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Friday, March 11, 2016

Phalguna 21, 1937 (Saka)

## **LOK SABHA DEBATES**

**(English Version)**

**Seventh Session**

**(Sixteenth Lok Sabha)**



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**LOK SABHA SECRETARIAT**

**NEW DELHI**

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## LOK SABHA DEBATES

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LOK SABHA

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Friday, March 11, 2016/Phalguna 21, 1937 (Saka)

The Lok Sabha met at Eleven of the Clock

[HON.SPEAKER *in the Chair*]

[English]

**HON. SPEAKER:** Q.No. 201. Shri Gajanan Kirtikar – Not present.

Dr. Sunil Baliram Gaikwad.

... (*Interruptions*)

**HON. SPEAKER:** Nothing can be raised now, not in Question Hour.

No, I am sorry. Everyday, this is not fine.

...(Interruptions)

**HON. SPEAKER:** You may raise it after Question Hour.

Dr. Sunil Baliram Gaikwad.

Shri P.R. Sundaram.

...(Interruptions)

**HON. SPEAKER:** Not now; after Question everything may be raised.

All of you may please sit down.

... (*Interruptions*)

**HON. SPEAKER:** Everyday it is happening. Yesterday also, you did that. I am sorry. No, whatever it is.

Shri P.R. Sundaram, do you want to ask a question or not?

... (*Interruptions*)

**11.01 hours****\*ORAL ANSWERS TO QUESTIONS****HON. SPEAKER:** Q. No. 201, Dr. Sunil Baliram Gaikwad.**(Q. 201)**

[Translation]

**DR. SUNIL BALIRAM GAIKWAD:** Hon. Speaker, Madam, the number of patients suffering from myopia is steadily increasing across the world. India is also among those countries where the number of people affected by near-sightedness is considerably high.

Madam, to control this disorder, comprehensive eye care is required, and it is necessary to ensure that every individual in the country undergoes eye examinations at regular intervals by an ophthalmologist. However, in our country, the per capita availability of ophthalmologists is far lower than that in developed nations. Even today, a very large section of the population resides in remote rural areas, where there is an acute lack of basic health services.

Hon. Speaker, Madam, through you, I would like to ask the Hon. Minister whether the Government has prepared any concrete action plan to increase the number of seats in ophthalmology and for eye specialists in medical colleges and regional ophthalmic institutes across the country, so that there is no shortage of ophthalmologists. If so, what are the details thereof? ...(*Interruptions*)

[English]

**HON. SPEAKER:** This is not proper. He may raise it in 'Zero Hour'.

[Translation]

**SHRI JAGAT PRAKASH NADDA:** Madam Speaker, a study published in the Journal of the American Academy of Ophthalmology by Holden et al. in the year 2016 has presented a projected assessment regarding the prevalence of myopia. According to this projection, 475.8 crore people, which is about 29.8 percent of the world population will be affected by myopia. Similarly, for high myopia, he has said that 9.8 percent of the world population in 2050 will be suffering from myopia. Such projections have been made on the basis of extrapolated data. This study has drawn upon published data from about 145 studies covering nearly 2.1 million people, and an extrapolation of this aggregated data has been used to arrive at these

estimates. The study includes countries such as Singapore, Taiwan, Korea and China, where the prevalence of myopia is particularly high. It may be stated that in these countries there is decreased outdoor activity and increased indoor activity. Factors such as viewing computer screens from close quarters, prolonged use of laptops, extended engagement with video games, and similar practices contribute significantly. Likewise, indoor activities involving prolonged confinement in limited spaces and reduced exposure to sunlight also have an impact. All these factors collectively influence the increasing incidence of myopia.

The studies referred to include countries such as China, Taiwan, Korea and Singapore. As far as India is concerned, the studies conducted in our country have primarily been carried out in Delhi. These studies indicate that over a period of 15 years, there has been an increase of 5.7%, with prevalence rising from 7% to 13%. Such an increase has been observed mainly in urban areas. It is our assessment that the prevalence in rural areas would be comparatively lower. However, under the National Programme for Control of Blindness (NPCB), surveys and screening of this nature are conducted in our country. During the last three years, 8.72 crore children have been

screened under this programme. Out of these 8.72 crore children, 31 lakh children, that is 3.9 percent, were found to have refractive errors. This does not mean that all of them were suffering from myopia; rather, this figure represents the overall incidence of refractive errors identified through screening.

In order to address this issue, we are undertaking early screening initiatives. Alongside screening, we are providing training to school teachers to enable the early identification of refractive errors, and we are also conducting training programmes for eye surgeons. In response to the Hon. Member's question as to whether training is being imparted, I would like to state that additional and specialised training is indeed being provided. To enhance the skill levels of ophthalmologists, we are offering training in various eye specialities, including paediatric ophthalmology to enhance the skill level.

In a similar manner, efforts are also being made to setting up of the Paediatric Ophthalmology Units. We are endeavouring to establish these units in medical colleges and Regional Institutes of Ophthalmology. So, it is a continuous process. To further develop the skills of eye surgeons and to strengthen the detection of ophthalmic disorders, we are working towards establishing as many well-

equipped detection units as possible in medical colleges across the country.

I would like to emphasise one important point in this regard that there are two factors. One is the genetic factor, which is related to hereditary issues and another is the lifestyle factor. Greater emphasis needs to be placed on addressing the lifestyle factor. Through Information, Education and Communication (IEC) activities, we need to intensify awareness programmes in schools. Our effort is to sensitise students through teachers within the school education system about the adverse impact of prolonged close-contact viewing, such as extended screen exposure. These factors have a direct effect on eye health. It is treatable and we have to see to it that we develop the facilities, which we are developing.

**HON. SPEAKER:** Is there a second supplementary question?

**DR. SUNIL BALIRAM GAIKWAD:** No.

**HON. SPEAKER:** I believe that after such a detailed reply, there should be no further question on this matter.

[English]

**SHRI P.R. SUNDARAM:** Hon.Speaker, Madam, some school-based studies have shown that Myopia is always higher in children aged between 10-15 years, particularly, after they hit puberty. While we observed a higher rate of Myopia in this group, a significant number of children aged less than 10 years also had vision problems.

So, I would like the Hon. Minister to inform us about this. What kind of steps has been taken by the Government to identify this defect among school-going children and to provide timely medication for the school children? Thank you, Madam.

**SHRI JAGAT PRAKASH NADDA :** As the Hon. Member has said, he is very correct that this is found more in children, and as time passes, according to our lifestyle it occurs. For example, during our time, we were doing some outdoor activities like going for sports and other things, but these days outdoor activity has decreased and indoor activities have increased as children are involved in computers, laptops, video games and all those activities that are carried out in small rooms and they are doing such activities for long hours. This is the reason for it.

As far as our Health Department is concerned, the National Programme for Control of Blindness (NPCB) does screening in

schools. In the past three years 8.72 crore children were screened and we found that 31 lakh, that is, 3.9 per cent of children are suffering from refractive errors, which includes Myopia also. So, that screening process is going on, but what we have to understand is that one reason for it is the hereditary reason and another is the lifestyle reason.

In case of 'hereditary', we cannot do much; we can only treat it, but as far as the lifestyle is concerned, it is we who have to be educated and see to it that our children go for outdoor activities, stay in sunlight or in good light situations for longer periods. We are also trying to see to it that in schools, the classrooms should be well lit so that the effect of such refractive error does not take place.

**SHRI DUSHYANT SINGH :** Madam Speaker, the Hon.Minister has given a very elaborate answer and I want to compliment for the same. The Minister mentioned about a study conducted by the All India Institute of Medical Sciences (AIIMS). According to that study, the prevalence of myopia in school going children has been found to increase to about 13.1 per cent, which is significantly higher when compared with the findings or the study conducted in 2001.

Since nation-wide data of prevalence rate of myopia amongst school children in the country is not available, my specific question to

the Minister is whether the Government is planning to conduct a study to find out the prevalence rate of myopia amongst children at the national level so that concrete steps can be taken to control the prevalence rate. Once we get the relevant data, we can control it. Quoting from an American Journal, the Hon.Minister in his statement has mentioned that 49.8 per cent of the world population will have myopia. What is the Government doing or is the Government doing any national level surveys, and what is the Government planning to do in future?

**SHRI JAGAT PRAKASH NADDA:** Madam Speaker, the national level health survey is a continuous process. It keeps going on. We publish those surveys from time to time. Here also, there is the data that in the past three years, 8.32 crore children were screened and 3.9 per cent of them have been found to have refractive errors.

**(Q. 202)**

[Translation]

**SHRI PANKAJ CHAUDHARY:** Madam, I thank you for giving me the time to speak. Today, there is growing global attention towards Ayurveda, Yoga, Naturopathy and Unani medicine. The Hon. Prime Minister has also emphasised the need to promote India's traditional systems of medicine and to learn from the policies and regulatory frameworks adopted by other countries, such as China, in encouraging and strengthening their own traditional medical practices.

Through you, I would like to ask the Hon. Minister whether the Union Government is considering establishing district-wise hospitals approved under the National AYUSH Mission, as well as new AYUSH educational institutions. If such a proposal is under consideration, then eastern Uttar Pradesh, which is a very backward region, has a large number of patients and a serious shortage of hospitals. Is there any plan to approve such institutions in the districts of Maharajganj, Siddharthnagar, Gorakhpur and Kushinagar?

**SHRI SHRIPAD YESSO NAIK:** Madam, the Hon. Member has asked whether an AYUSH hospital of this nature can be established in the district. I would like to inform the Hon. Member that under the

AYUSH Mission, we have made a provision to provide one 50-bedded integrated AYUSH hospital in every district. For its construction, we provide Rs. 9 crore, and Rs. 1 crore 50 lakh is provided towards its recurring expenditure. Under this scheme, the State has a 40 Percent share, while we provide a 60 Percent share. However, this proposal must be routed through the State Government, only then can we take action on it. I would like to request the Hon. Member to kindly send such a proposal to us.

**SHRI PANKAJ CHAUDHARY:** Madam, in view of the increasing use of herbs in medical science, is there any proposal to provide district-wise incentives to promote the cultivation and production of medicinal herbs?

**SHRI SHRIPAD YESSO NAIK:** Madam Speaker, among the four components of AYUSH, one component relates to medicinal plant plantation. We encourage the State Governments as well as several NGOs to implement this scheme. In all States, except the North-East, as the North-Eastern States are provided a 100 percent grant, financial assistance is extended under this scheme. Regardless of the scale of plantation, whether it is 10 acres or 100 acres, financial support is provided. For the State Governments, the funding pattern is 75:25.

Similarly, the medicinal plants and raw material required for medicines can be obtained only after such plantations are undertaken.

**DR. BANSHILAL MAHTO:** Madam Speaker, the reply given by the Hon. Minister just now is not satisfactory. First of all, I would like to thank the Hon. Prime Minister and the Union Government for having established the Ministry of AYUSH. I myself am a student of this very system of medicine. The system of medicine initiated by Bharat Ratna Pandit Madan Mohan Malaviya ji at Banaras Hindu University was based on an integrated system of medicine, which was in practice at that time. However, this system was discontinued in the year 1983. Today, only pure Ayurveda is being practised. AYUSH encompasses many systems of medicine. Just as International Yoga Day on 21 June has been celebrated not only across India but throughout the world, Ayurveda too is being promoted and propagated in a similar manner. ...(*Interruptions*)

**HON. SPEAKER:** Please confine yourself to your question.

...(*Interruptions*)

**DR. BANSHILAL MAHTO:** Madam, please give me one minute.  
...(*Interruptions*)

**HON. SPEAKER:** Please do not make a speech. Seek information.

*...(Interruptions)*

**DR. BANSHILAL MAHTO:** The allocation for AYUSH is only Rs. 1,326 crore, whereas the Department of Health and Family Welfare has an allocation of Rs. 40,000 crore. How can the Government promote Indian systems of medicine under such circumstances? I would never wish to reduce the allocation for allopathy, but I would like to request the Hon. Minister of Finance that the allocation for Ayurveda should be at least Rs. 5,000 crore.

**HON. SPEAKER:** Do you have any question? There is no debate on Ayurveda taking place.

*...(Interruptions)*

**DR. BANSHILAL MAHTO:** My question is whether the plantation of medicinal herbs is being undertaken separately by the Forest Department or separately under Ayurveda.

How many hospitals are there where upgradation is being carried out under this system? It has been stated that three hospitals have been sanctioned in Chhattisgarh. *...(Interruptions)*

**HON. SPEAKER:** Please confine yourself to a single question.

**SHRI SHRIPAD YESSO NAIK:** Madam Speaker, the Hon. Member has raised a question and has also made a suggestion in this regard. I agree with your view that AYUSH should receive enhanced funding so that it can be expanded more effectively across all States. Under this arrangement, we provide the Central share to the States. As per the annual plan formulated by the States, they are required to contribute 40 percent, while 60 percent is contributed by the Union Government. All projects received from the States are sanctioned in full. As the Hon. Member has mentioned, only three projects were received from Chhattisgarh, and those three projects have been sanctioned. How can we sanction a fourth project when no such proposal has been received?

[English]

**DR. A. SAMPATH :** Madam Speaker, I will be very brief in my question. I am thankful to you for giving me an opportunity. In the reply given by the Minister, he has stated in the statement that AYUSH envisages promoting good health and expanding the outreach of health care to our people particularly those not provided health cover through preventive, promotive, mitigating and curative intervention through Indian Systems of Medicine and Homeopathy.

In my constituency, an Ayurvedic hospital and dispensary was functioning in an Ashram called Vinoba Niketan. That was established by Mata Parivrajaka who is now 93 years old. Acharya Vinobaji had come to Kerala and that Ashram was established during the time of the first Government of Kerala when Comrade EMS Namboodari Pad was the Chief Minister of Kerala. Acharya Vinoba Bhave and Comrade EMS Namboodari Pad together participated in the inauguration ceremony of the Vinoba Niketan in my constituency in Tholicode Gram Panchayat in Aruvikkara Assembly segment. What has happened is that during the last so many years, not even a single rupee was paid neither as electricity charges nor water charges or even as grant to the Ashram. Now the future of the Ashram is in peril. The Vinoba Niketan is conducting a school exclusively for the tribal students. Students from all the 14 Districts of Kerala study there. They have the boarding facilities there, they study there, and they live there up to 12<sup>th</sup> Standard. Even from the Local Area Development Fund of the concerned MLA and even from the Gram Panchayat we are trying our best to sustain the activities of the Ashram. But it has to be brought to the notice of the Government through you, Madam, that if the Government does not look into this matter very urgently, this Ashram

will close down just because of this AYUSH hospital and dispensary. So, my humble question to the Hon.Minister is whether the Government will be looking into this matter in order to give all those arrear amounts which have to be paid to this type of charitable institutions.

[Translation]

**SHRI SHRIPAD YESSO NAIK:** Madam Speaker, the Hon. Member has referred to Vinoba Niketan, where AYUSH systems of medicine are being practised. As I have just stated, funds are released by the Union Government strictly on the basis of proposals received from the State Governments. ...(*Interruptions*)

**HON. SPEAKER:** It does not fall under the jurisdiction of the Union Government.

...(*Interruptions*)

**SHRI SHRIPAD YESSO NAIK:** If the concerned State Government has not forwarded a proposal, how can we provide funds? I would respectfully request that whether it is a district hospital or a State Government hospital, we do have funds available for their revitalisation. However, for this purpose, a proposal must be

submitted by the State Government. Based on such proposals, we will allocate the requisite funds. ...(*Interruptions*)

**HON. SPEAKER:** Please ensure that a proposal is prepared.

...(*Interruptions*)

[English]

**DR. A. SAMPATH :** I will come with the details, Sir.

**SHRI SHRIPAD YESSO NAIK:** Definitely I will look into this.

**SHRI B. VINOD KUMAR:** Madam Speaker, the National Policy on Indian Systems of Medicine and Homeopathy 2002 and the National AYUSH Mission launched by this Government, these two programmes only made provision for upgradation and renovation of AYUSH hospitals, medical institutes and dispensaries. I would like to know from the Hon.Minister whether there is any plan to start new medical colleges in ayurveda and homeopathy like the All India Institute of Medical Sciences.

[Translation]

**SHRI SHRIPAD YESSO NAIK:** Madam Speaker, if there are any dispensaries, hospitals or large institutions such as AIIMS in a State, we make efforts to provide AYUSH funds to the States. For hospitals

like AIIMS, the required amount is substantial. I would like to inform the House that our first AYUSH AIIMS is coming up in Delhi. In my view, it will be inaugurated within the next three to four months. Our vision is to establish such institutions in every State. If the Government allocates more funds, this proposal will certainly be considered.

**(Q. 203)**

**SHRI HARI MANJHI:** Madam Speaker, I would like to thank the Hon. Minister for the reply to the question. I wish to know what is the total Budget of the country. I would also like to ask what percentage of the total Budget was allocated to defence in each of the last three years.

[English]

**SHRI MANOHAR PARRIKAR:** Madam Speaker, from the data available, the percentage of defence expenditure to the total Government expenditure is: 2013-14 – 13.05 per cent; 2014-15 – 13.15 per cent; 2015-16 – 12.58 per cent and 2016-17 – 12.59 per cent.

[Translation]

**SHRI HARI MANJHI:** Madam Speaker, my second question is whether the Government has invited Indian private companies to participate in the procurement of defence production. If so, what are the details thereof?

[English]

**SHRI MANOHAR PARRIKAR:** Government's policy is to ensure Make in India and that more and more percentage of equipments are manufactured in India by units set up in India. Accordingly, AoNs which have been granted during the last two years, which are totally 66 in number envisage about Rs.1.98 lakh crore estimated, have almost more than 80 per cent either Buy (Indian) or Buy & Make (Indian).

**SHRI FEROZE VARUN GANDHI :** Hon. Speaker Madam, even though there has been a total hike in the Defence Budget of 2.3 per cent this time, when we look at the strengthening of the dollar viz-a-viz the rupee which has gone from Rs. 61 to Rs. 68 per dollar, there has actually been a weakening of about 10 per cent of total Budget in dollar terms. My question for the Hon. Minister is, since all global defence transactions happen in dollars, with such limited funding how is the Ministry planning to implement the long-term integrated perspective plan which is primarily the modernization of the Indian Defence Services and is spent under the Capital Head of the Budget?

**SHRI MANOHAR PARRIKAR:** If you see the part B of the reply, it indicates very clearly that the foreign vendors' contracts have been declining from 52.47 per cent in the year 2013-14 to 38.11 per cent in

the year 2014-15. We intend to bring this down in next two years to 30 per cent. So, obviously the dependence on dollar or imported material will be reducing. The impact of it is only about 4 per cent. Because of fluctuation in dollar, the real impact on the acquisition will be around 4 per cent. But I would like to inform the Hon. Member that even this is calibrated because when a defence order is placed, it is not for a particular year. The defence supply requirements stretch over five or six years in the case of major platform. In the Indian context, the price increase which is permitted is between 4.5 to 5.5 per cent depending on various cost indices. In case of import, this is as low as one per cent and now sometimes it is becoming negative in certain cases. So, the import component in terms of dollar remains almost fixed because there is no price increase, though there is an impact of increase or reduction in the value of rupee. So, overall it becomes almost the same.

Secondly, we have used an innovative idea. For the last many years, money was being paid under foreign military sales for 32 contracts with the U.S. Government and the money was being paid for each contract as per the calibrated amount and even if there was a slippage, money was getting accumulated with the U.S. treasury. We

have now worked out a new arrangement with them by which the overall fund position in the foreign military sales is taken into consideration. As of now, there is already saving of Rs 4,000 to Rs. 5,000 crore in the actual Budget. The money belongs to the Government of India but it is lying in the U.S. Government's treasury and over the next two years, and I hope the Minister of Finance doesn't hear this, we are not going to pay a single rupee in terms of dollar to the U.S. Government because still the balance is USD 1.7 billion.

