[English]*

**SHRI K. H. MUNIYAPPA:** My question is specifically for district wise cold storages.

*[Translation]*

**SHRI RADHA MOHAN SINGH:** There is nothing like this district wise, but there is a provision for this facility everywhere and wherever it is required, it is approved as per the guidelines.

**SHRI MULLAYAM SINGH YADAV:** Speaker Madam, the Hon. Minister just said that we give subsidy. You give subsidy where there is no cold-storage in the block. If someone wants to set up cold storage there,

they give subsidy. If anyone wants to build cold storage, will you give subsidy to him? But this is wrong. In our Uttar Pradesh, you give a subsidy of Rs. 50 lakh to a block where there is no cold storage. You said that we give subsidy. This means giving subsidy to everyone. So, will you give subsidy to everyone?

**SHRI RADHA MOHAN SINGH:** Hon. Speaker, we have a criterion for giving subsidy, it is different for hilly states, different for north-eastern states, different for general places. Similarly, it is different for SCST and women and different for general category. We do not give block wise or panchayat wise subsidy, we give it under category.

(Q.482)

*[English]*

**KUMARI SHOBHA KARANDLAJE:** Madam, I represent Udupi and Chikmagalur constituency in which naxal activities are active. In the last five years, five civilians were killed by the naxal attacks. Even in the answer, the Hon. Minister has mentioned that there is naxal activity in Udupi, Chikmagalur and also in Shimoga districts. In the last ten years, around 5000 civilians and around 2000 security force personnel were killed by the naxal activities in different parts of India. The majority of the civilians killed is tribals. They were brutally tortured and killed. In some of the recent naxal attacks, there was a failure of anticipation of events and good counter measures in place. For example, the Jeeram Ghati incident happened in which Congress leaders and other workers were killed in the attack. After this incident, a large number of police personnel were killed in Jharkhand and other places of Chhattisgarh. Why are the security forces not alert in such Maoist affected areas? Why are the intelligence inputs not available in such areas? Why are our security intelligence agencies fail to sense these issues?

*[Translation]*

**SHRI RAJNATH SINGH:** Speaker Madam, the question asked by the Hon. Member and whatever she said while asking the question is true to an extent. Many states of our country are currently affected by Maoism.

No one can deny the fact that incidents of violence have taken place. But to stop these incidents of violence, effective steps have already been taken by the Government to stop Maoist activities and even now effective steps are being taken by the Government. Now, recently I had held a review meeting in my Home Ministry to effectively stop the violence being carried out by Maoism. There was a review meeting on what should be our strategy to rid this country of the problem of Naxalism and Maoism. We have decided that wherever necessary, we will take drastic measures, but at the same time, we will also solve the problem of its social aspect, the social aspect due to which this Maoism is continuously increasing. What can be done by our Government for the development of those areas which are not yet developed or are under-developed? We have considered all these issues and our action plan in that regard is almost ready.

*[English]*

**KUMARI SHOBHA KARANDLAJE:** Madam, the Left-Wing Extremists are using weapons like AK-47, 303 Rifles and HE grenades for attacking security forces. But our security forces especially in the State Police are using only the old weapons like the guns and other old weapons. How is it that arms and ammunition manufactured abroad reach the extremists? How come our State borders are not secured properly?

Also, Madam, there is a huge shortage in the number of IAS and IPS officers posted in the State. In Karnataka there is a shortage of 81 IAS

officers and 57 IPS officers. What action would the Government of India take to fill these posts of IAS and IPS officers in the State?

*[Translation]*

**HON. SPEAKER:** Leave scope for other Members to ask questions.

*. . . (Interruptions)*

**SHRI RAJNATH SINGH:** Hon. Speaker, it is true that whatever operation takes place in the states, it is done only on the basis of mutual cooperation between the State Police and our Central Armed Police Force. There is no disagreement on the point that our State Police is not equipped with that kind of good weapons as they should have. The Central Government provides assistance from time to time for strengthening of police stations as well as for police modernization and every year this assistance is provided to all the states by the Central Government. It is our best effort that by taking the State Government into confidence, we can well-equip our state police force so that if ever any kind of challenges come in front of them, they can be completely successful in meeting them.

*[English]*

**HON. SPEAKER:** Shri Pratap Simha - Not present.

**SHRI C. N. JAYADEVAN:** Speaker Madam, the Minister stated in his reply that Naxalite activities cannot be suppressed only through the police action and that social development must take place in those areas. I speak

from my own experience. I do not say this with pride but I am a former Naxalite and I participated in several actions in Kerala during the Sixties and Seventies. After the Land Reforms Bill was passed and practically people came to know that they can get land and minimum wages, people stopped getting attracted to naxal movement. Can the Government compel the State Governments to take action to pass land reforms bills and implement it thoughtfully in these areas? The Government should make it sure that the poor people do get their minimum wages. It is not Rs. 100. In Kerala now an agricultural worker gets Rs. 600 and women get Rs. 400. Can the Central Government take such an action to compel the State Governments to provide more facilities to the poor people in India?

*[Translation]*

**SHRI RAJNATH SINGH:** Hon. Speaker, the Central Government issues advisories to the State Governments from time to time so that whatever minimum wage is fixed for the workers, they can get that minimum wage. This advisory is not issued by our Ministry but the Government of India keeps issuing it from one ministry or the other and as far as the Land Reforms Bill is concerned, all the State Governments are expected to effectively implement the Land Reforms Bill in their respective states.

**SHRI RAMESH BAIS:** Hon. Speaker, Naxalite problem is very serious in Chhattisgarh. Just now, Shobha ji had also discussed Jiram Valley. Out of 27 districts of Chhattisgarh, 16 districts are affected by the problem of

Naxalism and till now, 71 soldiers have been martyred there. Today, the situation in Bastar is such that 'Jana Gana Mana' is not sung in the schools there, rather the prayer of Maoism is sung there. Children aged 12 to 14 years have started taking up arms. Chhattisgarh police is not capable of dealing with it. When there is pressure in one state, they flee to other states. Adjacent to Chhattisgarh are the states of Maharashtra, Madhya Pradesh, Orissa and Jharkhand. My question to the Hon. Minister of Home Affairs is, whether he is making any such plan by sealing the borders of all the states so that the problem of naxalism can be eliminated from all the states?

**SHRI RAJNATH SINGH:** Hon. Speaker, to meet the challenge of Maoism, I accept that cooperation of all the neighbouring states is required. Keeping this in mind, about 20-25 days ago, I had called a meeting of the Chief Secretaries and Director- Generals of Police of all the ten states which are affected by Maoism. In this meeting, we have discussed in detail what will be the strategy to rid this country of the crisis of Maoism and have prepared a strategy.

**SHRI AJAY MISRA TENI:** Hon. Speaker, the Indian border of Uttar Pradesh with Nepal is open for trade activities and being a friendly nation, it is also open for traffic. As a result, heavy traffic takes place in the border areas from Pilibhit, Lakhimpur to Gorakhpur. Nepali Maoist organizations are very effective in this region and most of the criminals and absconding criminals from the border districts take shelter in the

border areas with India with the help of Nepali Maoists. As a result, illegal recovery is done from the traders of border areas and districts. Despite this information, the police there do not take any action. The previous Government and Uttar Pradesh Government have not paid any attention to this. I would like to ask the Hon. Minister of Home Affairs whether the Government of India will do the work of arresting the absconding and rewarded criminals of India, who are involved in helping the Maoists in criminal activities? Will the Government also take action against the Maoists who provide shelter to them?

**SHRI RAJNATH SINGH:** Hon. Speaker, it is true that extortion is more around our borders as compared to other parts. But action against such extortionist is taken by the State Governments. What action has been taken so far, what progress is there, how it can be made more effective, I will also talk to the State Governments in this regard.



**(Q.483)**

**DR. SANJAY JAISWAL:** Hon. Speaker, after reading the reply given by the Hon. Minister on the BADP issue, I feel that this shows how helpless the UPA Government was with its own funds. I remember only one saying 'Maal Maharaj Ka, Mirza Khele Holi'. The entire fund belongs to the Home Ministry, the Home Ministry allocates funds, be it BADP or IAP, they themselves have replied that a Member had raised a question on March 12, 2012 and the Government replied on January 10, 2014. This means that the State Government answers the question asked by the Hon. Minister of Home Affairs after one and a half years. The true situation was that this road was never built and the entire BADP fund worth Rs. 3 crore were looted. In this case, the same executive engineer who was involved in this, was made in-charge. He has just said that under the Chairpersonship of the District Collector, a plan related to border monitoring including district quality has been prepared which will report every quarter, but three quarters have passed since this decision. My question to the Hon. Minister of Home Affairs is that how much quarterly reporting has come from the border areas of Bihar and just as NHRM has been included, is the Government thinking of keeping the BADP and IAP schemes under district vigilance monitoring or not?

**SHRI KIREN RIJJU:** Speaker Madam, the Hon. Member rightly said that a report has come regarding the procedural lapse that has taken place. A report has been called from the Bihar Government, but the action taken

report has not come yet. But reports of the irregularities that have occurred have come. Until the action taken report comes, we cannot take action on it. There is total 34 blocks and 7 border districts in Bihar, in which the money of Border Area Development Program goes. We review it quarterly and before releasing the next fund, we also review the utilization certificate and take the report, only then we allocate the next fund.

**DR. SANJAY JAISWAL:** Hon. Minister, thank you very much. My second question is that in the BADP scheme that you take from the Panchayats, the MPs do not have any desire that their scheme should also be taken. Whether you have Sashastra Seema Bal there to stop smuggling on the border or the question raised by Mishra ji to stop the movement of criminals, for that proper infrastructure should be developed on the India-Nepal border in that area and we should do this. It should also be understood that if you look at the expenditure on the 1200-kilometre India-Nepal border, then this expenditure is nothing in comparison to that of China's border, therefore, I request you that as part of a conspiracy, schemes worth less than Rs. 7.5 lakh are deliberately taken, due to which there is no tender for them and the entire amount is embezzled by the officials and the local committee together.

I request you whether you are considering involving Sashastra Seema Bal, MP and District Monitoring Committee in its mechanism or not?

**SHRI KIREN RIJJU:** Madam, Hon. Member correctly stated, the district is where the scheme formulation begins. Additionally, the district has a District Level Committee, which is led by the District Magistrate (D. C.). For that, we want that the guidelines have been made, but we can take stock whether the guidelines are being followed or not, which consists of MPs and local MLAs and our Central Armed Forces. Hon. Member is from Bihar, and SSB (Armed Border Force) is there on the border of Bihar and Nepal. We also want that you provide a plan that takes a look at it. We have allocated 10 percent funds to the Central Armed Forces on our selection. MPs should definitely have a role in this. If this is not happening anywhere then we will issue a directive. ...

*(Interruptions)*

**SHRI MOHAMMAD BADRUDDOZA KHAN:** Hon. Speaker Madam, in the reply sent by the Minister, it is written “Guidelines of the BADP have further been amended in February, 2014.” But my question is Who are the Members of this Committee? The committee that has been formed, which is composed of MPs from the border, if he was not elected as a Member... *(Interruptions)*

**HON. SPEAKER:** He has told.

**SHRI MOHAMMAD BADARUDDOZA KHAN:** If MPs are not included in this, can they be included in this or not?

The second question is that there should be committees in the blocks which are in the border areas also. There should be some monitoring of MPs in that also. Can it be done or not, that's what I want to know?

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJNATH SINGH):** Speaker Madam, the answer given by our Hon. Minister of State for Home is correct, but I would like to inform all the respected Members that the instructions given by the State Government that when the Deputy Commissioner will prepare border areas development programs, MPs and MLAs should definitely be consulted. Such instructions have been given, but if consultation is not taking place with the MLAs and MPs of that area, then I think that if we get information about it, we will definitely take cognizance of it. ...  
(Interruptions)

**SHRI JYOTIRADITYA MADHAVRAO SCINDIA:** Include it in the monitoring committee... (Interruptions)

**HON. SPEAKER:** He has told, what will happen if everyone gets up and speaks.

**SHRI PANKAJ CHAUDHARY:** Speaker Madam, the India-Nepal border is completely open and the condition on the border is very pathetic, it is a very backward area. The answer given by the Minister is that Rs. 4548 lakh were allotted in 2011-12, Rs. 4982 lakh in 2012-13 and Rs. 4982 lakh in 2013-14 in Uttar Pradesh. I say to the Minister that if we look

at the estimated cost of 2011, 2012 and 2013, the price of everything is increasing. There is a huge limit in Uttar Pradesh, will we try to allocate more money on it?

**SHRI KIREN RIJJU:** Madam, this BADP program of Rs. 990 crore is going on. This is not the development plan. This special program of BADP has been launched to fill the critical gap that has been left out of the normal planning process in the very troubled border areas, where money has not reached. I believe that there has been no increase in Rs. 990 crore in the last two-three years. ... (*Interruptions*)

**HON. SPEAKER:** I think the Minister is probably understanding the intentions of all the Members and will answer accordingly. ... (*Interruptions*)

**SHRI RAJNATH SINGH:** Speaker Madam, it was the wish of all our Members that whatever committee is formed, through which the complete planning regarding the Border Area Development Project is made, whether our MPs will be included in it or not. There is a slight practical difficulty in that. Which is a highly sensitive area, which is up to ten kilometres from the border, in whatever fund allocation there is, 10 percent of the expenditure will be in a highly sensitive village or whatever area, it is decided by our defence force and It is spent by them only. Because I am concerned about the development of my MPs' constituencies, I was checking block-wise how much funds are allocated. At some places, it is available for Rs. 1.5 lakh, at some places it is Rs. 2

lakh, at some places it is available for Rs. 2.5 lakh per block. But if the security force or our defence force there decides that a particular area in this block is highly sensitive, then if they want, we will have to utilize the entire fund there. Despite being an MP or being the state authority there, we will not be able to stop him. ... (*Interruptions*)

**HON. SPEAKER:** The Minister has answered well. This question is done.

**(Q.484)**

**SHRI NISHIKANT DUBEY:** Speaker Madam, I was looking at the budget proposal of 1974-75, the then Minister of Finance Chauhan Sahib had said that the focus of our entire budget was only on food which meant that its all-round concern was who has to be fed. For this, we have to import all the food grains. The farmers of this country took that issue so seriously that today, we have so much surplus food that even if food grains are not produced for a year or two, and there is a famine, we can feed the people. Sharad Pawar Saheb definitely has a big contribution in this. But this National Commission of Farmers, Madam Chairperson, I seek your patronage, said one thing that the MSP has to be fixed by giving 50% profit on the cost of agricultural produce, but the UPA Government didn't agree to that recommendation. This was the recommendation of 2004-05. For this, CACP is an organization which decides its MSP. There are 12 parameters in CACP. Among the 12 parameters, there is fertiliser, power or similarly labour, in which the Agriculture Minister has no role. The biggest surprise is that in the CAG report that came in 2013, it has been said that just as the under recovery in petroleum is not transparent, in the same way CAG raised the question that the MSP you decide, your Its system is not transparent. While deciding the MSP, you do not do it transparently based on your 12 parameters, due to which farmers do not want to do farming and they commit suicide. After this, he formed Ramesh Chandra Committee.

**HON. SPEAKER:** Everyone knows this. Ask your question.

**SHRI NISHIKANT DUBEY:** Madam, I am saying that CACP formed Ramesh Chandra Committee to decide the MSP. Ramesh Chandra Committee said that this country is divided into six zones. Cost of production is different in six zones, like East is different, West is different, South is different, North-East is different and Hilly area is different. I say that after the recommendation of CAG, if the cost of production varies area-wise, then does the Government think of fixing different MSPs for different products area-wise?

**SHRI RADHA MOHAN SINGH:** Madam, this committee which was formed in the year 2013 was not formed to decide the MSP, rather this committee was formed to give suggestions. There are 11 Members in this committee and its report has not come yet. There are also five farmer representatives in this committee. I would like to tell the Hon. Member that Shri Ajmer Singh Lakhwal, Shri Rakesh Singh Tikait, Shri Yaduveer Singh, Shri K. T. Gangadhar, Ms. Kavita Kurugati is included in it. I have received personal information that these five are knowledgeable people in the agriculture sector. One is Tikait Sahib's son. I think that their suggestions will definitely be in the interest of the farmers and when suggestions come, we will consider them.

**SHRI NISHIKANT DUBEY:** Madam, the biggest problem is that the number of landless people in this country is 11 percent and there are two percent farmers in this country who talk about farms, for their



information, I would like to tell that they have thirty percent land. 11 percent people do not have even one piece of land, not one piece of land and two percent people, they have this NCF, which is the Swaminathan Committee report, which people talk about, in which 30 to 40 percent people are in BPL category. I have to say that there was a recommendation of NCF that the ICAR, in whose program the Hon. Prime Minister had just participated, that recommendation was that unless three crops are cultivated in less time and at less cost, the farmers will not benefit from it and on the basis of Minimum Support Price the poor will also get benefit because 30 to 40 percent are poor. You have to arrange food grains for them also.

I request the Minister to know what ICAR is doing about it and secondly, what you have announced in Jharkhand, will ICAR institute open its doors in Santhal Pargana?

**SHRI RADHA MOHAN SINGH:** Madam, ICAR has developed several hundred duration crops over the years and has also developed low rainfall-based seeds. The country has got huge benefits from this in the last few years and is going to get it in future also.

Till now, after independence, there was only one ICAR centre in Delhi, the National Council of Agricultural Research. This Government has decided that we will establish one centre in Jharkhand and one in Assam. For this, we have written a letter to the State Governments asking

them to provide land. When they provide the land, one of our teams will go there, bring its report and then it will be decided where it will be built.

**SHRI ANANTKUMAR HEGDE:** Madam, I thank you for giving me the opportunity to ask questions. When I saw the Minister's reply, I felt as if a huge bullet was being fired. Production has increased, we also agree, agricultural input has also increased, but still we cannot say that agriculture or farming has become profitable. The House will also support that agriculture is not profitable in this country, especially for those who practice traditional agriculture. In our country, 18 percent people own more than five acres of land and 82 percent are small and marginal farmers. These are small and marginal farmers, the benefit of the price fixed under MSP is not reaching them, because their produce is not reaching the market, hence farming is not becoming profitable. After asking the question, while giving the answer, the Agriculture Minister will say, if we mention water, he will say that water is not our area, there is Ministry of Water Resources for it.

**HON. SPEAKER:** Why do you think like this even before asking the question? You ask questions.

**SHRI ANANTKUMAR HEGDE:** That is why it is imposed on them. I request the Agriculture Minister through you that farming cannot be done without water. Agriculture cannot be profitable without water. Therefore, what has the Government thought so far to provide water to the farmers

as a basic facility? If you haven't thought, then why haven't you thought? If you have thought, then when will it be implemented?

**SHRI RADHA MOHAN SINGH:** It is true that there will be more production and yield in the fields when they get water. 44 percent of the cultivable land in the country is irrigated and 56 percent of the cultivable land is irrigated. That is why, this time the budget that our Government has brought and the President's address before bringing the budget, that we have brought a new scheme, Pradhan Mantri Gram Sinchai Yojana, our aim is to provide water to every land of this country and we will achieve this goal. ... (*Interruptions*)

**SHRI MULAYAM SINGH YADAV:** By when will you deliver water to every field? . . . (*Interruptions*)

**HON. SPEAKER:** Mulayam Singh ji, please sit.

Shri Tapas Mandal.

. . . (*Interruptions*)

**HON. SPEAKER:** Radha Mohan ji, you have to listen to Tapas Mandal ji's question.

**SHRI MULAYAM SINGH YADAV:** This is a serious matter. ... (*Interruptions*)

**HON. SPEAKER:** You can ask later, for now I have given him a chance. Don't speak in between like this. Please pay attention to me. Let Tapas Mandal ji ask questions.

*[English]*

**DR. TAPAS MANDAL:** Speaker Madam, it is a fact that nowadays agriculture is not a profitable profession. Forty per cent of our farmers are now on the verge of leaving their profession as agriculture. The Government is investing more money on agriculture rather than on horticulture. If the Government will invest more and subsidize the area under horticulture cultivation, particularly the areas where flowers, vegetables and fruits are grown, then it would become a profitable proposition for the farmers. I would like to know from the Hon. Minister if there is any scheme proposed by the Government, to help farmers remain in the profession of agriculture, to make the farmers happy by investing more in horticulture so that they do not think of leaving their profession.

*[Translation]*

**SHRI RADHA MOHAN SINGH:** Madam, under the Rashtriya Krishi Vikas Yojana, we give money to the states and through that also farmers are given assistance for horticulture at the block level. There is a Horticulture Board at the national level, through which we also provide subsidy.

**HON. SPEAKER:** Shri R. Dhruvanarayana.

*[English]*

**SHRI R. DHRUVANARAYANA:** Speaker Madam, the present Minimum Support Price mechanism is applicable in respect of only 25 crops. ... (*Interruptions*)

**SHRI JAGDAMBIKA PAL:** Speaker Madam, I have also asked for a supplementary.

**HON. SPEAKER:** We have talked a lot about Minimum Support Price.

... (*Interruptions*)

[*English*]

**SHRI R. DHRUVANARAYANA:** The majority of the farmers want it for all crops including cash crops. The present Government has enhanced the Minimum Support Price in respect of the crops like Ragi, Maize and Bajra by Rs. 30 per quintal. During the year 2010-11, the Minimum Support Price for Bajra, Maize and Jawar was Rs. 880 per quintal. During the year 2011-12, the UPA Government enhanced it by Rs. 100 per quintal in respect of these crops. In respect of Ragi, in the year 2012-13, the UPA Government enhanced the price by Rs. 450 per quintal. But the present Government has enhanced the price by only Rs. 30 per quintal in respect of Maize, Jawar and Ragi crops. My submission to the Hon. Minister is to extend this Minimum Support Price to all crops and enhance the price to more than Rs. 150 in respect of the crops like Maize, Ragi and Bajra.

*[Translation]*

**SHRI RADHA MOHAN SINGH:** Madam, generally in the last three-four years, we have seen that except for one or two crops, the Government implements its recommendations and the same has happened this year too. It is true that all the crops for which support prices are announced are not being purchased. Adding new crops is a different matter, our first effort will be to start purchasing the crops that are there.

**SHRI PREM SINGH CHANDUMAJRA:** Speaker, I would like to know from the Hon. Minister through you whether it is true that when the country became independent, there was a slogan at that time – ‘Uttam Kheti, Madhyam Vyapar, Nikhad Chakri, Bhik Nida’. But today, farming has become a loss-making business. Price fixation policy is also responsible for this and farmers are not given crop insurance etc., that is also responsible. I want to know from the Hon. Minister that the Hon. Prime Minister had given a slogan – ‘One Drop, More Crop’. He has also said that we want money to come into the pockets of the country's farmers and the country's stores should also be filled with grains. What policy has been made for this? For the Minimum Support Price, the Hon. Prime Minister said in the House that the MSP will be fixed with the advice of the Governments of the states that produce grains and by taking along the representatives of the farmers.

**HON. SPEAKER:** Please ask your question.

**SHRI PREM SINGH CHANDUMAJRA:** Madam, the Hon. Minister said that the names of five people have been given for discussion on the Swaminathan Commission report.

**HON. SPEAKER:** It is already there.

**SHRI PREM SINGH CHANDUMAJRA:** Madam, they are sitting on strike and have said that our views were not listened to. They were sitting on strike two days ago. I would like to know from the Hon. Minister, what measures are being taken to reduce the cost of production? The price of a bag of DAP fertilizer has increased from Rs. 400 to Rs. 1200 and that of urea has increased from Rs. 200 to Rs. 500.

**HON. SPEAKER:** It is not such a long question because time is limited.

**SHRI PREM SINGH CHANDUMAJRA:** Madam, I want to know what measures are being taken on MSP regarding farmers' representatives? Secondly, there are also 22 crops. ... (*Interruptions*)

**HON. SPEAKER:** Your question has been asked.

**SHRI PREM SINGH CHANDUMAJRA:** There is also paddy crop among them. Minimum support price of Basmati is not available in paddy crop.

**HON. SPEAKER:** What is happening? There is no question hour for everything. They have a committee; you can give suggestions in it. I'm sorry, but you don't have a question.

**SHRI PREM SINGH CHANDUMAJRA:** Madam, Basmati paddy is the largest crop in our Punjab, so will we take it as minimum support price, this is what I want to know from the Hon. Minister?

**HON. SPEAKER:** These are not questions at all, they are mere suggestions, you should consider them.

**SHRI RADHA MOHAN SINGH:** Madam, the Government and the ministry are making continuous efforts to reduce the cost of agriculture. But in the budget that has come this time, there are many such announcements which will prove helpful in this and mainly there has been talk of Soil Health Card, which will be available to all the farmers in the country, it will play a big role. As far as the Hon. Member said that the committee formed for enhancing the cost price is a committee of 11 people, about which I had told that there are five farmers in it. This committee was formed in the year 2013. I have received information that these five skilled farmers are from different parts of the country. In the same sequence, we had told that Tikait Sahib's son Rakesh Tikait ji is also a Member in it.

**HON. SPEAKER:** Jagadambika ji, if you have any short question then ask. All the Hon. Members are concerned and can send their suggestions to the Minister.

**SHRI JAGDAMBIKA PAL:** Hon. Speaker, many questions have come on Minimum Support Price and he has talked about Agricultural Cost



Price Commission. I want to know through you that the Agricultural Cost Price Commission fixes a minimum support price, but despite this, procurement for the national and state pools is not ensured in the states. Some states, like Madhya Pradesh, also give a bonus of Rs. 100 on the minimum support price. Will the Central Government take any measure to ensure that after the minimum support price is determined, arrangements for purchasing the produce produced by the farmers at the minimum support price are made?

**SHRI RADHA MOHAN SINGH:** Madam, in this regard I said that this will be our effort.

**(Q.485)**

**SHRI BHAIRON PRASAD MISHRA:** Hon. Speaker, the previous question was also related to farmers and I also associate myself with it.

Madam, the condition of farmers is very bad in the country. Farmers are committing suicide. In the area where I come from, the situation is even worse. Just as farmers are committing suicide in Vidarbha, Maharashtra, similarly in our Bundelkhand region too, farmers are forced to commit suicide. The biggest reason for this is that the amount recovered from it is less than its cost.

The Hon. Minister has said in his reply that we are providing a lot of facilities, but I want to know about some points from the Hon. Minister through you. For example, the biggest problem that farmers face is consolidation. It is said that in villages where consolidation takes place, incidents of dacoity increase. There is so much corruption in it that the problems of farmers first start from land disputes. I want to tell the Hon. Minister that a separate court should be formed for this which can resolve the land problems of the farmers as soon as possible.

Hon. Minister has said that they give loans. Of course, loans are given to farmers, but when the farmer goes to the bank to take loan, he does not get the loan without paying five to ten percent commission. You go to any bank and check. Will the Hon. Minister organise camps for them and arrange for loans?

**HON. SPEAKER:** You ask only one question. You will have time to ask another question later.

**SHRI BHAIRON PRASAD MISHRA:** Madam, I just want to know from the Minister about one or two points. These are related to this, like fertilisers and seeds. Farmers get fake fertilisers and that too at inflated rates. When he goes to collect fertilizer, that is also a problem. There is also a problem of electricity. He has to pay minimum electricity charges. Like I come from Uttar Pradesh, there is a restriction of 7.5 horse power that a connection with power less than that cannot be given, whereas this is not the case in Madhya Pradesh.

**SHRI RADHA MOHAN SINGH:** Madam, I agree with the views of the Hon. Member. I also live in agriculture block. Whatever assistance we provide related to fertilisers and seeds, we provide it through the State Governments. There are already instructions to distribute loans by organizing camps in every block so that there is transparency in it. This happens in many places and may not happen in many places. I will request the State Government to follow the suggestions given by him.

**SHRI BHAIRON PRASAD MISHRA:** Hon. Speaker, my second question is about support price. Of course, the support price varies in different regions. For example, today the cost of wheat to a farmer ranges from Rs. 1,700 to Rs. 2,000 per quintal, but for it he gets only Rs. 1,400 to Rs. 1,450 per quintal.

**HON. SPEAKER** What is your question? What are you asking?

**SHRI BHAIRON PRASAD MISHRA:** Madam, my question is related to this. I had asked that there is talk of giving industry status to agriculture and many people are demanding it, so will agriculture be given facilities like industry? When it comes to industry, I have said that the industrialist decides his own costs, but the Government decides the costs of the farmer. Like in wheat, their cost ranges from Rs. 1,700 to Rs. 2,000 per quintal, so when the next support price is announced, will the Hon. Minister declare the support price of wheat at least Rs. 2,000 per quintal?

**SHRI RADHA MOHAN SINGH:** Sir, I have already answered the question regarding cost price. As far as giving industry status to agriculture is concerned, food processing has got the status of industry.

*[English]*

**SHRI B. VINOD KUMAR:** Speaker Madam, the main Question is related to according industry status to agriculture.

The Minister in his detailed reply has stated that the crop loans which are available to the farmers are at more favourable terms than the loans available to the industries sector. Further, in his reply, he has also stated that the agricultural sector has been identified by the Government as priority lending sector, which constitutes at least 18 per cent of the total loan portfolio of the banks. Crop loans are provided to the farmers at a

concessional rate of seven per cent per annum with three per cent interest subvention for timely repayment.

I would like to know from the Hon. Minister whether the Ministry of Agriculture had verified this figure with the public sector banks and also with the private sector banks. Except the Regional Rural Banks, which are lending loans in the rural areas to the agricultural sector, the other public sector banks and the private sector banks – though they say in their Balance Sheets that they are lending 18 per cent of their loans to agriculture on priority – to my knowledge they are not lending. In fact, to my knowledge, they are not lending. Is the Minister verifying the implementation of this priority lending sector with the public sector and private sector banks, along with the Finance Ministry?