**SHRI ARVIND SAWANT:** Hon. Speaker Madam, when we talk about Make In India, whether it is manufacturing of vessels, destroyers or submarines, we are allowing the private entrepreneurs to enter into this business and the private entrepreneurs are taking the business of our defence companies. For example, Mazagon Dock Shipbuilders Limited is manufacturing a vessel or submarine and the private companies want to do the same business. That is creating a conflict and our own companies are going into losses. I will give an example of Mazagon Dock Shipbuilders Limited which has recently manufactured the destroyers and submarines also. We have given

orders of five submarines to them. The primary work of all the submarines is over and now they don't have any work with them.

Now the private companies want to do the same work. What the Ministry is going to do in this case and to strengthen our own public sectors like Kochi Shipyard or Mazgaon Shipyard by giving them more business. They are manufacturing world class destroyers and everyone knows it. What the Ministry is going to do in this regard?

**SHRI MANOHAR PARRIKAR:** There are different replies to his questions. Firstly, it is not five submarines, it is six submarines. The Hon. Member might have counted the five submarines which are in the dock but the one is already in the sea for sea trials.

He has also asked about shipyards. As far as over all scenario is concerned, the Defence shipyards carry orders of around Rs.1.5 lakh crore to be supplied in the next 10-12 years. I will give him the details. Rupees six thousand crore is the annual output by the Defence shipyards, that too after a lot of efforts from my side. Now we expect to touch Rs.10,000 crore. So, they have enough orders. In the particular area of submarines what the Hon. Member is trying to point out is the initial yard where the submarine is being laid. Now that is already vacant. We are trying to increase the number of submarines

that they are making. But P-75I Indian which is reserved for Indian shipyard is a different technology submarine. It cannot be the same submarine as being manufactured by Mazgaon Dockyard which builds Scorpene whereas P-75I will have independent air propulsion.

[Translation]

**SHRI RATTAN LAL KATARIA:** Madam Speaker, through you, I would like to ask the Hon. Minister whether he is aware that my Lok Sabha Parliamentary Constituency, Ambala, is of great strategic importance to the country. Whether it was the war of 1962 or the wars with Pakistan in 1965 and 1971, Ambala Cantonment was specifically targeted. From this perspective, both Pakistan and China keep a constant watch on the Ambala Cantonment area. There is also a DRDO centre located in Panchkula within the Ambala region. I would like to know whether the Hon. Minister proposes to take any steps under the Make in India initiative to strengthen the country's military capability and to establish any manufacturing units for the immediate support of our armed forces, particularly since ammunition production existed there earlier. Further, I request that a portion of the defence budget, from a manufacturing perspective, be spent in my Lok Sabha

Parliamentary Constituency so that any assistance required by the armed forces can be made available promptly at the local level.

**SHRI MANOHAR PARRIKAR:** As the Hon. Member has rightly pointed out, our neighbouring countries keep a close watch on the Ambala region. I would like to assure the House that we are equally vigilant, and Ambala will receive all the support it requires. Recently, an investment forum was held in Haryana, where this issue was discussed and consultations were held. We can certainly advise defence manufacturing companies to establish their units in Haryana. However, for this to materialise, we have requested the Haryana Government to ensure that there is a clear policy framework and identified land for such projects. The DRDO unit located in Chandigarh is primarily a scientific research unit, but we will certainly examine the matter further.

**(Q. 204)**

**SHRI VINAYAK BHAURAO RAUT:** Madam Speaker, my question relates to the directions issued by the Hon. Supreme Court to the Government in the year 2013 regarding clinical trials. Today, dangerous diseases such as dengue and swine flu are spreading rapidly across the country and the world. Due to the lack of timely availability, proper location and affordable pricing, many people lose their lives. Unfortunately, an effective and adequately available vaccine for dengue is still not accessible in a proper manner. It is extremely important that vaccine research is undertaken and such vaccines are brought to the market at the earliest.

Through you, I would like to ask the Government whether it is planning any new clinical trials for diseases such as dengue and swine flu, so that effective monitoring can be carried out across the country and legal restrictions can be imposed on illegally marketed medicines.

**SHRI JAGAT PRAKASH NADDA:** Hon. Speaker, Madam, in the year 2012, a case was filed in the Hon. Supreme Court by the Swasthya Adhikar Manch, Indore. Pursuant to this, in January 2013, the Hon. Supreme Court directed that clinical trials be monitored and that such monitoring be carried out personally by the Health and

Welfare Secretary. Thereafter, three types of committees were constituted. An Apex Committee was formed under the leadership of the Health Secretary. A Technical Committee was constituted under the leadership of the Director General of Health Services. In addition, Subject Expert Committees were established. Under this mechanism, 25 Subject Expert Committees were formed, comprising approximately 350 subject experts. A robust panel of experts was thus created to ensure efficient functioning. Stakeholders such as sponsors and companies were brought within this framework to ensure that patients receive appropriate compensation and that medical treatment and medical management are properly overseen.

Doctors used to conduct a lot of trials and there was no regulation on it. Regulation was taken up. The Ethics Committee has been made subject to mandatory registration, and it will function as a regulator. Along with registration, the Ethics Committee has also been vested with the authority to conduct inspections at locations where clinical trials are being carried out, and this provision has been incorporated accordingly. The Regulator will decide the compensation which has to be given. I am pleased to state that India is the first country to have developed a compensation formula. It is the first nation in the world

which has got the formula for giving compensation on the trials. Now several countries are following this formula. That is what we are trying to do. Earlier, informed consent was not taken from patients from the perspective of patient welfare. Now, audio and video consent has been made essential for both doctors and patients. In cases such as HIV and leprosy, only audio consent is recorded, as patients do not wish to appear on video.

Hon. Speaker, it is essential that there are public sites in addition to private sites, and this is being duly regulated. Facilities of Government institutions should be utilised so that effective monitoring can be carried out. Private companies are not permitted to conduct clinical trials solely at their own sites. All these aspects are overseen by the Ethics Committee and the regulatory authority. Through these measures, we have made sincere efforts to strengthen the system. As the Hon. Member has raised questions regarding dengue and swine flu, I would like to state that before introducing any medicine, three key factors are considered. These are Assessment of Risk, Benefit to the patients, Innovation and on-going patients, that is, whether existing treatment is adequate or whether innovation would provide additional benefit. The third factor is the unmet medical need

of the country. Only after examining these three aspects are clinical trials approved. The Expert Committees examine reports of deaths, and if any death occurs during a clinical trial, it is mandatorily reported and reviewed. Overall, we have adopted two fundamental principles in clinical trials: first, to ensure efficiency by completing processes through regular and frequent meetings; and second, to ensure that there is no compromise whatsoever on patient safety.

We have maintained a careful balance between these two considerations, and I am pleased to inform the House that after putting this regulatory framework in place, the compensation figures clearly reflect its impact. In 2009 and 2010, compensation was Rs. 38 lakhs and Rs. 43 lakhs respectively. In 2011, it was Rs. 30 lakhs. In 2012, it was Rs. 59 lakhs. In 2013, after this came into force, the compensation was Rs. 3.80 crore. In 2014, the compensation was Rs. 2.50 crore. The point I wish to emphasise is that earlier, the compensation payable to patients was not being properly regulated. After the introduction of this regulatory mechanism, a structured system has been developed to ensure patient safety, a clear compensation formula, and adequate financial support for safeguarding patients and providing appropriate medical treatment.

As far as dengue and swine flu are concerned, with regard to swine flu, the vaccination that is administered becomes effective after three weeks. In this context, we have clearly stated that vaccination is primarily meant for medical professionals. Health workers who are involved in medical treatment during the swine flu season must necessarily be vaccinated. For others, vaccination does not provide immediate benefit, because if a person has already been exposed to the infection and is vaccinated on the same day, it does not make difference because it is going to affect after three weeks. Similarly ...(*Interruptions*)

[English]

**HON. SPEAKER:** Please be a little brief. I know that it is very important as medical trials started from Indore. I know it. But kindly be brief.

[Translation]

**SHRI JAGAT PRAKASH NADDA:** Madam Speaker, with regard to dengue, I would like to state that we have provided facilities for all necessary tests. We are working through these mechanisms, and whatever further measures are required will be undertaken.

**SHRI VINAYAK BHAURAO RAUT:** Hon. Speaker, the Hon. Minister has given a very detailed reply, for which I thank him. However, I would like to bring to his notice that three to four years ago, when swine flu cases emerged in Mumbai, blood samples had to be sent as far as the Andaman Islands for testing, and reports were not forthcoming in time. Due to the efforts of Shri Uddhav Thackeray, a laboratory has now been established in Mumbai. However, no new medicine can be introduced in the market without proper clinical trials, and in several places, clinical trials are conducted illegally. I would like to know that while the Hon. Minister has explained the compensation mechanism very clearly, whether the funds currently being provided for clinical trials and research are adequate, or whether there is any proposal to enhance them. Additionally, I would like to ask whether the Government is considering formulating a new all-India policy on clinical trials, or whether the existing policy is considered sufficient.

**SHRI JAGAT PRAKASH NADDA:** If you provide details of the specific case you have mentioned, I will have it examined and ensure that any instance of unauthorised clinical trials is investigated. As far as the clinical trial policy is concerned, it is already a declared policy.

Under this policy, we extend opportunities to companies based on clearly defined criteria. As I have already explained, there are three parameters on the basis of which clinical trials are approved, and we are implementing the policy strictly in accordance with those provisions.

[English]

**SHRI NAGENDRA KUMAR PRADHAN:** My particular supplementary is about new diseases like Ebola. [Translation] with regard to this matter, I would like to know whether the Expert Committee has taken any steps so far or not.

**SHRI JAGAT PRAKASH NADDA:** As far as Ebola is concerned, the foremost step we have taken is to carry out thorough screening to ensure that this virus does not enter our country. For this purpose, we have placed several systems on high alert and have put in place comprehensive screening and related facilities. We have included the data of the passenger coming, his record and history. All these measures have been integrated to ensure effective monitoring and prevention. [English] As far as the policy is concerned, we have decided that if any patient is detected, we will stop him at the airport itself. We will quarantine him there; we will keep him there and we

will see to it that so long as he is not an ebola free person, he will not be allowed to come in. This happened last year; we kept the patient in the airport, I do not remember the details, but for more than three to four months, we kept him in the Indira Gandhi Airport and we saw to it that he was allowed to go only when all his reports got cleared.

**DR. SHASHI THAROOR:** Madam Speaker, thank you. I have been admiring the Minister's very comprehensive answers. But I am a little curious that he has neither mentioned, nor does his statement mentions, the Ranjit Roy Chaudhury Committee which was set up by the previous Government in 2013 to formulate policies and guidelines for the approval of new drugs and clinical trials. In fact, there have been very specific suggestions, like establishing a Central Accreditation Council, which have not been mentioned here.

A question arises here about the Quality Council of India which is really not a specialised clinical body that is doing the work. The clinical trials should only be conducted by accredited centres and that the principal investigator of the trials should be an accredited person. All these things have been recommended. I am a little curious as to whether the Minister is aware of this Committee and its Report because it has not been mentioned. If so, has he studied the

recommendations? They seem eminently common sense that they are not political and nothing to do with which Government has recommended them. Why is it not possible for that simple solution to be offered instead of the detailed non-solutions we have been hearing today? Thank you.

**SHRI JAGAT PRAKASH NADDA:** Ranjit Roy Chaudhury Committee's recommendations are being implemented. All these suggestions are being implemented and the improvements done is on the recommendations of the Ranjit Roy Chaudhury Committee.

**(Q. 205)**

**DR. MANOJ RAJORIA:** Hon. Speaker, it has been observed for quite some time that certain chit fund companies, through fraud, inducement, misleading advertisements and various forms of temptation, misappropriate the hard-earned money of the people. I had sought a reply from the Hon. Minister regarding the State-wise data for the last three years. The data provided by the Hon. Minister lists 164 companies within just three years. If we examine this more closely, the number could run into thousands.

My next question to the Hon. Minister was regarding the legal action taken against such fraudulent companies. To the best of my knowledge, these chit fund companies are registered under the Companies Act, 2013, and are licensed under the Insurance Regulatory and Development Authority. The reply I have received states that these companies have been investigated, that only investigative authority rests with the concerned agencies, that all reports have been submitted, and that in some cases the matter is under progress. Through you, I would like to ask the Hon. Minister in this House that those individuals who view the hard-earned money of the public with corrupt intent understand the loopholes in the Companies

Act even better than we do. They know precisely where the lacunae lie and how to commit fraud while evading the law. As a result, after committing one fraud, they go on to commit a second and a third, and their confidence continues to grow. I would like to know from the Hon. Minister how many promoters and directors of such companies have had FIRs registered against them, how many individuals' names, addresses and photographs have been made public, and how many persons have been sent to jail after the attachment and seizure of their personal properties as well as the assets of their companies.

**SHRI ARUN JAITLEY:** Hon. Speaker, the issue raised by the Hon. Member is a serious one, because there are two categories of companies involved. The question pertained to vanishing companies, which collect money from the public and then disappear. However, it is a fact that a very large number among these are chit fund or Ponzi companies that collect funds and subsequently vanish. There exists a specific list of such vanishing companies, and action is taken against them accordingly. There are established guidelines that define which company is to be treated as a vanishing company. As far as companies running Ponzi schemes are concerned, there has been a major debate regarding jurisdictional authority in such cases.

As far as the Companies Act is concerned, the provisions contained therein permit only such investigation as is limited to the scope of the Companies Act. Certain State Governments have enacted laws to regulate chit fund companies and to take action against them. In addition, schemes known as Collective Investment Schemes fall within the jurisdiction of SEBI under the SEBI Act. For this reason, these matters fall under different domains. In this year's Budget, I have proposed that many of these schemes do not fall solely within the jurisdiction of the State police. Until now, there has been a dispute as to whether this is a subject of the States or whether certain investment schemes fall under the jurisdiction of SEBI. We have also sought legal opinion on this matter. A serious problem arises in cases where a company is registered in one State, but its operational area extends across several States. The police, laws, or authorities of a single State are not in a position to effectively deal with such cases. There is, therefore, a need for a central mechanism. The Union Government has decided that, through a central mechanism law, we will create a framework to regulate the activities of such entities and to impose restrictions wherever necessary.

As far as action is concerned, proceedings are being initiated by the States, by SEBI, and also under the Companies Act. In cases where there is outright fraud, provisions of the IPC are also applicable. There are a large number of such vanishing companies that have disappeared after collecting money from the public, and prosecution is underway against them.

**DR. MANOJ RAJORIA:** Madam Speaker, I was merely referring to the public disclosure of their names and addresses, but perhaps that has not been done.

Madam, I would like to ask the Hon. Minister whether there is any system in place whereby an investor, before investing money in a company, can visit an internet website to verify whether the entity in which the investment is being made is safe or not. For instance, banks maintain a website known as CIBIL, through which a person's background is checked to ascertain whether he or she is a defaulter. Similarly, can an ordinary citizen also verify the background of the company in which he or she intends to invest? Is there any such website or technological mechanism that can be adopted so that an investor can obtain information about a company before investing money in it?

**SHRI ARUN JAITLEY:** Madam, with regard to the 164 companies against which action has been taken for Ponzi schemes, the list of names sought by the Hon. Member has already been provided by me along with the reply, and their names have also been laid on the Table. As far as obtaining information before investing in companies is concerned, there is a very simple method. Every company is required to file its balance sheet and annual returns with the Registrar of Companies. On the ROC website, complete documents of every company, such as previous balance sheets, details of assets, performance, and whether the company has incurred losses or made profits, are available. All this information is accessible on the website, and any person can view it by paying a nominal charge. The balance sheets of companies have become transparent documents and are available on the ROC website. This information can also be obtained by submitting a written application.

**SHRI MOHAMMED SALIM:** Madam, I come from Bengal. The issue of Ponzi schemes and chit funds has assumed serious proportions there. Serial numbers 17 to 26 pertain to the Saradha Company. Similarly, there are companies such as Gold Mine Company and Rose Valley Company, and in this manner there are 164

companies. If you look at the remarks, you will find that following the orders for investigation issued in 2013, reports relating to 80 companies were received by 2015, while the reports pertaining to the remaining companies are under process. People have been defrauded, whether in the name of selling land, in the name of tour and travel, or in the name of doubling or tripling their money. I state categorically that the directors of these companies also have political links. Some have become Ministers, some are Members of Parliament, and some are themselves proprietors. You have just seen how...\* I have also written to you regarding those against whom allegations of fraud have been made. Instead of forcibly ensuring the return of money, reinvestment is being compelled, and SEBI and the SFIO are being informed that payments have been made. After the reports that have come before you, what steps have been taken to seize their properties, auction them, and return the money to those who were defrauded? Further, what action is being taken to ensure that such persons are punished, even one to one and a half years after the submission of the reports?

**SHRI ARUN JAITLEY:** With regard to the companies you have mentioned, you would be aware that all agencies concerned are taking action to ensure justice for the depositors, and no person who is guilty, or who has derived any benefit from those companies, is being spared. Investigations by the SFIO are underway against those companies. Investigations and prosecutions by the CBI have also been initiated, and arrests have been made. Key individuals, including those who benefitted from these companies, have been arrested. As far as assets are concerned, the Enforcement Directorate has treated these offences as crimes and has registered cases under the PMLA by treating the proceeds as profits of crime. With regard to the companies you have named, orders for attachment of assets have also been obtained from the courts. All actions permissible under law are being taken against these companies, and it is publicly known that such proceedings are underway. There are several prominent individuals who remain in jail even today in connection with these companies. If you have any further information, you may certainly write again, and we will have it examined.

[English]

**HON. SPEAKER: Q.206.**

Shri Rabindra Kumar Jena – not present.

**(Q. 206)**

**SHRI K. ASHOK KUMAR:** Hon.Speaker, funds for ICDS has been slashed. There are demands to include more nutritious food for the children in *Anganwadis* across the country. In Tamil Nadu, the *Anna* Government has been providing *Ootasathu Mavu* for nutritious purposes. Therefore, I would like to know from the Hon.Minister, with the reduction of fund for ICDS, how is the Government planning to go ahead with the running of ICDS?

**SHRIMATI MANEKA SANJAY GANDHI :** Hon.Speaker, funds for the ICDS have not been slashed. On the contrary, we have enough money to not only provide sufficient funds but we are also looking into a massive intervention to see that they are spent more efficiently, and they actually reach their targets.

**(Q. 207)**

[Translation]

**PROF. CHINTAMANI MALVIYA:** Hon. Speaker, Madam, these days, following the West, there has been a flood of reality shows on television. There are several reality shows such as Roadies, Bigg Boss, Fear Factor, Sach Ka Saamna and Khatron Ke Khiladi. Young people find themselves closely connected with these shows, and this is leading to an increase in immorality, erosion of values, and insensitivity. A sense of disrespect towards women is also emerging, and due to these reality shows, a different kind of mindset is developing in our society. These reality shows are highly indecent.

Through you, I would like to ask the Hon. Minister whether the Government has taken note of the obscenity and indecency in reality shows being broadcast by various television channels across the country. If so, what are the details thereof?

**COL. RAJYAVARDHAN RATHORE:** Madam, the question raised by the Hon. Member is valid. Whatever is shown on television is watched by every child and every family, and it is possible that it may have an adverse impact on children. For this reason, we have established an Electronic Monitoring Cell, which currently monitors

and records nearly 600 channels continuously, 24 hours a day. Further, if all Hon. Members observe television programmes, a ticker is displayed at the bottom stating that if anyone has any objection to the programme, they may register a complaint by calling the given number. This has been put in place so that anyone who wishes to register an objection may do so. Accordingly, there is a self-regulating body known as the Broadcasting Content Complaints Council. It is an industry body and takes action on all complaints received. I would like to inform the House that over the last three years, approximately 450 complaints were received, and action was taken on nearly 300 of them. The most stringent action involves taking a channel off air, meaning the channel is completely shut down for 24 hours, for two days, or for one week. Over the past three years, channels have been taken off air on 25 occasions.

**\*WRITTEN ANSWERS TO QUESTIONS**

Starred Question Nos. 208 to 220

Unstarred Question Nos. 2301 to 2530

**12.00 hours**

**FELICITATION BY THE SPEAKER**

**Successful launch of IRNSS-1F from Sriharikota in Andhra Pradesh on 10 March, 2016**

**HON. CHAIRPERSON:** Hon. Members, on 10 March, 2016 our country successfully put its indigenous 6th dedicated navigation satellite IRNSS-1F into orbit from Sriharikota in Andhra Pradesh. This launch takes the Nation a step forward towards having its own navigation satellite system which would be at par with the American Global Positioning System (GPS). This accomplishment by our space scientists, has done us proud.

This House conveys its felicitations to the Indian Space Research Organization's dedicated team of Scientists and Technologists for making this launch a success and wishes them success in their future endeavours.

**12.01 hours**

**PAPERS LAID ON THE TABLE**

[English]

**HON.SPEAKER;** Now Papers to be laid on the Table.

**THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):** Madam, I beg to lay on the Table:-

(1) A copy each of the following papers (Hindi and English versions):-

- (i) Demands for Grants of the Ministry of Finance for the year 2016-2017.

[Placed in Library, See No. LT 4235/16/16]

- (ii) Detailed Demands for Grants of the Ministry of Corporate Affairs for the year 2016-2017.

[Placed in Library, See No. LT 4236/16/16]

(2) A copy of the 1<sup>st</sup> Annual Report (Hindi and English versions) of the Working and Administration on the Companies Act, 2013, for the year ended 31<sup>st</sup> March, 2015.

[Placed in Library, See No. LT 4237/16/16]

**THE MINISTER OF WOMEN AND CHILD DEVELOPMENT  
(SHRIMATI MANEKA SANJAY GANDHI):** Madam, I beg to lay  
on the Table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the National Commission for Protection of Child Rights, New Delhi, for the year 2012-2013, alongwith Audited Accounts.
  - (ii) Action Taken Report on the recommendations contained in the Annual Report of the National Commission for Protection of Child Rights, New Delhi, for the year 2012-2013.
  - (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Commission for Protection of Child Rights, New Delhi, for the year 2012-2013.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library, See No. LT 4238/16/16]

- (3) A copy of the Annual Report (Hindi and English versions) of the Central Adoption Resource Authority, New Delhi, for the year 2013-2014, alongwith Audited Accounts.
- (4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in Library, See No. LT 4239/16/16]

(5) A copy each of the following papers (Hindi and English versions):-

- (i) Detailed Demands for Grants of the Ministry of Women and Child Development for the year 2016-2017.

[Placed in Library, See No. LT 4240/16/16]

- (ii) Outcome Budget of the Ministry of Women and Child Development for the year 2016-2017.

[Placed in Library, See No. LT 4241/16/16]

**THE MINISTER OF HEALTH AND FAMILY WELFARE  
(SHRI JAGAT PRAKASH NADDA):** Madam, I beg to lay on the  
Table:-

(1) A copy each of the following papers (Hindi and English  
versions):-

- (i) Detailed Demands for Grants of the Ministry of Health  
and Family Welfare for the year 2016-2017.

[Placed in Library, See No. LT 4242/16/16]

- (ii) Outcome Budget of the Ministry of Health and Family  
Welfare for the year 2016-2017.

[Placed in Library, See No. LT 4243/16/16]

- (2) (i) A copy of the Annual Report (Hindi and English versions) of the Dental Council of India, New Delhi, for the year 2014-2015, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Dental Council of India, New Delhi, for the year 2014-2015.
- (3) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (2) above.

[Placed in Library, See No. LT 4244/16/16]

- (4) (i) A copy of the Annual Report (Hindi and English versions) of the Postgraduate Institute of Medical Education and Research, Chandigarh, for the year 2014-2015, along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Postgraduate Institute of Medical Education and Research, Chandigarh, for the year 2014-2015.

- (5) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (4) above.

[Placed in Library, See No. LT 4245/16/16]

(6) A copy of the Drugs and Cosmetics (Seventh Amendment) Rules, 2015 (Hindi and English versions) published in Notification No. G.S.R. 826(E) in Gazette of India dated 30<sup>th</sup> October, 2015 under Section 38 of the Drugs and Cosmetics Act, 1940 together with a corrigendum thereto published in Notification No. G.S.R. 104(E) dated 25<sup>th</sup> January, 2016.

[Placed in Library, See No. LT 4246/16/16]

(7) A copy of the Food Safety and Standards (Food Products Standards and Food Additives) (Amendment) Regulations, 2015 (Hindi and English versions) published in Notification No. F. No. P. 15025/208/2013-PA/FSSAI in Gazette of India dated 16<sup>th</sup> November, 2015 under Section 93 of the Food Safety and Standards Act, 2006.

[Placed in Library, See No. LT 4247/16/16]

**THE MINISTER OF SCIENCE AND TECHNOLOGY AND  
MINISTER OF EARTH SCIENCES (DR. HARSH VARDHAN):**

Madam, I beg to lay on the Table a copy of the Detailed Demands for Grants (Hindi and English versions) of the Ministry of Earth Sciences for the year 2016-2017.

[Placed in Library, See No. LT 4248/16/16]

**THE MINISTER OF STATE OF THE MINISTRY OF  
PLANNING AND MINISTER OF STATE IN THE MINISTRY  
OF DEFENCE (RAO INDERJIT SINGH):** Madam, I beg to lay on  
the Table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Construction Industry Development Council, New Delhi, for the year 2014-2015, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Construction Industry Development Council, New Delhi, for the year 2014-2015.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library, See No. LT 4249/16/16]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Institute of Economic Growth (Development Planning Centre), Delhi, for the year 2014-2015, alongwith Audited Accounts.

- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Institute of Economic Growth (Development Planning Centre), Delhi, for the year 2014-2015.
- (4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in Library, See No. LT 4250/16/16]

**THE MINISTER OF STATE OF THE MINISTRY OF AYURVEDA, YOGA AND NATUROPATHY, UNANI, SIDDHA AND HOMOEOPATHY (AYUSH) AND MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI SHRIPAD YESSO NAIK):** Madam, I beg to lay on the Table a copy of the Detailed Demands for Grants (Hindi and English versions) of the Ministry of AYUSH for the year 2016-2017.

[Placed in Library, See No. LT 4251/16/16]

**THE MINISTER OF STATE OF THE MINISTRY OF CULTURE, MINISTER OF STATE OF THE MINISTRY OF TOURISM AND MINISTER OF STATE IN THE MINISTRY OF CIVIL AVIATION (DR. MAHESH SHARMA):** Madam, I beg to lay on the Table:-

(1) A copy each of the following papers (Hindi and English versions):-

- (i) Detailed Demands for Grants of the Ministry of Tourism for the year 2016-2017.

[Placed in Library, See No. LT 4252/16/16]

- (ii) Outcome Budget of the Ministry of Tourism for the year 2016-2017.

[Placed in Library, See No. LT 4253/16/16]

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

(i) Statement regarding Review by the Government of the working of the Pawan Hans Limited, New Delhi, for the year 2014-2015.

(ii) Annual Report of the Pawan Hans Limited, New Delhi, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

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

[Placed in Library, See No. LT 4254/16/16]

[Translation]

**THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND FARMERS WELFARE (SHRI MOHANBHAI KALYANJIBHAI KUNDARIYA):** Hon. Speaker, Madam, I beg to lay on the Table a copy each of the following papers (Hindi and English versions):

1. Detailed Demands for Grants of the Ministry of Agriculture and Farmers Welfare for the year 2016-2017.

[Placed in Library, See No. LT 4255/16/16]

2. Outcome Budget of the Department of Agriculture Cooperation and Farmers Welfare, Ministry of Agriculture and Farmers Welfare for the year 2016-2017.

[Placed in Library, See No. LT 4256/16/16]

3. Outcome Budget of the Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture and Farmers Welfare for the year 2016-2017.

[Placed in Library, See No. LT 4257/16/16]

[English]

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE**

**(SHRI JAYANT SINHA):** Madam, I beg to lay on the Table:-

(1) A copy each of the following Notifications (Hindi and English versions) under Section 31 of the Securities and Exchange Board of India Act, 1992:-

- (i) The Securities and Exchange Board of India (Terms and Conditions of Service of Chairman and Members) Amendment Rules, 2016 published in Notification No. S.O.27(E) in Gazette of India dated 5<sup>th</sup> January, 2016.
- (ii) The Securities and Exchange Board of India (Terms and Conditions of Service of Chairman and Members) Amendment Rules, 2015 published in Notification No. G.S.R.1031(E) in Gazette of India dated 31<sup>st</sup> December, 2015.
- (iii) The Securities and Exchange Board of India (Terms and Conditions of Service of Chairman and Members) Amendment Rules, 2015 published in Notification No. S.O.3516(E) in Gazette of India dated 23<sup>rd</sup> December, 2015.

[Placed in Library, See No. LT 4258/16/16]

(2) A copy each of the following Notifications (Hindi and English versions) under Section 159 of the Customs Act, 1962:-

- (i) S.O.3217(E) published in Gazette of India dated 30<sup>th</sup> November, 2015, together with an explanatory

memorandum making certain amendments in the Notification No. 36/2001-Cus.(N.T.) dated 3<sup>rd</sup> August, 2001.

- (ii) Notification No. 136/2015-Customs (N.T.) dated 3<sup>rd</sup> December, 2015, together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or *vice-versa* for the purpose of assessment of imported and export goods.
- (iii) S.O.3412(E) published in Gazette of India dated 15<sup>th</sup> December, 2015, together with an explanatory memorandum making certain amendments in the Notification No. 36/2001-Cus.(N.T.) dated 3<sup>rd</sup> August, 2001.
- (iv) Notification No. 144/2015-Customs (N.T.) dated 17<sup>th</sup> December, 2015, together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or *vice-versa* for the purpose of assessment of imported and export goods.

- (v) S.O.3567(E) published in Gazette of India dated 31<sup>st</sup> December, 2015, together with an explanatory memorandum making certain amendments in the Notification No. 36/2001-Cus.(N.T.) dated 3<sup>rd</sup> August, 2001.
- (vi) Notification No. 02/2016-Customs (N.T) dated 7<sup>th</sup> January, 2016, together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or *vice-versa* for the purpose of assessment of imported and export goods.
- (vii) Notification No. 12/2016-Customs (N.T.) dated 12<sup>th</sup> January, 2016, together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or *vice-versa* for the purpose of assessment of imported and export goods together with a corrigendum thereto (in English version only) dated 14<sup>th</sup> January, 2016.
- (viii) S.O.143(E) published in Gazette of India dated 15<sup>th</sup> January, 2016, together with an explanatory memorandum

making certain amendments in the Notification No. 36/2001-Cus.(N.T.) dated 3<sup>rd</sup> August, 2001.

- (ix) Notification No. 14/2016-Customs (N.T.) dated 21<sup>st</sup> January, 2016, together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or *vice-versa* for the purpose of assessment of imported and export goods.
- (x) S.O.265(E) published in Gazette of India dated 29<sup>th</sup> January, 2016, together with an explanatory memorandum making certain amendments in the Notification No. 36/2001-Cus.(N.T.) dated 3<sup>rd</sup> August, 2001.
- (xi) Notification No. 17/2016-Customs (N.T.) dated 1<sup>st</sup> February, 2016, together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or *vice-versa* for the purpose of assessment of imported and export goods.
- (xii) Notification No. 18/2016-Customs (N.T.) dated 4<sup>th</sup> February, 2016, together with an explanatory

memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or *vice-versa* for the purpose of assessment of imported and export goods.

- (xiii) S.O.426(E) published in Gazette of India dated 9<sup>th</sup> February, 2016, together with an explanatory memorandum making certain amendments in the Notification No. 36/2001-Cus.(N.T.) dated 3<sup>rd</sup> August, 2001.
- (xiv) Notification No. 24/2016-Customs (N.T.) dated 12<sup>th</sup> February, 2016, together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or *vice-versa* for the purpose of assessment of imported and export goods.
- (xv) S.O.482(E) published in Gazette of India dated 15<sup>th</sup> February, 2016, together with an explanatory memorandum making certain amendments in the Notification No. 36/2001-Cus.(N.T.) dated 3<sup>rd</sup> August, 2001.

- (xvi) Notification No. 29/2016-Customs (N.T.) dated 18<sup>th</sup> February, 2016, together with an explanatory memorandum regarding revised rates of exchange for conversion of certain foreign currencies into Indian currency or *vice-versa* for the purpose of assessment of imported and export goods.

[Placed in Library, See No. LT 4259/16/16]

(3) A copy each of the following papers (Hindi and English versions) under Article 151(1) of the Constitution:-

- (i) Report of the Comptroller and Auditor General of India-Union Government (No. 52 of 2015) – (Performance Audit) Technology Upgradation Fund Scheme, Ministry of Textiles.

[Placed in Library, See No. LT 4260/16/16]

- (ii) Report of the Comptroller and Auditor General of India-Union Government (No. 55 of 2015) –Communications and IT Sector for the year ended March, 2014.

[Placed in Library, See No. LT 4261/16/16]

- (iii) Report of the Comptroller and Auditor General of India-Union Government (No. 1 of 2016)–Department of Revenue (Indirect Taxes-Service Tax) for the year ended March, 2015.

[Placed in Library, See No. LT 4262/16/16]

- (iv) Report of the Comptroller and Auditor General of India-Union Government (No. 2 of 2016)–Department of Revenue (Indirect Taxes-Central Excise) for the year ended March, 2015.

[Placed in Library, See No. LT 4263/16/16]

- (v) Report of the Comptroller and Auditor General of India-Union Government (No. 3 of 2016) –Department of Revenue (Direct Taxes) for the year ended March, 2015.

[Placed in Library, See No. LT 4264/16/16]

- (vi) Report of the Comptroller and Auditor General of India-Union Government (No. 4 of 2016) -(Communications and IT Sector) Sharing of Revenue by Private Telecom

Service Providers during the years 2006-2007 to 2009-2010.

[Placed in Library, See No. LT 4265/16/16]

- (vii) Report of the Comptroller and Auditor General of India-Union Government (No. 5 of 2016) –Department of Revenue-Customs (Compliance Audit) for the year ended March, 2015.

[Placed in Library, See No. LT 4266/16/16]

(4) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of Section 48 of the Life Insurance Corporation Act, 1956:-

- (i) The Life Insurance Corporation of India Class I Officers (Revision of Terms and Conditions of Service) Amendment Rules, 2016 published in Notification No. G.S.R.194(E) in Gazette of India dated 26<sup>th</sup> February, 2016.
- (ii) The Life Insurance Corporation of India Class III and Class IV Employees (Revision of Terms and Conditions

of Service) Amendment Rules, 2016 published in Notification No. G.S.R.195(E) in Gazette of India dated 26<sup>th</sup> February, 2016.

- (iii) The Life Insurance Corporation of India Development Officers (Revision of Terms and Conditions of Service) Amendment Rules, 2016 published in Notification No. G.S.R.196(E) in Gazette of India dated 26<sup>th</sup> February, 2016.
- (iv) The Life Insurance Corporation of India Development Officers (Revision of Terms and Conditions of Service) Amendment Rules, 2016 published in Notification No. G.S.R.98(E) in Gazette of India dated 22<sup>nd</sup> January, 2016.
- (v) The Life Insurance Corporation of India, Class I Officers (Revision of Terms and Conditions of Service) Amendment Rules, 2016 published in Notification No. G.S.R.28(E) in Gazette of India dated 14<sup>th</sup> January, 2016.
- (vi) The Life Insurance Corporation of India Development Officers (Revision of Terms and Conditions of Service)

Amendment Rules, 2016 published in Notification No. G.S.R.29(E) in Gazette of India dated 14<sup>th</sup> January, 2016.

- (vii) The Life Insurance Corporation of India Class III and Class IV Employees (Revision of Terms and Conditions of Service) Amendment Rules, 2016 published in Notification No. G.S.R.30(E) in Gazette of India dated 14<sup>th</sup> January, 2016.
- (viii) The Life Insurance Corporation of India (Special Area Allowance) Amendment Rules, 2016 published in Notification No. G.S.R.31(E) in Gazette of India dated 14<sup>th</sup> January, 2016.
- (ix) The Life Insurance Corporation of India Class III Employees (Special Allowance for Passing Examination) Amendment Rules, 2016 published in Notification No. G.S.R.32(E) in Gazette of India dated 14<sup>th</sup> January, 2016.

[Placed in Library, See No. LT 4267/16/16]

(5) A copy each of the following Notifications (Hindi and English versions) under sub-section (5) of Section 17A of the General Insurance Business (Nationalisation) Act, 1972:-

- (i) The General Insurance (Rationalisation of Pay Scales and other Conditions of Service of Officers) Amendment Scheme, 2016 published in Notification No. S.O.233(E) in Gazette of India dated 23<sup>rd</sup> January, 2016.
- (ii) The General Insurance (Rationalisation of Pay Scales and other Conditions of Development Staff) Amendment Scheme, 2016 published in Notification No. S.O.234 (E) in Gazette of India dated 23<sup>rd</sup> January, 2016.
- (iii) The General Insurance (Rationalisation of Pay Scales and other Conditions of Service of Supervisory, Clerical and Subordinate Staff) Amendment Scheme, 2016 published in Notification No. S.O.235(E) in Gazette of India dated 23<sup>rd</sup> January, 2016.
- (iv) The General Insurance (Employees') Pension Amendment Scheme, 2016 published in Notification

No. S.O.236(E) in Gazette of India dated 23<sup>rd</sup> January, 2016.

- (v) The General Insurance (Rationalisation of Pay Scales and other Conditions of Service of Officers) Second Amendment Scheme, 2016 published in Notification No. S.O.238(E) in Gazette of India dated 25<sup>th</sup> January, 2016.
- (vi) The General Insurance (Rationalisation of Pay Scales and other Conditions of Service of Development Staff) Second Amendment Scheme, 2016 published in Notification No. S.O.239(E) in Gazette of India dated 25<sup>th</sup> January, 2016.
- (vii) The General Insurance (Rationalisation of Pay Scales and other Conditions of Service of Supervisory, Clerical and Subordinate Staff) Second Amendment Scheme, 2016 published in Notification No. S.O.240(E) in Gazette of India dated 25<sup>th</sup> January, 2016.

[Placed in Library, See No. LT 4268/16/16]

(6) A copy each of the following papers (Hindi and English versions):-

- (i) Detailed Demands for Grants of the Parliament, Secretariats of the President and Vice-President for the year 2016-2017.
- (ii) Outcome Budget of the Ministry of Finance for the year 2016-2017.

[Placed in Library, See No. LT 4269/16/16]

**THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (COL. RAJYAVARDHAN RATHORE):** Madam, I beg to lay on the Table a copy of the Outcome Budget (Hindi and English versions) of the Ministry of Information and Broadcasting for the year 2016-2017.

[Placed in Library, See No. LT 4270/16/16]

**12.04 hours**

**MESSAGES FROM RAJYA  
SABHA AND BILL AS  
PASSED BY RAJYA SABHA**

**SECRETARY GENERAL:** Madam Speaker, I have to report the following message received from the Secretary General of Rajya Sabha:-

‘I am directed to inform the Lok Sabha that the National Waterways Bill, 2015, which was passed by the Lok Sabha at its sitting held on the 21<sup>st</sup> December, 2015 has been passed by the Rajya Sabha at its sitting held on the 9<sup>th</sup> March, 2016, with the following amendments:-

**ENACTING FORMULA**

1. That at page 1, line 1, ***for*** the word “Sixty-sixth”, the word “Sixty-seventh” be ***substituted***.

**CLAUSE 1**

2. That at page 1, line 2, *for* the figures, “2015”, the figure “2016” be *substituted*.

#### **CLAUSE 4**

3. That at page 2, line 18, *for* the figure “2015”, the figure “2016” be *substituted*.

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 128 of the Rules of Procedure and Conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendments be communicated to this House.’