*[Translation]*

**SHRI RADHA MOHAN SINGH:** Speaker Madam, it is true that banks are very reluctant in giving loans to farmers, that is why this time our Government, which used to get crop loans through cooperatives, has now made provision for giving long-term loans through cooperatives. Certainly, our pressure will continue on the banks to give loans to the farmers. ... *(Interruptions)*

**SHRI VIRENDRA SINGH:** Speaker sir, in this question there is a demand for giving industry status to agriculture, I do not agree with it at all. Agriculture is an important part of India's livelihood. Agriculture

cannot be an industry, agriculture should be facilitated like an industry, I can say this.

Speaker Madam, I want to ask the Government of India through you that all the industries based on agriculture, the Agriculture Minister said that he has brought them to the status of industries. They have come under the status of industry, that is why agriculture related industries are being destroyed.

Speaker Madam, through you, I want to ask the Agriculture Minister of the Government of India whether you are going to provide facilities to agriculture and agriculture-based industries as industries or not?

**SHRI RADHA MOHAN SINGH:** Our Government has a clear thinking that agriculture should be given utmost importance, even more than industry. We are working in this direction.

**SHRI TAMRADHWAJ SAHU:** Speaker Madam, thank you very much for giving me the opportunity to ask questions on the problems of farmers. Hon. Minister has given detailed description of the scheme made for farmers. We glorify farmers by calling them food providers, but we also see that farmers are burdened with debt and have become like labourers. Today, he is forced to commit suicide.

Hon. Minister has said in his reply that you give loans to farmers at seven percent concessional rate. I want to ask and request the Minister whether you will provide interest-free loans to the farmers? Secondly,

even the smallest producer of products like pencils and ink decides his own rate, so will you give the farmers the right to decide their own rates, so that they can decide the rates of their products themselves? . . .  
(*Interruptions*) Will you also give it the status of an industry? . . .  
(*Interruptions*)

**SHRI RADHA MOHAN SINGH:** We give loans to farmers not at seven percent but at four percent and we help them at three percent, this is our plan. We have told earlier also regarding fixing the cost price that there is a committee and commission for that, it takes the decision. In 2013, a committee was formed to study the discrepancies and give suggestions.

**(Q.486)**

**SHRI BADRUDDIN AJMAL:** Speaker Madam, I want to say in the House through you that BTAD was formed in 1993, since then a series of killings of people is going on throughout Assam. In BTAD area, 60-70 people were killed in 1993, around 110 people were killed in 1994, around two hundred of our tribal brothers were killed in 1996. ... (*Interruptions*) Many people were killed in the same manner in 2006 also, this is a continuation. ... (*Interruption*) In the last question I asked the Hon. Minister of Home Affairs about 2014, according to his information, 46 people were killed, but according to our information, 52 people were killed. Sadly, I would like to know from the Minister whether anyone has been arrested till date?

**SHRI KIREN RIJJU:** Madam, the Hon. Member gave the historical figures, there is truth in it. But time is short now, so I want to get straight to the point. If there is a difference between our number of persons and the State Government's figure, as the Hon. Member has said, it is true, then we will find out from the State Government. According to what has come to the notice of the ministry, the number is 46, out of which 39 are in Buxar and 7 are in Kokrajhar. The compensation of Rs. 8 lakh per person that is to be given to the next of kin of the deceased person has also been released from here, which is the Centre's share.



**\*WRITTEN ANSWERS TO QUESTIONS**

Starred Question Nos.487 to 500

Unstarred Question Nos.4650 to 4879

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\* For Questions, please refer to Master copy of English version, placed in Library. You can also visit <https://sansad.in/ls/questions/questions-and-answers> for more information.

**12.00 hrs**

**PAPERS LAID ON THE TABLE**

*[English]*

**HON. SPEAKER:** Now papers to be laid on the Table of the House.

**THE MINISTER OF HOME AFFAIRS (SHRI RAJNATH SINGH):**

Madam, I beg to lay on the Table a copy of the Governors (Allowances and Privileges) Amendment Rules, 2014 (Hindi and English versions) published in Notification No. G. S. R.518(E) in Gazette of India dated 21<sup>st</sup> July, 2014 under sub-section (3) of Section 13 of the Governors (Emoluments, Allowances and Privileges) Act, 1982.

[Placed in Library. See No. LT 690/16/14]

**THE MINISTER OF STATE OF THE MINISTRY OF TEXTILES, MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION (SHRI SANTOSH KUMAR GANGWAR):** Madam, on behalf of Shri Arun Jaitley, I beg to lay on the Table a copy of the Statement (Hindi and English versions) on Quarterly Review of the trends in receipts and expenditure in relation to the budget at the end of the third quarter of

financial year 2013-2014, under sub-section (1) of Section 7 of Fiscal Responsibility and Budget Management Act, 2003.

[Placed in Library. See No. LT 691/16/14]

**THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT, ENTREPRENEURSHIP, YOUTH AFFAIRS AND SPORTS (SHRI SARBANANDA SONOWAL):** Madam, I beg to lay on the Table a copy of the Outcome Budget (Hindi and English versions) of the Ministry of Youth Affairs and Sports for the year 2014-2015.

[Placed in Library. See No. LT 692/16/14]

*[Translation]*

**THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI NIHAL CHAND):** Madam, I lay on the Table one copy each of the following letters (Hindi and English versions).

- (1) Memorandum of Understanding between National Fertilizers Limited and Department of Fertilizers, Ministry of Chemicals and Fertilizers for the year 2014-2015.

[Placed in Library. See No. LT 693/16/14]

- (2) Memorandum of Understanding between Madras Fertilizer Limited and Department of Fertilizers, Ministry of Chemicals and Fertilizers for the year 2014-2015.

[Placed in Library. See No. LT 694/16/14]

- (3) Memorandum of Understanding between FCI Aravali Gypsum and Minerals India Limited and Department of Fertilizers, Ministry of Chemicals and Fertilizers for the year 2014-15.

[Placed in Library. See No. LT 695/16/14]

- (4) Memorandum of Understanding between Projects and Development India Limited and the Department of fertilisers, Ministry of Chemicals and fertilisers for the year 2014-2015.

[Placed in Library. See No. LT 696/16/14]

- (5) Memorandum of Understanding between Brahmaputra Valley Fertilizer Corporation Limited and Department of Fertilizers, Ministry of Chemicals and Fertilizers for the year 2014-2015.

[Placed in Library. See No. LT 697/16/14]

- (6) Memorandum of Understanding between Rashtriya Chemicals Fertilizers Limited and Department of Fertilizers, Ministry of Chemicals and Fertilizers for the year 2014-2015.

[Placed in Library. See No. LT 698/16/14]

- (7) Memorandum of Understanding between Fertilizer and Chemicals Travancore Limited and the Department of Fertilizers, Ministry of Chemicals and Fertilizers for the year 2014-2015.

[Placed in Library. See No. LT 699/16/14]

*[English]*

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU):** Madam, I beg to lay on the Table:

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- (1) A copy each of the following Notifications (Hindi and English versions) issued under Section 11 of the National Investigation Agency Act, 2008: -
- (i) S. O.580(E) published in Gazette of India dated 27<sup>th</sup> February, 2014, regarding appointment of 'Additional Judge' to preside over the Special Court under Section 11(6) and (9) of the National Investigation Agency Act, 2008.
  - (ii) S. O.1404(E) published in Gazette of India dated 28<sup>th</sup> May, 2014, regarding appointment of 'Judge' to preside over the Special Court under Section 11(1) of the National Investigation Agency Act, 2008.
  - (iii) S. O.1075(E) published in Gazette of India dated 11<sup>th</sup> April, 2014, regarding appointment of 'Judge' to preside over the

Special Court under Section 11(1) of the National Investigation Agency Act, 2008.

- (iv) S. O.1914(E) and S. O.1915(E) published in Gazette of India dated 28<sup>th</sup> July, 2014, regarding appointment of 'Judge' to preside over the Special Court under Section 11(1) of the National Investigation Agency Act, 2008.
- (v) S. O.888(E) published in Gazette of India dated 25<sup>th</sup> March, 2014, regarding appointment of 'Judge' to preside over the Special Court under Section 11(1) of the National Investigation Agency Act, 2008.

[Placed in Library. See No. LT 700/16/14]

(2) A copy of Notification No. S. O.742(E) (Hindi and English versions) published in Gazette of India dated 12<sup>th</sup> March, 2014, empowering the Director General, National Investigation Agency to arrest a person or search a building, conveyance or place or to authorize any officer subordinate to him to arrest such person or search such building, conveyance or place issued under Section 43A of the Unlawful Activities (Prevention) Act, 1987.

[Placed in Library. See No. LT 701/16/14]

(3) A copy of the Home Affairs, National Investigation Agency Senior Private Secretary and Stenographer Grade-I Recruitment Rules, 2014 (Hindi and English versions) published in Notification No. G. S. R.540(E)

in Gazette of India dated 25<sup>th</sup> July, 2014 under Section 26 of the National Investigation Agency Act, 2008.

[Placed in Library. See No. LT 702/16/14]

(4) A copy of the National Disaster Management Authority (Term of Office and Conditions of Service of Members of the National Authority and Payment of Allowances to Members of Advisory Committee Amendment) Rules, 2014 (Hindi and English versions) published in Notification No. G. S. R.544(E) in Gazette of India dated 30<sup>th</sup> July, 2014 under Section 77 of the Disaster Management Act, 2005.

[Placed in Library. See No. LT 703/16/14]

*[Translation]*

**THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI RAOSAHIB PATIL DANVE):** Madam, I place the following letter on the Table of the House in place of Dr. Sanjeev Kumar Balyan ji in today's revised agenda of the Lok Sabha.

(1) (i) A copy of the Annual Report (Hindi and English versions) of the Central Agricultural University, Imphal for the year 2011-2012.

(ii) A copy of the Annual Accounts (Hindi and English versions) of the Central Agricultural University, Imphal, for the year 2011-2012, and Audit Report thereon.

- (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Central Agricultural University, Imphal, for the year 2011-2012.

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

[Placed in Library. See No. LT 704/16/14]

(3) Under Section 619A of the Companies Act, 1956, one copy each of the following letters (Hindi and English versions) -

- (a) (i) Review by the Government of the working of the Odisha Agro-Industries Development Corporation Limited, Bhubaneswar, for the year 2011-2012.
- (ii) Annual Report of the Odisha Agro-Industries Development Corporation Limited, Bhubaneswar, for the year 2011-2012, Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT 705/16/14]

- (b) (i) Review by the Government of the working of the Punjab Agro-Industries Corporation Limited, Chandigarh, for the year 2012-2013.
- (ii) Annual Report of the Punjab Agro-Industries Corporation Limited, Chandigarh, for the year 2012-2013, Audited Accounts and comments of the Comptroller and Auditor General thereon.



[Placed in Library. See No. LT 706/16/14]

(c) (i) Review by the Government of the working of the Himachal Pradesh Agro Industries Corporation Limited, Shimla, for the year 2010-11.

(ii) Annual Report of the Himachal Pradesh Agro Industries Corporation Limited, Shimla, for the year 2010-2011, Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT 707/16/14]

(4) Three statements (Hindi and English versions) showing the reasons for the delay in laying the papers mentioned in (3) above.

(5) One copy each of the following letters (Hindi and English versions) -

(i) Detailed demands for grants of the Ministry of Food Processing Industries for the year 2014-2015.

[Placed in Library. See No. LT 708/16/14]

(ii) Outcome Budget of the Ministry of Food Processing Industries for the year 2014-2015.

[Placed in Library. See No. LT 709/16/14]

(6) Notification No. CAU/Reg/584/Chapter0/05 under sub-section (2) of Section 43 of the Central Agricultural Universities Act, 1992, which was published in the Weekly Gazette of India dated 07 February, 2014

and by which degrees and honours, a copy (Hindi and English versions) of the First Ordinance made for the manner of convening the Convocation of the University for the conferring of degrees and other honours.

[Placed in Library. See No. LT 710/16/14]

(7) A copy each of the following notifications (Hindi and English versions) under sub-section (6) of Section 3 of the Essential Commodities Act, 1955-

- (i) The Fertilizer (Control) Second Amendment Order, 2014 published in Notification No. S0O.1906 (E) in the Gazette of India dated 28th July, 2014.
- (ii) S0O.1907 (A) published in the Gazette of India dated 28th July, 2014 notifying the specifications of Calcium Cyanamide to be imported into India for a period of one year.
- (iii) S0O.1908 (E) which was published in the Gazette of India dated 28th July, 2014 and by which the specifications of the customized fertilisers mentioned therein have been notified for a period of three years.
- (iv) S0O.1909 (A) which was published in the Gazette of India dated 28th July, 2014 and by which the general specifications of 100 percent water soluble mixture of fertilisers mentioned therein, to be manufactured or imported in India, are determined.

(v) S0O.1910 (A) which was published in the Gazette of India dated 28th July, 2014 and by which certain amendments have been made in the Notification No. S0O.280 (A) dated 28th January, 2013.

(vi) S0O.1911 (A) which was published in the Gazette of India dated 28th July, 2014 and by which the specifications of the provisional fertilisers mentioned therein to be manufactured for a period of three years have been determined.

[Placed in Library. See No. LT 711/16/14]

**THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI RAOSAHIB PATIL DANVE):** Madam, I am pleased to announce the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2014, under sub-section (4) of Section 52 of the Legal Metrology Act, 2009, vide Notification No. G0S0R0 137 of the Gazette of India dated 21st June, 2014. I lay on the Table a copy (Hindi and English versions) of which were published.

[Placed in Library. See No. LT 712/16/14]

**THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI SUDARSHAN BHAGAT):** Madam, I place the following letter on the table -

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute for the Orthopedically Handicapped, Kolkata, for the year 2012-2013, along with audited accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Institute for the Orthopedically Handicapped, Kolkata, for the year 2012-2013.
- (2) Statement showing reasons for the delay in laying the papers mentioned in (1) above (Hindi and English versions).

[Placed in Library. See No. LT 713/16/14]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute for Empowerment of Persons with Multiple Disabilities, Chennai, for the year 2012-2013, along with audited accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Institute for Empowerment of Persons with Multiple Disabilities, Chennai, for the year 2012-2013.
- (4) Statement showing reasons for the delay in laying the papers mentioned in (3) above (Hindi and English versions).

[Placed in Library. See No. LT 714/16/14]

- (5) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute for the Visually Handicapped, Dehradun, for the year 2012-2013, along with audited accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Institute for the Visually Handicapped, Dehradun, for the year 2012-2013.
- (6) Statement showing the reasons for the delay in laying the papers mentioned in (5) above (Hindi and English versions).

[Placed in Library. See No. LT 715/16/14]

- (7) (i) A copy of the Annual Report (Hindi and English versions) of the Swami Vivekananda National Institute of Rehabilitation Training and Research, Cuttack, for the year 2012-2013, along with audited accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Swami Vivekananda National Institute of Rehabilitation Training and Research, Cuttack, for the year 2012-2013.
- (8) Statement (Hindi and English versions) showing reasons for the delay in laying the papers mentioned in (7) above.

[Placed in Library. See No. LT 716/16/14]

(9) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute for the Mentally Handicapped, Secunderabad, for the year 2012-2013, along with audited accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Institute for the Mentally Handicapped, Secunderabad, for the year 2012-2013.

(10) Statement showing reasons for the delay in laying the papers mentioned in (9) above (Hindi and English versions).

[Placed in Library. See No. LT 717/16/14]

(11) (i) A copy of the Annual Report (Hindi and English versions) of the Ali Yawar Jung National Institute for the Hearing Handicapped, Mumbai, for the year 2012-2013, along with audited accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the staffing of the Ali Yawar Jung National Institute for the Hearing Handicapped, Mumbai, for the year 2012-2013.

(12) Statement (Hindi and English versions) showing reasons for the delay in laying the papers mentioned in (11) above.

[Placed in Library. See No. LT 718/16/14]

(13) (i) A copy of the Annual Report (Hindi and English versions) of the Pandit Deendayal Upadhyay Institute for the Physically Handicapped, New Delhi, for the year 2011-2012, along with audited accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Pandit Deendayal Upadhyaya Institute for the Physically Handicapped, New Delhi, for the year 2011-2012.

(14) Statement (Hindi and English versions) showing reasons for the delay in laying the papers mentioned in (13) above.

[Placed in Library. See No. LT 719/16/14]

(15) A copy of the Memorandum of Understanding (Hindi and English versions) for the year 2014-15 between the National Handicapped Finance and Development Corporation and the Department of Disability Affairs, Ministry of Social Justice and Empowerment.

[Placed in Library. See No. LT 720/16/14]

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**12.02 hrs**

## **STATEMENTS BY MINISTERS**

*[English]*

(i) Status of implementation of the recommendations contained in the 12<sup>th</sup> and 23<sup>rd</sup> Reports of the Standing Committee on Petroleum and Natural Gas on 'Safety of Oil Installations' and 'Functioning of Oil Industry Development Board', pertaining to the Ministry of Petroleum and Natural Gas\*

**THE MINISTER OF STATE OF THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI DHARMENDRA PRADHAN):** Madam, I beg to lay the following statements regarding: -

- (1) the status of implementation of the recommendations contained in the 12<sup>th</sup> Report of the Standing Committee on Petroleum and Natural Gas on 'Safety of Oil Installations', pertaining to the Ministry of Petroleum and Natural Gas.

[Placed in Library. See No. LT 721/16/14]

- (2) the status of implementation of the recommendations contained in the 23<sup>rd</sup> Report of the Standing Committee on Petroleum and

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\* Laid on the Table.



Natural Gas on 'Functioning of Oil Industry Development Board' pertaining to the Ministry of Petroleum and Natural Gas.

[Placed in Library. See No. LT 722/16/14]

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**12.03 hrs**

(ii) Status of implementation of the recommendations contained in the 58th Report of the Standing Committee on Agriculture on 'National Agricultural Research System – An Evaluation', pertaining to the Department of Agricultural Research and Education (DARE), Ministry of Agriculture\*

*[Translation]*

**THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI RAOSAHIB PATIL DANVE):** Madam, I, Dr. Sanjeev Kumar Balyan, lay on the table a statement regarding the status of implementation of the recommendations contained in the 58th Report of the Standing Committee on Agriculture regarding 'National Agricultural Research System - An Appraisal' related to the Department of Agricultural Research and Education (DRE), Ministry of Agriculture.

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\* Laid on the Table and also placed in Library. See No. LT 723/16/14

**12.04 hrs**

**CALLING ATTENTION TO THE MATTER OF URGENT  
PUBLIC IMPORTANCE**

**Need to set up Saraswati Research Institute for revival of the river  
Saraswati**

**SHRI RATNA LAL KATARIA (AMBALA):** Madam, I would like to draw the attention of the Minister of Water Resources, River Development and Ganga Rejuvenation to the following matter of urgent public importance and request him to give a statement in this regard.

“There is a need to set up Saraswati Development and Research Institute to revive the Saraswati River. ”

**THE MINISTER OF WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REPUBLICATION (SUSHRI UMA BHARTI):** Hon. Speaker Madam, if you allow me, I would like to make a statement.

**HON. SPEAKER:** Yes.

**SUSHRI UMA BHARTI:** The Hon. Member has drawn the attention of the Government to a very important question regarding the extinction of the Saraswati River. Other Members have also contacted our ministry and

given their suggestions in this matter. The Government is seeking information from all relevant sources. Once the information is received, the Hon. Member will be informed about it.

Hon. Speaker Madam, through you I would request all the Members of the House that if they have any information about the Saraswati River, who are generally ancient people, they have information about it, then they are invited to share that information with us, and can also send it to our website. Hon. Speaker Madam, through you I would like to request the House and also you that if the House also wants to give us guidance through you in this regard, how can we find and revive the Saraswati river which has become extinct, we would definitely like to get it.

**HON. SPEAKER:** Kataria ji, would you like to say something.

**SHRI RATTAN LAL KATARIA:** Madam, I salute you for giving me the opportunity to speak on such an important topic which has been rising in millions of hearts of Indians for the last thousands of years. Saraswati River was once a symbol of India's culture and civilization. It is also linked to India's more than 6000 years old history. From the various researches that have been done, it has emerged that the Saraswati River was once the culture of Mohenjodaro and Harappa, the Saraswati-Indus Civilization, which is 5000-6000 years old, at that time the Saraswati River was flowing through the Himalayan Mountains at a very fast speed. Sutlej and Yamuna used to flow along with it but some such incidents occurred in nature due to which Saraswati river disappeared. Today, in

my constituency Adi Badri, various scientists have done research from time to time. Jagmohan ji took interest in this project even during the Government of respected Shri Atal Bihari Vajpayee ji. At that time the President of India Shri Abdul Kalam ji also went to an exhibition in Adi Badri. The Governor of Haryana Government also visited there and showed interest in it. Haryana Government has approved Rs. 10 crore for the revival of Saraswati river. The photographs taken by ISRO scientists have proved that the Saraswati River has reached Gujarat via Adi Badri. Excavation work was done in Jodhpur, where 24 wells were dug and very sweet water was found in 22 of them. The Petroleum Ministry of the Government of India took up this issue under its CSR, which was a liability, and drilling work took place there. 14 wells were dug there. A stream of water was found there also.

Speaker Madam, through you I am requesting the Hon. Minister to intervene in this matter and ensure that the case of revival of Saraswati Maa, it is not only relating to revival of the Saraswati Project. Our search is about the lost Saraswati River, the search for lost civilizations, the search for lost cities, the cities which were inhabited in those times.

Madam, the Hon. Minister has said that if any Hon. Member has information on this subject, I have so much information about it that I can speak about it for three hours in this House, Saraswati from time to time, the research that has been done on the river, whether it was the archaeologists of France, the archaeologists of Germany or the

archaeologists of India, everyone has given their findings from time to time and it was proved that some people had created the illusion that it is an imagination, but on scientific basis it has been proved that Saraswati river used to flow in India and for this I have demanded the formation of Saraswati Development Authority. I am demanding from you that the son of Bharat Mata, people's hero Narendra Modi had announced in his election rally on 3rd April on the holy land of Kurukshetra that if NDA Government is formed then I will support the project of Maa Saraswati from Adi Badri to Gujarat, I will work for its revival. When Ganga, Yamuna and Saraswati meet together, a culture is created.

Speaker Madam, I am requesting you that I am requesting the Hon. Minister that when you, the Hon. Minister and the Prime Minister of India, Respected Shri Narendra Modi Ji, all three together pay attention to this ancient culture of India, if we give, there will definitely be progress in this work and the water of Mother Saraswati will flow inside India again. This will be a great thing for tourism and many cultures of India.

**HON. SPEAKER:** Dr. Wakankar ji of Ujjain has made some amendments. You can see them too.

*. . . (Interruptions)*

**DR. RAMESH POKHRIYAL NISHANK (HARIDWAR):** Speaker Madam, from the Himalayas to Ganga, Yamuna, Saraswati and ...  
*(Interruptions)*

**HON. SPEAKER:** He has said about the suggestion. If you have information please give it. I have given it; you also give it.

. . . (*Interruptions*)

**SUSHRI UMA BHARTI:** Hon. Speaker Madam, what Hon. Member Kataria ji has said about Saraswati Ji is the truth that now Saraswati River is not a matter of mythological stories. Sufficient scientific evidence has been found for its existence. If work has been done most seriously in any place, it has been done in Gujarat. The present Prime Minister and the then Chief Minister of Gujarat, Narendra Bhai Modi ji, in a way revived the existence of the old traditional route of Saraswati river by releasing the water of Narmada river into it through scientific method. Given the present circumstances, this is the time in the House when it cannot be discussed in detail, but the origin of Saraswati in the Himalayas, one Saraswati emerged and merged into Alaknanda, that Saraswati is visible in Badrinath. A Saraswati emerged and merged into Mandakini in Kedarnath. One is the stream of Saraswati which originates from a glacier and later crosses Uttarakhand, passes through Haryana, Gujarat, Rajasthan and finally joins Triveni. Just before the Triveni Sangam, a Saraswati well is found in the Allahabad Fort near the Army. Even today, people consider it as Saraswati well. The Water Resources Department has recharged this left ground water and given it to one of our autonomous bodies. We have told them to collect all the information. What the Hon. Member has said, this is the dream, the wish of the Prime Minister of India

Narendra Modi and this is the wish of the people of the whole world. There is scientific evidence for the existence of Saraswati. This is our wish too and our ministry has taken it very seriously. Therefore, I assure the entire House through you that our Ministry took it so seriously that we have given the task to Ground Water Recharge to find out from where it has disappeared. Now somehow, by mining wells on that route and mixing the water which is currently found in the well of Saraswati River in Allahabad, if we can mix even 25 percent of its qualities, then we will definitely be able to believe that this is the route of Saraswati River. We are very serious in this. Our Prime Minister himself did this experiment as the Chief Minister of Gujarat. The wish expressed by the Hon. Member, I know, is the wish of the entire House. Hon. Speaker Madam, you yourself have also guided me in this regard. We are doing it in our own way to provide whatever guidance is possible. We will leave no stone unturned to find the route of Saraswati river. ... (*Interruptions*)

**SHRI RATNA LAL KATARIA:** Speaker Madam, whatever information I have, should I hand it over to the Minister or give it to you. ... (*Interruptions*)

**HON. SPEAKER:** You can keep it or give it, as per your wish.

[Placed in Library. See No. LT 724/16/14]

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**12.14 hrs**

**GOVERNMENT BILLS -- Introduced**

**(i) Juvenile Justice (Care and Protection of Children) Bill, 2014\***

*[English]*

**HON. SPEAKER:** Now, we take up Item No.13 – Shrimati Maneka Sanjay Gandhi.

**THE MINISTER OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI MANEKA SANJAY GANDHI):** Speaker Madam, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, hereinunder and for matters connected therewith or incidental thereto.

**HON. SPEAKER:** The question is:

"That leave be granted to introduce a Bill to consolidate and amend the law relating to children alleged and found to be in

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\* Published in the Gazette of India, Extraordinary, Part II, Section 2 dated 12.08.2014



conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, hereinunder and for matters connected therewith or incidental thereto. "

*The motion was adopted.*

**SHRIMATI MANEKA SANJAY GANDHI:** I introduce the Bill.

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**12.15 hrs**

**(ii) Indian Institutes of Information Technology Bill, 2014\***

**THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI SMRITI ZUBIN IRANI):** I beg to move for leave to introduce a Bill to declare certain institutions of information technology to be institutions of national importance, with a view to develop new knowledge in information technology and to provide manpower of global standards for the information technology industry and to provide for certain other matters connected with such institutions or incidental thereto.

**HON. SPEAKER:** The question is:

“That leave be granted to introduce a Bill to declare certain institutions of information technology to be institutions of national importance, with a view to develop new knowledge in information technology and to provide manpower of global standards for the information technology industry and to provide for certain other matters connected with such institutions or incidental thereto. ”

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\* Published in the Gazette of India, Extraordinary, Part II, Section 2 dated 12.08.2014

*The motion was adopted.*

**SHRIMATI SMRITI ZUBIN IRANI:** I introduce the Bill.

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*[Translation]*

**HON. SPEAKER:** Shri Pankaj Choudhary – Absent.

**SHRI BHAIRON PRASAD MISHRA (BANDA):** Hon. Speaker Madam, in my Chitrakoot district, boys and girls have to face huge difficulties in getting higher education. There is neither a medical college, nor an engineering college, nor an agricultural college for higher education in the entire district. There is no law college even for students interested in studying law. All those boys and girls have to go to distant districts for higher education, due to which boys and girls from poor and middle-class families are not able to get higher education. Students from capable family's study in far-flung villages, but boys and girls from weaker sections are deprived of higher education. Due to this, all the talents are getting frustrated. Even in the district headquarters Karvi, there is only one Government degree college. There are also 700 boys and girls, while there is only one teacher. ... (*Interruptions*) This is the plight of higher education there. A Kendriya Vidyalaya has been opened by the Ministry of Human Resource Development, but it also does not have a building. ... (*Interruptions*)

**HON. SPEAKER:** Your point has been fulfilled.

**SHRI BHAIRON PRASAD MISHRA:** In the school, students are studying sitting in sackcloth. ... (*Interruptions*)

**HON. SPEAKER:** Your point has been made complete, hence there is no need to elaborate so much.

**SHRI GAJANAN KIRTIKAR (MUMBAI NORTH WEST):** Speaker Madam, thank you very much for allowing me to raise a serious issue in the House. On Friday, July 18, 2014, a massive fire broke out in a multi-storey residential building named Lotus Business Park located in Andheri West, my constituency, Mumbai. This 22-storey building suddenly caught fire at around 9 in the morning and within no time the fire took a fierce form. But firefighters and fire tenders reached the spot after about half an hour to extinguish the fire. During that time the upper three floors completely collapsed, causing a loss worth crore of rupees. When the fire brigade personnel were trying their best to extinguish the fire, fire brigade personnel named Yevlekar died tragically and 16 other personnel were also badly injured.

Madam, I want to ask the Government whether there is a shortage of fire brigade personnel and machinery to immediately deal with such a terrible situation? . . . (*Interruptions*)

**HON. SPEAKER:** Do safety measures, this is your only suggestion. This is a state matter.

**SHRI GAJANAN KIRTIKAR:** I will conclude in a minute.

**HON. SPEAKER:** Well. You finish your talk quickly.

**SHRI GAJANAN KIRTIKAR:** If there is shortage, why is it not being removed quickly? Whereas such accidents are increasing day by day. Buildings should be given permission to install glazing glass. If the rules provide for action under the Safety Act, then why is it not being implemented yet? . . . (*Interruptions*)

Speaker Madam, I have my last point. Our request is that the Government should consider the above serious issue. The National Building Code has been declared by the Government of India in this regard but it is not being implemented. Especially the Government should take immediate steps regarding the safety of buildings made of glazing glass and such buildings to be constructed in the future, so that such accidents can be controlled in future.