2. Sir, I also lay on the Table the National Waterways Bill, 2016 as returned by Rajya Sabha with amendments on the 9<sup>th</sup> March, 2016.

**12.05 hours**

**STATEMENTS BY MINISTERS**

**(i) Status of implementation of the recommendations contained in the 10th Report of the Standing Committee on Finance on Demands for Grants (2015-16), pertaining to the Departments of Economic Affairs, Financial Services, Expenditure and Disinvestment, Ministry of Finance\*\***

**THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):** Madam, I beg to lay a statement regarding the status of implementation of the recommendations contained in the 10<sup>th</sup> Report of the Standing Committee on Finance on Demands for Grants (2015-16), pertaining to the Departments of Economic Affairs, Financial Services, Expenditure and Disinvestment, Ministry of Finance.

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\*\* Laid on the Table and also placed in Library, See Nos. LT 4271/16/16 and 4272/16/16 respectively.

**12.05 ½ hours**

**(ii) Status of implementation of the recommendations contained in the 20th Report of the Standing Committee on Finance on 'Planning Process-A Review', pertaining to the Ministry of Planning\***

**THE MINISTER OF STATE OF THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF DEFENCE (RAO INDERJIT SINGH):** Madam, I am laying the statement on the status of implementation of recommendations contained in the Twentieth Report of the Standing Committee on Finance (16th Lok Sabha) in pursuance of the Direction 73 A of the Hon.Speaker, Lok Sabha.

**12.06 hours****BUSINESS OF THE HOUSE**

[Translation]

**THE MINISTER OF THE STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP; AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY):** Madam Speaker, with your permission, I would like to inform the House that during the remaining period of the first part of the Budget Session, the following Government business shall be taken up:-

1. Consideration of any item of outstanding Government business from today's List of Business.
2. Discussion and Voting on Supplementary Demands for Grants (General) for the year 2015-2016.
3. Introduction, consideration and passing of the related Appropriation Bill.

4. Consideration and passing of the Constitution (Scheduled Castes) Order (Amendment) Bill, 2016.
5. Consideration and passing of the Real Estate (Regulation and Development) Bill, 2015, as passed by the Rajya Sabha.
6. Consideration of and agreement to the amendments made by the Rajya Sabha to the Bureau of Indian Standards Bill, 2015, as passed by the Lok Sabha.
7. Consideration of and agreement to the amendments made by the Rajya Sabha to the National Waterways Bill, 2015, as passed by the Lok Sabha.
8. Introduction of the Regional Centre for Biotechnology Bill, 2016.

**DR. BHOLA SINGH (BEGUSARAI):** Hon. Speaker, Madam, my following submissions for inclusion in the next week of business may be taken into consideration:

- (1) Construction of a bridge over the Balan River to facilitate traffic for the Lakhanpur historical Durgasthan fair in Begusarai district, which falls under Bhagwanpur Block.
- (2) Construction of a bridge between Ramdiri Bhawanandpur in the Diara region of the Ganga in Matihani Block of Begusarai district.

**PROF. CHINTAMANI MALVIYA (UJJAIN):** Madam, my following submissions for inclusion in the next week of business may be taken into consideration:

“India has a Muslim population of approximately 20 crore, which is larger than the total population of several European countries. Yet, in India they are still classified as a minority. The issue of linguistic minorities is also complicated. Owing to their special status, minority educational institutions do not admit poor children under the Right to Education Act, which creates difficulties in the implementation of the Act.”

Therefore, there should be a comprehensive discussion in the House on redefining the term ‘minority’. I request that this important matter be included in the List of Business for discussion next week.

**HON. CHAIRPERSON:** Shri Jai Prakash Narayan Yadav - Not present.

**SHRI RAJESH RANJAN (MADHEPURA):** Hon. Speaker, Madam, my following submissions for inclusion in the next week of business may be taken into consideration:

1. Even after nearly 68 years of Independence, we continue to live as if we are still enslaved. The primary reason for this is the indifference of our entire system towards the progress of the nation and its people. From the executive to the legislature, responsibilities are not being discharged with sincerity. From politicians to military officers, and even to sanitation workers on the streets, the work of every individual is linked to the nation's development. Therefore, it is essential to fix accountability at every level. I would like to urge that a strict legal framework be enacted to determine accountability across the executive, the legislature, and all other institutions involved, in the interest of national progress.

2. The fundamental source of Dalit emancipation lies in the philosophy of Babasaheb Dr. Bhimrao Ambedkar. On 29 October 1942, Dr. Ambedkar submitted a detailed memorandum on Dalit rights to the Governor-General of India. In that memorandum, it was highlighted that out of a total of 1,171 contractors in the CPWD, there was only one Dalit contractor. Such a practice continues even today. Whether it is basic education, technical education, or medical education, in all these fields the rights of ordinary Dalits and the deprived are being denied, which amounts to a violation of the basic

spirit of the Constitution. Therefore, it is imperative that across the country, whether in the field of contracting, education, or all such sectors, a system of reservation be provided for Dalits, the deprived, and other weaker sections for their economic, educational, and social upliftment, and that strict rules be framed to ensure the honest and effective implementation of this system.

[English]

**HON. SPEAKER:** Dr. Udit Raj – Not present.

Shri Kaushlendra Kumar.

[Translation]

**SHRI KAUSHALENDRA KUMAR (NALANDA):** Madam Speaker, my following submissions for inclusion in the next week of business may be taken into consideration:

1. Due to the revised BPL criteria in Bihar, only 60 lakh families have been included in the list, whereas 1 crore 33 lakh families are living below the poverty line and need to be included in the BPL category. The Bihar Government has raised this issue several times before the Union Government, but the Union Government has not undertaken the exercise of revising the BPL criteria. This needs to be done

urgently so that the remaining extremely poor families may also be included in the BPL category.

2. Rajgir is an important historical and tourist destination. If the Patna–Mathura–Kota Express and the Sampurna Kranti Express, which remain stationed at Patna for a considerable period, are extended up to Rajgir, this destination will be connected with other tourist places of the country and local people will also benefit from improved rail connectivity.

**SHRI KAUSHAL KISHORE (MOHANLALGANJ):** Madam Speaker, my following submissions for inclusion in the next week of business may be taken into consideration:

1. On the pretext of court orders, approximately 1.50 lakh employees and officers out of nearly eight lakh SC/ST employees working in Uttar Pradesh have been demoted. A Bill should be introduced in the House to restore them to their original positions and to amend the Constitution to provide reservation in promotion with seniority.

2. Most people use caste-indicative titles along with their names, thereby publicly disclosing their caste identity. Dr. Ambedkar had envisioned and worked towards the establishment of a casteless and exploitation-free society. Therefore, the practice of using caste-

indicative titles with personal names amounts to promoting casteism in society. In order to eradicate casteism, a Bill should be introduced to prohibit the use of caste-indicative titles with individuals' names, so that caste-based discrimination may be eliminated.

[English]

**SHRI P.P. CHAUDHARY (PALI):** Respected Speaker Madam, my following submissions for inclusion in the next week of business may be taken into consideration:

1. Discussion on the need to increase medical facilities in existing and funding and speedier implementation for new medical colleges in the country.
2. Discussion on the need to reform rural banking in the nation and enhance their capacities for ensuring and enabling banking services for the rural inhabitants and to not limit banking reforms only to the scheduled and large banks in the nation.

[Translation]

**DR. KIRIT P SOLANKI (AHMEDABAD):** Hon. Speaker, Madam, my following submissions for inclusion in the next week of business may be taken into consideration:

1. Construction of Marine Immigration Check Posts at Okha and Kandla ports in the State of Gujarat, so that the movement of foreign vessels and foreign nationals can be effectively regulated.
2. Completion of full fencing along the remaining stretches of the border between India and Pakistan.

**SHRI BHAIRON PRASAD MISHRA (BANDA):** Hon. Speaker, Madam, my following submissions for inclusion in the next week of business may be taken into consideration:

1. Due to drought conditions in my Parliamentary Constituency, agricultural fields in most areas are lying fallow. As there are no private tube-wells available, the situation has become extremely difficult. Adequate budgetary allocation should, therefore, be made and directions issued for the installation of sufficient government tube-wells to ensure irrigation facilities.

2. The Mandakini River, which is the lifeline of my Parliamentary Constituency, has dried up due to drought. I request that directions be issued to formulate an effective action plan to divert water from the Narmada River, located just 25 kilometres from the origin of the Mandakini near Anusuya Ashram, by constructing a canal and releasing water into the Mandakini River.

[English]

**THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY):** Madam, I have a small request. ... (*Interruptions*)

**HON. CHAIRPERSON:** Let us take up Item No. 16 first.

... (*Interruptions*)

**SHRI RAJIV PRATAP RUDY:** Madam, I have a small request. The next item is the Discussion on the General Budget. We have small amendments on item no. 22 ... (*Interruptions*)

**HON. SPEAKER:** The Demands will only be taken up and presented.

Let us take up Item No. 16 first.

**12.16 hours****DEMANDS FOR SUPPLEMENTARY GRANTS—  
(GENERAL), 2015-16**

**THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):** Madam, I beg to present a statement (Hindi and English versions) showing the Supplementary Demands for Grants in respect of the Budget (General) for 2015-16.

[Placed in Library, See No. LT 4273/16/16]

**THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY):** Hon. Speaker, we are suggesting a small change. Item Nos. 22 and 23 have come from the Rajya Sabha-[Translation] there is a

minor amendment relating to the date in the Air Amendment Bill, which is listed at serial number 22. At serial number 23, there is the High Court and Supreme Court Judges Bill, in which there is also an amendment relating to the date. Along with these two Bills, there is a fourth item, for which a time of three hours has been allotted. I would request you, and the Hon. Minister would also make a similar request, that the List of Business be taken up in this manner, so that the discussion on the Budget may be scheduled for Monday and concluded accordingly.

[English]

**SHRI JYOTIRADITYA M. SCINDIA (GUNA):** Madam, the discussion on the General Budget has already started. We conclude the Budget discussion before we move on to Item Nos. 22 and 23. ...  
*(Interruptions)*

**12.17 hours****RESOLUTION RE: REJECTION OF AWARD  
GIVEN BY BOARD OF ARBITRATION**

[Translation]

**HON. CHAIRPERSON:** Let us take this up accordingly. First, there is a Government Resolution. Shri Haribhai Chaudhary.

We shall now take up Item No. 21 - Shri Haribhai Chaudhary.

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI HARIBHAI CHAUDHARY):** Madam Speaker, I move the following Resolution with your permission.

"That this House approves the proposal of the Government to reject the Award, given on 18th October, 1999, by the Board of Arbitration in respect of the pay scales for the post of Computer (now compiler) in the Office of Registrar General, India (RGI) (vide Award CA Reference No. 1/1998 in terms of Clause 21 of the Scheme for Joint

Consultative Machinery and Compulsory Arbitration) for the following reasons-

(1) The duties and recruitment qualifications of the post of Computer (now compiler) in the Office of Registrar General, India (RGI) are not comparable with those of the post of Investigator of National Sample Survey Organization (NSSO) with whom parity is mainly being sought;

(2) Upgradation of the pay scale of Computers (now compiler) in the Office of Registrar General, India (RGI) may lead to similar demands from the UDCs in the Central Government and other common categories posts, which would have huge financial implications; and

(3) The matter has already been examined by a number of Central Pay Commissions, which are expert bodies and consider all the posts across the Government in a holistic manner. The proposal in respect of the Office of the RGI involves one time expenditure of nearly Rs.36.14 crores and recurring expenditure of nearly Rs.2.93 crores per annum. Besides, the Award, if accepted, will have wider financial

and administrative implications, as similar demands would be raised by a large number of other similarly placed staff in the Government, which will not be in the interest of national economy and social justice.”

[English]

**HON. SPEAKER:** Motion moved:

“That this House approves the proposal of the Government to reject the Award, given on 18th October, 1999, by the Board of Arbitration in respect of the pay scales for the post of Computer (now compiler) in the Office of Registrar General, India (RGI) (*vide* Award CA Reference No. 1/1998 in terms of Clause 21 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration) for the following reasons:-

- (i) The duties and recruitment qualifications of the post of Computer (now compiler) in the Office of Registrar General, India (RGI) are not comparable with those of the post of Investigator of National

Sample Survey Organization (NSSO) with whom parity is mainly being sought;

- (ii) Upgradation of the pay scale of Computers (now compiler) in the Office of Registrar General, India (RGI) may lead to similar demands from the UDCs in the Central Government and other common categories posts, which would have huge financial implications; and
- (iii) The matter has already been examined by a number of Central Pay Commissions, which are expert bodies and consider all the posts across the Government in a holistic manner. The proposal in respect of the Office of the RGI involves one time expenditure of nearly Rs.36.14 crores and recurring expenditure of nearly Rs.2.93 crores per annum. Besides, the Award, if accepted, will have wider financial and administrative implications, as similar demands would be raised by a large number of other similarly placed staff in the Government,

which will not be in the interest of national economy and social justice.”

**DR. A. SAMPATH (ATTINGAL):** Hon.Speaker, quite often in this August House, we get a copy of these types of Government Resolutions. I am not questioning the validity of the Government Resolution.

Madam, in Item No. 21, it has been stated:

“That this House approves the proposal of the Government to reject the Award, given on 18<sup>th</sup> October, 1999, by the Board of Arbitration in respect of the pay scales for the post of Computor (now compiler) in the Office of Registrar General, India (RGI) (*vide* Award CA Reference No. 1/1998 in terms of Clause 21 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration) for the following reasons:- ... ..”

I am not going into the details.

Madam Speaker, there is a Joint Consultative Machinery. Usually when these types of disputes arise, one part is the Government and the other part is the servants of the Government, I mean, the employees of the Government. Here, they fought this case. After that, what happens is this. I may be permitted to seek a clarification from the Government.

What were the advocates or lawyers doing? Why was this case presented before the Arbitration? We are asking the employees to go for the legal fight. We are telling them that you have a legal remedy and seek the legal remedy. Here, they have won that legal fight. Now the Government is using the provisions of the Constitution and also by using the majority in the Lower House of Parliament. Due to that whatever fruits they might have enjoyed are simply going into drains. So, what is the sanctity of the legal fight that has been done? If the Government wins in the legal fight, then the Government says: "You have lost." If the employees win, then the Government says: "We have Parliament and Parliament will decide." What if what Parliament decides is anti-labour, anti-employee and anti-working class? So, this is an injustice.

Madam Speaker, here the Minister has stated only two lines but this is not a matter of two lines. This is a matter pertaining to millions of employees and officers working under the Government of India.

“That this House approves the proposal of the Government to reject the Award, given on 18th October, 1999, by the Board of Arbitration in respect of the pay scales for the post of Computor (now compiler) in the Office of Registrar General, India (RGI) (vide Award CA Reference No. 1/1998 in terms of Clause 21 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration) for the following reasons:- (i) The duties and recruitment qualifications of the post of Computor (now compiler) in the Office of Registrar General, India (RGI) are not comparable with those of the post of Investigator of National Sample Survey Organization (NSSO) with whom parity is mainly being sought; (ii) Upgradation of the pay scale of Computers (now compiler) in the Office of Registrar General, India (RGI) may lead to similar demands from the UDCs in the Central Government and other common categories posts, which would have huge financial implications; and (iii) The matter has already been examined by a number of Central Pay Commissions, which are expert bodies and consider all the posts across the Government in a holistic manner. The

proposal in respect of the Office of the RGI involves one time expenditure of nearly `36.14 crores and recurring expenditure of nearly `2.93 crores per annum. Besides, the Award, if accepted, will have wider financial and administrative implications, as similar demands would be raised by a large number of other similarly placed staff in the Government, which will not be in the interest of national economy and social justice.”

We have been witnessing these types of Government Resolutions. Whenever the employees win, whenever the officers win, whenever the Government servants win in a legal battle, in a legal fight, and when they get an Award in their favour, we have been witnessing these types of Resolutions by the Government.

Of course, the House has the prerogative, we have the prerogative. But, Madam Speaker, this is not a good precedent. I may be permitted to say this. If I am wrong, I would be the most happier person. But the power of the House, the prerogative of the House should not be misused like this. Everybody should be treated equally before the law. The Constitution says so. Article 14 also says so. But when it comes before the law, the Government is having a stronger

footing than an ordinary being, than its servants. So, all this will create social injustice.

Madam Speaker, I may be permitted to read the words and the lines, which have been stated in paragraph 21, Sub-paragraph 2. It says that ‘this may lead to similar demands from the UDCs in the Central Government and other common category posts, which would have huge financial implications.’

May I submit Madam that when we implement this Pay Commission Report, then also we may incur huge financial implications. If the Finance Minister is having the good heart to increase the MPLADS funds, then also we may have that much of financial implications. When it comes to the matter of those who are working, why is this type of mentality, this psyche, this approach shown? Anyway, I cannot agree with this type of approach.

We have to find out some other alternative methods. Otherwise, the people who are working under the Government of India may think that we are anti-employees, anti-Government officers and anti-working class.

**HON. SPEAKER:** No, it is not like that.

**DR. A. SAMPATH:** I may not be permitted to deviate from such a view. I may be permitted to express my dissent in their following these types of precedents. Thank you.

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

“That this House approves the proposal of the Government to reject the Award, given on 18th October, 1999, by the Board of Arbitration in respect of the pay scales for the post of Computer (now compiler) in the Office of Registrar General, India (RGI) (vide Award CA Reference No. 1/1998 in terms of Clause 21 of the Scheme for Joint Consultative Machinery and Compulsory Arbitration) for the following reasons:-

- (i) The duties and recruitment qualifications of the post of Computer (now compiler) in the Office of Registrar General, India (RGI) are not comparable with those of the post of Investigator of National Sample Survey Organization (NSSO) with whom parity is mainly being sought;

- (ii) Upgradation of the pay scale of Computers (now compiler) in the Office of Registrar General, India (RGI) may lead to similar demands from the UDCs in the Central Government and other common categories posts, which would have huge financial implications; and
- (iii) The matter has already been examined by a number of Central Pay Commissions, which are expert bodies and consider all the posts across the Government in a holistic manner. The proposal in respect of the Office of the RGI involves one time expenditure of nearly Rs. 36.14 crores and recurring expenditure of nearly Rs. 2.93 crores per annum. Besides, the Award, if accepted, will have wider financial and administrative implications, as similar demands would be raised by a large number of other similarly placed staff in the Government, which will not be in the interest of national economy and social justice.”

*The motion was adopted.*

... (*Interruptions*)

**SHRI MALLIKARJUN KHARGE (GULBARGA):** Madam, we want division on the Resolution... (*Interruptions*)

**HON. SPEAKER:** In the adoption of Resolution, what is the need of division?

... (*Interruptions*)

**DR. A. SAMPATH:** Madam, on behalf of the working class of this nation, on behalf of the employees of this nation, I pray before you to permit division. Let the nation hear who stands where... (*Interruptions*)

**THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):** Madam, the Hon. Member, Mr. Kharge and his colleagues may consider. This is an Award of 18<sup>th</sup> October 1999. I think, Mr. Kharge as the Labour Minister from 2004 to 2014, had adequate opportunity to implement it. May be he knows the reasons why he did not implement it... (*Interruptions*)

**SHRI MALLIKARJUN KHARGE:** This is the Resolution and we are opposing it... (*Interruptions*)

**HON. SPEAKER:** It is okay. There is no division. This Item is over, now.

... (*Interruptions*)

**DR. A. SAMPATH:** Madam Speaker, I may be given a chance to speak... (*Interruptions*)

**HON. SPEAKER:** I have given you ample opportunity and you have raised your issue also. Now, the Resolution is adopted. Let us go to the next item. Now, we will go to Item No. 22 – Shri P. Ashok Gajapathi Raju.

... (*Interruptions*)

**12.25 hours****\*CARRIAGE BY AIR (AMENDMENT) BILL, 2015**

**THE MINISTER OF CIVIL AVIATION (SHRI ASHOK GAJAPATHI RAJU):** Madam, I beg to move:

“That the following amendments made by Rajya Sabha in the Bill further to amend the Carriage by Air Act, 1972 be taken into consideration:-

**ENACTING FORMULA**

1. That at page 1, line 1, *for* the word “Sixty-sixth”, the word “Sixty-seventh” be *substituted*.

**CLAUSE 1**

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\* The Bill was passed by Lok Sabha on the 2nd December, 2015 and transmitted to Rajya Sabha for its concurrence. Rajya Sabha passed the Bill with amendments at its sittings held on the 2nd March, 2016 and returned it to Lok Sabha on 3rd March, 2016.

2. That at page 1, line 2, *for* the figure, “2015”, the figure “2016” be *substituted*.”

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

“That the following amendments made by Rajya Sabha in the Bill further to amend the Carriage by Air Act, 1972 be taken into consideration:-

### **ENACTING FORMULA**

1. That at page 1, line 1, *for* the word “Sixty-sixth”, the word “Sixty-seventh” be *substituted*.

---

**CLAUSE 1**

2. That at page 1, line 2, *for* the figure, “2015”, the figure “2016” be *substituted*.

*The motion was adopted.*

**HON. SPEAKER:** We shall now take up amendments made by Rajya Sabha. I shall now put amendment Nos. 1 and 2 made by Rajya Sabha together to the vote of the House.

The question is:

**ENACTING FORMULA**

1. That at page 1, line 1, *for* the word “Sixty-sixth”, the word “Sixty-seventh” be *substituted*.

**CLAUSE 1**

2. That at page 1, line 2, *for* the figure, “2015”, the figure “2016” be *substituted*.

*The motion was adopted.*

**HON. SPEAKER:** The Minister may now move that the amendments made by Rajya Sabha, in the Carriage by Air Act, 1972, as passed by Lok Sabha, be agreed to.

**SHRI ASHOK GAJAPATHI RAJU:** Madam, I beg to move:

“That the amendments made by Rajya Sabha in the Bill be agreed to.”

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

“That the amendments made by Rajya Sabha in the Bill be agreed to.”

*The motion was adopted.*

**12.27 hours****\*HIGH COURT AND SUPREME COURT JUDGES  
(SALARIES AND CONDITIONS OF SERVICE)  
AMENDMENT BILL, 2015**

**THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA):** Madam, I beg to move:

“That the following amendments made by Rajya Sabha in the Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 be taken into consideration:-”

**ENACTING FORMULA**

1. That at page 1, line 1, *for* the word “Sixty-sixth”, the word “Sixty-seventh” be *substituted*.

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\* The Bill was passed by Lok Sabha on the 7th December, 2015 and transmitted to Rajya Sabha for its concurrence. Rajya Sabha passed the Bill with amendments at its sittings held on the 2<sup>nd</sup> March, 2016 and returned it to Lok Sabha on 3<sup>rd</sup> March, 2016.

**CLAUSE 1**

2. That at page 1, line 5, *for* the figure, “2015”, the figure “2016” be *substituted*.

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

“That the following amendments made by Rajya Sabha in the Bill further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 be taken into consideration:-”

**ENACTING FORMULA**

1. That at page 1, line 1, *for* the word “Sixty-sixth”, the word “Sixty-seventh” be *substituted*.

**CLAUSE 1**

2. That at page 1, line 5, *for* the figure, “2015”, the figure “2016” be *substituted*.

*The motion was adopted.*

**HON. SPEAKER:** We shall now take up amendments made by Rajya Sabha. I shall now put amendment Nos. 1 and 2 made by Rajya Sabha together to the vote of the House.

The question is:

### **ENACTING FORMULA**

1. That at page 1, line 1, *for* the word “Sixty-sixth”, the word “Sixty-seventh” be *substituted*.

### **CLAUSE 1**

2. That at page 1, line 5, *for* the figure, “2015”, the figure “2016” be *substituted*.

*The motion was adopted.*

**HON. SPEAKER:** The Minister may now move the amendments made by Rajya Sabha in the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as passed by Lok Sabha, be agreed to.

**THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA):** Madam, I beg to move:

“That the amendments made by Rajya Sabha in the Bill be agreed to.”

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

“That the amendments made by Rajya Sabha in the Bill be agreed to.”

*The motion was adopted.*

**HON. SPEAKER:** Do you want to take up Item No.24?

**THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY):** Madam, the Finance Minister would like to make a request.

**THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):** Madam, my request would be that the Bill could be taken up first and then we will continue with the discussion on the General Budget.

**DR. P. VENUGOPAL (TIRUVALLUR):** Madam, no, we can go ahead with the discussion on the General Budget.... (*Interruptions*)

**SHRI BHARTRUHARI MAHTAB (CUTTACK):** Madam, we have certain objections to the Aadhaar Bill being taken up.... (*Interruptions*)

**HON. SPEAKER:** What is it? You can mention it in the evening.

**DR. P. VENUGOPAL:** Madam, I have already given notice regarding GAIL.

**HON. SPEAKER:** Arun Jaitley Ji, before taking up the Bill, let me hear him.

Yes, what is it? Is it about your notice for adjournment?

**DR. P. VENUGOPAL:** Yes, Madam.

**HON. SPEAKER:** I know it. You only refer to it. I am giving you only one minute.

**DR. P. VENUGOPAL:** Madam, I want at least 2-3 minutes. This is an important matter.

**HON. SPEAKER:** Actually, it has already been mentioned by your Member, Vijaya Kumar on 9<sup>th</sup>.

**DR. P. VENUGOPAL:** No.

**HON. SPEAKER:** Yes. All right, you mention it in one minute only.

**DR. P. VENUGOPAL:** Madam Speaker, through you, I would like to draw the attention of the Government to a matter of urgent and grave importance.

The proposed gas pipeline project of GAIL would go through seven districts of Tamil Nadu, namely, Tirupur, Erode, Coimbatore, Salem, Namakkal, Dharmapuri and Krishnagiri. This is going to be a 20 meter wide pipeline covering 310 kilometres in these seven districts. This will cause a huge loss and irreparable damage to agriculture and residential properties in these districts. This is going to have severe implications for the farmers and the common people in Tamil Nadu.

The impact of laying the pipeline by GAIL is wide and is going to affect the life and livelihood of farmers in more ways than one. It is going to expose them to other risks also like the accident that happened in Andhra Pradesh recently. So, it is all the more essential that the alignment is shifted away from the residential areas.

This proposed pipeline project is going to uproot more than 1,20,000 fruit-bearing mango, jackfruit and coconut trees.

When this issue went to the High Court of Madras, it ordered the Government of Tamil Nadu to conduct public hearings where the farmers raised severe objections to this proposal. On the one hand, the compensation that will be paid is very meager and on the other hand, even though the State Government had ordered to plant at least 10

trees for each tree cut, it would be next to impossible for the GAIL to plant 12 lakh trees in this area.

In view of the above, the Government of Tamil Nadu on 2<sup>nd</sup> February, 2013 suggested that GAIL may stop the work of laying the pipeline in the proposed alignment.

Section 7(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, makes it mandatory that no pipeline shall be laid under lands which are used for residential purposes or near permanent structures.

In this regard, the Supreme Court also had made it clear that once the right of land use is notified, the State Government has no power; and for all practical purposes, the “appropriate Government” will be the Central Government. While respecting this verdict of the Supreme Court, the Government of Tamil Nadu has prepared a review petition.

The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 is one of the 13 Acts which have been exempted from the mandatory requirement of carrying out Social Impact Assessment under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013.

I would like to point out here that, technically speaking, this Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 is not a Land Acquisition Act.

Under these circumstances, the Tamil Nadu Government strongly believes that realignment of pipeline along the highway is the best way possible to implement the project.

In this connection, the Chief Minister of Tamil Nadu, Dr. Amma had written a letter to the Hon.Prime Minister of India on 8<sup>th</sup> February, 2016 requesting the Centre to urgently intervene in the matter, and to rescind all the Notifications issued in this regard. In the meantime, the GAIL may be directed not to act as per those Notifications, pending final decision in the matter.

**HON. SPEAKER:** Now you have made it.

**DR. P. VENUGOPAL :** So, there is also a need to amend the relevant provisions of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 so as to conduct the Social Impact Assessment.

The Hon.Chief Minister of Tamil Nadu has requested the Centre to direct the GAIL to join the Expert Committee constituted by the

State Government so that the possibility of laying of the pipelines alongside the national highways can be explored.

Madam Speaker, in view of the above, I request the Centre to immediately intervene in the matter and render justice to Tamil Nadu for the cause of farming community in the seven districts of the State.

With these words, I conclude. Thank you.

**HON. SPEAKER:** Now, Item No. 24.

... (*Interruptions*)

[Translation]

**HON. SPEAKER:** What should I do? Should I begin in this manner?

[English] I am sorry. What is this?

... (*Interruptions*)

**SHRI MALLIKARJUN KHARGE (GULBARGA):** Madam, today morning at 10.40, I requested you that time should be given. ... (*interruptions*) [Translation] What happened, what are you talking about, please tell us?

**HON. SPEAKER:** Kharge ji, please wait for a moment. No one is speaking at present. Kindly address the Chair. Please decide whether

you wish to speak to them or make a submission to the Chair, and proceed accordingly.

[English]

**SHRI MALLIKARJUN KHARGE:** Respected Speaker, Madam, I would like to invite your kind attention to a gross injustice done to the entire opposition parties by disallowing them to speak on the issues related to Ishrat Jehan case. The matter was discussed under Rule 197 under which a Member can seek clarification from the Minister regarding the particular issue. Contrary to it, the discussion was biased and the Members were making baseless allegations against the erstwhile UPA Government and its leaders.

Moreover, it was a one sided discussion aimed at making the cooked up stories against the Congress Party and its leaders. Before the commencement of the discussion, the Congress MP, Hon. Shri Veerappa Moilyji sought permission to speak on the issue. Unfortunately, it was denied and the discussion happened in one-sided manner, making a reckless allegation against a political party.

[Translation]

**HON. SPEAKER:** Your time is over. I have already informed you. Kharge ji, it is over.

[English]

**SHRI MALLIKARJUN KHARGE :** In this regard, I would request you to kindly allow one of the Congress Members to speak on the issue after completing the Question Hour.

**HON. SPEAKER:** No, I am sorry, not at all.

**THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY):** Madam Speaker, I would like to put the records correct. ...  
*(Interruptions)*

**HON. SPEAKER:** No, I am sorry.

... *(Interruptions)*

[Translation]

**HON. SPEAKER:** This is under Rule 197.

[English]

**SHRI MALLIKARJUN KHARGE:** Yesterday, you did not give a chance to clarify certain matters.

**HON. SPEAKER:** No, I am sorry. You cannot clarify like this.

**SHRI MALLIKARJUN KHARGE:** Madam, kindly give five minutes.

**HON. SPEAKER:** Now, we take up Item No. 24. No, nothing can be raised.

**SHRI MALLIKARJUN KHARGE:** You have allowed so many people on so many occasions. What is this?

**SHRI RAJIV PRATAP RUDY:** Madam, I would like to put the records straight.

**SHRI MALLIKARJUN KHARGE:** Madam Speaker, I am on my legs. I have not yielded. ...(*Interruptions*)

[Translation]

**SHRI RAJIV PRATAP RUDY:** Madam Speaker, my question is very simple. ...(*Interruptions*)

**HON. SPEAKER:** I have already asked you to take your seat. The issue you raised has been dealt with.

**SHRI RAJIV PRATAP RUDY:** Kharge Sahab, you have presided over the House. In the Business Advisory Committee, it was decided that we would move a Calling Attention, and you accepted it under Rule 197. It was within the right of Members to personally submit notices, and you accepted them. Kalikesh Narayan Dev had also given notice. He is not our NDA partner, yet we accepted it. If your Members do not give notice in time and then seek to intervene in between, the traditions of this House and the established procedure of conducting its business cannot be altered at anyone's will. Madam Speaker, a full opportunity was provided, the matter was discussed, but since no notice was given for participation, the Government cannot be held responsible for that. ...*(Interruptions)*

**SHRI JYOTIRADITYA MADHAVRAO SCINDIA (GUNA):** He has spoken about tradition, but tradition also includes this. ...*(Interruptions)*

**HON. SPEAKER:** Please take your seat. I have not permitted you to speak. [English] I am sorry. Whatever he has said is correct. The issue is already over.

**12.29 hours**

**AADHAAR (TARGETED DELIVERY OF FINANCIAL  
AND OTHER SUBSIDIES, BENEFITS AND  
SERVICES) BILL, 2016**

**HON. SPEAKER:** Now, the House will take up Item No.24

Shri Bhartruhari Mahtab.

**SHRI BHARTRUHARI MAHTAB (CUTTACK):** Madam, on Item No. 24, I am raising an objection. This is a very important Bill.  
... (*Interruptions*)

[Translation]

**HON. SPEAKER:** One minute, please. All of you may take your seats. The matter has been concluded.

...(*Interruptions*)

[English]

**SHRI BHARTRUHARI MAHTAB:** Madam, I am raising an objection regarding up Item No. 24.

It is a very important Bill which was listed as the last item of Government Business in today's agenda, but it is being preponed and coming at a time when Budget is now being discussed. Today is Friday and not a single Member from the Trinamool Congress is present. Three hours have been allocated for discussion on this Bill. Some amendments have also been moved. We have less than three hours today because Private Members' Business will start at 3.30 p.m. already ten minutes have passed. It cannot be completed today. It has serious repercussion and implications. Some are of the view that there is a need and some are of the view that there is no need because it impinges on the privacy of every citizen.

When this is the case, some Amendments have been moved, right or wrong, the House will take a decision on it.

Many of us are still in doubt whether this is a Money Bill or not. As far as my information goes, it is a Money Bill. So, the Upper House is not going to deliberate on this Bill threadbare. What is the hurry? I have my own observation on this. This was a creation of the UPA Government. Mr. Nilekani -- if I can take his name -- also presented himself in the case of Aadhaar before the Standing Committee not only once but twice and the Committee -- whether it was headed by

Mr. Ananth Kumar or subsequently headed by Mr. Yashwant Sinha -  
- had also given the Report and some corrections have been made in  
this Bill.

But the Government as such, whether it was the UPA Government or the NDA Government, are in favour of Aadhaar. The political parties have differed when they are out of power, but we, sitting in the Opposition since last 15 years, are aware that where the shoe pinches. My only concern here is that as this is a totally new Bill where new provisions have been added and some firewall has been created, but still the option that a citizen has to opt for or not to opt for this provision still does not find place in this Bill.

Therefore, my request to you, Madam, is to refer this Bill to the Standing Committee. Do not rush it through and that too on a Friday. Refer it to the Standing Committee and let them be told that within two months time, that is, by the Monsoon Session this Report can come and the House can take up this Bill in a proper manner.

**SHRI MALLIKARJUN KHARGE:** Madam, we all support this suggestion. ... (*Interruptions*)

**HON. SPEAKER:** Yes, Mr. Minister. You can move the Bill now.

**SHRI MALLIKARJUN KHARGE:** I am saying this because it is very essential. They have brought nearly 10 new Amendments to the old Act. Therefore, it is necessary to send it to the Standing Committee so that all will participate and all political Parties will also be there. We are not against this, but we want to show you some flaws in nearly 10 Amendments and how they are going to hurt. As Mr. Mahtab said, the privacy question is there and other things are there. This card is not only for identification, but it is also for other things. One has to give many personal information. Therefore, what harm is there if you refer it to the Standing Committee? Every time, bypassing the Standing Committee is not good.

Madam, for the smallest Act you always insisted to refer it to the Standing Committee. Why not refer this Bill, which is going to affect nearly 130 crore people? Therefore, I fully support the suggestion that it should go to the Standing Committee.

**DR. P. VENUGOPAL:** Madam, we are not opposing the passing of this Bill. But only three working days are left and we need to have a thorough discussion on this subject. So, kindly send this Bill to the Standing Committee. This is my humble submission to you.

**HON. SPEAKER:** It needs three hours only. So, we have to see about it.

Yes, Mr. Minister.

**THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):** Madam, the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 was introduced by me before this Hon.House last week.

The discussion with regard to such an institution was really started when the UPA Government was in power. The Unique Identity Authority itself was setup on 28 January 2009. The UPA Cabinet approved the idea of a legislation on 24 September 2010. Thereafter, a legislation, which was the legislation to deal with unique identity, was introduced in the Parliament on 3 December 2010.

We have since also, as Mr. Mahtab rightly mentioned, had the benefit of the Standing Committee of Parliament making certain recommendations and suggestions. There has been an extensive public debate also on this issue. The matter has also been agitated before the Supreme Court where the principal challenge, as was

mentioned rightly by the Hon. Member, has been in relation to the right of privacy, which can allegedly be violated and that is a possible view if this information becomes public with regard to the unique identity of any individual.

Now, this entire discussion which has taken place over the last seven years has now culminated; and this is something which does not only concern the Central Government, it also concerns almost every State Government in the country; it will also eventually concern a large number of local bodies because as technology has evolved and as the wisdom of society itself is evolving, how do we use this institution gifted to us by technology for the optimum benefit of the society itself? For example, the initiative which was started when the UPA was in power, today you have 99 crore people who already have an Aadhar Enrollment. So, a lot of work has taken place and it is continuing by the day. Ninety-seven per cent of adults in India today have an Aadhar Enrollment. The number of children is a little less; it is about 67 per cent. Every day, five to seven lakh new people are being added to it, and that is the pace at which the work itself has been going on.

Though the institution remains the same that you will have an Aadhar Enrollment, but there are two or three distinct differences that it has with the earlier idea. The earlier Bill which was conceived by the UPA, I am not saying that it was a wrong Bill or anything. At that stage, that was the kind of thinking in the society which was on that every individual in India, every resident in India must have a Unique Identity; that Unique Identity can be used in crime detection; that Unique Identity can be used by various institutions and, therefore, a lot of benefit could accrue to the society as a result of this. Now, that went into a side debate relating to privacy of individuals and it becoming public, and we became wiser by this because a lot of people collectively feel that the right of individual's privacy that is an inherent part of his own liberty is also to be protected. But then we have a second set of problems before the society.

We have a lot of weaker sections in India, both socially and economically. We have a large number of people who are still below the poverty line. One of the issues which has been confronting both the Central and the State Governments, and the local bodies, has been that there is a large part of our national resource which is earmarked for these weaker sections and this resource must be targeted.

Therefore, in the last one or two years, a discussion has started in the society as to who are the people who are entitled to the benefit of this resource. Now, the focus of the Bill which was originally introduced in 2010 was a single point focus. ... (*Interruptions*)

**SHRI MALLIKARJUN KHARGE :** You can give this argument afterwards. The question is whether it should be referred to the Standing Committee or not.

**HON. SPEAKER:** There is already a decision and that is the reason why we have taken up this today.

**SHRI MALLIKARJUN KHARGE:** But very politely, the Minister is going on putting across his views, which is not necessary. Otherwise, it means that he has started the discussion.

**SHRI ARUN JAITLEY:** I would only respond to Shri Kharge since he has been fair enough to say that his Party was the pioneer and they support the idea. I think, the earlier we implement the idea, the better it would be in the overall interest of the country.