**SHRI BALBHADRA MAJHI (NABARANGPUR):** Speaker Madam, thank you very much for giving me the opportunity to speak during Zero Hour. I come from Malkangiri, Nabarangpur area of Odisha. This is the most backward area. BSNL service there is very bad. Out of the seven blocks in Malkangiri district, four blocks (Mathili, Khairfoot, Pahiya and Kudmuttaguma) have neither mobile service nor internet service. Nowadays, everything is done on the internet only. Even school admissions etc. are being done through internet only. Due to lack of

internet in these four blocks, many students there and the administration are facing inconvenience. Like intimation of admission is not received or information about recruitment for the job is not received. When they get some news from somewhere, they have to go to Malkangiri headquarters. Similarly, Navrangpur is a district, where there are Chandahadi Block, Jharigam Block, Kosamujhuda and Raigarh Block. There is no internet and mobile facility in these blocks also. There were towers there, which are in bad condition. The Government has not taken any steps to repair those towers. Because of this, private companies are taking advantage. Therefore, the Government is requested to improve these services.

**HON. SPEAKER:** Your point regarding BSNL is over, please sit down.

**SHRI CHAND NATH (ALWAR):** Hon. Speaker Madam, short-term crop loans are converted into medium-term loans by the short-term cooperative institutions of the Government of Rajasthan to provide relief to the farmers in case of famine in the state. Since medium term converted loan is an extended form of short-term crop loans. Therefore, it would be appropriate to give medium term converted loan to the affected farmers at the same interest rate as short term crop loans. The current interest rate charged by NABARD on repayment of these loans should also be changed from 7.25 percent per annum to 2.5 percent. Similar to the interest subsidy given on short-term crop loans by the Government of India, interest subsidy on medium-term converted crop loans should also be provided.

**HON. SPEAKER:** Your point is complete, please sit down.

**SHRI CHAND NATH:** There is a request to set the interest rate of medium term converted loan by NABARD at par with that of short-term crop loan. The Government of India should also provide interest subsidy on medium term converted loans equivalent to short term crop loans. Thank you very much for taking the time to speak.

**SHRI P. P. CHAUDHARY (PALI):** Hon. Speaker Madam, I associate myself with the issue raised by Hon. Member Shri Chand Nath.

**SHRI BIDYUT BARAN MAHATO (JAMSHEDPUR):** Hon. Speaker Madam, Indira Awas Yojana is a very big scheme of the Rural Development Department. But due to inaction of the administrative staff, this scheme is dying. In the allotted houses, someone's name is there and someone else lives there. There is a person's name in the waiting lists, but Indira Awas has been allotted to someone else. More recently, the CAG report in the year 2012-2013 said that the Jharkhand Government could not take Rs. 256.42 crore from the Union Government for the Indira Awas Yojana. Also, due to fear of additional burden, 9.90 lakh BPL families have not been given the benefit of this scheme. During investigation, it was found in fourteen blocks that 25.425 beneficiaries were selected without Gram Sabha. The most important revelation was that Indira Awas was sanctioned to 593 people whose names are not in the BPL list. Poor people are left out of this scheme due to lack of land distribution and remain deprived of the benefits of this scheme forever. Therefore, through you, I demand from the Hon. Minister that this ambitious scheme of rural

India should be saved from failure and an impartial investigation should be conducted into the corruption prevalent in it. Thank you.

*[English]*

**SHRI M. I.SHANAVAS (WAYANAD):** Madam, I would like to draw the attention of the Government to a very urgent and important matter which is affecting the health of lakh of people in India.

The poultry farms are found to be using excessive dosage of antibiotics meant for human beings. The antibiotic drugs like oxytetracycline, chlortetracycline, doxycycline, enrofloxacin and ciprofloxacin are used in human beings. But when excessive drugs are being used for the poultry, for the chicken, it is going to affect the resistance capacity of the human beings.

So, I would urge upon the Government to immediately respond to contain this issue by conducting nationwide investigation in poultry farms with thorough examination of samples and prevent easy availability of antibiotics without prescription and especially bulk purchases from chemists, at the earliest.

**DR. A. SAMPATH (ATTINGAL):** Madam, I would like to invite the attention of the Government of India to a very important matter. You know, more than five million Indians are working abroad and the vast majority of the Indians are in the Middle-Eastern nations. And, among the Middle-East nations, majority of Indians from various States are living in



the Kingdom of Saudi Arabia. In the Kingdom of Saudi Arabia, a vast majority of land is desert area. As you know, Madam, our Indian Embassy is situated in the middle of Saudi Arabia, that is, in Riyadh. Towards the western side of Riyadh is Jeddah. We do not have a permanent consulate in Dammam where more than five lakh Indians are living and most of them are living there with their family Members also. From Riyadh to Dammam by road, the distance is around 500 kilometres. It is a journey of 500 kilometres. Now what our Indian Embassy in Riyadh is doing is that they are going to Dammam twice a week, that is, every Wednesday and Thursday. Virtually, our Indian Mission is absent in Dammam.

So, my humble request to the Government of India, through you, Madam, is that we have to open an Indian Consulate in Dammam in the Kingdom of Saudi Arabia, which functions 24X7.

HON. SPEAKER: Shri M. B. Rajesh and Shri P. K. Biju are allowed to associate with the matter raised by Dr. A. Sampath.

*[Translation]*

**SHRI SHARAD TRIPATHI (SANT KABIR NAGAR):** Speaker Madam, the Lok Sabha constituency to which I belong is named after the great Sufi saint Kabir. It is the only Lok Sabha constituency in India which is known by the name of a saint, but the nirvana place of the same saint Kabir is very neglected today.

I would like to submit through you that the Ministry of Tourism is the only ministry of India which earns maximum foreign exchange, but only 3.4 percent of the money is being spent on the maintenance of monuments related to it. Kabir's place of Nirvana, which registers its presence as a living example of religious unity in the whole of India, where there is a temple as well as a mosque. The Ministry of Tourism should post such Nirvana-place on its website and maintain it properly.

*[English]*

**SHRI S. R. VIJAYA KUMAR (CHENNAI CENTRAL):** Speaker Madam, I would like to bring to the kind attention of the Government that the areas surrounding all the railway tracks are not cleanly maintained in Chennai city. A lot of plastic covers, plastic cups, paper cups and waste materials thrown by the passengers remain there for a long time. If the Southern Railway spends a meagre amount, these areas can be cleaned regularly on a daily basis and kept clean. Sanitary workers may be deployed by the Southern Railway or this job can be outsourced by earmarking certain length to each worker. The Southern Railway can also take the support of the Municipal Corporation of Chennai for this purpose.

I also bring to the kind attention of the Government that the elevated MRTS tracks and all stations are not maintained properly. This spoils the image of our Chennai city. I request the Government to take necessary action immediately. This is applicable not only to Chennai city but also to all other cities and towns of Tamil Nadu and other States.

*[Translation]*

**DR. ANSUL VERMA (HARDOI):** Speaker Madam, through you, I would like to bring to the notice of the Hon. Railway Minister that under my Lok Sabha constituency Hardoi, 154, on Shahabad to Pihani road, near Aanjhi Railway Station, Gate No.32B, Howrah. Amritsar is on the main railway route, on which trains pass every five-ten minutes. Two sugar mills are established at a distance of about five kilometres from Gate No.32B. During the sugarcane crushing season, sugarcane is transported to the mills by farmers in tractors and mill owners by trucks, due to which gate number 32B is jammed every day, causing a lot of trouble in the movement of local people, students and businessmen. Gate number 32B is connected to the Municipal Council area. There is an urgent need to build a flyover there. I request the Hon. Railway Minister through you to please construct a flyover at Gate No.32B in public interest.

*[English]*

**HON. SPEAKER:** Shrimati Bhavana Gawali – Not present.

*[Translation]*

**SHRI PRAHLAD SINGH PATEL (DAMOH):** Speaker Madam, there is a factory named Mycem Cement in my parliamentary constituency Damoh, earlier it belonged to Birla Group. I have become the new MP from Bundelkhand region. There are three types of problems. The first problem is that the land of the farmers there was taken and as per the

agreement that was made, no one was given employment. The second problem is related to the Labor Department. I had also asked a question regarding this. In response to which it has been said that Multi National Company is not obliged to register the workers. An accident just happened there and no list of the number of people killed has been made. Apart from this, it is not known what compensation was given to his dependents. The third problem is that the roads leading from there have been disrupted or closed due to mining. Apart from these, the fourth biggest problem is that dolomite is mined, there are 50 to 100 feet deep mines, in which mining rules are being completely misused. Due to this, many cattle have also been killed. The farmers there are continuously agitating regarding this matter. This matter pertains to the Labour, Environment and Mining departments. I urge the Central Government to take immediate action on this. If the multi-national company wants to exist, then so be it, but at least follow the rules, so that the poor people do not suffer.

**DR. NAIPAL SINGH (RAMPUR):** Speaker Madam, I would like to draw the attention of the House towards the problem related to Rampur district in Uttar Pradesh. Rampur is also my parliamentary constituency. The biggest problem there is that the electric wires in the entire district have become frayed, have become old, due to which they break. Generally, 25 kilowatt transformers are installed there, which get blown. This is creating a lot of problems there. The farmer is sad. Reinstallation of transformers takes a lot of time and sometimes there is corruption

involved. Instructions should be given to the State Government from the Centre that instead of 25 kilowatt transformers, which blow due to increase in load, transformers of higher power should be installed. So, that this problem can be eliminated and farmers can get help in irrigation.

**SHRI C. R. CHAUDHARY (NAGPUR):** Hon. Speaker Madam, through you, I would like to request the Railway Minister about a matter of the entire country. There are 3300 such railway stations in the country, where it has been decided to stop trains as an experiment. This decision is till 30th September. This is not the season of weddings yet, but of rains. At this time the passenger load there will be less. Therefore, based on the calculations of this three-month experiment, trains will not stop at many stations in future. Therefore, it should be extended till 31st December, so that the correct assessment of passenger load can be done and the performance of those railway stations can be known.

**DR. MAHENDRA NATH PANDEY (CHANDAUJI):** Speaker Madam, through you, I would like to draw the attention of the Hon. Housing Minister to an issue which is related to Scheduled Castes and Tribes. These are made for housing of Scheduled Caste and Tribe people; they are appropriate and I wish to support them. But today, there is a need to redefine the poor line and the lifestyle below it. Today, there is a very large section among the general class and extremely backward class, which is living in extreme poverty, shelter less and in hellish conditions. In front of his eyes, many people find such houses, which today have risen

above their eligibility, while he keeps looking at the pieces. The Government has a policy of providing housing to all such category of people, whether they belong to general category or backward class. Under this, I recommend the Ministry of Rural Development and Housing of the Central Government to make a separate policy for providing housing.

**HON. SPEAKER:** Shri P. P. Chaudhary, Shri C. R. I associate myself with the above issue raised by Chaudhary.

*[English]*

**SHRI P. KARUNAKARAN (KASARGOD):** Thank you, Madam Speaker. I stand to speak a few words with regard to the present position of khadi industry in our country. We have a long history of freedom struggle with regard to khadi. But, at present, workers in khadi sector are getting very low wages. The workforce and the days of work have also decreased day by day. The workforce in khadi industry consists of a large number of women workers. So, we need to provide financial assistance to khadi sector.

As far as Kerala is concerned, earlier there had been a rebate in khadi sector and they would be able to sell khadi products. But it has been stopped now by the Central Government. Instead, a new mechanism, which is a must, has been introduced. I request the Government to reinstate the rebate and thereby assist khadi sector with some relief.

**HON. SPEAKER:** S/Shri P. K. Biju, M. B. Rajesh and Dr. A. Sampath are allowed to associate with the matter raised by Shri P. Karunakaran.

**SHRI G. HARI (ARAKKONAM):** Speaker Madam, I wish to bring to your kind notice some important issues relating to my Arakkonam parliamentary constituency.

Mysore-Chennai Garudathri Express (Train No.16203) currently arrives at Tiruttani station at 9.15 am as against the earlier arrival time of 8 am. Because of this change in time, thousands of office-goers, students and Government officials are affected as the new timing has caused inconvenience to them. I urge upon the Hon. Union Minister for Railways to instruct the officials concerned to restore the arrival time of Mysore-Chennai Garudathri Express (Train No.16203) to 8 a. m. in Tiruttani.

Ichchiputhur railway station lies between Arakkonam and Tiruttani railway stations. Ichchiputhur railway station should be made functional besides increasing the height of the platform at the station. Many industries and colleges are functioning near Ichchiputhur railway station. I urge that all Electric Multiple Units (EMUs) should have stoppages at Ichchiputhur railway station.

All Electric Multiple Units (EMUs) from Chennai to Arakkonam should be extended up to Tiruttani, particularly during morning and evening hours. There is no train service from Tiruttani at present towards Chennai between 7 am and 9.40 am. It was earlier assured that an EMU

would be operated from Tiruttani to Chennai at 8 am. I urge that keeping in view the growing demand and urgent need, an EMU should be operated at 8 am from Tiruttani towards Chennai. Likewise, all the EMUs operated between Chennai and Arakkonam during morning and evening hours should be extended up to Sholingar Panavaram railway station.

I urge upon the Hon. Railway Minister to look into these issues relating to my Arakkonam constituency.



**\*SHRI R. K. BHARATHI MOHAN (MAYILADUTHURAI):** Hon. Speaker Vanakkam. I wish to raise an important issue pertaining to my Mayiladuthurai constituency. ‘Kumbh Mela’ is celebrated in North India once in twelve years. In the same way ‘Maha Maham’ is a festival that is celebrated in Kumbakonam of Mayiladuthurai parliamentary constituency once in 12 years. Pilgrims and people in large numbers from all over the country assemble here in this Kumbakonam tank during this mega event for a holy dip.

During the ‘Maha Maham’ in 2004, Hon. Chief Minister *Puratchithalaivi* Amma had provided basic amenities and ensured security of the pilgrims. ‘2004-Maha Maham’ was a grand success and people still have pleasant memories of that grand event. This ‘Maha Maham’ will next be held during February, 2016. I seek the cooperation of Union Government for successfully organizing this mega event. There are three holy wells in India-Kasi in the north; Maha Maham of Kumbakonam in the middle; and Rameswaram in the south. I therefore urge that more train services should be operated towards Kumbakonam. Yatri Nivas should be constructed by the Union Government in Kumbakonam. I also urge that Kumbakonam should be declared as a ‘heritage city’ keeping in view the importance of its cultural connection and presence of various mutts, temples and Vedic schools.

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\* English translation of the speech originally delivered in Tamil

**SHRI R. DHRUVANARAYANA (CHAMARAJANAGAR):** Madam, I thank you for allowing me to speak.

I want to raise an important issue regarding the problem of sanitation in rural India. According to a WHO and UNICEF report, 65 per cent of rural population in India defecates in the open. This is causing health related problems, problem of crime, increase in infant death rate - crime against women is directly linked to lack of sanitation facilities – and eighty-eight per cent of the reported deaths due to diarrhoea in children below five years.

Even though our Centrally-sponsored scheme Nirmal Bharat Yojana is there, it has been allocated a meagre fund. There is a budgetary allocation from the Government of India of only Rs. 3,000 crore for sanitation and drinking water for the entire country. So, I urge upon the Government, through you, to allocate more money for sanitation facilities and for construction of toilets, especially in the rural areas. Thank you.

*[Translation]*

**SHRI JYOTIRADITYA MADHAVRAO SCINDIA (GUNA):** Speaker Madam, I would like to draw the attention of the Hon. Railway Minister towards an ambitious plan of Gwalior-Sheopur conversion projects from narrow gauge to broad gauge. It was established 100 years ago by Gwalior Light Railway and it is a track of 200 kilometres. This world's largest narrow gauge has been established. It takes 10 hours to

travel and in this our passengers travel sitting on the roof. This area is a very backward area and for its development and progress, when my respected father was the Railway Minister, a survey was conducted in the year 1988. This project was built worth about Rs. 360 crore. After that, due to some reason, this project could not be approved. I had conducted a survey of this project in the year 2006 during the time of UPA Government and Hon. Mamata Banerjee was the then Railway Minister. This project was approved for about Rs. 2000 crore in the 2011 Railway Budget. On March 25, 2010, Minister of State for Railways Muniyappa ji went to Shivpur with me. We had also laid its foundation stone there at that time and the final location survey had also been done in the year 2012. Hon. Narendra Singh Tomar ji, the Cabinet Minister sitting here today, has also travelled in this train, when he was the MP from Morena.

Today, it is surprising and sad that we are being told, we are being informed that this project in the Position of Pending Estimates has been kept for drop by the Government. This is a tribal area. This is a very ambitious plan and when a Government Minister has laid its foundation stone and Mamata Banerjee ji has announced it in the Pink Book, then it will be a very painful scene if this project is dropped. Therefore, through you, I want to request the Hon. Railway Minister and the Prime Minister that this is a very important scheme. The UPA Government had also allocated Rs. 20 crore for this project in the interim railway budget and if

this project is dropped, it will be a grave injustice to the people of that area, we request the Government. Thank you.

**SHRI PANKAJ CHAUDHARY (MAHARAJGANJ):** Hon. Speaker, I would like to draw the attention of the Textiles Minister. There is Ganesh Sugar Mill in my area Maharajganj which was earlier owned by Raja Ramjaipuria. In 1988, NTC took over that mill after fighting with the Supreme Court and as long as Raja Ramjaipuria's security and bank guarantee continued, that mill continued to run profitably from 1988 to 1994. After that, when bank guarantee was sought, neither the Government of India nor the NTC gave only Rs. 3.5 lakh bank guarantee and the mill were declared sick and wound up. After winding up, the court asked for sale for only Rs. 3 crore 80 lakh. Through you, I request the Hon. Minister to pay full attention to this mill because it has property worth Rs. 400 crore and has complete arrangements, efforts should be made to get it running.

*[English]*

**\*SHRI S. S. AHLUWALIA (DARJEELING):** Respected Speaker Madam, I would like to speak in Bengali since I represent North Bengal. I wish to raise a matter of urgent public importance in this august House. The language of the Rajbongshis and the people of Kamtapur is 'Kamtapuri'. There is always a special place for the mother tongue in

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\* English translation of the speech originally delivered in Bengali.

every man's heart. Man grows up speaking and listening to his mother tongue. But unfortunately, when our country was under the British imperial rule, English was the Queen's language. Therefore, Indians had begun to use English for all official purposes and as a medium of instruction.

I am speaking in Bengali because I am talking about the mother tongue. Lakhs of Kamtapuri people stay in North Bengal and Assam. They are fighting for their right of language. As I said earlier, since the British rulers used English and the mother tongue of the Queen was English, we Indians became more comfortable in using the English language for all purposes. But the Eighth Schedule of the Indian constitution enumerates various regional languages. Though the Kamtapuris have their own script, own linguistic history, cultural identity, they have not succeeded in getting their language incorporated in the Eighth Schedule. I urge upon the Government, through you madam, that at least the Doordarshan and All India Radio can telecast or air programmes in Kamtampuri language so that their unique identity is spread far and wide. The people of Kamtapur, the Rajbongshi students know and read about Bhagat Singh but their text books are silent on Veer Chilarai. So no Indian is aware of the contributions of Veer Chilarai. Thus, I demand that the Government text books should also mention about the rich cultural and linguistic heritage of Kamtapuris and Rajbongshis. I also

want that Kamtapuri language should be included in the Eighth Schedule of the Constitution.

*[Translation]*

**SHRI BHARAT SINGH (BALIA):** Hon. Speaker, I am very grateful that you have given me the opportunity to speak. The biggest historical villages of India under my parliamentary constituency are Sherpur, Revatipur and Gahmar. More than 50,000 people from these villages are still employed in the army and are working in every region of India. There is river Ganga in between here, hence a permanent bridge is needed to connect Sherpur and Revatipur. Due to its absence, the people here have to face severe hardships. The people of Sherpur village were martyred in Mohammadabad on August 18, 1942 under the leadership of late Shiv Pujan Rai ji. I request the Government through you to build a concrete bridge on river Ganga in the area of such heroes and connect Sherpur, Revatipur and Gahmar villages.

**SHRI VINOD KUMAR SONKAR (KAUSHAMBI):** Hon. Speaker, I am very grateful to you for giving me the opportunity to speak. I want to request through you, just as the existence of this universe is made up of five elements, similarly the soul of India resides in Geeta, Ganga, poor, village and cow. The Hon. Chief Minister of Uttar Pradesh calls himself Yaduvanshi and I have to say with great sadness that today during his rule not a single cow is safe in the entire Uttar Pradesh. ... (*Interruptions*) This is not a matter of Uttar Pradesh; it is a matter of cow. ... (*Interruptions*) In

my constituency, cows are being killed openly in Derwa market and all the criminals are killing cows under their protection. ... (*Interruptions*) A cow has been killed in broad daylight in Derwa market, when an FIR was lodged, the Government there, the district administration there has done the work of registering the FIR only by filing a case in the case of animal normal killing. ... (*Interruptions*) Everyone knows that in Uttar Pradesh or in North India, bulls are sacrificed in the name of Lord Shiva. . . (*Interruptions*)

**HON. SPEAKER:** Nothing will go on record.

. . . (*Interruptions*)\*

**HON. SPEAKER:** He has been asked to resume his seat.

. . . (*Interruptions*)

**HON. SPEAKER:** This issue cannot be raised here. Nothing will go on record.

. . . (*Interruptions*)\*

**SHRI GANESH SINGH (SATNA):** Hon. Speaker, I want to draw the attention of the Hon. Health Minister towards health facilities. ... (*Interruptions*) There is a huge disparity in medical facilities in most of the states in the country. In Metro Poling city, private medical treatment has expanded along with Government medical treatment, but in a large

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\* Not recorded.

part of the country, people have to travel a distance of 100 to 500 kilometres for better medical treatment. ... (*Interruptions*)

**HON. SPEAKER:** I have asked him to resume his seat. It is not allowed here.

. . . (*Interruptions*)

**HON. SPEAKER:** Ganesh Singh ji, you speak.

. . . (*Interruptions*)

**SHRI GANESH SINGH:** I would especially like to raise the issue of Vindhya region of Madhya Pradesh in which there is no better medical system anywhere under Satna, Rewa, Sidhi, Shahdol Lok Sabha constituency. There is a district hospital at Satna district headquarters, my Lok Sabha constituency, but there are such long queues of patients that there is no space even on the ground in the hospitals. There has been a demand for upgradation of the district hospital for a long time. ... (*Interruptions*)

**HON. SPEAKER:** What is happening?

. . . (*Interruptions*)

**HON. SPEAKER:** Only the words of Ganesh Singh ji will go on record.

. . . (*Interruptions*)\*

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\* Not recorded.



**SHRI GANESH SINGH:** The district hospital is approved for 400 beds but till now only 300 beds are working. There is no facility for heart disease testing in the district hospital and people are dying every day due to heart disease in the entire area. Due to lack of intensive care unit in the district hospital, people have to go to Nagpur, Lucknow, Mumbai, or Delhi for treatment. The Health Ministry of the Government of India has planned to upgrade the district hospitals and open medical colleges in some districts of the country. Through you, I demand that Satna District Hospital be made a 500-bed hospital and a medical college.

**HON. SPEAKER:** Please sit down. You won't say anything.

**SHRI GANESH SINGH:** Hon. Health Minister is sitting here. I request him to take this matter seriously and announce the upgrade of the district hospital in my Lok Sabha constituency.

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**12.50 hrs.**

**MATTERS UNDER RULE 377 \***

*[English]*

**HON. SPEAKER:** Hon. Members, the matters under Rule 377 shall be laid on the Table of the House. Members, who have been permitted to raise matters under Rule 377 today and are desirous of laying them may personally hand over text of the matter at the Table of the House within 20 minutes. Only those matters shall be treated as laid for which text of the matter have been received at the Table within the stipulated time. The rest will be treated as lapsed.

**(i) Need to protect and maintain the historical places of archeological importance in Sivasagar district of Assam**

**SHRI KAMAKHYA PRASAD TASA (JORHAT):** In Sivasagar district, Assam there are more than 550 historical places. From the ancient times to the regime of Ahom Dynasty, in many places a number of Kings ruled Assam. Sivasagar is one of the places where many kings ruled. They had established places of worship and constructed big ponds, roads, stone

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\* Treated as laid on the Table.

bridges, forts, grave yard of the kings and royal persons. Unfortunately, only 45 places come under the Archaeological Department as well as State Government. No steps have been taken to develop and protect the monuments and historical places in Sivasagar. Now, an initiative has been taken by the district Administration but it is not sufficient. So, I urge the Ministry of Tourism, Government of India to take necessary steps to protect the historical monuments not covered by the Archaeological Department and State Government. If these historical monuments are not protected now then the same will be destroyed by the vagaries of nature and anti-social elements. This can be done by Government's own policy by the PP mode. This way tourism sector will get a boost up. Unemployment problem will be to some extent solved and the monuments will be protected. So, I urge upon the Minister Concerned to look into the matter.

**(ii) Need to release financial share of Central Government to cooperative banks in Uttar Pradesh and review the licence of the cooperative banks in the State**

*[Translation]*

**YOGI ADITYANATH (GORAKHPUR):** Cooperative banks have played a big role in the development of rural areas of the country and self-reliance of farmers. Due to mismanagement in Uttar Pradesh, 16 district cooperative banks of India are on the verge of closure due to which lakh of farmers will be affected and thousands of crore of rupees will be lost. In this regard, according to the package determined by the committee constituted by the Government of India under the leadership of Prof. A. Vaidyanathan in the year 2004, assistance of Rs. 265.68 crore was to be provided by the State Government and Rs. 1545.69 crore by the Government of India for the Uttar Pradesh Cooperative Banks. The stipulated amount was given by the State Government but only Rs. 623.41 crore was released by the Government of India. Due to economic crisis, as per the guidelines issued by the Reserve Bank of India, the licenses of 16 out of 50 banks of Uttar Pradesh have been cancelled. In such a situation, due to non-availability of the farmers' capital deposited in these banks, the farmers are in a bad condition and the common citizens are also facing huge problems. Rural farmers and general public have been getting immense facilities through District Cooperative Banks. In the larger public interest, I humbly request that: -

1. The amount of Rs. 922.28 crore which has not been released till now should be released immediately by the Government of India.
2. The guidelines issued under 35A; BR Act 1949 should be withdrawn so that the 16 district cooperative banks running without licenses can get relief.
3. The time limit for licensing of the above 16 banks should be extended.

**(iii) Need to take steps to make Wardha and Devli cities in  
Maharashtra pollution-free**

**SHRI RAMDAS C TADAS (WARDHA):** Some mills established in MIDC Deoli of my parliamentary constituency Wardha and many other rolling mills are spreading pollution and in Wardha too, rolling mills are spreading a lot of pollution.

The rolling mills as well as other industrial units located at these two places are spreading pollution due to which the health of common citizens and students living within a radius of 10 km is deteriorating and they are suffering from many diseases, which It is very worrying and unfortunate. At the same time, there have been untimely deaths (accidents) of workers working in these plants during their working hours, but no compensation is given to the family of the deceased.

The Hon. Forest and Environment Minister is requested to take whatever appropriate steps are required to declare Wardha and Deoli as pollution free cities and also to provide compensation as well as jobs to the dependents of the workers who died as a result of the accident at the plant.

**(iv) Need to take measures for the development of diamond industry in Banaskantha Parliamentary Constituency, Gujarat**

**SHRI HARIBHAI CHAUDHARY (BANASKANTA):** I want to draw the attention of the Government that the workers working in the diamond industry are not getting any special facilities from the Government. 80 percent of the people in the diamond industry of the whole of India are connected to my parliamentary constituency and 30 lakh people have got employment from it and we can earn foreign exchange by exporting a large number of diamonds. There is a lot of potential to promote this industry in India.

It is requested to the Government that in order to promote the diamond industry in my parliamentary constituency Banaskantha, they should be given low loan interest, adequate quantity of raw material should be made available to them and schemes should be made to provide facilities to the people working in the diamond industry.

**(v) Need to include Pali language as an optional subject in UPSC examination**

*[English]*

**SHRI CHINTAMAN NAVASHA WANGA (PALGHAR):** Pali is an Indian language. UPSC in revised examination pattern offered 23 literatures optional. Out of these, 22 are languages that belong to 8<sup>th</sup> Schedule of the Constitution. Pali was the second most popular as optional subject in the literature category as per the number of students opting for it. But unfortunately, Pali has been removed from the list of optional subjects along with other foreign languages from 2013 UPSC examination. Pali is the only Indian language which has been removed from the list of literature optional. All other languages removed are foreign languages. I, therefore, request the Minister concerned that Pali be listed as an optional subject in UPSC examination immediately.

**(vi) Need to revive the Sone Valley Cements Limited in Jharkhand**

*[Translation]*

**SHRI VISHNU DAYAL RAM (PALAMU):** M/s Son Valley Cements Limited was established in the year 1921. This is one of the oldest wet process cement plants in the country. This cement plant is lying closed since 1992. As a result, thousands of workers have become unemployed. They are becoming victims of starvation and are being forced to migrate due to lack of work. They are even being forced to join the Naxalites.

I would like to request the Government to please open this factory as soon as possible so that the dues of the poor workers can be paid and the workers are not forced to migrate and join the Naxalites. It is my request that the Government should fulfil all their demands by opening the factory.



**(vii) Need to take measures for proper implementation of schemes and programmes meant for welfare of Other Backward Classes**

**SHRI NANA PATOLE (BHANDARA-GONDIA):** Other Backward Classes (OBC) comprise one of the group of castes in our country. According to the report of the National Sample Survey Organization in 2006, it accounts for 41 percent of the population in the country. OBCs are described as socially and educationally backward classes and the Government of India is always striving to ensure their social and educational development. For example, OBCs are entitled to 27 percent reservation in employment and higher education. The Government should take appropriate steps as per the promulgated laws and rules for the implementation of programs related to social and economic empowerment of other backward classes and welfare of other backward classes.

**(viii) Need to ensure uniform key-boards for Hindi typing for all types of 'Fonts' and also uniform signs and symbols for Hindi shorthand**

**SHRI PRAHLAD SINGH PATEL (DAMOH):** I seek permission to raise a matter of great importance in the House which is regarding the mother tongue of the country, Hindi.

It has been brought to my notice that the script of Hindi typing and shorthand is changed after every few years whereas the script of English language typing and shorthand has remained the same over the years. But the typing and shorthand scripts of Hindi language keep changing continuously and it is written and typed in many ways all over the world and not only in India.

Hindi typing is based on many fronts due to which students learn typing on many types of keyboards which are not universally accepted. Because of this, students and Hindi speaking people have to face a lot of problems and also get insulted.

Nowadays, Hindi language is widely used on the Internet, but the general public has to face similar problems on the Internet.

Therefore, I urge that just as the typing and shorthand of the English script are the same, similarly the typing and shorthand script of Hindi should be the same so that the students, employees and officers who want to know and learn Hindi do not have to be insulted and the Hindi language can be saved from ongoing losses.

**(ix) Need to change the name of 'Robertsganj' Parliamentary  
Constituency in Uttar Pradesh as 'Sonbhadra'**

**SHRI CHHOTELAL (ROBERTSGANJ):** When the country was a colony and Mother India was groaning in the chains of slavery, then the revolutionary warriors of our country liberated this country by sacrificing their lives on the altar of this country. From then till today, the name kept by the British is still Robertsganj. It means directly in the name of the British.

The name of my parliamentary constituency Robertsganj should be changed to Sonbhadra parliamentary constituency. The name of Government of India undertakings located in Uttar Pradesh should be mentioned as Sonbhadra in all the records instead of Robertsganj so that the name given by the British to the people of Sonbhadra can be Sonbhadra instead of Robertsganj. And please give orders to all the officers located in all the bodies, undertakings of the Government of India and railway stations, post offices, all the nationalized banks and other departments to mention the name of Sonbhadra in all the records and for which the affected action is requested from your end, Hon. Speaker Madam.

Therefore, it is respectfully requested that the name of Robertsganj parliamentary constituency of Uttar Pradesh should be changed to Sonbhadra parliamentary constituency so that the people can get freedom from the name given by the British.

(x) Need to include places of historical importance in Begusarai district of Bihar in the list of Tourist Places

**DR. BHOLA SINGH [BEGUSARAI]:** Despite being historical and inspiring from the tourism point of view, Begusarai district of Bihar has not yet got a place in the tourism list of the Central and State Governments. It was the capital of the Government of the Pala dynasty of Bengal in the 7th and 8th centuries and also had military headquarters here. Mangalagarh, where there was a military cantonment, the goddess of victory, Sarvamangala Maa, is still established here as the centre of faith for millions of Bihar people. This Naulagarh was the capital of the Pala dynasty, which is in ruins today. Harsan, which has the traces of history in its womb, still has green mounds at many places, through which the enemies were used for reconnaissance. There was also a vast area of forest, but the human stomach has absorbed everything in its womb. The idol of Shiva has been excavated along with Bashavail at Barhapura in Birpur. Even now during excavations, coins from the Mughal period of the Delhi Sultanate have been found. The Noorsarai Mosque in Begusarai, built by Noorjahan Bangam, gazes at the moon and stars. Begusarai is the land of joint family of Hindutva and Islam. Buddha also came here and stayed here for many days. Guru Gobind Singh ji stayed here while going to calm the tension prevailing in Assam at that time. Despite being a historically inspiring tourist destination, Begusarai is neither in the Buddha Circuit nor in the Ramayana Circuit. Rather, it was grossly

neglected and this is not just Bragusarai being neglected but those historical contexts without which the cultural history of the country is incomplete are also being grossly neglected. I request the Ministry of Tourism, Government of India to please include Jaimangalagarh, Naulagarh, Baripura and Naulakha Temple of Vishnupur in Begusarai as tourist destinations and declare them as tourist destinations.

**(xi) Need to run Lok Manya Tilak Express train daily and also reschedule the arrival-departure time of the train**

**SHRI RAJEEV SATAV (HINGOLI):** Hingoli is a backward district of Maharashtra. Shri Audha Nagnath, one of the 12 Jyotirlingas of Lord Shiva, comes in my area. Every year, one crore devotees from all over the country come here for darshan. Along with this, Narsi Namdev, the birthplace of the great saint Shri Sant Namdev Ji who brought Bhagwat religion to Punjab through Kirtan, also comes in this area and lakh of devotees from Punjab come here for darshan. For the devotees coming from these religious areas to go to Mumbai, there is only Anjani (Nagpur) Lokmanya Tilak Express train from Hingoli in a week. I request the Government to start this train daily from this inaccessible district to Mumbai, this will remove the inconvenience to the visiting devotees. Along with this, this train leaves Hingoli at 7 in the evening and reaches Mumbai by 7 in the morning, such a change should be made in the railway time table.

**(xii) Need to enhance the Minimum Support Price of Copra***[English]*

**SHRI C. MAHENDRAN (POLLACHI):** In my Pollachi Parliamentary Constituency, nearly 92000-hectare area is under coconut cultivation. Due to failure of South-West and North-East monsoon, water level has depleted. Owing to insufficient water and high cost of maintenance, coconut farmers are in dire straits. Hence, the production of copra is dwindling. Due to the monsoon failure only 50% of agriculturists are able to do the Coconut cultivation with great hardship.

Even though 2,02,000 M. T of Copra is being produced, the Agriculturists are facing problems as the support price for Copra fixed by NAFED is only Rs. 52.50/kg whereas in the open market it is being traded today around Rs. 110/kg. Hence, the procurement price has to be increased by NAFED to the market level or at least Rs. 108/.

It would be very helpful to the coconut growers if financial assistance is provided from the Agriculture Price Market Stabilization Fund announced in the Budget 2014-215.

Tamil Nadu Chief Minister has provided coconut growers Rs. 4,000 per acre. The Central Government should increase the support price of Copra.

**(xiii) Need to establish an Agricultural University and Research Centre in Theni Parliamentary Constituency, Tamil Nadu**

**SHRI R. PARTHIPAN (THENI):** My Theni Parliamentary Constituency is known for Mango, Jackfruit and Banana cultivation. Since it is located at the place bordering Kerala, Cardamom, Pepper and Clove are grown in large quantities. Paddy, coconut and horticultural crops are also grown on large scale. Therefore, I urge upon the Union Government to establish an agricultural university and research centre in this area, besides setting up a cold storage and a juice factory for mangoes and grapes in my constituency.

**(xiv) Need to extend the Kolkata Metro up to Baruipur in Jadavpur  
Parliamentary Constituency, West Bengal**

**PROF. SUGATA BOSE (JADAVPUR):** Work is under way for the extension of the Kolkata Metro from Netaji Subhash Chandra Bose International Airport to New Goria. The rapid pace of urbanization requires that new Goria be inextricably connected with Baruipur town – both places falling within the Jadavpur parliamentary Constituency. As early as 2009, the then Railway Minister, had announced the extension of the Metro to Baruipur. That work needs to be taken up urgently in the interest of infrastructure development in the urban zone of greater Kolkata.



**(xv) Need to allocate funds for Pune Metro Project**

**SHRIMATI SUPRIYA SULE (BARAMATI):** I would like to draw the attention of the Government towards the traffic conditions in the city of Pune. It has become a very serious problem due to ever increasing number of vehicles on road. The reports about jams and heavy snarls on many important roads are very common phenomenon. With the onset of monsoon, the problem gets even worse. The survey conducted by an NGO “Save Pune Traffic Movement” revealed that the share of personal vehicles has reached 47 per cent. The public transport share is mere 19 percent. There is a need to increase share of public and non-motorized transport in the city. The traffic congestion not only brings discomfort for the commuters but also pollutes the environment. The report on ambient air pollution published by WHO ranks 31 Indian cities in top 100 most polluted cities with highest concentration of particles smaller than 2.5 microns. Pune is one of the cities in the list. There is an urgent need to provide a sustainable & affordable public transport system like metro facility which will reduce traffic congestion and reduce the pollution level in the city. Even though Pune is the seventh largest metropolitan city in India and plays a major role in nation’s development, there has been no allocation of funds for Pune metro in this budget. I would urge the Government to relook its allocation and provide a provision for allocating funds for Pune Metro.

**(xvi) Need to promote the Maithili language**

*[Translation]*

**SHRI RAJESH RANJAN (MADHEPURA):** Maithili language was included in the 8th Schedule of the Constitution by the Government of India many years ago, but the 15 languages included in the 8th Schedule are published by the Reserve Bank of India on the Indian currency. But Maithili language has not got this glory even after its inclusion in the 8th Schedule. Not only this, the Government of India and the Government of Bihar have such an action plan in which, despite being included in the 8th Schedule, Maithili language still needs to be given due respect.

Therefore, I demand from the Government to please give necessary instructions to give proper representation and respect to Maithili language.

**(xvii) Need to withdraw fee hike for all classes in Kendriya  
Vidyalayas**

*[English]*

**SHRI N. K. PREMACHANDRAN (KOLLAM):** Kendriya Vidyalaya Sangathan has revised the fees. It is more than double the existing one. The findings of the Sangathan are that certain categories of parents are entitled for fee reimbursement. On that ground the Sangathan raised the fees of all students. As per the revised order Kendriya Vidyalaya under project sector are authorized to implement differential fee structure. The pre-revised fee for class XI-XII was as follows: tuition fee - Rs. 400, computer fee - Rs. 100, VVN Contribution- Rs. 300. Revised fee tuition fee is Rs. 400, computer fee - Rs. 150, VVN Contribution - Rs. 500. The fee structure in most of the schools in Kerala is as follows: tuition fee - Rs. 900, SSS - Rs. 1500, Computer Fee - Rs. 450. This fee structure clearly shows the huge hike and disparity. The hike in fee structure has caused much difficulty to the students.

Hence, I urge upon the Government to withdraw the fee hike immediately.

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**THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU):** Speaker Madam, I have a request to make to the House that yesterday we had taken up the issue of Apprentice Bill and that is going to be taken up for consideration. The Minister for Law has moved a motion for the Constitution Amendment Bill. I request the Chair to permit first this to be taken up because it will require time. We have to go for manual voting. There is a programme in the evening where Hon. President of India is coming. So, I request the Chair to permit first the Judicial Commissions Bill and after disposing it, we will take up Labour Apprentice Bill.

*[Translation]*

**SHRI MALLIKARJUN KHARGE (GULBARGA):** Madam, there is a bill pending, for the discussion which is going on, we had requested you to send that apprenticeship bill to the Standing Committee and if you want to take it then take it, there is no problem, but if it If it is sent to the Standing Committee, it will be discussed there and it will be settled.

The second thing is that in Rule 388 you are once again giving them exemption, you are permitting them. This is the third time.

**HON. SPEAKER:** Should not be done.

**SHRI MALLIKARJUN KHARGE:** It should be done, but how many times should it be done, once, twice, thrice, if there is no vision, no program, no agenda then how will we prepare for it, we too have a problem.

**SHRI M. VANKAIAH NAIDU:** That doesn't always happen, I assure you.

**SHRI MALLIKARJUN KHARGE:** This is the third time.

**SHRI M. VANKAIAH NAIDU:** Kharge ji, you are very experienced, you have come to the Government.

**SHRI MALLIKARJUN KHARGE:** I am not as experienced as you, this is my second time here. Still, I am trying to learn. Is this the way it should happen once, twice, thrice?

**SHRI M. VENKAIAH NAIDU:** There is no such objectionable topic in it, it is in the public interest, in the interest of the country, that is why we are bringing it. Earlier, you were saying that there is no business, now when business has been brought, you are expressing objection. What I am saying is that together we will pass whatever law is brought here. It will be in the interest of the country; people will be happy. So let it happen, we will see later.

**SHRI MALLIKARJUN KHARGE:** You do it according to rules and procedures. You don't have any agenda, that's why, you will bulldoze all the bills, this is also not right.

**SHRI M. VANKAIAH NAIDU:** We are not going to bulldoze. We have a flag and an agenda and the public has also given us a mandate. My point is that this is important, so please help us pass this.

**HON. SPEAKER:** I thank you for your cooperation.

*[English]*

Now, we will take up item No.16A.

**12.54 hrs**

**MOTION RE: SUSPENSION OF RULE 388**

**THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY AND MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):** I beg to move

“That this House do suspend the proviso to rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing the National Judicial Appointments Commission Bill, 2014 in as much as it is dependent upon the Constitution (One Hundred and Twenty-First Amendment) Bill, 2014. ”

**HON. SPEAKER:** The question is:

“That this House do suspend the proviso to rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing the National Judicial Appointments Commission Bill, 2014 in as much as it is dependent upon the Constitution (One Hundred and Twenty-First Amendment) Bill, 2014. ”

*The motion was adopted.*

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**12.55 hrs**

**CONSTITUTION (ONE HUNDRED AND TWENTY-FIRST  
AMENDMENT) BILL, 2014**

**(Insertion of new articles 124A, 124B and 124C)**

**AND**

**NATIONAL JUDICIAL APPOINTMENTS COMMISSION BILL,  
2014**

**HON. SPEAKER:** Before we take up the combined discussion on the Motions for consideration of the Constitution (One Hundred and Twenty-First Amendment) Bill, 2014 and the National Judicial Appointments Commission Bill, 2014, the time has to be allotted for discussion. If the House agrees, we may allot two hours for this discussion. Is it sufficient for this?

*. . . (Interruptions)*

*[Translation]*

**SHRI MALLIKARJUN KHARGE (GULBARGA):** Madam, please give sufficient time. ... *(Interruptions)*

**THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT; MINISTER OF STATE IN THE MINISTRY OF HOUSING AND URBAN POVERTY ALLEVIATION; AND**



**MINISTER OF STATE IN THE MINISTRY OF  
PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU):**

Madam, please give me three hours, there will be discussion in it and half an hour will be for cushion. ... (*Interruptions*)

*[English]*

**HON. SPEAKER:** All right. Three hours are allotted.

**THE MINISTER OF COMMUNICATIONS AND INFORMATION  
TECHNOLOGY AND MINISTER OF LAW AND JUSTICE (SHRI  
RAVI SHANKAR PRASAD):** Madam, I beg to move<sup>\*\*</sup>:

“That the Bill further to amend the Constitution of India, be  
taken into consideration. ”

and

“That the Bill to regulate the procedure to be followed by the  
National Judicial Appointments Commission for  
recommending persons for appointment as the Chief Justice of  
India and other Judges of the Supreme Court and Chief  
Justices and other Judges of High Courts and for their transfers  
and for matters connected therewith or incidental thereto, be  
taken into consideration. ”

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<sup>\*</sup> Moved with the recommendation of the President

Madam, I am indeed very grateful for Hon. the Speaker, this House, all the Members, Shri Kharge and my other colleagues in the Opposition and Hon. Members for permitting me to put this Bill of great historical importance for consideration of this august House.

I will come to the rationale of this Bill subsequently. But I would like to make two initial observations, at the very outset. We all have the highest respect for the institution of judiciary. We all fully trust in the independence, in the integrity of the great institution of judiciary. Speaking for us, I would like to share with this House that many of us in our earlier student days' activism, have fought for the independence of judiciary. I am referring to seventies when there was a strain and stress on independence of judiciary, when there was a strain and stress on individual freedom and also on the freedom of the Press. I am very assured to share with this House that many Members of the present Government including Hon. the Prime Minister himself have been in the forefront of that struggle which was basically designed to ensure the independence of judiciary, the media freedom and the individual freedom.

When we save the respect of the institution of judiciary, we not only want it to be really independent but we also share, applaud the courage of the institution of judiciary that let them be completely fearless too. It is because an independent judiciary is indeed the very bedrock of our constitutional scheme of governance and of our democratic polity.

When I am standing today as the Law Minister of India, initiating a debate on such a historic Bill, I need also to salute the great judgments of the Supreme Court and High Courts which have laid the foundation of the rule of law in India, the way they have developed many institutions to address the concerns of the poor and under-privileged, to the genuine use of public interest litigations and also if there have been excesses by any of the segments including the Executive, they have come whether in case of impropriety or corruption. These have been the real bedrock of our democratic credentials that today judiciary is there as an institution for respect. But why is this, Bill? It is indeed very important. I would also like to share it.

I would like to dispel one more issue here, at the very outset. I have seen some of the observations that we are rushing through the Bill. I want to assure this House with all the emphasis and responsibility at my command that 'no', we are not at all rushing through the Bill.

### **13.00 hrs**

What we are doing today, Speaker Madam, is basically the culmination of the exercise of the last twenty years. How many attempts have been made, let me count. There was the 67<sup>th</sup> Constitution (Amendment) Bill in 1990, the 82<sup>nd</sup> Constitution (Amendment) Bill in 1997, the 98<sup>th</sup> Constitution (Amendment) Bill in 2003, and the 120<sup>th</sup> Constitution (Amendment) Bill, a component of Judicial Appointments Bill 2013 which the then Government was kind enough to bring.

Therefore, there have been as many as four attempts in the last twenty years to have an amendment to the Constitution as far as the appointments of judiciary are concerned.

How many reports have been there in the past? Let me share it with this august House today. There has been Justice Venkatachaliah Commission in 2003. Justice Venkatachaliah was the Chief Justice of India, a very eminent judge. There has been the Administrative Reforms Commission in 2007 under the very distinguished Chairpersonship of Shri Veerappa Moily, I do not know if he is present here, which recommended that a National Judicial Commission be established in whatever form and that the collegium system needs to be changed. The Law Commission of India in its 214<sup>th</sup> Report in 2008 made its recommendation. I will refer to that subsequently.

There have been Parliamentary Standing Committee's 21<sup>st</sup> Report on Judges (Inquiry) Bill, 28<sup>th</sup> Report on Supreme Court (Number of Judges) Bill, and the 44<sup>th</sup> Report on the Age of Retirement of Judges. Therefore, there have been four attempts for Constitutional amendment, and seven recommendations by various Committees over the years, all emphasising that the collegium system of appointment for the Hon. Judges of the High Court, of the Supreme Court, and the Chief Justices, needs to be changed.

Madam, today I would like to share with this House as to how we have come here. It is very important that I do so. When the Constitution

was framed, great debate occurred as to what should be done and what should not be done. Various modes had been suggested. Three modes came to great scrutiny. Should the President make the appointments himself? Should the President make the appointments in consultation with the Executive? Should the President make the appointments in consultation with the Parliament? Or should the President make the appointments in consultation with the Chief Justice of India? These were indeed the great issues which were matters of great concern and consideration.

Madam, ultimately Dr. Ambedkar in his very persuasive and very eloquent words stated that no, we need to consider that judiciary should be independent, due credit and importance must be given to the office of the Chief Justice, and also the Executive must have a say. Therefore, article 124 for Supreme Court, and article 217 for the High Court were enacted stating *inter alia* that the President shall appoint the Chief Justice and the Judges of Supreme Court, and while doing so he will certainly consult the Chief Justice. And while doing so for the High Court, consultation with the Chief Justice of the High Court was also postulated. Therefore, it was a proper balance of the Executive and the Judiciary.

Madam, I would like to quote Dr. Ambedkar here, it is very important, about the role of Chief Justice. I have great personal regard for Dr. Ambedkar, one of the finest visionaries India has ever produced. His outstanding ability, his understanding and his contribution in the working

of the Constitution and creation of the Constitution is indeed legendary. And I would request many of the young Members of the Parliament to please read the life of Dr. Ambedkar.

I would like to quote Dr. Ambedkar from the Constituent Assembly Debates. He said,

"With regard to the question of concurrence of the Chief Justice it seems to me that those who advocate the proposition seem to rely implicitly both on the impartiality of the Chief Justice and the soundness of his judgement. I personally feel no doubt the Chief Justice is a very eminent person, but after all the Chief Justice is a man with all the failings, all the sentiments, and all the prejudices which we common people have. And I think to allow the Chief Justice practically a veto upon the appointment of judges is really to transfer the authority to the Chief Justice which we are not prepared to vest in the President or the Government of the day. I, therefore, think that that is also a dangerous proposition. "Therefore, Dr. Ambedkar, while framing the Constitution was very clear. Today, as the Law Minister of India, while moving this important Bill, I wish to salute Dr. Ambedkar, Shri Jawaharlal Nehru, Sardar Patel and Dr. Rajendra Prasad for understanding the real wisdom of India's polity that there must be a healthy blend, namely, the President must not have unbridled powers and the Chief Justice also must not have unbridled powers; there must be healthy co-ordination and consultation. It worked very well.

There were some ups and downs when we heard about committed judiciary. That is a separate chapter altogether. Today, the people of India have learnt how to trust the polity of India. They have the power and authority. They can unseat any political leader and any political party from power, be it in the States or at the Centre. Surely, the maturity of Indian democracy has emerged which also recognises the supremacy of Parliament, respect of Parliament and also the integrity and independence of the Judiciary. That is how it has grown over the years.

Now, today, I would like to share my experience. I had the privilege of working as a Minister of Law at a junior level in the Vajpayee Government. I have also been a practising lawyer in Patna High Court and then Supreme Court. I had the occasion to see the works of Judiciary over the years, apart from being an activist fighting in the JP Movement and anti-Emergency struggle. From 1950, till 1993, the system worked very well. Occasionally, there was stress.

Today, there is no pre-collegium appointee as a judge in India. Shri Kalyan Banerjee may correct me if I am wrong. All of them are appointed by the collegium system, after 1993. I will come to that separately. Today, I would like to ask a question in this Hon. House. Why do we not have judges like V. R. Krishna Iyer? Why do we not have judges like H. R. Khanna? Today, this question has to be asked. The reason why I have taken the name of H. R. Khanna is this. Individual freedom was under great stress in the 1970s. In the ADM Jabalpur Shukla case, when the

Supreme Court gave a judgement, I would say regretfully, that even if a detenu is killed in a prison there is no remedy, he held aloft the flag of liberty. I remember the *New York Times* writing about him, 'If ever democracy will return to India, India must erect a plaque of gold for H. R. Khanna'. That has been the tradition of judges of India. ... (*Interruptions*)

**SHRI KALYAN BANERJEE (SREERAMPUR):** First take the name of Justice Bijan Mukherjee.

**SHRI RAVI SHANKAR PRASAD:** Bijan Mukherjee, Vivian Bose, Patanjali Sastri, S. R. Das – they are legends. ... (*Interruptions*)

**SHRI KALYAN BANERJEE:** I am not objecting to it. But take the name of Justice Bijan Mukherjee first.

**SHRI RAVI SHANKAR PRASAD:** I agree with you. Therefore, we are very proud of the legend of judges.

When I am speaking here, let me share something with you all that there have also been flaws. Justice G. P. Singh was the Chief Justice of Jabalpur High Court for five years. I call him a *rishi* of modern jurisprudence. He has written books on interpretation of statutes and they are quoted like an authority. But it is also a fact that G. P. Singh could not come to the Supreme Court. Those are issues to be considered. Justice Mohammedali Currim Chagla was a Chief Justice for 11 years in Bombay High Court but he also could not come to the Supreme Court. A brilliant judge, I salute him here.



In 1993 a judgement came. What was the judgement? Article 24 says that the President shall appoint a judge in consultation with the Supreme Court Chief Justice and also the High Court Chief Justice in the case of High Courts. In fact, the substance of the judgement is, I say with great respect, that the Chief Justice will appoint the judges in consultation with the President. That is how it became reversed. I am sorry to say that. What was the message? It is that you will only have an informal arrangement to be communicated. You can seek a reconsideration of the proposals made, and if the collegium in its wisdom decides to reiterate the decision, it is binding on you. Therefore, the role of the Executive became very limited. Yes, they have got the right to be consulted, namely, informed. But this was how it was re-read.

Madam, this issue has come about repeatedly. Today, I would like to share with you how this whole concern was expressed. The first concern came from the Government, which sought a reference to the Supreme Court, under Article 143, the 'Second Judges Case'. In 1998, what the Supreme Court did? It enlarged 'the Chief Justice with two judges' with 'the Chief Justice with four judges. So, it became five. But the Collegium system said, 'For the independence of Judiciary, we are having these principles established'.

Madam, I say – and I think that the entire House is with me – that all of us want independence of Judiciary and give respect for that. But when I say 'independence of judiciary', I must reiterate that the sanctity

of Parliament is equally important, which we all need to appreciate. Sitting in Parliament, we talk about it. We are the representatives of the people of India; we represent the diversity of India, the hope, aspiration and agony of India; and all of us come here with a view that when we reflect them, we seek accountability of the Executive, and we also reflect the concern of the people of India.

Surely, the supremacy of the Parliament is equally important. While I say that the independence of the Judiciary is important, separation of power is equally a basic structure; it is also a part of the Constitution. Therefore, with Parliamentary democracy, integrity, independence, supremacy of Parliament, and with integrity and independence of the Judiciary, and also by respecting the people's wish, the democracy functions.

I want to assure the Hon. Members of this House that the Government has got no intention whatsoever to have any confrontation with the Judiciary – no, not at all. We respect the Judiciary as an article of faith. But when we have come to have this Bill, we are seeking to only reiterate that the Constitutional arrangement as envisaged, which has been reflected upon from time to time, by so many Commissions, Standing Committees with wider consultation possible, needs to be reflected.

Madam, let me share with this Hon. House, how the whole issue has been articulated from time to time. There was the 85<sup>th</sup> report of the Law

Commission. I want this to go on record for the information of the Hon. Members and I quote:

“This Committee is aware that for this state of affairs, the Union Law Ministry is not blame-worthy. As the entire process of initiation of proposal for appointment of new Judges is no longer the responsibility of the Executive, as a result of a decision of the Supreme Court, though it was not contemplated in the Constitution, responsibility for judicial appointment now rests in the domain of the Judiciary. The Union Law Minister is accountable to Parliament for the delay in filling up of the vacancies of judges, but he has functionally no contribution to make. The Supreme Court read into the Constitution a power to appoint judges, that was not conferred upon it by the text of the context. The underlying purpose of securing judicial independence was salutary, but the method of acquiring for the court, the exclusive power, to appoint judges, by the process of judicial interpretation is open to question.”

This is what the Law Commission report said.

Madam, late Justice J. S. Verma, a very eminent Judge, who wrote the judgment of 1993, clearly said this:

“My 1993 Judgment, which holds the field, was very much misunderstood and misused. It was in this context, that I said that the working of the judgment, now, for some time, is raising serious questions, which cannot be called unreasonable. Therefore, some kind of re-think is required. My Judgment says the appointment process of High Court and Supreme Court Judges is basically a joint or participatory exercise, between the Executive and the Judiciary, both taking part in it.”

Justice J. S. Verma, who wrote the 1993 Judgment, establishing the Collegium system, himself was critical that his Judgment has been completely misread and not being properly used.

Speaker Madam, Justice Venkatachaliah, a distinguished Chief Justice, was heading the Constitution Review Commission formed by the Government headed by Shri Vajpayee. I would like to assure my friends from the Opposition that we in the BJP have been supportive of the National Judicial Commission right from day one. There have been views of some political parties to go to pre-1993 position but even during Vajpayee Government our commitment was that. Even in 2009 our commitment was that. Even during 2014 Lok Sabha election our manifesto clearly stated that we wanted a National Judicial Commission. Therefore, we have been quite consistent as far as this is concerned.

**PROF. SAUGATA ROY (DUM DUM):** Why are you then bringing a truncated Bill? ... (*Interruptions*) This is a truncated Bill.

**SHRI RAVI SHANKAR PRASAD:** I will come to that.

Madam, I must acknowledge that Shri Kharge's Party, when the Congress was in power, also brought it as an enabling provision of a Bill and the rest was a separate ordinary Bill. It was passed by the other House and then it came to the Lok Sabha. When the Bill was referred to the Standing Committee, it recommended bringing the entire architecture into the Constitution itself and suggested not to bring an ordinary Bill. The Standing Committee also recommended improvement in the ordinary Bill by laying down the procedure for appointment, etc. In fairness again the previous Government brought an amendment to that Bill in the Lok Sabha but it lapsed because the House was dissolved. I have withdrawn that, Bill.

In the present Bill, about which I will talk separately, all the recommendations of the Standing Committee have been substantially taken into account. I will reply to that elaborately once I hear all the points during discussion. But Madam, I must say in all fairness, when I became the Law Minister, I started taking up this cause and the first thing I decided was that I will have proper fresh consultations with eminent people. The first consultation I did was with an eminent jurist. I called a meeting. Justice A. Ahmadi, former Chief Justice of India, Shri V. N. Khare, former Chief Justice, Shri Soli Sorabjee, Shri Fali Nariman, Shri Shanti Bhushan, Shri K. Parasaran, Shri K. K. Venugopal, Shri K. T. S. Tulsi, Justice A.