**SHRI MALLIKARJUN KHARGE:** It should not be done in a distorted form. Why have you brought in those ten amendments?

**SHRI ARUN JAITLEY:** If you point out a distortion, I will certainly correct the distortion. Please point it out; let us start the discussion.

**SHRI MALLIKARJUN KHARGE:** The Standing Committee will point that out.

**SHRI ARUN JAITLEY:** We have already had the wisdom and the benefit of a Standing Committee in a different context -- of the idea of a Unique Identity. So, the focus of this Bill, unlike the UPA Bill -- I am just for convenience sake calling it like that, and there is no political difference because after all the identity is the same, and the institution is the same -- was how this body is to be created and the idea of having a Unique Identity. That was the focus of the Bill. This Bill deals with only one primary focus and that primary focus is that whoever gets a benefit from the Consolidated Fund of India in terms of subsidies, in terms of any form of resource, either from the Centre or the State Government, or from any other State institution, this person is entitled to have an Aadhar Card.

Therefore, for him to get that benefit, either the Aadhaar card or any other document so prescribed will be necessary for the purposes of taking that benefit. Now the advantage of this would be this. I just give an example. We started using this entire initiative which you had

started. We added to it the Jan Dhan data, the mobile data and the LPG money started going in on the basis of this entire data directly into accounts. Now the total amount the Central Government has saved is this. Every poor man who is entitled to it, every person whose income is less than Rs.10 lakhs is today entitled to it unless he has voluntarily given up. Today, by just using the technology and targeting the subsidy, in the initial stages itself, the saving for the Central Government has been Rs.15,000 crore. ... (*Interruptions*)

**SHRI TATHAGATA SATPATHY (DHENKANAL):** Has the discussion on the Bill started?

**SHRI ARUN JAITLEY:** Yes, of course, it has started

**HON. SPEAKER:** Yes, it has started.

**SHRI ARUN JAITLEY:** It has been Rs.15,000 crore. Four States, Andhra Pradesh, Telangana, Puducherry and Delhi have had some pilot schemes with regard to the PDS. The saving of these four States already has been Rs.2,346 crore. So, nobody is able to use the benefit twice over. People in the LPG could be detected as a result of it who were wealthy enough and were taking the benefit of four or five connections each. So, you have been able to screen them out. Scholarships are now reaching the right people because a lot of

scholarships have been put on to it. Similarly, pension has been rightly put on this. Today you have an apparatus. You have approximately about 25 crore families in India. I am just saying approximately by including all families, if you take the average size as about five. The bank accounts of 24.89 crore families have already been linked to Aadhaar; 11.80 LPG connections have already been linked to Aadhaar; 10.83 crore ration cards, including every BPL and some above that, have already been linked to Aadhaar; 6.08 crore MGNREGA cards have been linked. This is going to enable the direct payment. Today you have the MGNREGA payment being sent to the States, from the States to the District Collector, then to the Panchayat and then to the people. Everybody including your own leaders in the past have said that a lot of money gets pilfered in the process. Today using this, the entire MGNREGA money will directly go into the bank accounts of the farmers or the people who work into this. Every State Government and every individual at the Centre itself is going to save a lot of resource because of this. As far as you are entitled to have an Aadhaar card, to get a benefit you need a presentation of Aadhaar card or any other document which must be so notified. Shri Mahtab's concern is about privacy ... (*Interruptions*)

**SHRI BHARTRUHARI MAHTAB:** My concern is relating to the option, whether I have that option.

**SHRI ARUN JAITLEY:** It is an entitlement. If you see the language, the word is that every person shall be entitled. It is an entitlement. Therefore, the privacy and data protection is such that there will be no sharing of data from Aadhaar data base without the consent of the resident. No biometrics is to be shared even with the consent of the resident. Disclosure of information is only in the interest of national security pursuant to a certain level of officer coming to that satisfaction. Any unauthorised disclosure is liable for punishment.

A concern has also been expressed particularly, some of the friends in my Party ask: Does it confer a right of citizenship? The Bill itself says that it does not confer a right of citizenship itself. Therefore, if you see the prime focus of this Bill, the focus entirely is about the usage of money belonging to the Consolidated Fund of India whether of the Centre or the State Governments. In order to spend that money by way of a subsidy and in order to make sure that it is targeted, production of this card is necessary. The rest, how the card is to be issued itself, is incidental provision. That is why it squarely comes within the language of article 110, sub-clause (c) to be particular,

which defines the Money Bill. Therefore, the procedure with regard to the Money Bill itself should be followed.

With these few initial observations, Madam, I commend this Bill to this House for discussion and acceptance.

**SHRI MALLIKARJUN KHARGE:** He wants to avoid Rajya Sabha.

**SHRI ARUN JAITLEY:** It will go to Rajya Sabha.

**HON. SPEAKER:** Mr. Minister, would you like to say something?

**SHRI ARUN JAITLEY:** Yes, Madam, since he said that.

The Money Bill does not bypass the Upper House. After we pass it, it goes for the wisdom of the Upper House itself. It will certainly go there.

**SHRI MALLIKARJUN KHARGE:** But no voting, it will come back.

**SHRI ARUN JAITLEY:** I did not make the Constitution. Those who made the Constitution provided for article 110, who has a right to vote, who does not have a right to vote.

I mentioned this last time. You passed the Juvenile Justice Bill in 1986 as a Money Bill. The South African Bank was passed as a

Money Bill. The Workmen's Injury Compensation was passed as a Money Bill. I have got a whole list of Money Bills. If you want, I will share that list with you.

**HON. SPEAKER:** A decision has to be given by me. I am sorry.

**SHRI ARUN JAITLEY:** I can only propose. It is for the Hon.Speaker to decide whether it is a Money Bill or not.

**HON. SPEAKER:** Thank you. That is all.

**SHRI MALLIKARJUN KHARGE:** The earlier Bill was not a Money Bill. You have converted it into a Money Bill because suppose voting takes place there and the Bill gets defeated, ...

[Translation]

**HON. SPEAKER:** It is possible that the money may not reach the poor.

[English]

**SHRI MALLIKARJUN KHARGE:** I do not say that Constitution can be changed ...

**SHRI ARUN JAITLEY:** The earlier Bill was not a Money Bill because the earlier Bill only dealt with one issue – the idea of having a unique identity. In this Bill that is an incidental issue. The core focus

of this Bill is spending government money. I think the experience which we have had in the last seven years had made us wiser to draft the Bill in this manner.

I beg to move :

“That the Bill to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto, be taken into consideration.”

**HON. SPEAKER:** Motion moved:

“That the Bill to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to

such individuals and for matters connected therewith or incidental thereto, be taken into consideration.”

[Translation]

**SHRI RAJEEV SATAV (HINGOLI):** Madam Speaker, thank you for giving me the opportunity to speak on this important Aadhaar Bill. The Hon. Minister of Parliamentary Affairs was just speaking about the need to follow traditions. Indeed, you are following that very tradition. The manner in which you are taking U-turn after U-turn suggests that perhaps taking U-turns has itself become your tradition, because the positions you once held have completely changed after coming to power. When you were in the Opposition, you repeatedly said that every Bill should be referred. Today, there is no mention at all of the Standing Committee. I feel that in a few days' time, the Standing Committee may not have any significance at all.

We have seen in the meantime that this Government is functioning as a Government of U-turns. One year ago, on 27 February 2015, Prime Minister Modi said that his political understanding tells him never to shut down MGNREGA. He said he could never commit such a mistake because MGNREGA was a living monument to your failures. The Hon. Finance Minister has allocated Rs. 38,500 crore for that very living monument of failures. This raises the question of who was wrong. Was the Hon. Prime Minister wrong,

or was the Hon. Finance Minister wrong? This issue also deserves discussion. You are speaking of U-turns. When you used to speak about Aadhaar, many Members sitting here had expressed their views on Aadhaar at that time. You should also recall and discuss what was said then.

### **13.00 hours**

A few days ago, the Hon. Prime Minister delivered a speech in the Rajya Sabha. He said that this House is a House of ideas, that our Upper House is a chamber of ideas, and that guidance and direction for the nation should emerge from here. He emphasised that coordination between both Houses is essential. The Hon. Prime Minister said that the Rajya Sabha is a House of elders. Yet, the same Modi Government has brought the Aadhaar Bill as a Money Bill by bypassing the Rajya Sabha. Why is there so much discomfort with the Rajya Sabha? Shri Jaitley is also a Leader of the House, and yet this Bill has been brought here by bypassing the Rajya Sabha. When discussion on this Bill was underway, at that time the Government had stated that [English] At the time of introduction of the Bill, the Government stated that the Bill confines itself only to Government expenditure. But in clause 57 of the Bill it is stated that Any public or

private person may use the Aadhaar no. for establishing the identity of any individual for any purpose. [Translation] The issue is that you are allowing private agencies. In the time to come, any private entity, whether an airline, a telecom company, an insurance company, or any real estate company, will use Aadhaar as proof of identity on the basis of the entire information contained in Aadhaar. Your first contention was that, “It confines itself to Government expenditure.” That is not correct. You have misled the House and brought this Bill forward.

When we are discussing Aadhaar, the Government’s view regarding the NPR was that the NPR should be fully implemented. In that direction, several meetings were held by the Hon. Minister of Home Affairs, and considerable work was also undertaken in this House on the matter. When the UPA Government came to power, deliberations were held under the leadership of the then Prime Minister, Hon. Dr. Manmohan Singh, on how to adopt advanced technology. Earlier, former Prime Minister Shri Rajiv Gandhi, along with Shri Sam Pitroda, had introduced reforms in India’s telecom sector. Thereafter, under the leadership of Hon. Shrimati Sonia Gandhi and Hon. Dr. Manmohan Singh, the UPA Government entrusted this responsibility to Hon. Shri Nandan Nilekani. When this

responsibility was assigned in 2010, I have with me the Strategy Document of 2010, which clearly stated that it was a visionary programme. It said that the [English] Unique Identification No. will only provide identity. The UID will prove identity, not citizenship, focus on enrolling India's poor and underprivileged communities. Enrolment will not be mandated, process to ensure no duplicates. Technology systems will have a major role across the UIDAI infrastructure. [Translation] These principles were clearly laid down. Work on this programme continued for 5 to 6 years. Such importance was attached to it that Shri Nandan Nilekani used to submit reports directly to the PMO, and he was also accorded the rank of a Cabinet Minister at that time. After this Government came to power, what did it do? It attempted to dissolve that very committee.

Through you, I would like to inform the House that it appears rather ironic that you are now praising this programme and speaking highly of Aadhaar today, whereas during the election campaign and even prior to it, the manner in which you criticised it was quite different. The Hon. Prime Minister himself had stated, and I quote: [English] "For the first time, I want to tell public I asked several questions on Aadhaar project. I asked them questions related to illegal

migrants, national security. They do not have any answers.”  
[Translation] Does the Government have answers to these questions today? Our senior Member, Shri Mahtab ji, raised a very important point that the Government does not wish to speak at all about privacy. Is this a fundamental right? A writ petition on this matter has already been filed in the Supreme Court, and the issue is yet to be adjudicated. In this context, I would also like to reiterate here a tweet made by Shri Narendra Modi.

[English]

“On Aadhaar neither the team that I met nor the Prime Minister could answer my questions on security threat it can pose. There is no vision, only political gimmick.”

[Translation]

At that time, you described this as a political gimmick. At that time, you called it a spectacle. But today, how is it that our so-called spectacle suddenly appears appealing to you? How is it that you now see merit in what you earlier dismissed? The Government will have to answer this as well. When you are in the Opposition, you criticise everything. The day before yesterday, I listened to the Budget speech in which it was stated that electrification had taken place in 18,000

villages. When electrification of 18,000 villages took place, electrification of five to six lakh villages had also taken place earlier, but that is not mentioned. This will not do, because a great deal has been achieved over the last 60 years. Aadhaar too is a contribution of the Congress and the UPA, which we have placed before you.

When Hon. Prime Minister Modi was criticising Aadhaar, 60 percent of Aadhaar cards in his State had already been issued. If he felt at that time that there was no substance in it, why were 60 percent Aadhaar cards issued there? This clearly shows that he knew there was merit in it, but opposing it merely for the sake of opposition was the agenda and this is not your... \*petty politics. What else can it be called? Perhaps no one indulges in political theatrics more than you.  
*...(Interruptions)*

**SHRI ASHWINI KUMAR CHOUBEY (BUXAR):** Madam Speaker, the ... \*word should be expunged, as it is abusive.  
*...(Interruptions)*

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\* Not Recorded.

**SHRI RAJEEV SATAV:** The necessary correction will be made.  
...(Interruptions) We rarely speak. ...(Interruptions)

**HON. SPEAKER:** Please do not converse amongst yourselves.  
...(Interruptions)

**SHRI RAJEEV SATAV:** We speak rarely, so kindly do not instruct us in that manner. ...(Interruptions) Whatever correction is required will certainly be carried out. ...(Interruptions) Please do not be concerned. ...(Interruptions) No one is going to be intimidated. ...(Interruptions) Learned counsel, no one will come under any pressure. ...(Interruptions) Please do not take undue tension. ...(Interruptions) We have full rights, and it is our legitimate entitlement. ...(Interruptions) There is no need for you to speak on this matter. ...(Interruptions)

[English]

**HON. SPEAKER:** Please address the Chair.  
...(Interruptions)

[Translation]

**SHRI RAJEEV SATAV:** Not just once, we will speak twice.  
...(Interruptions) There is no issue in this. ...(Interruptions)

**HON. SPEAKER:** All Hon. Members may please take their seats.

...(Interruptions)

**SHRI RAJEEV SATAV:** This is what your Make in India appears to be. ...(Interruptions)

**HON. SPEAKER:** Rajeev Satav ji, please do not engage in cross-discussion.

...(Interruptions)

**SHRI RAJEEV SATAV:** We are aware that no delivery is taking place. ...(Interruptions)

**HON. SPEAKER:** Rajeev Satav ji, please address the Chair.

...(Interruptions)

**HON. SPEAKER:** Please refrain from responding to their remarks.

... (Interruptions)

**SHRI RAJEEV SATAV:** Hon. Speaker, Madam, I wish to make my submission, but if only arguments are being made, what option do I have? ...(Interruptions)

[English]

**HON. SPEAKER:** You are not supposed to answer.

... (*Interruptions*)

[Translation]

**SHRI RAJEEV SATAV:** Hon. Speaker, kindly ask him to take his seat. ...(*Interruptions*)

**HON. SPEAKER:** I have asked him to take his seat. You may please address the Chair.

...(*Interruptions*)

**SHRI RAJEEV SATAV:** This is not Make in India; it is becoming Breaking India. ...(*Interruptions*)

**HON. SPEAKER:** What is happening? The debate has to be concluded within three hours. Why are Members rising repeatedly? A response will be given from your side.

... (*Interruptions*)

**SHRI RAJEEV SATAV:** Madam Speaker, BJP spokesperson Shrimati Meenakashi Lekhi Ji is not present in the House today. However, when she had visited Shri Nandan Nilekani ji during the campaign and later addressed a press conference, she had stated:

[English]

“Aadhaar implementation - a threat to nation’s security. CBI should probe into various aspects of the Aadhaar project including the manner in which finances have been allocated for it. I will be ashamed to take credit for such a project. ”

[Translation]

Your spokesperson had said that she would feel ashamed to take credit for Aadhaar. Yet today, you are moving forward with great force to claim credit for it. Today you are saying, Kharge ji, that you had initiated it and that you are taking it forward. At the same time, the House was demanding that the Bill be referred to the Standing Committee for two months. You did nothing for twenty months, but now you wish to complete everything within two months. You are not even willing to wait for two months. This reflects the manner in which you wish to place your position and the ...\*perspective from which your Government is functioning. ...(*Interruptions*)

**HON. SPEAKER:** What is this? Please say it differently and do not use that word.

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\* Not Recorded.

...(Interruptions)

**SHRI RAJEEV SATAV:** Hon. Speaker, if any word used by me is considered unparliamentary, you may kindly have it expunged. I have learnt from many colleagues sitting here that several words are used and later expunged. The then President of the BJP and the present Minister of Home Affairs, Shri Rajnath Singh, in an interview given to Deccan Herald on 11 April 2014, had made certain observations.  
[English]

“We will review Aadhaar project if BJP led NDA comes to power and look into its flaws. Instead of Aadhaar National Population Register should be the basis of distributing direct cash benefits to targeted people”

[Translation]

If your President had said so at that time, why has there been a change now? Why has there been a U-turn? This U-turn has been taken because we worked hard for two, four, five years. We created this framework, and not only this framework, but many of the essential initiatives in this country were undertaken during the tenure of the Congress and the UPA. It is repeatedly asked what was done in sixty years. This is what was done in sixty years. This is our 60-year

contribution. Neither the people of this country nor your Government can deny this fact. In the JAM trinity, 'A' stands for Aadhaar and 'M' stands for Mobile. These are contributions of the Congress and the UPA. You may claim credit for Jan Dhan, but Aadhaar and mobile connectivity were conceived and implemented by us.

[English]

**SHRI ARUN JAITLEY:** You take all three but pass this Bill.

[Translation]

**SHRI RAJEEV SATAV:** Please convey this to the Hon. Prime Minister as well and ask him to speak on this matter. Inform the Hon. Prime Minister that this is an achievement of the Congress. Statements have been repeatedly made that nothing happened in 60 years. Much has happened in 60 years. Hon. Minister of Finance, you are confirming this here, and I thank you for that.

Further, the manner in which Shri Rajnath Singh ji held meetings regarding the NPR and spoke about enforcing the NPR should also be noted. Shri Rajnath Singh ji had stated in a tweet dated 18 June 2014 that-

“Instructed the MHA to update the NPR data base and asked for proposal on issuance of National Identity Cards to Indian citizens at the earliest.”

What progress has been made on this issue over the last two years? The Hon. Minister of Finance appears to hold one view, while the Hon. Minister of Home Affairs holds another, and this is how the Government seems to be functioning. With regard to the proposed amendments, reference has been made to the Parliamentary Standing Committee. The Parliamentary Standing Committee functioned under the chairmanship of Shri Yashwant Sinha. In its report, the Committee had categorically stated that before introducing any legislation on Aadhaar, the Government must first bring forward a Data Protection law and address the issue of the Right to Privacy. The Committee had clearly expected the Government to take the initiative in this regard. However, the recommendations of the Parliamentary Standing Committee constituted under the chairmanship of Shri Yashwant Sinha are not being adhered to.

Hon. Speaker, Madam, the term national security has been used here, but no definition has been provided. Reference has been made to the Bill of 2010. The 2010 Bill contained several sound provisions. Shri Mahtab ji has stated that the Bill has not yet undergone full scrutiny. There are many provisions in the 2010 Bill on which the Government has given no consideration here. In the 2010 Bill, there was a provision for a fine of Rs. 1 crore. In the present Bill, this has been reduced to Rs. 10 lakh. Should a person committing an offence be penalised with Rs. 1 crore, or with Rs. 10 lakh? You have reduced the penalty by Rs. 90 lakh, bringing it down from Rs. 1 crore to Rs. 10 lakh. Why has this been done? Do you intend to let offenders go lightly? You say, "I will neither indulge in corruption nor allow others to do so," yet here you have brought about sweeping changes that dilute the penalties substantially.

Hon. Speaker, Madam, in the 2010 Bill, there was a provision for imprisonment for three years. In the present Bill, this has been reduced to one year. Why has this been done? What is the logic behind it? Is it intended that an offender should be released quickly, or that a person committing a violation should escape

with minimal punishment? The rationale behind this change is not clear to us.