P. Shah, Chairperson of the Law Commission, Prof. Madhava Menon, Shri Upendra Singh, Shri Anil B. Divan, the Chairperson of Bar Council of India Bir singh Ji, the present Attorney General, the present Solicitor General, Shri Arun Jaitley, in capacity of an eminent lawyer, all came and I presided over the meeting. All except one supported the National Judicial Commission. Many could not come but I remember the former Chief Justice, Shri G. B. Pattanaik rang me up saying that he could not come but he completely approves this proposal. Shri P. P. Rao, Shri Ashok Desai, Shri T. R. Andhyarujina, Shri Harish Salve and Shri G. N. Vahanvati, all supported it. This was the widest consultation possible. Thereafter, as a Law Minister I wrote personal letters to 26 Heads of political parties in India seeking their opinion. I am happy to announce, Madam, that both Shri Mulayam Singh and Ram Gopal ji were kind enough to support the initiative. Ram Vilas Paswan Ji's Party also supported it. CPI, CP (M), Sudhakar Reddy and Shri Prakash Karat wrote to me. Shri Tariq Anwar is here. Shri Sharad Pawar wrote to me. Madam Mayawati wrote to me. Madam Jayalalaitha... (*Interruptions*)

**SHRI P. KARUNAKARAN (KASARGOD):** There are some reservations also. You just do not say that we have written to you.

**SHRI RAVI SHANKAR PRASAD:** I will come to that. You have a right to speak and I will reply to that. I am only telling what I did. I will come to that. Just give me five minutes more.

I have regards for both Hon. Mamata ji and Hon. Jayalalitha Ji. They have given certain suggestions. I have tried to address that. I will come to that separately. I also wrote to Hon. Sonia ji. I am sure her Party's views will be known to me. I understand that she will be conveying her views. Shri Sharad Yadav wrote to me. Almost all major political parties wrote to me. Madam, I must tell you in all fairness that there have been some suggestions made. We have accepted the spirit of some suggestions and with regard to others I will reply when points are made by the Members. What is the architecture today and that is the last point I wish to say.

The National Judicial Commission shall be headed by the Chief Justice of India. It will have two seniors most judges of the Supreme Court of India. Law Minister shall be there. Two eminent persons are to be selected by the Hon. Prime Minister, the Chief Justice of India and the Leader of Opposition or the Leader of the largest Opposition Party in the Lok Sabha. One of the eminent persons shall be from Scheduled Castes, Scheduled Tribes, OBC, women and minority. This is the whole architecture.

The National Judicial Commission have got the right and duty to make appointments to the posts of Chief Justices of the Supreme Court and the High Court as also judges of the Supreme Court and the High Court. They will appoint men of ability and integrity. The senior most judge of the Supreme Court shall be appointed as the Chief Justice if he is able.

Then, the details of their powers and regulations have been framed in the other Bill which I have moved separately which is to be considered together with this Bill. What does it say? The National Judicial Commission shall make appointment of the judges of the Supreme Court. Apart from taking eligibility criteria in the constitution, if they appoint a High Court judge to the Supreme Court, apart from seniority, his ability and merit will also be considered. It has been mentioned clearly.

In case of the High Court, the name shall come from the Chief Justice, who will consult two seniors most judges and as many other judges as can be framed by regulation. Why this? We have got Allahabad High Court with nearly 100 judges and we have got Sikkim High Court and other High Courts where the number of judges is small. We have got Calcutta High Court and Mumbai High Court where the number is big. Therefore, let regulation decide as to how many other judges, the Chief Justice must consult. The Chief Justice will also consider the eminent lawyers of that High Court as laid down by the regulation to be framed by the National Judicial Commission.

The law also says that the names recommended by the Chief Justice would also have separately the views of the Governor and the Chief Minister of that State which shall go to the Commission. When I say, 'the Governor', I mean the Governor in the constitutional sense who has to act on the aid and advice of the Chief Minister.



The Commission can also recommend names for a High Court but it also needs to be approved in the same manner from the High Court, the Chief Justice, the Governor and the Chief Minister.

Madam, in conclusion, I would like to say two more things. If two Members of the Commission oppose a recommendation, it shall not be carried. Giving primacy to the judiciary, the Chief Justice, the two Hon. judges, the Chief Justice is also a Member of the three-Member group to appoint eminent persons and also the Chief of the High Court.

There is one more provision in this. The recommendations made by the Commission shall be accepted by the Government. However, if the President of India makes a request, for given reason, to consider any proposal made, then the Commission will consider that and if the Commission considers and reiterates its previous opinion, then it must be unanimous. This provision is only to give due deference to the highest constitutional authority in India, that is, the President of India.

Madam, this is the brief architecture of the Bill. I will reply to other points when I hear the debate. Lastly, I have to make an appeal to this House. I am not a Member of this House though I am in the other House for the last 14 years. But I always consider that the Lok Sabha is the biggest panchayat of India. Apart from passing law and apart from giving majority to the Party to form the Government, as a panchayat it reflects the aspiration of India, the ecstasy of India and the urges of India. That is the glorious tradition of this House.

With that tradition, today I am appealing to this House to rise above all considerations and show a great unity of purpose that this House has a resolve to work in unison to ensure that the judiciary's dignity is properly maintained and we have a fair procedure for appointment of the High Court and the Supreme Court judges. That is my appeal to this House.

Hon. Speaker Madam, I very humbly appeal to the learned Members of this great House that this House is a symbol of the country's consciousness, politics, public policy and hopes, today is a historic day, you will support.

By saying this, I end my talk.

**HON. SPEAKER:** Motions moved:

“That the Bill further to amend the Constitution of India, be taken into consideration.”

and

“That the Bill to regulate the procedure to be followed by the National Judicial Appointments Commission for recommending persons for appointment as the Chief Justice of India and other Judges of the Supreme Court and Chief Justices and other Judges of High Courts and for their transfers and for matters connected therewith or incidental thereto, be taken into consideration.”

**DR. M. THAMBIDURAI (KARUR):** Madam, we have given notice for some amendments to the Bill and they should be considered.

**HON. SPEAKER:** The House stands adjourned to meet again at 2.00 p.m.

**13.25 hrs**

*The Lok Sabha then adjourned for Lunch till Fourteen of the Clock.*

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**14.03 hrs**

*The Lok Sabha re-assembled after Lunch at Three minutes past  
Fourteen of the Clock.*

*(Dr. M. Thambidurai in the Chair)*

**THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU):** Hon. Chairperson Sir, I have a small request to make to the Hon. Members. The President of India is coming for a function to Parliament House at 6.15 p. m. The Members are supposed to be seated in their seats by 5.45 p. m. The programme is about presentation of the best Parliamentarian Award. That being the case, we have to adjourn the House at 5.30 p. m. Keeping that in mind, the debate and discussion on the Bill has to be adjusted in that manner because it is a Constitution Amendment Bill which would mean that we will have to go for voting for four times, that too manually by distributing slips since seat allocation is yet to be completed. Keeping that in view, I would like to request all the political parties to field one speaker each and also keep the time constraint in mind. I have no problems otherwise. After the Bill is passed in this House it has to go to the Rajya Sabha and then to the Hon. President for getting his signature and time left with us is very limited. So, I request the entire House to keep this fact in mind and accordingly cooperate.

**14.04 hrs**

**CONSTITUTION (ONE HUNDRED AND TWENTY-FIRST  
AMENDMENT) BILL, 2014**

**(Insertion of new articles 124A, 124B and 124C)**

**AND**

**NATIONAL JUDICIAL APPOINTMENTS COMMISSION BILL,  
2014 .... Contd.**

**SHRI M. VEERAPPA MOILY (CHIKKABALLAPUR):** Hon. Chairperson Sir, in fact, these two Bills – one a Constitution Amendment and the other one a regular Bill – are very important and unique Bills. The Hon. Law Minister has explained the scope and also the history of Judiciary in all these years.

Thomas Jefferson said that the judiciary independent of a king or executive alone is a good thing but independence of the will of the nation is a solatium at least in a Republican Government. It is quite unfortunate that such an important issue like this has become a controversy. In fact, there should have been a national consensus on this issue. It should not have been said on the background of political executive versus judiciary.

This is not a good trend. This kind of a friction or a conflict between the political executive and the judiciary is an unfortunate development. Why has this proposal, particularly after 1993, not been pushed up? It is only to ensure that there is no conflict or no friction. We need to arrive at a certain consensus so that, by and large, it was acceptable both by the judiciary and the political executive.

I remember that in 2003 itself we have moved a Constitution Amendment and also a Bill in this regard. Right from 2008, we have been working on this Bill. In fact, when I was the Law Minister, I conducted a lot of national consultations which included an important consultation meeting of the political executive including the Prime Minister, the then Chief Justice of India, all the judges of the High Courts, all the Chief Justices of High Courts and also eminent jurists. A two-day conclave was held with regard to the judicial reforms which included the appointment of judges. By and large, a consensus really emerged out of that meeting.

Thereafter, we wanted to see that this consensus is evolved. We are not concerned with who is having an upper hand. We are not for upmanship. Ultimately, our concern is on the kind of appointment system which should prevail in the country which is good for the nation. That is why, I said that it should ultimately reflect the will of the nation and not merely the will of the judiciary and the political executive. It is the question which we have to put to ourselves. Within ourselves, we have to think on whether we are thinking about the welfare of the nation or not.

The judicial system ultimately depends upon the performance of the judges and access to justice. We were on the track of quest of justice not only after the Independence but even earlier also. That is where, this becomes very important. After the birth of the collegium system, it started in the first judge's case wherein, while presiding over that judge's case, the then Chief Justice of India, Justice P. N. Bhagwati said:

"The Chief Justice of India, the Chief Justice of the High Court and such other Judges of the High Court and of the Supreme Court, as the Central Government may deem it necessary to consult, are merely constitutional functionaries having a consultative role and the power of appointment resides solely and exclusively in the Central Government. "

Justice P. N. Bhagwati has said this in that judgement when he was presiding over that case. But thereafter what has happened? In 1993, in the second judge's case, the Supreme Court led by the former Chief Justice of India at that time, Justice J. S. Verma, overruled the first judge's case. In fact, this was subsequently regretted by him. He said that it was not his intention. Our Law Minister has also mentioned this while introducing the Bill for consideration. He regretted it a number of times. I took him around the country for national consultation. In every platform,

he did admit that he committed a wrong. Of course, some times he said that it was misinterpreted. There is no misinterpretation at all. It was clear that he committed a mistake. But he could not do anything because by that time he had laid down the office as Chief Justice of India. What could he do? It was late. In fact, he went on to hold that the selection should be held as a result of a participatory consultative process in which the executive should have the power to act as a mere check on the exercise of power by the Chief Justice of India, to achieve the constitutional purpose. The entire thing was diluted by that judgement.

I am looking at another judgement. Chief Justice of India at that time, Justice S. P. Bharucha, has really put the last nail in the consultative process. What has he said? He said: “Collegium system of appointing judges to the High Court is of particular relevance for our purposes. The collegium must take into account the opinion of the Chief Justice of India, which would be given the greatest weight – he gave the greatest weight – the views of other judges of the High Court who may have been consulted and the views of the colleagues on the Supreme Court bench who are conversant with the affairs of the concerned High Court.” This is how the whole thing was reversed. Thereafter, all of us tried to undertake an exercise and this is where we are now. In fact, freedom and independence of judiciary were not just confined to appointments. It means that both the institution of judiciary and independent judges are separate and free from interference from other branches of the Government, namely executive



and legislature. Be political parties, other powerful interest or individuals, that individual judge or magistrate is independent and at liberty to take a decision without pressure, inducement or promise from any source whatsoever. This is where they will have to be independent. They should not be interfered with.

In fact, the Constitution is very clear with regard to the power vested with the political executive. Article 124 vests the power of appointment of Chief Justice of India and the judges to the Supreme Court with the President. It is stipulated that the President shall appoint judge of the Supreme Court after consultation with such of the judges of the Supreme Court and of the High Court as the President may deem necessary. The appointment of judges of the High Court is also made by the President of India. The President has to consult the Chief Justice of India, the Governor of the State and the Chief Justice of the High Court concerned.

Earlier, I was also a Chief Minister. We used to be consulted by the High Court Chief Justices. We used to write a joint letter to the Governor and the Governor used to make a recommendation to the Law Ministry. Informally that has been followed. That was not done away with. We used to get such letters from the Chief Minister when I was the Law Minister in the Government of India. We used to give weightage, but at the same time it was not formalised. That is not quite mandatory. Chief Justices can write letters straightaway to the Law Ministry and get things done. Subsequently, the National Commission to review the working of the

Constitution which was headed by the former Chief Justice of India Justice M. N. Venkatachaliah, also said that there should be a National Commission.

The National Commission should have the effective participation of both the Executive and the judicial wing of the State (integrated scheme for missionary for appointment of Judges). There is no question as to who should have the upper hand or who should have a better voice but they said that there should be appropriate balance.

Now, you have introduced a Bill, in fact, the 2013 Bill – both are Constitution Amendment Bills. In fact, the 2013 Bill was introduced by us, the UPA Government. You have not made many changes but there are two very important changes which is a matter of concern. One important change is about the veto power. If any one of the two Members of the Commission objects, then, you can go ahead. That is the veto power. This is what the Judiciary is worried about. It may end up with no decision at all. It may be impractical or this may give rise to a lot of conflicts between the Judiciary and the Executive. I think, a lot of consultation should have been gone into as this is an important component or element which you have introduced in this Bill in variance to our Bill or the Constitution Amendment Bill. Maybe this can work. Otherwise, some other formula would have worked if no agreement is arrived at because after all it is three versus three. The total Members in the Judicial Commission is six. Three sometime may take one side; and the other three may take the other

side. It should have been an odd number. That would have saved the situation. It leads to no decision. Even if a decision is taken, the CJI as a Chairperson could have a voice in this. That would have satisfied the Chief Justice of India.

I think, while preserving the integrity and independence of Judiciary, which is a must, we should ensure that that works. That has not been seriously taken into account. I don't know why veto power has been introduced. Veto power is not that democratic process, according to me. There is some sort of unilateral decision to be imposed on a system, which may not be taken well and that will lead to lot of problems. Who are these eminent persons who should be qualified themselves as the Members? Are there any guidelines? Maybe, you should provide guidelines. At least in the rules which would be framed you can define as to who are these eminent persons. Otherwise, anybody can be eminent person.

While selecting one of the Members, one of them should hail from the SC/ST/OBC, minority and women. In these days of gender justice, you should have made a woman compulsory as a Member of the Commission. I think, you are outdated. The system should not be an outdated one. I would put it in that way. You have to seriously consider this. It should have been mandated. Earlier, we have given some rotation system but even that rotation system is given up, if I am correct. Consequently, the same category of people may be repeated continuously. One term, two term or any number of terms; of course, same person

cannot be continued after three years. But the same category of persons can be continued, which would lead to some arbitrariness; that may lead to some denial of an inclusive society. Diversity should have been the core theme of this entire exercise. You have not considered that. You know it very well as the Law Minister. I have also functioned as the Law Minister. According to my reading, it does not provide for that. There should be some plurality which, I find, is totally lacking in this Bill, Maybe, the Minister can come out with some amendment. He should please think of that amendment.

In addition to that, in many conferences, I used to tell the Chief Justices of High Courts and also the Judges of the Supreme Court, including the Chief Justice, to get one SC judge, at least, in the Supreme Court. As regards women, there is a total bias, unfortunately, in the Judiciary against women. I struggled to get one-woman Supreme Court Judge. There also, a lot of things were said against that particular lady. But still, we could get her for the first time. We are not getting them actually.

If this is the kind of traditional approach to appointment of judges, how do we cure it? I thought that, when you considered this, you would definitely provide a solution to this problem to get plurality. Even Backward Classes are not getting adequate representation in the Judiciary, forget about adequate representation, sometimes they have no representation at all. With regard to minorities, it is very difficult to pick

them up. They also have no representation. Women have no representation at all in many of the High Courts. Even in the Supreme Court, there is only one-woman judge. Now, of course, the Government said that there should be one more.

I think these are all very serious matters. I would like to say that the Judiciary should reflect the plurality of society. You need to provide for that because this is the body which gives direct justice and if the composition of the Supreme Court and High Courts themselves is such that there is no proper representation to these classes of people, then it is not fair. Let us not talk about accessibility. I think there should be some in-built system for having plurality in the higher judiciary and to have social justice. According to me, any justice system without social justice is no justice at all. We need to provide that kind of redressal. I am not referring to every other aspect of it. But I know very well that even in the advanced countries like USA, UK, France, Germany etc., they have demonstrated their concern for social justice. There again, the appointment of judges is made by the political executive or by the Senate or by the Presidents of the respective countries or they are elected through the elected bodies. There is no comparison with our existing system wherein judges appoint themselves. It is only available in this country where the judges appoint themselves. This kind of a system is not there in any of these countries.

Sir, in fact, I was the Chairperson of the Second Administrative Reforms Commission and I have illustrated how the systems work in many of these developed countries. So, the Judiciary should reflect the Legislature, should reflect the political executive because they reflect the society as such. There is no ghettoing the justice delivery system. We are accustomed to it. We are colonizing our mind, ghettoing it, making an exclusive society as such. I think we have to give up that. I thought, you will bring a comprehensive amendment taking advantage of your mandate. I am sorry to say, it is only a patch-up. It is not an integrated approach. In fact, I must tell you that even while selecting the Judges of the High Court, what is the kind of the quality? It is very selective. I know – I was a Chief Minister – how it was very selective. Forget about the various sections but at least some efficient people should be there. I can tell you, even the briefless lawyer ends up as a Chief Justice of India. That is our system. I am not exaggerating. A briefless lawyer can also become the CJI of this country. This is the great defect. How do you undo it? Forget about the Chief Justices of High Courts. This can happen. Then what kind of an efficient system is there? That is why, there is all this pendency.

I proposed one system; I brought in a Bill called the All India Judicial Service. You kindly look into that. The idea in bringing the All India Judicial Service is to appoint District Judges directly. Tomorrow, you can make those Judges directly as High Court Judges. After selection,

they serve for some time. With a minimum service, you can make them High Court Judges directly. Otherwise, either you get the people who are at the verge of retirement or even the promote Judges or the Judges directly also. I think this is a fresh category which can go up the ladder up to the Supreme Court. Best quality of lawyers will join as District Judges. Otherwise, you cannot attract them. How do you attract them? There should be an incentive system to attract the best type of Judges, the best talents there just like IAS, IPS. Direct appointment of District Judges, of course, for some time, was opposed by all the Chief Ministers. But in the last meeting, I do not exactly remember the year, I think, may be in 2009 or 2010 when we convened a meeting of all the Chief Justices of the High Courts including the Law Ministers. Then, consensus emerged for the first time that the All-India Judicial Services should be attempted to. That decision was there on record. I think we have to push up that to get the best quality of judges. Best men will be there in the Courts.

Some time, we never used to have people with the best academic education; now we have. We started the experiment in Bangalore with the National Law School University. We laid a lot of encouragement to that. Today it has ended with 14 such Law School Universities which includes the University in Kolkata. The best of the talent is coming. They are all again going abroad taking appointment. It is because, opening is there. I thought that I must have another 14 Law School Universities in the country. Every State should have one University. I think, this is how we

can produce the quality. I think, they are much sought after, better paid than the graduates from the IITs and the IIMs. Everybody thought Law is not a good course. When we all joined the Law courses, everybody would say, this is the last resort. Now, this has become the first resort. Even the people who have completed MBBS, even the IIM, even the IIT, they would like to have another qualification; particularly they join the law profession. This has happened. There is a turnover. But thereafter what happens? Suppose you have provided for direct appointment of District Judge's; they would have joined. There is a good avenue. It is not that everybody can very successfully commence the practice. Unless they get into a good, eminent, senior post, they may not get that ladder. That is why they go abroad. I think it is a brain drain. You need to contain that. This is what I wanted. There is an important statement given by a former judge of the Supreme Court that one of the best kept secrets in this country is the appointment of judges. That means there is no transparency at all. Whom are you appointing? With what background are you appointing a person? Nobody knows it. Ultimately you land up with a corrupt judge or land up with a judge who is most inefficient and cannot understand the law of the land. He will not reflect society's feelings and aspirations at all. This is what we need to look into.

Justice V. N. Khare was in favour of doing away with the collegium system and introduces it. I must say that the time has come when we should do it but we also need to address the concerns of the judiciary.



Simply by drawing some conclusions and saying that all pre-collegium judges are bad, is not correct. The collegium has produced best judges for this country and for this world. Look at Justice Chandrachud or Justice P. N. Bhagwati, they were all produced by this pre-collegium system. Nobody could say that they were politically appointed. They were all culled out like Justice Krishna Iyer. It is wrong to say that. At the same time, it is equally important to say that you cannot draw this inference that all those judges who are appointed by this present collegium system are bad. You are hurting them by doing this.

I know that there are some unfortunate recent developments. Some judges, who served as Chief Justices of the Supreme Court, start criticising it. You can criticise it but there should be a constructive criticism. At the time of giving up this collegium system, there should be a grace and honour. Do not condemn and dishonour it. We are all products of this collegium system. Do you want to say that it is bad? I do not think so. It is exceptional. Bad is exceptional. As far as our judges are concerned, I must tell you, by and large that we have the best judiciary system. We are proud of it. Let us honour it. Exception cannot be the rule. We have the best set of judges. Maybe a few black sheep would be there, they are everywhere. Every judge is a reflection of society. The Parliament is a reflection of society. Every institution is a reflection of this contemporaneous society. You cannot say that every Parliamentarian is an ideal Parliamentarian. You cannot say that. Likewise, every judge

cannot be an ideal judge. There will be inadequacy and deficit but that inadequacy and deficit will have to be made up by a system. There can be a system in the governance; a system in the electoral process; and a system in the judiciary. The judiciary cannot live without a system. There should be a governance system in the judiciary. This is what we need to do. That is why we have to address two or three concerns with regard to veto power, thinking of re-introducing the rotation and making at least one-woman representation mandatory along with the representation of SC, ST, OBC and minorities in the collegium. But this is not at all an adequate provision, and it lacks. By this, you are definitely obstructing accessibility to the justice system. You need to address it and then again you need to define either by Rules or otherwise by amendment as to who should be those two eminent persons. They should not be mysterious persons. They should be certainly people with certainty, you will have to clarify it, and you need to define that. Everybody cannot be eminent.

When I was a Minister in Karnataka, I asked my Chief Secretary: “I want the best of the officers.” He said: “Everybody is the best officer, and you choose anybody.” This is what sometimes, you know, averaging or generalising people. We should not forget that ultimately there should be excellence. Those people are available. There should be excellence. There are people who have excellent performance, who can perform both academically and practically. Of course, at the same time, I can tell you a small story. When I entered my Bar at Karkala, which is a munsif or

registered Bar, I found an elderly person sitting at a corner of the Bar room in a chair. He sits for the entire day. In the morning, he comes and goes after the Court hour is over. I found out as to who that person was. They said: "He is a gold medallist." Getting a gold medal from the Madras Law University is the biggest thing. He studied in the Madras Law College, I think. In those days, he was the gold medallist but he was a briefless lawyer, continued to and died as a briefless lawyer. Can you imagine? Just because academically, he is the best, it is not necessary that he will be an excellent lawyer. But who is to filter this? Something will have to be there. Some system should be there.

I thought that while bringing this Bill, you will have to evolve some system, by which there will be transparency, which is totally lacking. Mere selection will not do but he has to emerge from the system. But that system is totally lacking here.

I think, these are all the few things which I thought that I must mention here. Of course, this is very much needed but, at the same time, not exactly the manner in which you have brought out.

So, I think, the Minister will revisit some of these provisions and come out with solutions to some of the questions which I have raised.

I would like to thank the Hon. Chairperson for giving me this opportunity.

**SHRI S. S. AHLUWALIA (DARJEELING):** Hon. Chairperson, Sir, I thank you very much for calling out my name. This is my first speech in the 16<sup>th</sup> Lok Sabha.

Although my parliamentary life is 24 years in the other House, through my speeches or through my help or through my opposition, many legislations were made or repealed or amended. But this is my first speech in the Lok Sabha as a Member of Parliament in the 16<sup>th</sup> Lok Sabha, and I am representing West Bengal. Of course, this is my 25<sup>th</sup> year in the parliamentary career.

Sir, I am basically a law graduate but never practiced because after my law graduation, I became a law maker. At the age of 35 years, I became a Member of Parliament, and since then I am here only.

Today is a fortunate day and that we are passing a historical Constitution (Amendment) Bill. We are thankful to our beloved Prime Minister Narendra Modiji and his team, especially the young Law Minister from Patna. I am his neighbour in Patna. He has given a wonderful introduction of the Amendments brought here in the Parliament.

**14.40 hrs**

(Shri Arjun Charan Sethi *in the Chair*)

Sir, although there are two Bills to be discussed, one is Constitution (One Hundred and Twenty-First Amendment Bill, 2014 and the second is the National Judicial Appointment Commission) Bill, and I support both

the Bills, yet I am going to speak on one Bill only, which is on the Constitution Amendment Bill.

Sir, this Constitution Amendment Bill talks about amendments to articles 124, 127, 128, 217, 222, 224 and 231. I am going to speak on them.

My learned and elder brother Veerappa Moilyji has spoken just now. He started his speech by saying as if we are bringing, by moving an amendment in the House, a confrontation between the Judiciary and the Legislature, which is not correct.

At the outset, I want to say that bringing amendment and making new legislation is the primary work of a legislature; and we are performing our duty.

There are three pillars in our Constitution that is guaranteed by the Constitution. One is the Legislature, who are law makers in Parliament and in Assemblies. Second is the Executive, who execute the law. Third is the Judiciary, who interpret the law and do the works of dispensing justice.

I am submitting before the House that it is not for any confrontation. But with the passage of time, everything needs amendment and development.

Now, while speaking, Moilyji was objecting to certain provisions. While preparing my papers, I saw his Ethical Framework, Chapter IV of

ARC Report. He was the Chairperson of the Administrative Reforms Commission. In the first paragraph, he said:

“The terms of reference of the Commission: The Commission may exclude from its purview, the detailed examination of administration of defence, railways, external affairs, security and intelligence as also subjects such as Centre-State Relation, Judicial Reforms etc., which are already being examined by other bodies. ”

But still in the Chapter of Ethics in Governance, he examined the whole matter of Judges’ appointment, and ultimately, he suggested. Now, he is opposing. But at that time, he suggested... (*Interruptions*)

**SHRI M. VEERAPPA MOILY:** I am not opposed to it.

**SHRI S. S. AHLUWALIA:** Your tone and tenor is different now... (*Interruptions*)

**SHRI MALLIKARJUN KHARGE (GULBARGA):** Do you not want that we should support this, Bill?

**SHRI S. S. AHLUWALIA:** I want.

**SHRI MALLIKARJUN KHARGE:** He has analyzed and said it... (*Interruptions*)

**SHRI S. S. AHLUWALIA:** Kharge Ji, I also know how to take your support! ... (*Interruptions*)

In the ARC, you said, “A National Judicial Council should be constituted”. Your recommendation in the ARC was, “A National Judicial Council should be constituted in line with universally accepted principles where the appointments of Members of the judiciary should be by a collegium having representation of the Executive, Legislature and Judiciary”. You said this. Then, the Council should have the following composition. What is the composition you suggested? You suggested the Vice-President as Chairperson of the Council; the Prime Minister should be a Member of the Council; the Speaker of Lok Sabha should be a Member of the Council; the Chief Justice of India should be a Member of the Council; the Law Minister should be a Member of the Council; and then the Leaders of the Opposition in Lok Sabha and Rajya Sabha should be Members of the Council. This was your suggestion. The only difference, if I see, is in the nomenclature. The name you said was, National Judicial Council. We are saying, National Judicial Appointments Commission. This is the only difference.

Actually, when did the problem start? Everything was going on the right path. There are three crucial phases relating to the judicial appointments. One is, three Constitutional discussions that took place from 1946 to 1950. The second phase of Executive-led appointments

started from 1950-1993 and the third is, the current Collegium Board of Appointment of Judges from 1993 up to now.

In between what happened? As per article 124, when the first judge case came, its judgement came in 1982. The second judgement came in 1994. Then, on 23<sup>rd</sup> July, 1998, a Presidential Reference was sent to the President of India. The President of India sent it to the Supreme Court and the Supreme Court came out with another judgement. But in between in 1990 in the V. P. Singh Government, Shri Dinesh Goswami as the Law Minister introduced a Bill. He wanted to bring a Bill for Judicial Commission. But the Lok Sabha was dissolved.

Then, the second Bill came in. Then, your ARC Report and then in 2008, the Law Commission report came, and the Law Commission Report very categorically said, either you go for reconsideration of all the three judgements to the Supreme Court or bring a new law. They categorically said this and while sending this to Hansraj Bhardwaj Ji, the Law Commission Chairperson said that the proposal for reconsideration of judges' case one, case two, case three, was considered. Various recommendations of the Parliamentary Standing Committee and law of foreign jurisdiction like America, Australia, Canada and Kenya where the Executive is the sole authority to appoint judges or the Executive appoints in consultation with the Chief Justice of the country have also been considered. Ultimately, he said in his concluding paragraph that two alternatives are available to the Government of the day. One is to seek a



reconsideration of the three judgements aforesaid before the Hon. Supreme Court. Otherwise, a law may be passed restoring the primacy of the Chief Justice of India and the power of the Executive to make appointments. So, this was in your time. The UPA Government was in power. Ultimately in 2013 you brought the Bill. The Bill was sent to the Standing Committee; the Standing Committee sent it back with some recommendations; and the recommendations were circulated in the month of February when you wanted to do something. As in the initial Bill of Shri Kapil Sibal the provision of reservation for women, SC and ST was not there – this was the recommendation of the Standing Committee – on the basis of the recommendation of the Standing Committee you wanted to bring an amendment Bill. Now, the Bill is before the House.

You said – I mean, many people and especially your opening speaker of the debate – that it will create a confrontation between the Judiciary and the Executive; nobody is interested to have confrontation because we are guided by the Constitution and a judicial system also. But as parliamentarians we have our own domain where we can make laws. We are making that law as per the power given by the Constitution.

Who says that we are ghettoing it? Who says that we are insulting the Judiciary? If you see in our country whether the Judiciary does any justice or not, we accept it. It is our *dharma*. That is why a judge is called *nyaymurti*. It is connected with *dharma*. *Nyay* is also connected with *dharma* – *nyaydharma*. We explain and understand *nyay* as *dharma* and we

accept it as the justice given by the *nyaymurti*. You tell me as to which officer is symbolic to *murti*. It is only the *nyaymurti* because it is connected with *nyaydharma*. Where did it start from? When we were under the British regime, we were guided by the British jurisprudence. We adopted that. But, prior to that, we were guided by the Kautilya jurisprudence. If you see the Kautilya jurisprudence, all sorts of systems were developed by the Kautilya, starting from the appointment of judges to impeachment, removal and even punishment. Everything was there.

In your ARC report itself, you mentioned about one more thing in paragraph 2.9.4 – I do not know why you mentioned all these things in your report – “the Supreme Court of India, in its full court meeting held on May 7, 1997, unanimously adopted a Charter called Restatement of Values of Judicial Life, generally known as the Code of Conduct for Judges. It reads as under:”. Then, you went up right from A to P and you have quoted. Of course, when we talk about the Judicial Accountability Bill, we will refer to this again. But the point is, we never said that this system is bad or that system is bad. When we are bringing an amendment, we are not condemning anybody. That is why, at the outset, I said that I am not praising anybody.

I am also a law graduate. I also meet many judges. I have good contacts with judges. That does not mean I will praise one and if I do not take the name of the other, he feels I do not praise him. So, I am not on that ground. Here, we are not praising anybody or defaming anybody. We

are bringing a law and passing it for the benefit of the future generation so that the lost trust in the appointment system or anywhere should go and ultimately it is restored and a good judiciary can serve the people of this country. That was my submission.

As you said, there should not be rotation of Members in the Judicial Appointment Commission. ... (*Interruptions*) You said that there is a provision that one Member cannot be repeated next time. After three years, he will not be repeated. The category you are talking about is that he should not be rotated again and again. It will not be there. I think, my learned friend Law Minister will take care of that thing also in the rules. He will bring in a provision so that a new person comes in.

You have also asked about the justification of eminent personality category. One of the Members of the largest Opposition Party will be there. He will come to know who that eminent person is. He will also be a part of that decision. He will come to know that it is not from anybody's pocket, but certainly there is some criterion and some eminent personality is coming to join it.

With these words, I support the Bill. Thank you.

**DR. M. THAMBIDURAI (KARUR):** Hon. Chairperson Sir, we are discussing the National Judicial Appointments Commission Bill. First of all, I would like to tell why we have taken this issue seriously and why we are discussing this, Bill. Recently, we have come across a news item

where certain retired judges have given some opinion about how the collegium is functioning. That is the true history.

A former judge, Shri Katju, has raised the issue of interference of a political party in the appointment of judges and said that a political party pressurised that judge in regard to the appointment of one High Court judge. That is how this issue started. In that regard, the former Law Minister, Shri Bhardwaj, himself gave a statement that the DMK had sought extension of a High Court Judge. This is how the problem started. When some political parties took advantage of the system and pressurised the collegium, the collegium yielded to the pressure. That is what we have seen. That is the news. Therefore, we cannot say that collegium system is a superior one. It is not a superior one. That is our view.

Sir, I have also served as a Law Minister and you know it very well. Everyone knows very well about my experiences of those days. I know how collegium takes decisions and by-pass the Executive. You know very well how I suffered at that time. So, I want to make certain points. Our Hon. Chief Minister has written a letter to the Law Minister about our party's view and I have to express that. This is our Party's stand.

As far as the AIADMK Party is concerned, we are firmly committed to upholding the independence of the Judiciary. This is our party's stand. Even our Law Minister said that Judiciary must be independent. We are for that because people must not think that Parliament is bringing certain rules and regulations, and a law with some vested interest. That feeling

must not be there. Therefore, we are fully for the independence of the Judiciary. This is our Party's stand and that is what our Chief Minister has written to the Law Minister also.

### **15.00 hrs**

As regards the role of the Executive, we are of the view that the extant procedure and practice regarding the appointment of Judges of the Supreme Court and of the High Courts is not in keeping with the spirit of the Constitutional provisions as the role of the Executive has been effectively taken away. This is the issue. We are saying that the Executive must play a role in the appointment of the Judges and in giving their opinion, and this is what our CM has written to the Hon. Law Minister.

In no other democratic country of the world, do we have a situation where effectively the Judiciary appoints itself. The Judiciary is talking only about their own issue, and they are appointing their own Judges. As regards this issue, Shri Moily had mentioned about the All-India Judicial Service, which is a good suggestion made by him. I am saying this because what really happens is that in the collegium, they are selecting people where certain Judges are recommending their brother-in-law's, sons, family Members, etc. You can see that they are becoming Judges, and it is going on like this. Therefore, where are the talented people? Perhaps, these people are also talented and I am not denying it.

As Mr. Moily has stated that prior to 1993, when the role of collegium was not there, so many eminent Judges were there. So, it cannot be said that the system of collegium could produce better Judges than we previously had as regards the Judges appointment is concerned. Therefore, they cannot say that collegium system is a very superior thing; they are finding talented people; and that they are not giving any importance to this and that. Therefore, we are not fully accepting the approach of having collegium, and our Chief Minister has also written like this only. She has said that: “Experience since 1993 with the present practice of judicial primacy in judicial appointments has also shown us that the outcome in terms of quality of appointments is not significantly superior to what prevailed in the period prior to 1993 when the Executive had an important role.”

Mr. Moily had suggested about having an All-India Judicial Service, which is a good suggestion. It is a good suggestion because when we are having a system of IPS / IAS, reservation will also be there and when reservation is there, then SC, OBC and all other categories of people can be taken into consideration at that time. But how they are appointing in this process? They are not taking cognizance of the rules. They are appointing some Judges, but we cannot find SC people, OBC people and women in it, and they are not able to get full representation with what the collegium is doing. If at all the All-India Judicial Service on the lines of IPS is there, then promotion will be given, and when they are appointed

at the District-level, then they would have full experience and after that they would be given promotion.

Presently, what is happening is that a lawyer is also appointed. For example, our Law Minister is also a practising lawyer. Suppose, he becomes a Judge, then what will happen? How will he give judgement at that time when he is sitting as a Judge to his juniors who have served under him, and his clients for some case? After all, we are all human beings and we cannot behave like God. Therefore, as regards practising lawyers, I am not making aspersions, but practically if you think as a human being, naturally, there may be some kind of influence on their judgement. Therefore, if you bring-in something like the All-India Judicial Service, then it is a good reform. On the other hand, if you are going to bring something like the National Judicial Appointments Commission, then it is not going to serve any purpose and it is a fact. You must bring fundamental changes in the system, and then only, we can get real judicial system in the country. Thereafter, they can become High Court Judges, Supreme Court Judges and get promotions automatically like the IAS / IPS officers. If the practising lawyers are made Judges, then their whims and fancies will also be there in it. This is a good system, and we will appreciate if you bring in that kind of a system.

Post retirement, judges must not be appointed as Governors because it creates problems. When you do that, they would also be influenced after some time. There may be some people or one or two people, I am not

blaming everybody, who might play a role to satisfy the authorities in the existing Government so that they could get some posts after their retirement. Therefore, we have to put a total ban on such things. You have brought an amendment to appoint Shri Mishra, the former TRAI Chairperson. Even in that amendment, when you have put a condition that they must not accept any post in the Government Service, post-retirement, what about the judges? They say that they are above everything else and if you are allowing these judges to get some kind of Government posts after retirement, then it is not correct. You can appoint them to committees or panels because that is a different thing, but you should not consider them for appointments with executive power. That kind of a power must not be given to them. Such posts should not become rehabilitation centres for them.

If you bring this kind of All India Judicial Services, such things could be stopped, and that is a good suggestion. Besides, as I said, issues like reservation and everything else will be implemented.

Further, judiciary is an important organ of the State and must reflect the diversity of Indian society in order to be sensitive to the socio-economic reality of the country. Hence, it must adequately represent different regions, classes and communities and in particular weaker sections, minorities and women. Such concerns are more effectively addressed only if the Executive also has an adequate say in the appointment of judges.



Sir, the Executive has to play a role because we are the elected representatives. The Parliament is supreme. Therefore, when we are making legislation, we are representing the aspirations of the common man who voted for us. It is only for that reason that we are giving our suggestions on the issue of appointment of judges.

What about the role of the State Governments? That is our concern. The State Governments must be given due or proper representation in the appointment of judges. It is the State Governments which are really implementing the programmes. Even though Parliament passes so many laws, they are all executed by the State Governments. If we are not giving proper representation to them to have their say in the appointment of judges, there is no meaning in bringing this kind of a National Judicial Commission. That is what our Chief Minister has written in her letter. I would, therefore, strongly recommend that the Judicial Appointments Commission should function at two levels – one at the national level, and another at the State level. At the national level, you can appoint judges to the Supreme Court and that is okay. We have no objection to that. The National Judicial Commission can do that. But what about appointment of judges to our High Courts where so many State-level issues are involved? The States are having Legislative Assemblies and also Legislative Councils and people are elected to those legislative bodies. At the State level, what we are requesting you is that the States must be given power in respect of appointment of judges to the High Courts. That is what

we are insisting and that is what our Hon. Chief Minister has written in her letter.

For the appointment of judges to the High Courts, a State-level Judicial Commission should be created. There is no mention about that in this Bill. As you have a National Judicial Commission, we want a separate State-level Judicial Commission where the Governor, the Chief Justice, the senior judges the Chief Minister and other representatives are Members. This is our view and, therefore, we are not fully supporting this, Bill. When you are not giving proper representation for the states, then there is no point on supporting this, Bill. We are asking for decentralisation. That is why, our Chief Minister wrote a letter to the Law Minister. I am also expressing our views here. Unless you create State Level Judicial Commission, our party may not be in a position to support this, Bill. I have already given amendments also. The amendment may come. Unless you accept our amendments, our Party is not in a position to support this, Bill. Please take into consideration our specific amendments here. I would like to quote what is written in that amendment.

"The Members of the State Level Commission could be as follows: - Chief Justice of India, two nominees of the Judiciary that is a Supreme Court Judge nominated by the Chief Justice of India and the Chief Justice of the concerned High Court, the Chief Minister of the State or her/his nominee, two eminent persons who are not judges, selected by a collegium

comprising the Chief Justice of the High Court, Chief Minister of the State and the Advocate General of the State. We are of the view that the composition of the commission should be provided for in the Constitution itself. "

Now, you have brought this Bill. I do not know whether the UPA is going to support it or not. You cannot neglect the regional parties. You have to give an opportunity for us to say something in this Bill. For that only, I am insisting there should be State Level Commissions. I have given an amendment for that. ... (*Interruptions*) I am expressing the content of the letter. Hon. Minister is having my Chief Minister's letter. We have also advocated those things which you have said. We are also appreciating them. The Executive must play a role in the appointment. We are not denying. What is the role of the States? That is why, I am seeking a constitutional amendment.

Clause 5 of the Judicial Appointments Commission Bill provides for eliciting the views of the Governor, Chief Minister and Chief Justice of the High Court of the concerned State in the case of appointment of Judges of the High Court. However, there is no clarity on the manner in which these views would be treated. Now you are the Law Minister, and I was the Law Minister. File may come to the Minister. Thereafter, the file will go to the Judges who will take the final decision. Here, the Law Minister acts merely as a clerk by signing and sending. The Law Minister has

become a mockery from 1993 onwards. I do not know what Shri Veerappa Moily has faced till now. I have faced these things. So, I am telling. We are not clerks. We are elected people for the executive authorities. When we are demanding such kind of respect for us, in reality we are not demanding respect for us, we are demanding respect for the people. We were elected by the people. So, we are here. That is why, the State Governments' views also have to be considered. If you take a final decision without giving consideration to the Chief Minister's view, then there is no point. We are insisting for constitutional amendment or provision in the Constitution itself.

The State Government's view against any proposed appointment ought to be given due weightage and a provision in the legislation should be made to ensure that appointments which are opposed by the State Government are not proceeded with. Clause 5 should be further modified to provide that the Governor, State Government and the Chief Justice of the High Court of both the States to which a candidate belongs and the High Court to which the appointment is proposed, should be consulted before appointment. This has to be done. If it is not done, what is the use? This is also a serious issue that our Madam has raised.

The manner in which the Commission's recommendations will be made have not been indicated in the Bill. It is not clear whether the recommendations are to be based on unanimity, consensus or majority and in the case of majority, whether it would be a simple majority or a

qualified or a super majority. I do not know that. It has not been made clear. It may be advisable to spell out such a rule in the legislation itself rather than have any confusion in interpretation at a later stage. Ideally, such a rule ought to be a super majority, wherein if any two Members do not favour a proposed recommendation, it shall not be made.

In the Judicial Standards and Accountability Bill, the Scrutiny Panel is proposed to be an exclusive team of Judges, whereas in the Oversight Committee, three Members are serving or retired Judges; one is the Attorney General, who is also closely connected with the legal and judicial fraternity and the last Member is an eminent person nominated by the President. The oversight Committee is vested with the power to choose the Investigation Committee. In these circumstances, such an overwhelming representation to the Judiciary in the crucial panels intended to exercise oversight, most of whose proceedings will be shielded from public gaze, appears to be a violation of an elementary principle of natural justice, that is, no man shall be a judge in his own cause. Hence, it is essential that there should be more persons of high integrity and eminence from civil society in both the Scrutiny Panel and in the Oversight Committee so as to eliminate any impression of bias.

Therefore, our Chief Minister hopes that the views of the AIADMK Party will be taken on board and necessary further official amendments made in the three Bills before they are passed in Parliament. This is our view.

**SHRI KALYAN BANERJEE (SREERAMPUR):** Hon. Chairperson, I express my highest regards and my grateful thanks to the Hon. Law Minister. Within a very short time, he has brought this Bill. It was needed for long years together.

During the UPA-II regime, one of the Hon. Law Ministers wanted to bring a Bill, akin to this. I had a talk with him and at that time also I supported it. I had expressed our Party's view at that time. My Party is having the highest respect for the judiciary. We believe that because of the Supreme Court's functions during the last 64 years, by interpreting various constitutional provisions, the democracy of this country has been strengthened. I believe in that.

I can remember and I can recollect the first judgment of the Constitution Bench, in the A. K. Gopalan's case, wherein the Supreme Court has interpreted Chapter-III of the Constitution of India. What are the Fundamental Rights of the citizens of the country? I feel proud, being a Member of the Calcutta Bar that in the first Constitution Bench, two Judges, one a great Judge Justice Biren Mookerjee and the other one, the great Judge, Justice S. R. Das were the Members of that Constitution Bench. I feel proud when the judgment of the second Constitution Bench has come for interpretation of extradition. The Bench had Justice Biren Mookerjee, Justice S. R. Das and Justice Vivien Bose. Great judges have come and great judges have discharged their functions. It is this august institution's preliminary duty and Constitutional obligation to legislate

laws. That is the will of the people of the country. The Supreme Court is there to interpret the provisions of the statute and the Constitutional provisions. By reason of article 141, it is binding. But never was it the expectation of the makers of the Constitution that judiciary will, by the process of interpretation of the Constitution or other provisions, legislate laws. However, of late, in great number of matters, not only the Supreme Court but even the High Court judges have started doing that.

Collegium system was not introduced by this Parliament. Collegium system is an introduction of the Supreme Court. It is a law laid down by the Supreme Court, not by reason of its interpretation of Constitutional provisions but with an idea that there may be political influence in the appointment of judges pre-1993. Therefore, the collegium system was born. And collegium system has really usurped the entire set of functions of the political executive. With great respect to Supreme Court I would say that it has reduced the status of the political executive to that of a mere clerk. This system has been going on right from 1993.

We were greatly shocked when a judge like Chittatosh Mookerjee was superseded and was not brought to the Supreme Court. We are greatly shocked when Justice Bhaskar Bhattacharjee, who is the Chief Justice of Gujarat High Court, has not been brought to Supreme Court. The reason is that when the then CJI was visiting an institution in Gujarat, being the Chief Justice of Gujarat High Court Justice Bhattacharjee did not attend that function. Therefore, the collegium had rejected his case. But Justice

Bhattacharjee's argument was, how could he go when he was dealing with a case relating to that institution?

A judge who never met any lawyers after he became a judge, who never attended a social function after he became a judge, a judge who was all the time in Kolkata was the most impartial, one of the most honest judges of the country, has been superseded because of the whims of the collegium.

This collegium system should go. The time is ripe for this. We have to substitute it. We have to substitute it under compulsion. Our experience shows that this is needed to be done. Not only that, there is not a single area where you will find that the law would be laid down by me for my appointment or my colleagues' appointment. But the Supreme Court has laid down the law as to which way their appointments would be made. It is very unfortunate.

Sir, I have seen a judge who was appointed to Calcutta High Court, Mr. Moily was talking about briefless lawyers becoming judges. I am talking about a judge who never delivered a judgment in open court, not at all during his tenure as judge. Whenever a big matter is being heard, a lawyer used to sit all the time and used to take notes. That judge used to deliver judgment after preparing for it at home. He never delivered a single judgement in open court. This is a product of the collegium system.



Sir, I wanted to know earlier also what the system for appointment of Supreme Court judges was. Is it by seniority? Is it by merit? Is it by quota? What is that, I could not understand at any point in time. What is the Supreme Court trying to say regarding their appointment, I never understood that. ...(*Interruptions*) I do not mind if a Judge from Guwahati High Court is appointed; I do not mind if a Judge from Punjab and Haryana High Court is appointed but I am asking a question. If a 2001 Judge of Guwahati High Court is appointed to the Supreme Court, why is a 1996 Judge of the Calcutta High Court being superseded? What is the basis? Is it all-India seniority? Is it all-India merit? Why would one High Court have four or five Judges in the Supreme Court when another High Court would have even a single Judge in the Supreme Court? It depends who is the CJI. If I am the CJI, I will bring Judges from my State; if you are CJI, you will bring Judges from your State. This is not the idea and concept ever dreamt by the Constitution of India.

Courts criticise the appointments every day and strike down appointments every day. Why is there a non-transparent system for appointments of the High Court Judges? Why is it that sometimes a Judge or advocate who is most junior – maybe able, maybe sincere, maybe educated – is appointed first and other seniors are not given appointment? Those seniors are accepting the appointment of that Judge. That is the practical position in our country. I have a great respect for Shri Moily. He was asking why these persons are appointed. There is no transparent

system. If I know the senior Judges and if I enjoy the blessings of the Chief Justice and senior Judges, my name will be recommended. If someone does not enjoy those blessings but is a good lawyer, his name will not be recommended. One has to run and one has to keep a good relationship with the Judges; then his name will be recommended. This system has to be changed and the change has been brought in.

I am really happy. Today is a historical day in this country when this Bill is being introduced. It is a historical day. I am appreciating the way the things have been taken up so urgently. It has been felt urgent by the Hon. Law Minister and I felt it.

I spoke about Bhaskar Bhattacharya. Do you know, Hon. Law Minister, that when he was superseded the Gujarat High Court Bar Association went on strike? He belonged to our institution but after going to Gujarat, within one year, he earned that much of respect from the Bar that the Gujarat High Court Bar Association went on strike. Why was Justice M. B. Shah of Bombay High Court who belonged to the Gujarat superseded? Can anybody tell the reason? Has anybody even known why competent judges have been superseded? Nobody knows whose case will be considered; nobody knows whose case will be rejected. Nobody knows about it.

I talked about Bhaskar Bhattacharya whose reputation is very high. Nobody can say why he was superseded. That is the reason I am asking this. Is there a quota? Do you have any quota for Kolkata, Mumbai, Delhi

and Gujarat and so on? Is there any quota that when a Judge is being superseded another Judge from that very State is being appointed to fill that position in the Supreme Court? Is there any quota? What is your idea to fill up the post of Supreme Court Judges? Is it on the basis of all-India seniority? Is it on the basis of merit? If merit, how will you consider merit? We have to understand that.

I have read in the newspaper that the Hon. CJI was in great shock regarding the attack on the collegium but I must humbly put a question here. Why has the CJI not risen to the occasion when there are large number of complaints against judges. Why has the CJI not risen to the occasion when lawyers have said that judges are not discharging their functions? The CJI is not only for discharging his functions from 10 a. m. to 5 p. m. in the Judiciary. If he is the custodian of Indian Judiciary, his obligation is to see whether all the Judges of the Supreme Court and the High Courts are functioning properly or not. Today what is happening? This institution is being attacked by the Judiciary every day, without any rhyme or reason. I do not mind, if an MP with a criminal background is proceeded against, according to the Cr. P. C. I have no objection to that. If there is no issue and if a judge goes on commenting that the MPs should discharge their functions in one way or the other, what should be the role of an MP and what should be the conduct of an MP, then I am shocked. I am not to be treated like that; I am not to be said what I have to do. Whatever I have to do, I have to do as per the Constitution and as per the

rules; and I am not to do as per the diktat of any Judge of the Supreme Court or the High Court.

My experience is this. It has become a fashion of the day, from the High Court to the Supreme Court, without any rhyme or reason, to attack this institution, as if we have committed lot of crimes by coming into politics, as if we have committed crime by becoming a Member of Parliament. Black sheep is everywhere; a few black sheep is there in the Judiciary and a few black sheep is there in the politics too; black sheep is not only in politics; black sheep is in Judiciary also; but the number may differ.

If one institution does not give respect to another institution, then that institution should also not command respect from the other institution. Respect should be mutual; respect should be given respect and taken. It is based on reciprocity; one has to reciprocate it.

So far as the legislation of a law is concerned, supremacy and primacy are there with the Parliament and it is not with others; they should not travel beyond their jurisdiction. It has become a fashion now. All are going on the basis of imagination. For example, I am saying this. If an MP or an MLA of the Ruling Party commits any crime, then the assumption is that the Prime Minister is involved or the Chief Minister is involved. Everything is imagination. If that is so, why the people at large will not think that if someone who has worked with me as a junior and if I argue

before him, then the Judge is also influenced, because of my appearance. Dr. Thambidurai was speaking on this.

Mr. Minister, you have brought a very historical Bill. If you really want to improve the performance of the Judiciary and if you really want to strengthen the Judiciary, please do not keep any Judge who are appointed to the High Court in that State, and make a transfer. Transfer should be not for name-sake. Transfer would be there, after every 3-4 years. ... (*Interruptions*) Today, kindly give me some more time. Kindly allow me to speak.

Nobody is there in a sensitive post for more than 3-4 years; then, why in a sensitive post in a High Court, a judge would be there for 10-12-14 years together? Is this an analogy? If highly responsible IPS and IAS officers are being transferred, if they remain in a sensitive post, after every three years, why a judge will not be transferred? He should be transferred.

In the name of Public Interest Litigation, what is going on? Today, the judges do not discharge their original function of disposing of the civil and criminal matters. If there is a PIL, they are very happy because their names would appear in the first page of the newspapers, with photographs. I will request the Law Minister to bring a law to regulate the PILs. I am not against PIL. But he should bring a law having a provision which should state that in the case of PIL, neither the name of the party, nor the name of lawyer nor the name of the judge would be published and none

of their photos would be given; then you see how the PILs are responded to.

I am shocked when this institution is attacked by the Judiciary without any reason. The Hon. Law Minister in his speech has given an idea. Our Hon. Chief Minister, the Leader of our Party, has communicated and appreciated your will *in toto*. She has given a small rider. Kindly consider that rider. Under the Constitution of India, a Governor cannot function independently except under Article 356 of the Constitution where it has been provided that the Governor would submit a report to the President of India. Except under Article 356, the Governor has to act with the aid of the Council of Ministers headed by the Chief Minister. You have made a provision here. A Governor cannot function independently. It will be *ultra vires*. You are going beyond the Constitution. You cannot touch the Constitution like this. The Governor has to act with the aid of the Council of Ministers. You have come across cases where the Governor has acted without the advice of the Council of Ministers.

**AN HON. MEMBER:** The only exception is Telangana.

**SHRI KALYAN BANERJEE:** I am not on Telangana Bill. I am on a very larger issue. Kindly do not try to mislead me today. I have said that today is really a historic day for this country when the total system of the judiciary, which was required to be changed by passage of time, by decades of our experience, is going to be changed. The time has come to

change and you are coming up with that. I am very happy today. I have so many things to say but I have a little time at my disposal.

My institution is being criticized by the Indian judiciary every moment simply because we are politicians, we are Members of Parliament or Members of the Legislative Assemblies. I have hundred reasons to criticize the judiciary but I am not doing that. I have respect for the system. I want the Indian judiciary to be strengthened. I want the Indian judiciary to maintain its dignity. I want Indian judiciary to get respect from 130 crore people of this country because our democracy is based on that. Therefore, I would request you to go into the details as to how the appointment of Supreme Court judges would be made. What is the merit? Is it inter-State seniority, All India seniority or State-wise seniority that would be considered? If it is State-wise seniority, the system will be broken. I do not mind All India seniority but you will have to strike it somewhere. I do not mind if advocates are appointed directly to the Supreme Court. It is a great product. I am very candid in saying that Justice Nariman is one of the best constitutional interpreters of our country. I do not know whether justice Lalit has become a judge or not but he is one of the best criminal lawyers that we have produced. I would like to know how many posts you are keeping for direct appointment. Does it depend on the CJI? One CJI will say that six posts may be filled directly. The other may say there will be no appointment made from the Bar Council. I would like to know the guidelines in this regard. You can

specify the number of appointments to be made from the Bar Council. Let it be 4, 10 or all. I do not mind but people must know how many judges will come from the High Court or how many will be recruited directly from the Supreme Court Bar.

I have another small request to make. You come from Patna, the State of Bihar. I know you are having the same pain that I have. The Supreme Court of India at Delhi has become a very costly affair for the litigants. The fee of the Supreme Court lawyers varies from Rs. 5 lakh to Rs. 15 lakh. What is this? Kindly destroy their monopoly. Please set up Circuit Benches in different regions. If you do it, you will be achieving two objects. One of the objects is that justice has to be delivered at the doorstep of the litigant. You will achieve this objective. You will be achieving another object that the litigation is not expensive for the litigants. I will not be minding it if you bring a law for regulating the fees of the lawyers. I have not made research in this regard but I need it. In my State what I have to do is that with the blessings of my leader, Kumari Mamata Banerjee, I had fought cases for my Political Party and for my litigants. In one year, I had to do 2000 cases in criminal courts. I know the pain of the litigants better than anybody else here. I know what the real problem is when they have to go to judiciary. Therefore, you bring a law for regulating the fees of the lawyers.



With this, I am grateful to you. At the end, I will say that I have the highest regard for the judiciary. I pay my respect to the judiciary and I hope our judiciary would be respected more in the near future.

**SHRI BHARTRUHARI MAHTAB (CUTTACK):** Hon. Chairperson Sir, I stand here today to participate in the deliberation relating to a Constitution (Amendment) Bill and also on the formation of the National Judicial Appointment Commission.

The immediate speaker before me was very candid about his profession and about the activities that are going on in different courts of this country. The other speakers before me have also made a mention on the functioning of the judiciary. When the Minister piloted the Bill, he also referred to 1992-93 judgment and also subsequently what had happened in between. A film was released in the sixties - after 20 years and this bill is coming after about 21 or 22 years.

What has happened in between? We should also understand the logistics. It was in 1989 that the country gave a fractured mandate. It was in 2014 that the country gave a clear mandate. That is the change that we are seeing today. That is how democracy functions. It was also mentioned here in this House that there are three pillars of democracy and that is the beauty of democracy when one pillar is weakened the other pillar gains strength and maintains the equilibrium. I think today, it is a historic day in that sense that the pillar of legislature is regaining its strength and is bringing equilibrium in democratic fervour.

When I would want to dwell into the aspects of the Bill, I would start saying that there is now a consensus amongst judges, lawyers and legislators that the present system of appointment of judges to superior courts by a collegium of the Supreme Court judges requires to be changed for a better one. There are sound reasons for this move.

First, the appointment of judges by the Supreme Court collegium has no foundation in our Constitution. Article 124 of the Constitution provides that every judge of the Supreme Court is to be appointed by the President after consultation with the Chief Justice of the Supreme Court and other judges of the Supreme Court and the High Courts. Similar power is given by article 217 to the President, in consultation with the Chief Justice of India, the Governor of the State and the Chief Justice of the High Court, for the appointment of judges in the High Courts. In 1981, in what is known as the First Judge's case, the Supreme Court held that the power of appointment of judges of superior courts resided solely and exclusively in the President, that is, with the Union Government subject to full and effective consultation with the constitutional functionaries as referred to in articles 124 and 217. As far as I remember, if I am correct, it was Justice Bhagwati who was instrumental in giving this judgement.

However, in 1992, the Supreme Court in the Second Judge's case professing to safeguard the independence of the Judiciary reversed the first verdict and re-wrote the constitutional provisions to hold that the primacy in the appointment of a judge of a Supreme Court was with the

Chief Justice of India who would make his recommendations to the President after consultation with two of his senior judges. That made the difference. One can very well understand, the Legislature, the Parliament, was weak. There was a fractured mandate; the Government then was a minority Government and that is when the blow was struck. The President would only have the limited power of expressing his doubt. The President's doubt, however, would not prevail if the Chief Justice of India reiterated his recommendation on the appointment of the judges.

In a later judgement, which is known as the Third Judge's case, the Supreme Court diluted the primacy of the CJI and gave the power of appointment to a collegium of the Chief Justice of India and four of his senior-most colleagues. The judgements in the Second and the third judge's case are an extraordinary *Tour de Force* in the name of securing independence of Judiciary. The Court re-wrote the provisions of the Constitution for the appointment of judges. The process of Executive's function in the appointment of judges was reduced to formal approving recommendations made by the Chief Justice of India and his collegium. Consultations within court with the Chief Justice of India in the Constitution have been transmuted into an original power to appoint by the Chief Justice of India and the collegium.