Several Members have moved amendments. You have stated that information may be sought in the interest of national security. However, the term national security has not been defined. Whose information will be sought? Will it be sought from Kanhaiya or from Rajeev Satav? From whom will the information be taken? There is no clarity. You say that is the discretion of the Government. This cannot be the way forward. You must clearly streamline and specify whose information you intend to access. Under the Indian Telegraph Act, there were Supreme Court guidelines. The Supreme Court clearly laid down the manner in which information could be intercepted. Even a five-Judge Bench of the Supreme Court is presently examining whether the right to privacy is a fundamental right. No final decision has yet been taken on that issue, and yet you have brought forward this Aadhaar Bill. If you look back to 1996, the Supreme Court interpreted provisions under the Indian Telegraph Act with regard to the State being allowed to tap phone. Even those safeguards are not being followed here. This Bill appears to have been drafted

according to whatever suited the Government at the time. There are certain rules. But there are no rules and no provisions in this Bill. If information can be accessed arbitrarily, it may lead to leakage of information, which itself could pose a threat to national security. It is written there: [English] The Bill differs from the guidelines for phone tapping in the following two ways. First, the Bill permits sharing in the interest of national security rather than for public emergency or public safety.

[Translation]

I would like to urge that, at the very least, the approach adopted under the Indian Telegraph Act should be followed as a guiding framework. All these matters can be discussed in detail in the Standing Committee. Therefore, I once again request that you may allow a period of 30 to 40 days, but this Bill must necessarily be referred to the Standing Committee. There are several other issues and concerns which can be deliberated upon. No discussion has taken place here regarding the recommendations of the Parliamentary Standing Committee. If the Government is not inclined to do this, then at the very least, it should consider

enhancing the audit powers of the CAG with respect to the Aadhaar Authority. ...(*Interruptions*)

[English]

**HON. SPEAKER:** The time for your Party is 15 minutes. But you have already taken more than 20 minutes. If you consume the entire time of your Party, then other Members for your Party will not get time.

**SHRI RAJEEV SATAV:** Madam, I will conclude in one minute.

**HON. SPEAKER:** You will have to conclude. Please keep it in mind.

[Translation]

**SHRI RAJEEV SATAV:** Hon. Speaker, Madam, I will conclude in one minute. I would like to place one important point on record. As stated by the Hon. Minister, Aadhaar enrolment has reached approximately 90 to 95 crore, and by 30 April 2014, 57.5 crore Aadhaar numbers had already been issued. This clearly establishes that nearly 60 Percent of the work relating to Aadhaar had been completed even before this Government assumed office. Thus, the foundation laid by Hon. Dr. Manmohan Singh and Hon. Shrimati Sonia Gandhi is the basis on which this programme is being carried

forward. However, while advancing this work, vital issues relating to privacy and several other serious concerns, as highlighted by Kharge ji and Shri Mahtab ji, have not been addressed or discussed in the House.

These days the Hon. Prime Minister is quoting Shri Rajiv Gandhi and Shrimati Indira Gandhi. It is indeed a matter of satisfaction that after a long time, there appears to be some reflection and understanding leading to the use of quotations from Rajiv ji and Indira ji. However, the quotation of Indira ji that was used by the Hon. Prime Minister in the Rajya Sabha was to the effect that some people do the work, while others take the credit. He said that one should become among those who do the work, because there is intense competition among those who take credit, but no competition among those who actually work. Through you, I would like to urge the Government to refer this Bill to the Standing Committee and to focus on becoming among those who do the work, rather than joining the race for taking credit. This is my earnest request to the Government through the Chair. Once again, I thank you for giving me the opportunity to speak on this Bill. Thank you.

**SHRI GANESH SINGH (SATNA):** Hon. Speaker, Madam, I rise to speak in support of the Aadhaar Bill, 2016. This Bill has been introduced here as a Money Bill. Its objective is to make Government policies more effective and to further advance the Unique Identification (UID) scheme. It is extremely important that the Bill ensures adequate safeguards and prevents misuse. The Bill recognises the need to provide a legal framework for enrolment, authentication, security, confidentiality, and the handling of Aadhaar-related information, and to link it with expenditure from the Consolidated Fund of India. Shri Rajeev Satav ji has just stated that the Bill should be referred to the Standing Committee. I believe that the biggest concern of the Congress today is why the Government is performing so effectively, how this work can be stalled, and how obstacles can be created. It is well known to all that the benefits of subsidies should reach the actual beneficiaries, but this often does not happen. There are significant difficulties in ensuring that benefits reach those who are genuinely entitled to them. For this reason, provisions have been made in this Bill to prevent misuse and to ensure that benefits reach the real beneficiaries.

So far, 95 crore people have been issued Aadhaar cards, and an expenditure of approximately Rs. 13,631 crore has been incurred on this programme. The Chief Economist of the World Bank, Shri Kaushik Basu, has observed that Aadhaar has proved to be highly effective in curbing corruption and that the Government is likely to achieve savings of around Rs. 650 crore within a year. I submit that the Government has launched several new schemes and is making sustained efforts to ensure that their benefits reach every household. The objective is to ensure that subsidies are directly credited to the accounts of beneficiaries and that the role of middlemen is eliminated. It is with this clear intent and vision that our Government has undertaken this initiative. Under Clause 34 of the Bill, there is a provision for imprisonment of up to three years for furnishing false information or attempting fraud in obtaining an Aadhaar number. Shri Satav ji has stated that the present Government is merely replicating the work of his Government. Perhaps he is overlooking the reality that, if we make an honest assessment of the current condition of the country, it becomes evident that much remains to be done. Neither I nor this Government has claimed that previous Governments did no work. However, the fundamental purpose for which democracy exists

and Governments are constituted is to protect the poor, to connect them with Government schemes, and to strengthen them economically. It is true that slogans such as Garibi Hatao and assurances of food, clothing, and shelter were raised as far back as 1951. Unfortunately, these largely remained slogans. Today, the Government led by Shri Narendra Modi is compelled to translate those promises into action, because if the Government does not address the hardships and challenges faced by the poor, then who else will?

Under the Jan Dhan Yojana, more than 21 crore bank accounts have been opened, of which over 15 crore are currently active. These account holders have been provided with an overdraft facility of up to Rs. 5,000. This initiative has generated a renewed sense of confidence and hope among the people that they can move out of poverty. A scheme has also been formulated to provide free LPG connections to nearly five crore BPL families. In the current year alone, subsidies will be extended to approximately one and a half crore poor beneficiaries. It is evident that without Aadhaar, these benefits would not reliably reach the genuine beneficiaries. Therefore, granting Aadhaar statutory backing is essential. Similarly, under the Public

Distribution System, while food security is guaranteed in principle, a large number of eligible persons are still deprived of its benefits. Instances of leakage and impersonation persist, resulting in benefits being diverted to ineligible persons. The integration of Aadhaar will help curb such malpractices, ensure transparency, and guarantee that Government schemes reach the rightful beneficiaries, with benefits being transferred directly into their bank accounts.

The need of the hour is to ensure that the schemes being implemented by the Government actually reach the genuine beneficiaries and that the identity of the real beneficiary is duly established. This is a critical requirement today, and in this regard, this Bill will prove to be highly effective. I believe that the facility of Aadhaar should reach 100 percent of families. At present, it has reached nearly 95 crore people, and the objective is to extend it to 125 crore citizens. Our Government is fully capable of achieving this target. It is also working earnestly to rectify systemic deficiencies and leakages at the grassroots level and to strengthen delivery mechanisms accordingly.

It appears that the Congress Party and some other Members are uncomfortable with the fact that the Government led by Shri Narendra

Modi is delivering results. The Hon. Prime Minister had, at the outset, stated that this would be a Government committed to the welfare of the poor and that the first claim on the nation's resources would belong to the poor. This commitment has not remained merely a statement but has been demonstrated through action. The priorities of this Government have been clearly established, and it is moving forward with determination in that direction. The Budget presented by the Hon. Finance Minister this year is distinctly focused on the poor, on rural India, on village development, and on the welfare of farmers. To ensure that the benefits of these initiatives reach the rightful beneficiaries, a credible and verifiable system of identification is essential. In this context, Aadhaar plays a crucial and indispensable role. I consider this step taken by the Government to be highly commendable. The Supreme Court has also expressed its views on this matter. Initially, Aadhaar was linked with LPG and the Public Distribution System. Subsequently, the Supreme Court has extended its cooperation to the Government, and schemes such as MGNREGA, pensions, EPF, and the Jan Dhan Yojana have also been brought within its ambit. I believe that all our welfare-oriented schemes should likewise be integrated with this framework and that Aadhaar should

serve as a key foundational mechanism. It is correct that the Court has also stated that Aadhaar should not be made mandatory. Even if it is not mandatory, there must nevertheless be some reliable basis through which misuse can be prevented and benefits can be delivered directly to genuine beneficiaries. We have seen in the case of MGNREGA that payments were often made irregularly, with wages being credited to persons other than the actual workers. However, with the introduction of Aadhaar, I believe that such malpractices will be effectively checked. Similarly, the benefits of other Government schemes will be ensured to reach the real and deserving beneficiaries in full measure.

I would like to submit that the provisions contained in this Bill will comprehensively ensure that the benefits of Government schemes reach the people directly. The irregularities that have occurred thus far, as well as the potential for misuse in the future, will be decisively addressed and prevented.

Therefore, I extend my full support to this Bill. I am grateful to you and to the House for affording me the opportunity to speak.

**13.27 hours**

(Shri Anandrao Adsul *in the Chair*)

[English]

**SHRI B. SENGUTTUVAN (VELLORE):** Mr. Chairman, Sir, thank you. I may please be permitted to speak from here.

**HON. CHAIRPERSON:** All right.

**SHRI B. SENGUTTUVAN:** Thank you Sir for affording me the opportunity to speak on this important and crucial, the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 that was introduced in the Lok Sabha by the Hon.Finance Minister on 3.3. 2016.

While on the whole we may support this Bill since it enables better identification of beneficiaries for various Government programmes and also offers residents of India an easier means of establishing their identity, the Bill in its present form does raise certain grave concerns. Our reservations are that it is not a Money Bill *per se* and subsidies should not be linked to Aadhaar so as to take away the powers of the State Governments in giving away the subsidies to the poor. ... (*Interruptions*)

The Bill has been introduced as a Money Bill perhaps to avoid the anticipated logjam in the Rajya Sabha. But the Hon.Finance Minister explained that this is a Money Bill in view of the fact that the Government money is being spent for the subsidies. But such an argument does not convince us. Such Bills which rise substantive concerns going well beyond the financial matters ought not to be taken up as Money Bills.

We have taken a similar stance with the Public Debt Management- related provisions which had been included in the Finance Bill, 2015 presented with the Union Budget for 2015-2016.

The present Bill has been brought in with certain modifications in the National Identification Authority of India Bill, 2010. The Standing Committee on Finance chaired by Shri Yashwant Sinha had presented a detailed report on the Bill in December, 2011, and raised critical concerns including the possibility of illegal possibility of illegal immigrants obtaining Aadhaar numbers, possible contradictions with the Citizenship Act, 1955, the risks related to engaging private agencies to collect and maintain large data bases relating to individuals, the over dependence on private vendors, technical issues relating to possible errors in the collection of

biometric information, and privacy and security concerns as well. Some of these issues have been partially addressed in the new Bill but many of those concerns remain, which will need to be discussed and debated in detail.

The Tamil Nadu Government has repeatedly raised a concern that such measures as those that enable easier, direct cash transfers should be taken up only with the categorical assurances from the Government of India that subsidies on commodities which are supplied like food, fertilizers and kerosene are not converted into cash transfers under the Direct Benefit Transfer (DBT) Scheme and further that the DBT Scheme will be operated only through the State Government and not directly by the Government of India. since it is a State Government machinery that carries out the identification of beneficiaries. Such a stance was taken on the National Food Security Bill as well. This has been the stand taken by other States including some that are ruled by the BJP Party.

Although State Government Departments and agencies will have an important role to play in the implementation of the Aadhaar scheme, the Bill does not explicitly provide for a role for State Government agencies. The Government of Tamil Nadu is developing

a State Residents Data Hub. There should be a provision in this legislation enabling assured access to State Governments to the Aadhaar database for the purpose of better implementation of programmes. Decisions on the schemes the Aadhaar database would be used and the manner in which it would be used, should be left to the State Governments.

Just as there is a provision under clause 33(2) for certain data to be released in the interest of national security under the authority of a Joint Secretary to the Government of India, similar powers ought to be given to the State Government since maintenance of 'Public Order' is a State subject.

This is similar to the power to authorize interception of telephones under the Telegraph Act which is given to both Central and State Government authorities.

As there are still key questions and concerns in the Bill which need to be addressed in detail, the Bill should not be rushed through in this manner. Therefore, I would request the Government to take a more adjustable stand in referring the Bill for discussion in the Standing Committee, which alone would do justice to our reservations. With this I conclude.

**SHRI TATHAGATA SATPATHY (DHENKANAL):** Mr. Chairman, Sir, the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 being discussed today in the House shows how much interest we, Members, are taking in such a serious discussion; the emptiness of both the Treasury and the non-Government side shows that apart from the Biju Janata Dal, people do not understand the import of this Bill. This is a classic example of function creep, which means when a technology designed for use in a particular fashion for a particular purpose is misused or used for something else for which it was not intended. That is function creep.

I am surprised how in this country people, even educated, conscious, aware people, are bending over backwards to get an Aadhaar Card. I do not know what kind of a hurdle this will bring up in the future for me, but I am proud to say that I and my family, till today, have refrained from getting registered in the Aadhaar process. I not only oppose this Bill in entirety; I not only give it as an opposition in a speech, but I am actually implementing it in my life.

It has been showcased as a tool exclusively meant for disbursement of subsidies and we do not realize that it can also be

used for mass surveillance or, to take it a step further, to a very much more dangerous proposition for genetic or ethnic cleansing.

**KUNWAR BHARATENDRA SINGH (BIJNOR):** Why are you saying cleansing? All Indians are racially the same.

**SHRI TATHAGATA SATPATHY :** No. You may not have read recent findings.

**KUNWAR BHARATENDRA SINGH:** There are no blacks and whites in this country.

**SHRI TATHAGATA SATPATHY:** No. There is this misconception that we are ethnically one. But recent studies in the Calcutta University and in other places have proved that Indians come from four definite ethnic backgrounds. There is the Burman-Tibeto background, there are Dravidians and there are different ethnic groups. If we do not wish to recognize them and we think everybody is an Aryan, I would like to submit I am not an Aryan, I am a Dravidian, I am an Adivasi. So, we are not the same. There are ethnic groups in India. Let us admit it. If we not recognize, we are closing our eyes to certain facts of life which have been proven by science, by research into DNA in this country, in this Century, in the recent past.

Sir, we have seen how biometric data has been mis-utilised even by an organisation as important as the United Nations which used the data that was collected in the Refugee Camps of Iraq, Syria and other Middle East countries. When these refugees are moving into Europe, the UN is supplying this data to the Governments of the concerned countries to keep a tap on the refugees who are going there.

I do not know why India needs this system. We have a multiple layering of cards. When the UPA had moved it, I had spoken at that time also and I had opposed it because I do not see much of a difference between the UPA or the NDA; just the individuals have changed, but the mindset sits at that corner, where the bureaucracy sits and they are the one who are constant. I am happy that the Prime Minister recognised this fact and also spoke about it in so many words in his speech when he was replying to the debate on the Motion of Thanks on the President's Address. He recognises the fact because he has probably encountered this being an administrator himself and being an implementer. But the Government has to – not the Prime Minister individually – realise that if they want to break free of the yoke of the past then they have to take the call themselves. These have to be political decisions. These cannot be bureaucratic decisions. We

have, for example, the election ID card; we have the BPL card, the APL card. There is a whole set of cards which we have given to our countrymen. We have even given income tax payers and non-income tax payers the PAN card. So my point here is, this is an ongoing process. All these cards are ongoing process. Every day, new children are born and after a certain period of time, they will require a card. So, Aadhaar is not going to stop, say, after a certain period of time. Like in the Bill, they have said that the mistakes in the card shall be rectified within a period of three years ending 2019. That means, they themselves are admitting that after 2019, they will not be there in the Treasury Benches. It is because, if that would not have the Government's belief, they should have made it over a period of time that for the next decade this will be an open-ended legislation where whatever mistakes take place, can be rectified.

We are seeing, every day this august House is getting amendments. What are the amendments for? It is because, somebody in the past had legislated something, written something; it is being corrected. So, here, there is no justification, when you already have a plethora of cards, to dump another very expensive card on the citizens

of this country just because you want to have biometric. More dangerous, Sir, they are collecting biological data also.

The problem that I face is this. Why is the BPL card a failure? All of us are aware of it. At the panchayat level, the sarpanch finds out that “You have not voted for me when I contested for sarpanch. I will ensure neither you, nor your family, nor your relatives, nobody, will get the BPL card. If you do not get the BPL card, you will not get the MGNREGA benefits. So, I will stop you.” This is the problem that we should have addressed. If we are actually concerned about the poor of this country, then we should have ensured that the BPL card reaches the real beneficiary in a very honest and effective manner which we have not tried to do. What are we trying to do? We have a cake; we are putting one layer of icing, another layer of icing. So, this is an endless process and it is taxing on the taxpayer. You have some 2.38 per cent of the people of this country paying taxes. How much more do you want to tax them? Why do you tax them for this kind of unproductive, non-productive useless work? So, to this thing that Aadhaar is meant to deliver only benefits, I do not agree because there are enough superstructures at the ground level. All that you have to do is streamline those superstructures so that you get a better result and

the real poor are identified by you and identifiable by somebody who wants to reach benefits to them.

As for this being a money Bill, Sir, you are aware, the whole House is aware, this is not a money Bill. Every expenditure, majority of expenditure is taken from the Consolidated Fund of India. What are we being taught? I mean, are we not aware of what happens in this House? We have been here for so long now. What are we being taught about the Consolidated Fund of India? Every thing you are bringing here, the money is from the Consolidated Fund. All that you are trying to do is subvert the process, not to take this to Rajya Sabha and suddenly this urgency. It is because, some *babu* has told you that this is very urgent; let us get it done. So this is still the same attitude that is continuing and we are kowtowing to that very idea. First of all, this Bill should not have been brought in as Budget discussions were going on.

Sir, you have been in this House for long enough. You have enough experience. You know that the Budget discussions are never interrupted in the manner that Aadhaar Bill has done it. This is a very wrong thing the Government has done. So, you have to give me time

because I have heard everybody else patiently. I am not making a political issue.

**HON. CHAIRPERSON:** Hon.Member, as decided in the BAC Meeting, we have allotted two hours' time to this discussion. Accordingly, you have got seven minutes only. Now, you have spoken for more than 10 minutes. Please finish your speech in three or four minutes.

... (*Interruptions*)

**SHRI TATHAGATA SATPATHY:** Sir, I will quickly finish it. I will run through it.

Further, there are many contradictions in the Bill. For example, take Clause 4, bracket (3), which says, Aadhaar can be used as identity for any purpose. That contradicts Clause 7 and narrative around the Bill that Aadhaar will be used only for delivering benefits in subsidies. So, you are contradicting yourself.

Sir, our Prime Minister said that people come to power and people will go out of power. He also is magnanimous enough to recognize that the beauty of democracy is 'nobody is permanent'. These people thought they will be there in power for ever. You saw

what the people did to them. Now, they are thinking they will be in power for ever. You will be right there; you will see what will happen to them. So, we are very used to it. I would like to ask the Government or the Finance Minister one question. Can he, under any circumstance, assure us that this law, this Aadhaar Card and the data that will be collected under it – biometric, biological, Iris scan, finger print, everything put together – will not be mis-utilised as has been done by the NSA in the US? US is a burning example. Snowden is a great example. He exposed about what happened in the US. They collected all kinds of data. But, what happened? It goes to construct or deconstruct a citizen. When you base everything on that – your bank account, your income, your tax including your health history, everything on one single thing – then what happens? Our system is much weaker than the US system. When anybody can break into the US, where would we be as Indians?