I would also like to mention here what the Constituent Assembly had debated during that period. The view of Assembly at the time of enacting the constitutional provision was that the Chief Justice of India

should not be the final appointing authority. This was disregarded by the court and in the meantime during the last 20 to 21 years, this issue was never raised in the court of law.

In the first instance, the collegium system lacks transparency and is secretive. The public is not aware of the selection of a judge until his or her name is forwarded to the Government by the Collegium. Second, there have been instances of judges being selected or not selected due to favouritism or prejudices of Members of the collegium. Third, selection on competitive merit of the appointees is disregarded and judges are generally appointed to the Supreme Court on their seniority of rankings in the High Courts. Therefore, one may say that like the earlier system of the Executive appointing judges after consultation with people be restored, but paradoxically from 1950 till 1973 some of the most outstanding judges of our Supreme Court were appointed through that system. It was only during the period of Emergency that this system was subverted which led to the Judiciary appropriating the power in the Second Judge's case and at that time a word was newly coined, namely, 'Committed Bureaucracy, Committed Judiciary'.

Even today, in Australia and Canada, it is the executive which appoints judges after proper consultation. What we have today before us as the Constitution Amendment Bill is a fundamental change in the Constitution. It is important to know that, except for the Judicial Appointments Commission of the United Kingdom introduced by the

Constitutional Reforms Act, 2005, such a Commission has not been successful elsewhere. We have not debated what has happened in other countries. But it is only in the United Kingdom where it is functioning in a better way.

The South African Constitution provides for a Judicial Appointments Commission but its working is far from satisfactory and at times, appointments have been influenced by the Government.

When the Constitution Amendment is passed, Judicial Appointments Commission has to make appointment for 31 judges in the Supreme Court and over 800 judges in 24 High Courts. Perhaps that was in the mind of Dr. Thambidurai when he was mentioning of having two separate Commissions. This will be a workload over the Commission. I hope, when the Hon. Minister will be responding to the discussion of today, he will explain to us the type of workload on that Commission because this is the amount of work which will be on that Commission other than transfer and posting of judges. That will be an added burden on this Commission.

The collegium system was put in place by a judgement of the Supreme Court in *Supreme Court Advocates on Record versus Union of India* (1993) 4 SCC 441. In this judgement, the Supreme Court interpreted article 124(2) and article 217(1) of the Constitution. The Supreme Court of India held that no appointment can be made unless it is in conformity with the final opinion of the Chief Justice of India.

On reading of the majority judgement authored by J. S. Verma, one comes to a conclusion that he has given two main reasons. It is necessary to read those two reasons. Firstly, primacy of the opinion of the Chief Justice of India will ensure independence of the judiciary from the executive - these are his words – and eliminate political influence. Secondly, the collegium of CJI and other judges are best equipped to know and assess the works of the candidate and his suitability for appointment as a judge to the higher judiciary.

After this judgement, appointments of judges have been in accordance with this collegium system. Yet, many, with merit and integrity, have been overlooked and those with lesser merit have been appointed as judges of High Courts. The collegium however, has ensured an independent judiciary which only can protect – we have to admit this – and enforce the constitutional rights of the people against executive excesses and majoritarian legislation. However, after 1993, though the collegium system has been able to ensure that judges are independent of the executive, they could not ensure that the best and the honest are appointed as the judges of the High Courts and Supreme Court after 1993. To change the view of nine-judge bench of 1993, it was essential that this type of constitutional amendment be moved by the Government. The simple amendment is to amend articles 124 and 217 of the Constitution which is being moved today.

Let us not forget what Granville Austin had said. He said: "An independent judiciary begins with who appoints and what calibre of judges. " There ought to be enough safeguards to insulate the judiciary from political interference. Let us not take credit that we are giving more powers to ourselves and thereby creating an impression that the independence of judiciary can be trampled upon. Our Party and myself will not be a party to that type of design. I sincerely hope that the present dispensation which sits in the treasury benches also does not believe in that.

This Bill envisages a 50-50 break-up between judicial and non-judicial Members. The Chief Justice of India, two seniors most judges of the Supreme Court, the Union Minister of Law and Justice, and two eminent persons nominated jointly by the Prime Minister of India, the Chief Justice of India, and the Leader of Opposition or single largest Opposition party will be Members of the Commission.

I would very humbly conclude by saying that it is necessary to ensure the individual independence of those appointed as judges and to maintain the collective independence of the judiciary, to ensure that it retains its ability to act as a check on the executive. That should be the essence. Yet, we cannot forget that while the judiciary is vocal on these themes, its silence on accountability is deafening.

I would like to ask the Government and the Minister four questions. I would request the House also to think over these questions. I hope he

would respond to these four questions. First, has not the time come to give the legislature a role in judges selection? Today, it is executive and the judiciary which have the powers. Does the legislature have any role or will have any role in future? Has not the time come to do that because in many democratic countries there is a provision? Second, are the cases going to be settled fast? This morning when I was coming out from my home, I told somebody that there is this Bill which is going to be discussed today. A very rustic person asked me: Will the number of cases come down? Will there be lesser delay? Will the number of cases in different courts lessen? That is the basic question because when we are deliberating on the appointment of judges, accountability of the judiciary also needs to be looked into. Third, will nepotism end? I need not explain that further. Finally, will the new system ensure the best and the honest persons are appointed as judges?

**SHRI ANANDRAO ADSUL (AMRAVATI):** Hon. Chairperson, I rise to support this important Bill, called the National Judicial Appointments Commission Bill, 2014.

I would like to bring to the kind notice of the Hon. Law Minister the amendment which is sought to be moved by Dr. M. Thambidurai, which I have got just now. It seems to be a valid one. He has suggested that the title of the Bill should be National Judicial Appointments and State Judicial Appointments Commission for the High Court Bill instead of the National Judicial Appointments Commission Bill. I think this is a valid



one because this Bill is not limited to Supreme Court only, but this is applicable to High Courts also.

Then, right from the small causes court to the Supreme Court, somehow, we are getting decisions, but not justice.

### **16.00 hrs**

Delaying justice is denying justice. And the reason is that the corrupt, not totally, judicial machinery is the reason behind it. After long experience, our very intellectual Law Ministry has brought this Constitution amendment Bill and we have to pass the same. Along with the article 124, there is insertion of new articles 124 (a), (b) (c).

Earlier, there was a Collegium constituting five Members within the judicial machinery. But now for the sake of ensuring greater transparency, accountability and objectivity in the appointment of the Judges in the Supreme Court and the High Courts, the said National Judicial Appointment Commission Bill consists of the Chief Justice of the Supreme Court, two senior Judges of the Supreme Court, the Law Minister himself, the Prime Minister, the Opposition Leader and two eminent Members suggested by the Prime Minister, in consultation with the Opposition Leader. Out of this composition, if any two Members oppose any appointment, the said appointment would be null and void. I think, it is definitely a democratic decision in this new amendment. Definitely, this Bill would eradicate corruption, and in future, whatever

appointment of Judges is made, it will be proper because Judiciary and the Prime Minister, along with the Law Minister are there in the Commission.

Another aspect is about having more transparency, and avoiding corruption. We have experience about the same in the past in many cases - I will not quote any case here. That is why this amendment is very much essential and the Commission by way of amendment in the Constitution is very much essential. Hence, I support this Bill wholeheartedly.

**SHRI B. VINOD KUMAR (KARIMNAGAR):** Sir, at the outset, I welcome the introduction of this Bill by the Hon. Minister. I, on my own behalf and on behalf of my Party, Telangana Rashtra Samithi, support this Bill wholeheartedly. My leader, the Chief Minister of Telangana, Shri K. Chandrasekhar Rao *Garu*, had expressed his view, when the Government asked about his Government's opinion. This Bill is replacing the Collegium system through this National Judicial Appointments Commission Bill. I am not going to make any comment on the Collegium system which existed for the last two decades in this country.

**16.05 hrs**

(Dr. Ratna De (Nag) *in the Chair*)

However, seven Commissions, as stated by the Hon. Minister and also the Parliamentary Standing Committee, after due deliberations, have recommended for enacting a legislation particularly for establishing a National Judicial Appointments Commission. Many suggestions were

made in these Commissions as well as in the Standing Committee. I hope the Hon. Minister has taken all those suggestions into consideration before bringing this Bill here.

Madam, I will confine myself to the clauses of the Bill. Clause 12 of the National Judicial Appointments Commission Bill says that the Commission may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act. At the same time, in Clause 4 of the Bill it is mentioned that the Central Government shall, within a period of 30 days from the date of coming into force of this Act, intimate the vacancies existing in the posts of Judges in the Supreme Court and in High Courts to the Commission for making its recommendation to fill up such vacancies. So, a specific time period is mentioned to intimate the vacancies in various High Courts and in the Supreme Court. I would suggest to the Hon. Minister that he should also provide a time frame to the Commission for making regulations at the earliest so that we can fill up the vacancies in various High Courts and in the Supreme Court without any delay.

Similarly, in Clause 13 of the Bill it is mentioned that the regulations which are framed by the Commission will be laid before the Parliament. It is also mentioned in this clause that such rules or regulations will be laid on the Table in both the Houses of Parliament and in the event of Parliament not agreeing to them, we can also suggest modifications to

them. Here I would like to say that in the other Bill, that is, in the Constitution (Amendment) Bill we are inserting a new article 124C to the effect that the Parliament may, by law, regulate the procedure of the appointment of the Chief Justice of India and other Judges of the Supreme Court and the Chief Justice and other Judges of the High Courts and empower the Commission to lay down, by regulations, the procedures for the discharge of its functions, the manner of selection of persons for appointment and such other matters as may be considered necessary. So, I would like to submit that ultimately the regulations are going to be important. What sort of regulations are we expecting? This Parliament should be informed about it.

Of course, it is mentioned in Clause 12 that the National Judicial Appointments Commission will frame the regulations. But what is going to be the mode of selecting persons to be appointed as Judges? Presently, in the Collegium system, the advocates who are practicing in the respective High Courts are being appointed as Judges. The Chief Justice and two senior-most Judges of the High Court, who are part of the Collegium in the High Court, pick and choose persons from the practicing advocates. But in the forthcoming regulations, what is going to be the mode selecting persons from the advocates' community? This House should be informed about it. I would like to know from the Hon. Minister what are the regulations that are going to come in the near future.

Shri Veerappa Moily talked about all India judicial service. I would request the Government to bring a Bill for the creation of an all India judicial service. It is because, now we have National Law Schools in almost all the States and meritorious students are coming into these Schools. New laws are coming up; because of the economic reforms corporate laws have come up. The litigation has increased. So, all the meritorious students who are coming out of these schools are being picked up by multinationals. As there is non-existence of the Judicial Service, we are losing many good and meritorious graduates. So, I request that at the earliest let us bring the All India Judicial Service. At present, we have direct recruitment of District Judges by the Public Service Commissions of our various States. The All India Judicial Service can be brought at least in the lower judiciary, as we have IAS and IPS officials in the States. Though they are being recruited by the Union Public Service Commission, they are allocated to their respective States. If Indian Judicial Service persons are recruited by any Commission, may be the Union Public Service Commission or any other Commission, whatever the Government proposes, such Judicial Service candidates can be allocated to the States. They can be recruited as the District Judges initially and in the coming days, definitely, through promotions, they will go to the High Courts as we have now also. Some quota is given to the lower Judiciary people as Judges of the respective High Courts. So, I would request the Hon. Minister to bring this enactment at the earliest.

**DR. A. SAMPATH (ATTINGAL):** Thank you, Madam Chairperson. Madam, as some of my colleagues have already stated – our Hon. Minister can take pride – this may be one of the historic days of this Parliament. I am afraid that some of our ‘My Lords’ and ‘Your Honours’ may not be happy with the discussion in the House when the amendment is being carried out in this House on the Constitution and this Bill gets passed.

I support the intention of the Hon. Minister, because he is a very senior and an eminent lawyer. I am very much junior to him even though I am in the same profession. I come from the State of Justice V. R. Krishna Iyer and I belong to the same party of Comrade A. K. Gopalan. Our Constitution begins with the words, ‘We, the people’. But our Judiciary has been criticized as a ‘casino judiciary’. In the corridors of Judiciary, I have heard the comments from the people, from persons of the Bar, my colleagues, my brothers and sisters. I am not saying about the MPs of this House alone. This is a call to our country and our Constitution that this Bill has to be passed. But, at the same, I would like to seek some clarifications from the Minister and I would like to put forth some suggestions, through you, Madam, with your permission.

I agree that the Chief Justice of India should be the *ex officio* Chairperson. But I have a suggestion that may be considered by the Hon. Minister. One of the Judges of the Supreme Court should be nominated by the collegium of all the Judges of the Supreme Court and the other person from the Judicial side may be the Chief Justice of one of the High

Courts nominated by the collegium of the High Court Chief Justices. It is because, our High Courts are not below the Supreme Court. It has a separate entity. Both of them have the Constitutional status. So, on the one side, the Supreme Court should be given its due weightage and on the other side the High Courts also should be given their due weightage because we are a federation. Our Constitution says that we are a federal State.

While our Hon. Minister is also an *ex officio* Member, I accept the proposal moved by him. I accept the proposal regarding two eminent persons to be nominated by a collegium consisting of the Prime Minister and the Leader of the main opposition party in the Lok Sabha. Why can we not make a proposal that out of these two persons, one person should be a jurist? Even in the Constitution, for the appointment of judges to the Supreme Court, jurists can be considered. But it is rarest of the rare, that here jurists are not considered. We, as students of law, used to study textbooks, research papers and other writings of the jurists. By doing this, some of us have become legislators and some of our old friends went to the Bar or to the Bench.

My other suggestion is that there should a nominee from the Bar Council. Our advocates and practicing lawyers should also have a say in this process. That is my humble suggestion. Why can't we look into this matter also? Our judiciary is held in high esteem both by the people and

the system. I agree with that. So, the integrity, honesty and merit are very much essential.

This House has to look into another aspect also. When we speak of the merit, we all speak about women. Discussions have taken place in this House regarding the representation of women. How many woman judges are there in the Supreme Court and in the High Courts? Can we say that they do not have any merit, integrity and honesty? What happen to the women advocates; why are they not elevated at all to the judiciary?

What about the minorities? Not only SC, ST and OBC but minorities should also be given proper place. In this nation of diversity, why are we not considering this aspect? Respected Paswanji is also here. He should take up this matter. We speak of merit. But I would like to know what is the criteria for merit. I still remember the speech delivered by Paswanji in my constituency where he said, 'this is an era of Paswans.' Paswanji, you came to my place and spoke like that. I still remember those words. At present, what is happening in our judiciary? Everybody is saying that there is corruption in the Legislature and the Executive. We are the only people who wash our dirty linen in public. I can oppose you and you can oppose me. I can criticise you and you can criticise me and we can criticise each other. Everybody knows it. Our media people will be present here sometimes before noon and not in the afternoon. As the fourth estate, they will say that these corruption charges have been levelled. But just because



the corruption charges have not been levelled against anybody in the judiciary, can we say that they are holy cows?

Hon. Minister, I hope you may remember that day when the impeachment motion was moved in the Rajya Sabha. But just because an impeachment motion was not passed in the Rajya Sabha, can we say that other judges are right? Our judiciary has the power of life and death. We do not have that power. We do not even have the power to provide life as enshrined in Article 21 of the Constitution. I am not saying about Article 19 of the Constitution. It is all up to them. As advocates, we address them 'My Lord' and should not criticise them. If you criticise them then you have to face contempt of court proceedings and the ball starts rolling. The Contempt of Court Act should be repealed. It is my humble suggestion to you. Nobody should be above the law. Nobody should be above the criticism level. We have a right to freedom of speech and expression. We have the right to criticise also.

Madam Chairperson, we are proud of our Constitution. Regarding the seat of Supreme Court, Article 130 says: "The Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President of India, from time to time, appoint." This also has to be amended. This point should be looked into by the Commission that we are now going to form.

Diversification does not take place in judiciary, and neither decentralisation is there. We talk about decentralisation of powers from the Centre to States, and from States up to the level of Gram Panchayats.

Madam, I am going to conclude quickly. Please allow me to speak for one more minute.

When we speak about decentralisation of powers, decentralisation should happen in judiciary also.

Last but not least, the role of this Commission should not be limited to just like an interview board of the Union Public Service Commission. This Commission is a statutory body, and it should have its own mechanism and its own officers. At the same time, there are quite a lot of tribunals, and they are very powerful. Many of the judges when they attain the age of retirement say that they are not at all tired even though they are going to be retired, and they are searching for some green pastures.

This Commission should have jurisdiction and powers which it is going to exercise on the High Courts and the Supreme Court. It should also have jurisdiction on the Tribunals. Unless and until the tribunals are brought under the purview of this Commission, those judges and Government officers who are at the verge of retirement will be having their own say, and those tribunals may become the pastures for corruption, and that corruption will not be unearthed.

We want a clean judiciary, a judiciary with integrity, a judiciary which we are proud of.

We are a nation, where the largest numbers of cases are pending in the whole world. Shall we take pride of that? So, this point should also be taken care of.

There are a lot of vacant posts of judges in the High Courts, the Mofusil Courts and also in the Supreme Court. Hundreds of vacancies are there. There are young people who are meritorious. Why should we appoint all these retired judges again on *ad hoc* basis? There are many young and meritorious people, and you appoint them. Madam, through you, I would like to make an appeal to the Hon. Minister, as there are young and meritorious people, they should be given an opportunity to serve.

*[Translation]*

**THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI RAM VILAS PASWAN):** Speaker Sir, I support the bill that has come for the National Judicial Appointment Commission. We are happy that there are sections of the Constitution, whether it is 124(2), 127(A), 128 which deal with the appointment of judges and with appointment of ad-hoc judges and also appointment of retired judges, section 217 and section 222 deals with the transfer of High Court judges, Section 224 deals with the ad-hoc

appointment of judges, Section 224(A) deals with the appointment of retired judges in the High Court and in Section 231, there is an issue of establishment of common high court for. There is talk of bringing amendments in this. I would not like to repeat, all our colleagues have said that this effort is not happening from today, this effort has been happening for a long time. In our Constitution, legislature, executive and judiciary, all three are important and Parliament is considered supreme. You see, this is why Parliament has the supremacy that according to Article 72 of the Constitution, even if the Supreme Court gives death sentence to someone, the President has the right to grant pardon to him. This means that Parliament has been kept supreme in the Constitution. The Hon. President is elected by the Members of Parliament. Before 1993, the executive and the legislature had little authority in the appointment of judges. As per Article 124(2) of our Constitution, “Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States...”

Meaning, according to the Constitution, the President will appoint a Supreme Court judge after consulting him, but what has happened is exactly the opposite. It started from the year 1993 and after the year 1993 it was sealed in the year 1998. There was no collegium before 1993, the word collegium came after 1993. First of all, I would like to say that I would like to thank all the friends from the party and the opposition and I

would also like to thank Kharge Sahib. I was a Member of the Standing Committee and a Congress Member was the Chairperson of that committee. Everyone had an opinion on this, you also wanted to bring this bill, you had even passed it in the cabinet in December. Even before this, attempts were made 4-5 times, but whenever attempts were made, elections came and the result was that this constitutional amendment could not be done. This is not a matter of pros and cons. I want to thank all the Members for this. I see that the entire House is with it, barring a few points that we should make amendments in it, a separate State Commission should also be formed in the state, all the people on the other side, Members of Parliament from all parties are with it.

I am happy that no Hon. Member has shown any biased opinion towards the judiciary. Everyone has accepted that just as our Parliament is supreme, the judiciary is also supreme in its field. This commission is not meant to interfere in the judge's judgment. This is an executive body, which will decide how the judges should be appointed and how their appointment should be done in a transparent manner. The allegations that are being made now and most of the allegations are being made by former judges, so this is a step towards reforming them so that the dignity of the judiciary is maintained. America is a developed country, UK is a developed country, Australia, Canada, nowhere has unilateral power been given to appoint a judge. Nowhere in the world does a judge have the right

to appoint a judge. Only in India, there is this right that the judge will be appointed by the judge.

Just now, Baba Saheb Ambedkar ji was being discussed here. Baba Saheb Ambedkar ji had said in the Constituent Assembly on May 24, 1949 that the Chief Justice of India is also like a common man. They too have their own sentiments, they may also have hopes and intentions, so why should full authority be given to the Chief Justice only? While we are not giving this right completely to the President, we are not giving this right completely to the Parliament, then why give this right to a particular person or a particular institution? Therefore, he had said that there should be a collective responsibility in judiciary appointment. In this Constitution Amendment Bill that has come, you will see that it has 6 Members. Out of these 6 Members, the Chief Justice of India will be its Chairperson and two seniors most judges will be the Members. Three Members directly belonged to the Judiciary. The Law Minister will be its Member and two will be ex-officio Members. Election of two ex-officio Members: The Chief Justice of India, the Prime Minister and the Leader of the Opposition or the leader of the largest party will together elect two ex-officio Members. We were in that Standing Committee and in the Standing Committee we had suggested that instead of two eminent persons, three eminent persons should be appointed, one of whom should be Scheduled Caste, Scheduled Tribes, Backward, Minority or a woman. Later we discussed that if we make it three and then one will be the Prime

Minister, followed by the Law Minister, then it will be unbalanced. If there are four on one side - a Law Minister and three eminent persons and on the other side a Chief Justice and two Supreme Court judges, thus making three, then this balance gets disturbed. In the bill that came from UPA, they also made it two instead of three whereas we in the Standing Committee had said that there should be three. Now after that, there is the matter which you also said and we also said that out of the three, one will be Scheduled Caste, Tribe, Backward Caste, Women or Minority. Our Member Moily Sahib said that you had talked about rotation in it, there is no rotation in it. That is one point. It may be that sometimes she is a woman and a minority, sometimes she is a woman and a backward class, sometimes she is a schedule caste, these are some things but that is not a big thing. The main issue is whether the judges should be appointed by the judges themselves or the judges should be appointed according to a collective responsibility. As far as the election of two eminent personalities is concerned, out of the three, the Chief Justice will be there, the Prime Minister will also be there, the Leader of the Opposition or the leader of the biggest party in the opposition will also be there. The biggest thing in this, which is transparency, is not there at all in the selection and appointment of judges. That transparency will come in this. We don't want to say, but you look at the number of judges, how many judges are from Scheduled Castes, how many are from Scheduled Tribes, how many are from backward classes, how many are from minorities. Sometimes, it can

be said whether a Justice became the Chief Justice or whether he belonged to a minority, backward classes or not. That's why, I said that in all these things, we have taken great care that no issue should arise between the Government and the opposition among us, there should be no confrontation, there should be no conflict between the legislature and the judiciary. Just now, Moily Saheb said one thing, I agree with him, but how will we clean the leprosy of the whole life in one go? You talked about Indian Judicial Service.

*[English]*

**HON. CHAIRPERSON:** Paswan Ji, listen to me. How much more time will you take?

*[Translation]*

**SHRI RAMVILAS PASWAN:** I am concluding.

Article 312 of the Constitution states that “Parliament may by law provide for such a creation of one or more all-India services, including an all-India judicial service.” According to 312A, it is directly talks about the creation of an All India Judicial Service and does not mention about the creation of a commission. All India Judicial Service means that just like there is Indian Administrative Service, there is Indian Foreign Service. Automatic reservation is done in it. Today, no one can say that the scheduled caste, backward class, minority or women officers coming out of IAS and IPS are not efficient. All are efficient. It should have been done



in the same manner that instead of commission, there should have been Indian Judicial Service in which there would be direct appointment. But since everyone may have differences of opinion in this matter, different opinions may be there, hence a middle path has been found - Indian Judicial Commission has been found. I understand that this is the public sentiment, it is your sentiment too. I was seeing how much applause there was when Kalyan ji was speaking. There was so much applause, this is the feeling of the entire House, this House is supreme, this is a historic day and on the occasion of this historic day I thank the opposition also, I want to thank our Prime Minister Hon. Narendra Modi ji very much and I want to thank the Law Minister, due to whose efforts this Constitution Amendment Bill has come in the House today. I think today is a historic date, 12th August, which will be written in the golden letters of history and let us unanimously pass this Constitution Amendment Bill. Thank you.

**SHRI DHARMENDRA YADAV (BADAUN):** Speaker Madam, I am grateful to you for giving me the opportunity to speak on this important topic.

Madam, first of all, I would like to thank the Law and Justice Minister, because the country was feeling the need of this bill for a long time. I also want to thank you because there was a discussion for a long time that the supremacy of the Parliament of the country and no area can remain untouched by the opinion of the Parliament, hence the opinion of

this House was necessary in the appointment of Hon. judges in the judiciary also. As far as appointments are concerned, many Hon. Members have discussed about the Collegium system, I do not want to go into it, but I definitely want to say that there are many democratic institutions and democratic systems in the country, all of them have Opinion and consultation are necessary. I'm glad you've improved it to some extent.

Madam, I have some important suggestions. Hon. Paswan ji was also saying and I also want to say that some things are unclear in the Amendment Act that you have brought. There is no doubt that you can select someone who is better and honest from among the judges of the High Courts of the provinces for the judge of the Supreme Court. But, if 31 Supreme Court judges and more than eight hundred High Court judges have to be appointed, then I have doubts whether these selected six people will be able to do so. There are 26 Hon. High Courts in the country from Kashmir to Kanyakumari, in which there are posts of eight hundred judges. Will you be able to scrutinize eight hundred judges? There will be more than eight hundred contenders for these eight hundred posts, so will we be able to select from them and scrutinize them, I have full doubt about this? Therefore, I suggest that just as you are forming a National Selection Commission, in the same way, a selection commission should be formed for every High Court at the state level, so that the best judges can be appointed in those High Courts.

Madam, in the bill that the Minister has brought, the role of the Chief Ministers of the State Government is negligible. When the Prime Minister of the country and the Law Minister have an important role in the National Judiciary Appointment Commission, then by forming an Appointment Commission at the state level, give importance to the role of the Chief Ministers and Governors and also make the role of the local Law Minister important, this is our suggestion to you. You have made a provision to nominate only two Members, in which the Prime Minister, the Leader of Opposition and the Chief Justice together will nominate only two Members and the categories you have fixed for nominating or the qualifications you have fixed for forming that commission which include Scheduled Castes, Scheduled Tribes, Backward Classes Commission, Minorities and Women. You have decided on five classes, but have kept the number of Members at only two. I suggest you to increase the number of two Members to five. Paswan ji was saying that there will be imbalance. How will there be imbalance, because when the selection takes place, the Hon. Chief Justice of the Supreme Court of the country will be present, who will select three people. There will be no such imbalance when the Chief Justice of the Supreme Court is present at the time of selection of three people. Many countries have formed big commissions, where each commission has up to 17-18 Members. England has 18 Members. If instead of six there are seven, eight or nine, then it is not a big deal. But the people of the country who are feeling neglected,

especially in the judiciary. There are no people from backward classes, minorities and scheduled castes in the Supreme Court.

If we talk about the High Courts, then Hon. Minister, if you do a survey today, I will say that more than five percent of people from these classes are not present as judges in the High Courts. The large section of the country, the majority section, if we include backward people, minorities, scheduled castes, scheduled tribes, women, then it would probably be 80-85 percent of the people, these people also want their participation in the judiciary of the country. Therefore, we would request you to perhaps increase the number of Members but work towards giving equal representation to all sections of society. Hon. Minister, this is my suggestion to you. The role of Chief Ministers and Governors of State Governments should also be increased. This is also my request to you.

**SHRI RAJESH RANJAN (MADHEPURA):** Speaker Madam, I congratulate the Hon. Minister very much. This is a historic day and historic moment. Supremacy and independence both are very important words in themselves. If you move forward with the bill that you have brought, keeping strong democracy in mind, it will automatically increase the respect of all the institutions of this country. From the time of the saints and sages of India till today, the most glorious tradition of this country has been to respect others. Hon Minister have made repeated mention of respecting others, you have constantly talked about respecting others, but can we respect America at the cost of losing our own respect?

I say again and again that respecting others has been the culture of our country, it is one of the superior feature of the culture of our country. But it is not good to keep talking about the respect of others by putting your own existence and respect at stake. Whenever it comes to the greatness of the culture this country the image of Somnath Dada immediately comes to my mind. By sitting on this chair, No other Hon Speaker comes close to giving a new and enduring identity to India at the world stage as Somnath Dada could by having graced this Chair. Indira Gandhij, as the Prime Minister of India, gave a new identity to the nation. When it comes t Sardar Patel and Indira Gandhi, they can be credited with restoring the supremacy of this House to India. ... (*Interruptions*) We congratulate and thank you for the efforts your Government has made to establish the judiciary keeping in mind the dignity of this House, supremacy and respect for the Hon. Court.

Madam, I will just give two-three suggestions as time is short. Minister, what happens in the lower courts, nothing is hidden from you. The corruption there is not hidden from you. In the commission, you have constituted, I request that this commission should not have its set of priorities like the Public Service Commission. There should be this commission, but it should not be like the Public Service Commission. I clearly say that the High Court should appoint serious, experienced and learned persons who are learned, practical and experienced. If the judges of the High Court and Supreme Court come under the Public Service

Commission, then the respect and welfare of this country will not be there. The supreme institution of this country should be headed by a person who has all the virtues. There is no need for such commission.

Secondly, it is very important to have transparency in this. Without transparency, no commission has any meaning. Thirdly, it should have some impartial scholars and social people from the Bar Association, Bar Council. Who will decide the appointment of social people and impartial scholars?

Speaker Madam, through you I request the Minister to bring this matter to the public six months before the process of appointment of judges so that people know about those judges and any lawyer can give his opinion. Within six months he should give his opinion, within three months if you bring something after listening to the opinion of all of you, then transparency will be maintained. There will be no challenge in this country on the judge you appoint, no finger will be raised. Thirdly, my point is that an opportunity for complaint should also be given. I request you to give at least three months' time to complain, this should also be kept in mind. The fourth thing is that bring these things on the website, when you make appointments, whatever complaints come, ...

*(Interruptions)*

*[English]*

**HON. CHAIRPERSON:** Hon. Member, please conclude now.

*[Translation]*

**SHRI RAJESH RANJAN:** Speaker Madam, I am concluding. When you resolve the complaint, they will definitely visit the website so that the world can see how beautiful your transparency is. In the appointment you are going to make, do not let anyone challenge your impartiality in any way, no matter who's Government is in power, no finger should be pointed at it. ... (*Interruptions*) I congratulate Narendra Modi ji and you that you have definitely brought this bill for the supremacy of this country. ... (*Interruptions*) Women from SC, ST minority should also be included in this, it is mandatory for women in this. ... (*Interruptions*) What is the reason that judges from the same class kept coming till today? . . . (*Interruptions*) Judges from Dalit, Tribal and Backward class did not come. ... (*Interruptions*)

*[English]*

**HON. CHAIRPERSON:** Hon. Member, please conclude now.

*[Translation]*

**SHRI RAJESH RANJAN:** Speaker Madam, I am concluding soon. What is the reason why tribal and Dalit women have not come into it till date after the independence of India? . . . (*Interruptions*) SC, ST people did not come and if they came, very few came. ... (*Interruptions*) What is the reason that people from the same class came? . . . (*Interruptions*)

Speaker Madam, through you I request the Minister that when you form a committee, it should definitely include SC, ST and minority women in it, this should be kept in mind.

**DR. ARUN KUMAR (JEHANABAD):** Hon. Chairperson Madam, the important bill for Judiciary Reform that has come on this historic occasion is definitely a sign that good days are about to come. In the last few years, the foundations of democracy had been shaken, due to which the judiciary has also been affected. A big mandate has been received under the leadership of Narendra Modi ji. The country wants change today. I would like to congratulate the Hon. Law Minister, who is also a learned jurist, that today the country is moving towards a new change with this historic bill. In accordance with the aspirations of the people, a new historic day has been created today and we heartily congratulate the Government for this.

Speaker Madam, while introducing this bill, he gave a brief discussion on the structural form and the former Law Minister, Shri Moily Saheb also took steps in this direction in a very bold manner to see the impact of this bill, various organizations within the country and the experience contributed by contacting agencies is certainly welcome. He tried to understand the voice of the public.

Madam, I will conclude in two minutes. We have a long standing tradition of treating 'Panch' as God. A glimpse at the the stories of Premchand is suffice for one to realize that though the elders in the village



were not qualified lawyers, but when they were on the chair of the arbitrator, they used to impart justice even at the cost of their lives. Certainly, litigants are aware of various incidents that have taken place in the courtrooms during the last few years, The questions raised by Hon. Member Kalyan Banerjee are definitely there to rankle the minds and conscience of the public. The Government has brought these two bills with a big resolve, we fully support them from the party's side.

*[English]*

**SHRIMATI ANUPRIYA PATEL (MIRZAPUR):** Thank you, Madam, for allowing me this opportunity to participate in the deliberations on the Constitution (One Hundred and Twenty-first) Amendment Bill as well as the National Judicial Appointments Commission Bill introduced by the Government.

Madam, I wish to begin by drawing the attention of this august House towards the statement of the Chief Justice of India, Justice Mr. R. M. Lodha, which has been published in an English daily today wherein he strongly came out in defence of the earlier flawed Collegium system. It appears to me that the CJI has been making a deliberate and conscious effort to undermine and demoralize the highest law-making institution of the country which is the Parliament. It is expected of the CJI to understand and realize that the role of the court is only to interpret the law and not to create and make laws. That is the responsibility of the Parliament. And also, judiciary cannot create a mechanism for its own appointment. If

judges are appointing judges, the system is not fair. So, in that light, the step that the Government has taken is worthy of admiration and appreciation. I truly welcome the effort or the initiative that has been made by the NDA Government to introduce these two Bills.

Madam, the Government's intention is crystal clear that it is committed to transparency, accountability and objectivity in the appointment of judges in the Supreme Court and the High Court, which is the need of the hour in the wake of rampant corruption which is plaguing our judicial system. We have had incidents of appointments made on considerations other than merit and a number of deserving and honest persons have been ignored on several grounds ranging from political to commercial to caste and gender biases. Also, there have been delays in filling up the vacancies with the old system of Collegium. So, it is important to replace the Collegium system by the National Judicial Appointments Commission.

However, I wish to assert that the reflection of social diversity in the National Judicial Appointments Commission is extremely important because the SC, ST, OBC, women and the minority rights have to be protected and it is an unfortunate and sad reality that caste, class and gender-based prejudices and biases do exist in our judiciary and this problem must necessarily be addressed.

I heard our Hon. Law Minister say that one of the eminent personalities who is going to be a part of the National Judicial

Appointments Commission is going to be from the SC, ST or the OBC strata of society. However, I feel that if you just pick one Member, it has to be either an SC or an ST or an OBC or a woman or a minority. So, one Member is not sufficient. There should be a greater number of Members and the size may be expanded. We have such examples in the world. We have the Judicial Commission of England wherein the size of the Commission is bigger. So, it is important for India also because our society is very diverse and it is important that we have a Member from the ST, we have a Member from the SC, we also have a Member from the OBC, including a woman from these sections. So, it is very important that we create a Commission in totality. That is why I request our Hon. Minister to take care of these suggestions. It will be in the interest of the nation and in the interest of the exploited sections of society.

With these words, I would like to end.

*[Translation]*

**SHRI KAUSHALENDRA KUMAR (NALANDA):** Hon. Speaker Madam, thank you very much for giving me the opportunity to speak on the National Judicial Appointments Commission. It is welcome that the Government is hereby constituting a Commission for the appointment and transfer of the Chief Justice of India, other judges of the Supreme Court, Chief Justices of the High Court and other judges. There have been controversies over the appointments of several senior judges over the years, as a result of which the previous Government had initiated the

process for setting up the commission and the Modi Government is finally implementing it. Although, the process of appointment and transfer of judges was going on through the old Collegium system for decades, but due to some errors, opaqueness and secrecy in this process, the Collegium system has come under question. Therefore, through this commission, we hope that we will be able to get out of it.

My request to the Government is that at present there are a large number of vacancies for the posts of judges in the country, as a result of which the pressure of cases in the High Courts has increased considerably. Therefore, as soon as the process of the Commission starts, as there is a provision in it that after any vacancy, a judge will be appointed to that post within thirty days, this will speed up the justice process and the common citizens will get justice on time. The Commission will be completely successful on this. I believe that the representation of Scheduled Castes, Scheduled Tribes, Backward Classes, Minorities and women is still very less, the Commission will also pay attention to that. As in this bill, the Commission will have the authority to make provisions only for appointment and transfer. ... (*Interruptions*)

**16.57 hrs**

(Shri Hukmdeo Narayan Yadav *in the Chair*)

If the Commission had also the power to deal with complaints against judges, the Commission would have had an important role. After

the Government started this process in the last one or two days, the Hon. Chief Justice has expressed some apprehension that a planned campaign is being carried out to defame the judiciary. They still consider the Collegium system appropriate. Because, through that, the judiciary has got its autonomy. If there is any other arrangement, it may increase the interference of politicians and officers. I believe that it is the responsibility of the Government to assure the judiciary that the Government will never interfere in its jurisdiction and will provide it complete independence. Because the judiciary has always been the guardian of the Constitution. I end my speech with these words.

*[English]*

**SHRI C. N. JAYADEVAN (THRISSUR):** Sir, I support this Amendment Bill in the name of Communist party of India. My party's view on this subject is to establish a National Judicial Commission for appointment of Chief Justice of India and Judges of the Supreme Court of India and also Chief Justices and other judges of High Courts. This is a very important issue which is being discussed for more than two decades. It is necessary to discuss and finalize it as soon as possible. The method of appointing judges and their accountability was never satisfactory for the last few decades. Earlier, the executive had played more important role. A system of collegium was introduced for appointments, promotions and transfers of judges by the Supreme Court which led to the unilateral usurpation of the appointment of judges by the Supreme Court. The

position has not improved much except limiting the role of the executive to some extent. It is proved that it is not foolproof. In recent years, there have been more allegations about the ethical values of judges with allegations of corruption, misuse of power etc. There was a shocking allegation about the integrity of a former Chief Justice of India by a prominent advocate and former Law Minister Shanti Bhushan and his son Prashant Bhushan, who is also a prominent lawyer. The recent comment of former Justice of Supreme Court, Justice Markandey Katju on the pressure of executive regarding promotion of judges generated a big controversy though his allegation has come ten years later for no reason.

### **17.00 hrs**

This should be changed. The appointment of Judges should be done by the National Judicial Commission. It should be based on merits, integrity and social and gender justice. We propose the composition of the Commission in the following way. The Vice President of India must be the Chairperson of the Commission; second is the Chief Justice of the Supreme Court of India; third, two former Chief Justices of India should be there; fourth, two senior-most Judges of the Supreme Court of India; fifth, the Union Minister of Law and Justice should be there; sixth, one judicial Member should be appointed by the Leader of Opposition or the Leader of the biggest Opposition Party in Lok Sabha; seventh is, eminent jurists should be nominated by the President of India after consulting the Chief Justice of India. Except, the sitting Judges and the Law Minister,

others should be barred from taking up any other judicial or quasi-judicial post or political post after retirement from the National Judicial Commission.

*[Translation]*

**HON. CHAIRPERSON:** Now conclude.

*. . . (Interruptions)*

*[English]*

**SHRI C. N. JAYADEVAN:** I am concluding. A person shall not be qualified to be a Member of the Commission except the *ex-officio* Members unless he is 55 years of age. With this I conclude.

**SHRI N. K. PREMACHANDRAN (KOLLAM):** Sir, yesterday, around this time, I was on my legs to vehemently oppose the Railway (Amendment) Bill. Today, I am on my legs to fully support the views expressed by the Hon. Minister in piloting this Bill for the consideration of this House.

I also take this opportunity to congratulate the Hon. Minister the way in which the Bill is presented before the House. I do appreciate that he has maintained the balance between the Judiciary, the Legislature as well as the Executive. But, unfortunately, on hearing the arguments or the debate that took place in the House, I hope that it is giving a bad message to the people of our country and outside as though we are going to encroach on the functions and powers of the Judiciary. That is not the actual position.

I do fully endorse the views expressed by Shri Mehtab ji that we are trying our level best to keep the balance between Judiciary and the Legislature for which the Bill is being presented before the House.

The main question to be considered is the pre-1993 situation in our country. It is very strange to see that the interpretation of Articles 124(2) and 217(1) in relation to the term 'consultation' means concurrence. The Judiciary unilaterally took over the functions of other agencies. They were having excess powers that were being exercised during that time.

Separation of powers is one of the cardinal principles of the basic, salient features of the Indian Constitution. Executive is supreme, Legislature is supreme and Judiciary is also supreme in its own sphere. At the same time, they are all independent. What is the present position? Due to paucity of time, I am not able to explain or elaborate this point. I may kindly be allowed to speak for a few minutes.

The legislative functions, the executive functions as well as the judicial functions are distinctly defined in the Constitution. Unfortunately, if you go through the judicial functions, most of the time, they are encroaching on the functions of the Executive and the Legislature. Why? I would very humbly appeal to this House that self-introspection is also required in this respect. Why is it so? It is because the Legislature is not discharging its functions properly. The Executive is not functioning properly. When the Executive and the Legislature become ineffective and dysfunctional, definitely, a vacuum will be created and that vacuum was



filled by the Judiciary. That is what is meant by the judicial activism. I am not supporting the judicial activism. The main point that I would like to highlight is that the Parliament as well as the Executive should be strengthened. We should correct ourselves so that the judiciary can do nothing in taking away the rights of the Executive as well as the Legislature.

I have one suggestion to make to the Hon. Minister. This Constitution (Amendment) Bill is only having an enabling provision as far as the composition of the Commission is concerned. The procedure to be followed is as per the National Judicial Appointments Commission Bill. Under the Constitution (Amendment) Bill the entire authority is being vested upon the Commission. You go through the regulations. Under clause 12 of the Bill, powers are almost being vested with the Commission. So, that has to be looked into.

My next point is on how to improve the quality of the judiciary. In order to improve the quality of the judiciary, Indian Judicial Service should be brought in. The lower judiciary is not coming within the purview of this Bill. So, a comprehensive legislation is required in respect of judicial service through which Indian Judicial Service should be set up and judicial accountability should be ensured.

With these words, Sir, I conclude.

**SHRI ASADUDDIN OWAISI (HYDERABAD):** Hon. Chairperson Sir, I have strong objections to this Bill, which has been moved by the Hon. Minister. Let me enlighten the Treasury Benches because I have objections to it.

The Hon. Member who spoke just before me mentioned the concept of separation of powers. What we have seen is that after this Government assumed power, of the Hon. advocates who were sought to be promoted to the post of Supreme Court judge, one was not accepted by the Government because the IB had given an unfavourable report against that advocate. My objection to this Bill is related to this. How do you control IB? By passing this law, we are giving a blank cheque to the Executive, to the Government of the day, to have its own people in the judiciary in the name of IB reports. It has happened recently and it has hurt the separation of powers. An Hon. advocate of Supreme Court was not promoted. That has hurt the separation of powers very gravely.

How do you control the IB? IB is not accountable to this august House. Let me bring to the notice of the Hon. Minister certain provisions of the Constitution (121<sup>st</sup> Amendment) Bill. Section 124B subsection C says, ‘... ensure that the person recommended is of ability and integrity’. Let me quote to you, Sir, the National Judicial Appointments Commission Bill. Section 5, subsection 2 of the Bill says, ‘The Commission shall on the basis of ability, merit and any other criteria ...’ Where is integrity

mentioned here? The Constitutional amendment talks about integrity, but the NJAC Bill does not talk about integrity.

When we come to the NJAC Bill, I have strong objection to the word 'seniority' because you are making it very inflexible. In a lighter vein, this Government has forgotten this principle of seniority when it came to their own Prime Ministerial candidate. This is in lighter vein, do not take it seriously. ... (*Interruptions*) I am saying it in lighter vein. Do not take it to your heart. I know it hurts you.

Our country runs on the principle of federalism. By bringing this Bill, you are making the concept of federalism topsy-turvy. Why not the Chief Minister of the State? Are you not hurting the federalism of our country? And moreover, when the names are being given, why cannot these names be made public? Why cannot we invite applications? And, will RTI apply to this JAC? The judiciary conveniently has said that RTI does not apply to them. How would I know whether my name has been accepted or my name been rejected? That is why this Commission has to be a full-time Commission. Will the Hon. Minister has time to sit down and decide on all these issues? When will the Supreme Court judge sit? Where is the secretariat? That is why there is no transparency. ...

(*Interruptions*)

[*Translation*]

Sir, just give me half a minute, we are talking about something relevant. After this, we are concluding our point.

**HON. SPEAKER:** Okay, say.

*. . . (Interruptions)*

**SHRI ASADUDDIN OWAISI:** Announce shortlisted candidates. ... *(Interruptions)* Tell me who are those people, why are they being rejected? There is no transparency in it, it would be wrong. That is why, I request the Government to send it to the Standing Committee or Select Committee.

*[English]*

**ADV. JOICE GEORGE (IDUKKI):** Thank you, Chairperson.

I rise to support this, Bill. This is an attempt to ensure transparency and accountability in the entire judicial system. We all know how the Judiciary has grabbed power to make appointments in the judicial system. I do not want to elaborate on those things. I only want to make some suggestions here.

As per these amendments, we are having a system to appoint eminent persons for the purpose of selecting the judges. For that purpose, we have a mechanism provided in the amendments. Here, I have a suggestion. There are three persons – the President, the Chief Justice of India and the Opposition Leader. There should be a unanimous decision

between all these persons while selecting these persons. That clarity should be made in that section.

As per the Judicial Appointments Commission Bill, there is a provision to select the High Court Judges. There is a provision to consult with the eminent advocates of the High Court too. There should be some provision to select these eminent advocates of the High Courts also. For that purpose, the Bar Association should be taken into confidence. There should be some provision to consult the Bar Association for the purpose of selecting these eminent advocates of the High Court for the purpose of having consultation before making recommendations for the purpose of selecting High Court Judges.

This is an endeavour on our part to ensure accountability and transparency in the entire Judiciary. I hope so and I am very proud to say that I belong to the Bar Association of the High Court of Kerala which presented the great Jurist V. R. Krishna Iyer to the entire nation.

**SHRI R. RADHAKRISHNAN (PUDUCHERRY):** Hon. Chairperson, Sir, thank you for giving me this opportunity to speak on the Judicial Appointments Commission Bill. I may not be qualified enough to talk on the technical aspects and the minute details of the Bill but I would like to go into the general aspects whether this Bill is essential.

In a democratic set up, the responsibility of the people is ultimate and that responsibility is shown only when they elect the representatives.

So, ultimately, the elected representatives are the people who are responsible to the people. The other bodies of democracy, the Executive and the Judiciary are not directly responsible to the people of the country; nor can the people question the Judiciary or the Executive in any of their functioning. So, any power or control should be vested only with the people directly elected by the people, that is, the Parliament or the Legislature.

In this broader logic, I feel the changes brought in by the Law Minister and the Government are welcome. I would suggest that the Parliament should have a say in the appointment of Judges and in any body of regulation, whether it be any regulatory body, any commission, CBI or IB or anything. The ultimate control definitely should vest with the elected Members. No body can be autonomous of the Government. So, I fully support the Government's initiative and the Government in bringing forward this Bill. I extend my hearty congratulations to the Hon. Minister for bringing this Bill.

**SHRI S. P. MUDDAHANUME GOWDA (TUMKUR):** Thank you, Sir.

We are discussing a very sensitive matter. The Hon. Law Minister has brought this Bill which was brought by the earlier UPA Government. I am happy that apart from being a legal luminary, you have also consulted a lot of legal luminaries. You have read out some names. So, we are confident that it will withstand the test of the Judiciary.

Very recently, the Hon. Supreme Court has made its stand clear. They have expressed in open court, about how this Bill is being treated by them. The Bench headed by the Hon. CJI, while disposing of a PIL, has stated clearly – you are aware of that – that an attempt is being made to defame the Judiciary and to lower the image of the Judiciary in the country; he has also mentioned that an impression is created among the general public that – he has not mentioned who is doing that, but stated – an attempt is being made to defame the Judiciary and to lower the image.

You are aware that every piece of legislation that we make here will be subjected to judicial review and scrutiny. We have to withstand that. That is why, we must be extra careful while dealing with the Constitutional Amendment Bill.

I would like to bring to your notice one more thing. You have mentioned about the two eminent Members to be appointed who are going to pick up the judges. Who are going to be these two persons? As Dr. Sampath rightly pointed out, they should be eminent persons with judicial background. They are needed. Who could be a person who could be a better judge? A person who can deliver justice, a person with integrity and honesty, can only deliver better judgment. So, it is the responsibility of this Government to see that clarity is made while appointing these two Members.

Finally, to update my knowledge, I would like to pose one question before you. Suppose a judge has been found to be guilty of corruption and

is removed from service; prior to that, he has delivered hundreds of judgments. What is the fate of those judgments delivered by that corrupt judge? If a judge, who has been removed on ground of corruption, has delivered hundreds of judgments, what is the fate and value of the judgment? What is the propriety that we can attach to such judgments? That is the question.

Ultimately, the need of the hour is this. A common man of this country or a common litigant of this country wants that the case to be decided on merit and not otherwise.

That is why, keeping all these things in mind, I welcome this Constitution Amendment Bill, which was brought forward by us. Thank you.

*[Translation]*

**THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY; AND MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):** Respected Chairperson Sir, I heartily thank the entire House. Such a meaningful discussion has taken place. I have seen very little discussion of this level in my 14 years of parliamentary career. I thank the entire House wholeheartedly today. The reason for that is also, as I said in my opening comment, that today we are going to make history. I think the entire



country is watching this today. This is an important constitutional amendment. Given the level of the entire debate, Veerappa Moily ji started the debate, his speech was very scholarly. Leaders of other parties also spoke. Today, I heard Dharmendra ji speaking on such a serious topic for the first time, I wish him all the best. I had requested Ram Vilas Paswan ji that he should also speak, this was also his suggestion. Premachandran ji also made a very good point. I call Rajesh Ranjan ji Pappu Yadav, I heard his speech also, there was a lot of depth in it. I particularly congratulate Shri Kalyan Banerjee. Where is he? I do not see him. What a level he rose to? I also wish to congratulate him and all the other friends who spoke so-brilliantly. I knew that many other people wanted to speak on this topic, this was also a topic that they should have spoken on, Levin is short of time. You know that His Excellency the President is coming at six o'clock, we all have to go to that program. I will also give my answer in only ten minutes, I will say the rest in detail tomorrow, then you will get the opportunity to vote. I would also like to express my personal gratitude. Many Hon. Members have said good things about me, I don't know whether I am eligible for that or not. I am really grateful for the Hon. Members who have stated so many good words about me and about the way the whole thing was presented. I am extremely touched and my warm regards to all the Hon. Members who have spoken in my favour.

Mr. Speaker, I want to say some general things. One thing, I want to tell this Hon. House and through this House, I want to tell the country that our Government has no intention of interfering in the functioning of the Hon. judiciary. The Government has got no intentions whatsoever to intervene in the rights, jurisdiction, authority, Constitutional powers of the Supreme Court and High Courts of India. Their powers are well known. Their independence is well known. Their rights and duties are well known. Their respect, institutional integrity is also well known. This has to be clearly dispelled at the very outset.

The second thing I would like to say is that the consensus that has been reached in the House, just now someone took the name that I had taken the name of a jurist, absolutely I had taken it. Many people could not come to our meeting. Today, I would like to take the name of Subhash Kashyap ji in this House. He has been the General Secretary of the Lok Sabha and is a great constitutional expert of the country. He also gave his consent. He was a Member of the Venkata Chelliah Commission. There have been many people. Whether everyone has given their consent or not, this change should happen.

When I talk about the entire House, I wrote letters to many leaders, even to Sonia ji. I knew that she was a little unwell, that is why, there was no reply to the letter. Therefore, the sentiments of the party have been expressed today by Veerappa Moily himself. I also want to thank them.

**SHRI MALLIKARJUN KHARGE:** You are probably referring to the letter of July 17. You wrote that letter.

**SHRI RAVI SHANKAR PRASAD:** This is not an issue, I know.

**SHRI MALLIKARJUN KHARGE:** We held a meeting regarding it and decided that this bill is ours and we should fully support it.

**SHRI RAVI SHANKAR PRASAD:** That's what I'm saying.

**SHRI MALLIKARJUN KHARGE:** Therefore, you did not need to write a letter. We made it clear and our opening batsman Moily ji told the whole thing.

**SHRI RAVI SHANKAR PRASAD:** I am just respecting you. I also respected you and you took the party's stand on the direction of your leader, so I respect her too. I had written the letter out of respect. I would like to say very humbly that if I, as the Law Minister of the country, write a letter to the presidents of 26 parties of the country, then I will definitely write a letter to the president of the dominant party, the Congress Party. I have written with great humility and the stand you have taken today is a good thing. I want to respect that too.

Today, I am only making the opening remarks because by 5.30 p. m. we have to conclude today. Hon. President is coming and we must give due deference to Hon. President. When we talk of judiciary we often ask as to what is the power and authority of the judiciary. There is one important thing that I would like to share with this Hon. House. Someone

talked about the power of contempt. Is the power of judiciary flows only from the power of contempt? Is the power of judiciary flows only from its capacity to write judgement? Yes, their authority is important. Yes, contempt also may be needed. But let me share one thing in the House. What is the real authority of a judge?

*[Translation]*

**SHRI MULAYAM SINGH YADAV (AZAMGARH):** Since you are getting angry, you have started to speak in English.

**SHRI RAVI SHANKAR PRASAD:** There is nothing to be angry about, this cannot happen. I never get angry, you know me. Okay, Mulayam Singh ji, as per your instructions, I will give the rest of the speech in Hindi. I was speaking in a mixed language, because we have many friends from South India, so I was speaking English also. (English) I will speak in both the languages.

Hon. Chairperson, let me ask a question today. I would like this House to ponder on what I am saying. An Additional District Judge, who has given 20 years punishment to big mafia leaders or big criminals, has given capital punishment of hanging to many criminals, after his retirement when he moves with his wife in a market why and how you expect that mafia supporters will not attack him? Have you ever heard of it? No, we have not. In some rare cases, we have heard it. It is the moral authority of the judiciary and it is the driving force of the judiciary, which enhances

the respect of the judiciary. *[Translation]* This moral foundation is very important which increases the respect of the judiciary. When I stand here, Hon. Speaker, with great humility and full respect for the moral authority of the Judiciary, I say that if this Parliament talks about respecting its traditions and dignity, then the dignity and institutional moral authority of the judiciary of this country will also be respected. We also respect the rights and we want them to increase, this is what we want to say. There is never the slightest message of any conflict in it, which I had said in my initial comment. It is a matter of joy and satisfaction that there was consensus on this matter in every area of the House that there should be a change in it. Some people had different voices, so everyone has the right to express their views in Parliament and also has the right to protest. One or two people had said this but today I felt that we should make it clear on behalf of the Government.

One thing that also came up is that today, a majority Government has come, hence courage is being shown. Hon. Speaker, I want to say with all humility that the vote this country has cast this time is a vote of change. After thirty years, our party has got majority, one party has got majority. We are heartily happy to see the popularity of Hon. Prime Minister Narendra Modi ji and his acceptance among the people that the country has made this change. But one thing we want to tell the House very humbly is that while we are happy with this unprecedented historical victory, we are also aware of our responsibility and also feel humble, we

want to say this. We don't have the slightest thought that if today we have got such a huge majority, as Hon. Mehtab ji indicated that today, Ravi Shankar Prasad has brought this bill because perhaps, we are the majority party. It is our genuine commitment that we have taken action as per the dignity of the Constitution in the process of appointment of the judges of the Hon. Supreme Court and the judges of the Hon. High Court, in which the Parliament has the right to change, which is Efforts have been going on for the last 20 years. It should be seen in that form. We have also mentioned this in detail in our manifesto, you all know this and others have also mentioned this. As I said, this is not just BJP's manifesto, this is not just NDA's manifesto, there have been five attempts to change the Constitution and 6 reports have come which I have discussed in my opening remarks.

Today when we pass this historic bill, we are making history and there are three reasons for that. First, today the Lok Sabha has shown the country, how the country's politics speaks with one voice, when the opportunity arises. Secondly, the Parliament has also shown that when there is discussion about the Lok Sabha and the Parliament, of which Kalyan Babu gave some indication, when the opportunity arises, how high the level of debate and Parliament goes. Mr Speaker, the third indication is that this Parliament comes through politics, but when the subject of the country comes, this Parliament is determined to speak with one voice, rising above the discrimination of politics. Today, we have given a very

big message. It was necessary for me to make these initial remarks in this House because today's House has gathered in accordance with what we had hoped and our expectations. Now, I will come to some specific comments, I don't know how much time I have, since I have to go to the next program.

(English) I will only address one issue which Veerappa Moilyji has stated. I will just take five minutes. Shri Veerappa Moily ji stated as to how the two eminent persons will be selected. Shri Veerappa Moily, you are a person of great experience, you had been the Chief Minister and the Law Minister of India. What do you think? The Prime Minister of India, the Chief Justice of India and the Leader of the largest Opposition party cannot select the two best eminent persons! Trust their wisdom. Regulations are there, but trust their wisdom. I am sure, if a person is the Prime Minister of India, if a person is the Chief Justice of India, if the third person, the Leader of the Opposition – who knows it maybe you as well on behalf of your party – ultimately decides to sit and exchange note, then let us trust their collective wisdom. This collective wisdom would reflect upon the quality of appointment being made. It is one of my serious concerns that I would like to share with this House today that we, who are in public life, have started to distrust our abilities. Please reclaim our abilities. You, who are in politics, are quite capable of selecting the best.

**SHRI M. VEERAPPA MOILY:** I have not referred to personalities. You must go through my speech.

**SHRI RAVI SHANKAR PRASAD:** I have gone through your speech.

**SHRI M. VEERAPPA MOILY:** You have to go through my speech completely, not in isolation. I have said that persons are not important. The system is important. So, you will have to leave a system so that they can operate on that.

**SHRI RAVI SHANKAR PRASAD:** Hon. Shri Moily, I will reply later on tomorrow. I have heard you. I take long hand notes. My officers also give their own comments, but I take long hand notes.

I come to the second part. You mentioned about the norms for selecting the eminent judges. It is there under article 124 (c) itself – the Parliament may, by law, regulations etc – which I will read tomorrow in detail. That norm will come. This is my last submission to you and to the House today that let us trust the innate maturity, political ability and sagacity of the Hon. Prime Minister, the Chief Justice of India and the Leader of the Opposition to select the best that they will do. That is what I want to highlight. With all this, I will conclude for the day. The rest I will do tomorrow. I am extremely grateful for the opportunity.

*[Translation]*

**THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT; MINISTER OF STATE IN THE MINISTRY OF HOUSING AND URBAN POVERTY ALLEVIATION; AND MINISTER OF STATE IN THE MINISTRY OF**



**PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU):**

Now, we have to adjourn the House to attend the President's programme, so please adjourn the House today. We will discuss again tomorrow morning.

**HON. SPEAKER:** If the House is of the opinion, then the proceedings of the House should be ended at 5:30.

**MANY HON. MEMBERS:** Agree.

**HON. SPEAKER:** The House stands adjourned to meet again at 11.00 a.m. tomorrow.

**17.33 hrs**

*The Lok Sabha then adjourned till Eleven of the clock on Wednesday,  
August 13, 2014/ Shravana 22, 1936 (Saka).*

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