Now, I am coming to the end. I will give you another example. We have lot of competent systems and laws. But, who are the people handling it? They are extremely incompetent people. There is an instance which I would like to state here. There is one University called IIPM. When it had some tough stands with the Government,

the Government said: “You stop all their URLs”. The duty was given to a *babu*. What did he do? He must have searched for IIPM. Whatever came up first were the UGC URLs and IIPM was mentioned in them. He blocked all of them. So, UGC websites went off the net for two days. Now, you expect from these people to guard your data. How, will they guard it? Here, what are you saying is that there will be some little punishment and they will pay a tax of Rs. 10 lakh.

Another important thing is that you are saying that unless authorised by the authority, nobody will have access to plant a virus or take out the data. Why should the authority authorise anybody to put in a virus? It is there in the Bill. This is not something I am saying out of my own free will. People may think this Bill has been very-well drafted. Yes, it has been very-well drafted. The effort has been to make it watertight. But, in the watertight process also, in a State which is ruled by one of their allies, 25000 fake Aadhaar ID Cards have been unearthed because some of these contractors took money and started issuing Aadhaar Cards. So, when you are saying that you will sublet or you will give out sub-contract to other private parties, what will happen is that if they get influenced, they will be able to manipulate all the data that the Government will be accessing or will be having.

Sir, before I wind up, I would refer to page 2, Clause 2 (g) where it says:

“ “biometric information” means photograph, finger print, Iris scan, or other such biological attributes of an individual as may be specified by regulations;”

Sir, this definition is vague. Since you have mentioned that this is subject to regulations in the future, ‘biometric information’ might even include DNA information. By leaving the definition so open ended, you have kept the provision to include other ethically unacceptable biometric information. As seen in other countries, even medical information and scanning of organs might be included because you have added the word ‘biological’ in the definition, which is a very dangerous one.

Now, please see page 2 Clause 2 (x). The definition of ‘subsidy’ is too broad. Will this Bill cover only subsidies for the poor or even other types of subsidies which even a middle-class gets. Suppose, Sir, you want to buy a land, tomorrow for registering your deed, they will say: “Give your Aadhaar card”. Now, they are asking for PAN card.

Sir, the Government is not the danger. The dangers are these sub-contractors, who will have access to all these data.

Sir, I will mention two other points before I really wind up my speech. ... (*Interruptions*)

Sir, now-a-days, I see a lot of people have their hands shaking in the House; maybe that is what is happening to me and that is why, my hands are also shaking. Sir, now my hands are steady.

Please see Clause 33. If information is to be revealed for national security, consent of the individual shall be sought. Kindly see page no. 12. Clause 33 (2) says that just like our sedition laws – this is something important – ‘national security’ can be interpreted in a number of ways in any given situation. Tomorrow, somebody can say: “Shiva Sena or BJD is an anti-national Party or AIADMK is trying for sedition and they want to breakaway Tamil Nadu and join Sri Lanka”. If that happens, this Clause can be misused by the Government in power to stifle dissent. You will probably ask for the biometric information of the next Johny that raises a voice against the Government.

**HON. CHAIRPERSON:** Please conclude now.

**SHRI TATHAGATA SATPATHY:** Now, I have come to the last point.

The Government has put in a lock down period, which I mentioned about. Please see page no. 17 – Clause 58 puts in a lock down provision. Up to three years, the BJP Government can revise the Bill through Gazette Notification by the Government. Bureaucrats will have a role over this Bill after this Bill is passed by Parliament. What is the rationale behind keeping three years is what I wonder? What will happen after 2019?

So, Sir, at the end, I would like to thank you very much for allowing me to speak on this Bill. I wish to categorically state that I oppose this Aadhaar Bill. I do not support the collection of such sensitive data from individuals of this nation.

Sir, we are multi-cultural, multi-lingual State. We have a plethora of cards that we can rely on. We can make the Election Vote Card successful. The Aadhaar Card should be stopped. It should be given ... (*Interruptions*)

**HON. CHAIRPERSON:** Please conclude now.

**SHRI TATHAGATA SATPATHY :** Sir, your Party Member will speak after I complete my speech. ... (*Interruptions*)

**HON. CHAIRPERSON:** Already he is standing. Please conclude now.

**SHRI TATHAGATA SATPATHY:** All I am asking for is that this Bill should be sent in for further scrutiny. I oppose this Bill and I want it to be noted that the Biju Janata Dal and Tathagata Sathpathy oppose this Bill.

Thank you.

**SHRI ARVIND SAWANT (MUMBAI SOUTH):** Hon. Chairperson, Sir, let me welcome this Bill wholeheartedly. There is a conflict whether this Bill is a Money Bill or not. I think, in the opening speech, the Hon. Finance Minister has categorically mentioned that this Bill is brought for the benefit of the poor people who are availing subsidies in different ways and these subsidies should directly go to the poor people. The whole motive is that the subsidy should go directly to the concerned person who is supposed to avail this facility.

The preceding Prime Minister has said it earlier also that the money never reaches a man, who deserves it, who desires it. It filters out. Out of one rupee sent, he used to get 10 paise only. To prevent all that, this Bill has been brought.

The Statement of Objects and Reasons is very clear. The caption of the Bill itself says:

“to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto.”

This itself clarifies what exactly the Government intends to do or what the Hon.Finance Minister intends to do. But while doing so, I have some doubts to be clarified. What we have observed is that Aadhaar Card is being misused or sometime being prevented. On one side, we say that we are giving him a unique identity; and when that persons goes for voting with his unique identity, the Presiding Officer says that it is not valid. If it is not valid, then what is the sanctity of this Aadhaar card?

It is said that a requesting entity shall, unless or otherwise, provided in this Act, obtain the consent of an individual before collecting his identity information for the purpose of authentication in such a manner as may be specified by regulation.

Now, he wants to disclose his identity; and he wants to take the support of the Aadhaar card. But when he has gone to the polling booth and he is being prevented to vote.

One sentence, which the Hon.Finance Minister had said, was that 'this Aadhaar card does not mean that he has got the citizenship.' Now, I have a query. I am saying what I have observed during the election. It is not directly related to this Bill, but it is relevant as it is going to reflect as to how it is going to have an impact. A man, staying

on a footpath, and we do not know whether he belongs to this country or not, whether he has come from Bangladesh. But during the election, the Election Commission's Authority, whichever is appointed, goes and sees that a person is staying on the footpath. One day, the Authority says that this man 'A' is staying on the footpath. Then, that fellow or the Authority is asked to go there three times, may be after a week or after a month. Then, that fellows certifies that man 'A' is staying here on the footpath. But what is his residential area? It is nothing. Residential area is 'opposite the Parliament footpath.' That is all. But he gets name enlisted in the Voters' List. Based on his name appearing in the Voters' List, he gets the Aadhaar card in his name. It is the reverse procedure. As he has his name enlisted in the Voters' List, ultimately, he gets the Ration Card in his name; ultimately he gets all the other facilities. How are we going to prevent this? That is what my major concern is. It is because the people who are not the citizens of this country, are being empowered to vote during the elections. This is how the Aadhaar card is being misused.

There are some conflicts in the Bill. On the one side we say that in view of this and to provide for the effective, secure an accurate delivery of benefits, subsidies and services from the Consolidated

Fund of India to targeted beneficiaries and authenticating their identity through Aadhaar numbers. We may underline these words ‘Consolidated Fund of India.’ These words have made it a Money Bill because the money is being used from the Consolidated Fund of India to give subsidy directly to the poor.

It is felt that the process of enrollment, authentication, security, confidentiality, and use of Aadhaar related information be made statutory and to facilitate the use of Aadhaar number for the delivery of various benefits, subsidies and services, the expenditure of which is incurred from the Consolidated Fund of India.

Now, we are saying that the confidentiality will be maintained.

### **14.00 hours**

Clause 57 says:-

“Nothing contained in this Act shall prevent the use of Aadhaar number for establishing the identity of an individual for any purpose whether by State or anybody corporate or person, pursuant to any law for the time being in force or any contract to this effect, provided that the use

of Aadhaar number under this section shall be subject to the procedure and obligation under Section 8 and chapter 6".

Section 8 says that the person is requesting. Now are you going to give information to any Tom, Dick and Harry? Tomorrow, a private telecom company will ask the information. Are we going to give this information? So, when confidentiality is maintained, we have to make it clear what that security aspect is. What do we mean by security? What do we mean by confidentiality? What do we mean by privacy? Privacy of a person cannot be intervened or interfered by any agency except the Government which desires to have this information from the person and that is to be clarified, particularly, in this clause. The Hon.Prime Minister, the other day said, how the bureaucrats incorporate the clause. Look at this. This is the most important clause for me.

No suit prosecution or other legal proceeding shall lie against the Central Government or the authority or the Chairperson or any member or any officer or other employees of the authority for anything which is done in good faith or intended to be done under this Act or the rule or regulations made thereunder.

How can you define whether it has been done with good intentions or not? We feel that the Government servant must work with a good intention, with faith, and with integrity but still it has been proved time and again that misuse of powers has been done by so many people. We, in Mumbai, found that the people from Bangladesh have been empowered with voters' right. Tomorrow, they can contest the Municipal Corporation election. They can contest even the Legislative Assembly election. This is what they are misusing. Recently, when the Election Commission conducted one programme, I asked them. The programme was as if they are giving some new I-cards or new enrolment to the people who have crossed eighteen years of age. You are giving I-cards. Now, in the voters' list, his name has not appeared. But he has got the voter I-card and he is not allowed to vote because his name is not there in the voters' list. What is the use of that card? Therefore, we have to be very specific about this. Some small clarifications are required over here. I feel, otherwise, the Bill is outstanding. It is really like what the late Prime Minister, Rajiv Gandhi had said once that the money does not reach the deserved person. This Bill will definitely deliver results and if you see to it, the

poor man will get all the subsidies directly in his bank and, therefore, I welcome this Bill.

On behalf of Shiv Sena and on behalf of myself, I welcome this Bill.

**SHRI RAM MOHAN NAIDU KINJARAPU (SRIKAKULAM):**

Thank you Chairman Sir for giving me an opportunity to speak on the Aadhaar Bill.

Sir, I stand here on behalf of the Telugu Desam Party and our leader Nara Chandrababu Naidu Garu and I would like to express my support for this bill. Sir, being a young guy, a young person, and a tech-savvy person, I was really excited about this bill. But then I thought to myself that I am not just a young man right now, I am a young parliamentarian. So, I have to go through the bill, and look at the pros and cons, advantages and disadvantages but still I would admit that this is a wonderful bill which is required today for a country like India and for the problems that we are facing. I would like to requote what the other members also have said before. [Translation] Our former Prime Minister, Shri Rajiv Gandhi, once observed that when one rupee is spent by the Government, only fifteen paise reaches the common people.

[English]

So, it is a matter of deep concern for the country and for the Government also. It has been 20 years since that happened, and we are fighting for the same concerns today.

Sir, I would like to mention once again that in India the problem has never been about good laws. It has never been about money. It has never been about good leaders also. It has always been about having good systems and good mechanisms in place to spend this kind of money, that too for the poor and everything. That is something which is the core essentiality of this Bill and what it targets. It also says that the Bill in itself is targeted for efficient delivery of financial and other subsidies, benefits and services. This is something which has been made keeping in mind the poor people, the people at the ground level in the villages, in the rural areas.

I would like to mention the fact that after the NDA has formed the Government under the leadership of Hon.Narendra Modi Ji, he has come up with certain schemes, Digital India, the JAM trinity--Jan Dhan, Aadhaar and Mobile, and also concepts like 'Minimum Government and Maximum Governance'. So, if we integrate all these into one kind of scheme, I think this Aadhaar Bill is a very good representation of all these kinds of schemes. The ultimate benefit is also there for the poor people. That should be the utmost priority of any Government of India.

One of the main points that I would like to touch upon regarding this Bill is this. If we judge the Bill, what is the purpose of collecting this kind of data? What is the advantage of having this kind of system or this Bill or anything? It enables the Government to prevent fraud, corruption and also leakages that have been a huge matter of concern for the Government of India. If this gets into effect, on preliminary estimate, it is estimated that this could eliminate Rs.2,000 crore worth of paper. Sir, 300 million daily seekers of Government services will save at least two hours every day in availing these Government benefits. It could eliminate fraud in Government subsidies of at least Rs.50,000 crore every year. This is a humongous amount of money.

So, these are some of the important things that we have to keep in mind regarding the importance of this Bill, especially, the kind of amount of money that we save and the hassles that we remove. Governments after Governments have put in more systems and more people to ensure that their money is sent properly from the Central Government to the State Governments. Due to this, problems have increased, but we have never achieved success. So, this Bill will ensure that the benefits reach to the ultimate individual. It is done in a very proper and secure way.

What all does it safeguard? We are all talking about taking finger prints, privacy issue and everything. I would like to take an example. I have a phone. The phone has a fingerprint scanner. So, I use this finger print scanner. I thought that it is a very secured way of handling my phone. I use it. I do not know where the information is stored. I do not know where it goes and what it does but I have a good faith in my phone that it is giving me good amount of service. That is why, I have done that. Sir, if you see, if I travel out of this country and if I travel to any other place, my finger print is taken. Even my country takes the finger print and it does the iris scan. If I go to US, they do it when I enter their country which is an alien country to me. If I go to US or UK or any other country, they take it from security point of view, and I should not question that. If my Government is asking me to give my finger prints and my iris scan to give me such good benefits, then I should not be worried at all. That is what I want to tell the people of this country that when I am not questioning the phone authorities or I am not questioning the other countries which are taking these things, when my own country is asking me for giving me good benefits, for bettering the systems of the Government, then I should not be worried. That is what I want to tell the people of my country.

**HON. CHAIRPERSON:** Your time is five minutes. You have spoken seven minutes.

**SHRI RAM MOHAN NAIDU KINJARAPU:** Sir, please give me five more minutes.

Also, the only concern that I have is regarding Section 10 of the Bill. Sir, I will mention just two concerns and I will be done. Section 10 in the Bill says, “The Authority may engage one or more entities to establish and maintain the Central Identities Data Repository and to perform any other functions as may be specified by the regulations.” One good thing which we have in this Bill is the protection system. Under Articles 28 to 47, they have got good legal systems in place to take action on anyone who is engaged with this data. But, here it does not mention what kind entities you have to engage with when somebody uses this data. Once you have done wrong, you have all effective systems in place. But why do you not ensure beforehand that you have good system coming into effect? That thing has not been given much clarity.

My other point is that Article 47(1) is slightly a matter of conflict of interest. It says: “No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority

or any officer or person authorised by it.” If I understand it in the right way it says that the authority has to complain on the authority itself. No other person will have any right to complain. So, this will be a conflict of interest when officer within the same authority is doing it on the authority. There has to be more clarity on this kind of a subject.

I would also like to mention some facts about the State of Andhra Pradesh. We have seen that Andhra Pradesh is the best performing State today in terms of Aadhaar, linking of Aadhar, Direct Benefit Transfer and the kinds of other schemes. We have established the e-PDS system at all fair price shops. They have all been electronically connected with the system. Today we are saving around Rs.800 crore per year, which have been going in leakages before. So, this is a very wonderful scheme.

The whole point of the scheme, if you see, is that it is not mandatory. That is the very good way of respecting the consent of individual and also the decision of the Supreme Court. Approximately 100 crore people have been registered to the Aadhaar Card right now and they are all very enthusiastic of linking up to a system which says that the Government of India is giving you a card, a representation. If you look at the ground level, nobody has any kind of identity. They

have the ration card, which only have your name written on it. Everyone carries their own identity card while moving around. I would say that this is a good way of ensuring that they have a valid ID card. But the system has to be strengthened in future.

I have one more concern and I request you to please change the cameras of the ID card. We make our ID card and then see our photo in it. We even do not identify ourselves with them. So, please change the cameras. Thank you, sir.

**SHRI JITENDRA CHAUDHURY (TRIPURA EAST):** Thank you very much, Sir. Our Party CPM has a mixed reaction on this Bill. Of course, there have been some noble intentions in introducing this Bill like avoiding unnecessary delays and delivering benefits of Government schemes directly to the identified and targeted people.

I would like to mention here that I have some association with the implementation of Aadhar scheme. I was the Rural Development Minister in my State Tripura. I think Tripura is the first State which has enrolled more than 95 per cent of the adult population under the Aadhar scheme and linked it with the Direct Benefit Transfer scheme.

Sir, we have some observations also. There are some positive as well as some negative things. I want to mention the negative things first. I would like to remind the Hon. Finance Minister that on July 4, 2015 he along with Hon. Rural Development Minister released the provisional data of Socio-Economic Caste Census Report. The data released was not of the entire country but of rural households of only 500 districts of our country.

In that provisional data, it was revealed that out of 17.9 crore rural households, 56 per cent of the households are landless. It means that they do not have land in their possession. Then, 90.3 per cent of

the rural households do not have a single salaried person in their family. They survive on casual or very unstable income. Around 10.69 crore families are deprived of all-weather houses. Out of these 17.9 crore households, 23.5 per cent families do not have even a single literate adult member. This is the Report of the Socio-Economic Caste Census from which the provisional data has been published by the Hon.Finance Minister. So, before we go for Unique Identity Card (UID), the important thing is to conduct an impartial and authentic survey of families which are Below Poverty Line. It is very important to identify the people to whom the benefits of either MGNREGA or subsidy on LPG or any other scheme would go. So, a proper survey of BPL families and needy families should be conducted.

Further, there is a provision which says that if any person lives in the country for 182 days, he is entitled to have the Aadhar Card. What will it do? We are opening up the Pandora's box. By this anyone may come and claim for these benefits and subsidies, which will be credited to their account. So, it requires a proper scrutiny.

That is why instead of hurrying it up, I request that this Bill may be sent to the Standing Committee for further consultation with public

as well as Members of both the Houses of Parliament. Then, I am sure that we will be in a position to get the noble goal. Thank you, Sir.

**SHRI KONDA VISHWESHWAR REDDY (CHEVELLA):** Mr. Chairman, Sir, this Bill is important to the nation, but it has significant flaws and risks embedded in itself. But nevertheless, very reluctantly, we should pass this Bill.

Let me tell you why we are compelled, despite the flaws and risks embedded in the Bill, to support the Government on this Bill. It is important to the nation and it is extremely important to our State of Telangana. We are a newly formed State. We are a backward State. Except for the city of Hyderabad, we are, by and large, drought prone and there are poor farmers.

After forming the Government, our Chief Minister KCR has taken a two-pronged approach. One is the development and other is the welfare schemes. There are welfare schemes – Kalyan Lakshmi, Shaadi Mubarak, six-rupee rice scheme, two-bedroom scheme. There is a whole range of schemes for the handicapped, for the widows etc. That is what has made us closer to our people and they have the belief that we are going in the right direction. So, for all the schemes, we are already using the Aadhaar Card. It is benefiting us just as the Finance Minister mentioned how the LPG scheme is benefiting the nation.

Sir, the pilot project for Aadhaar was implemented in my constituency. Its office was in the Hitech city, Hyderabad. The officer in charge was actually my classmate. Both Andhra Pradesh and Telangana are utilizing it very well, but the efficiency of it has to be looked into. Right now, even in Andhra Pradesh, they are not fully using it, just as we do in Telangana. We use Aadhaar as well as an alternate ID like voter ID, but a significant portion is Aadhaar. If we migrate completely to Aadhaar, it has significant benefits. The risks are huge, but we are supporting the Government in this only because the immediate benefits are greater than the immediate risks. There are a lot of long term risks which we need to review at some other time. Let me go through them.

Sir, I am also an IT professional. I headed General Electric Company and Wipro as CEO and we implemented ID systems in the USA and in India, which are primarily for the health care and it is called the UHID. Let me point out the technical flaws. Typically, in ID systems, there are two risks - privacy and identity theft. None of the technological systems implemented prevented these two risks. So, the current system is biometric based. For implementation, the biometric merely says that these fingerprints belong to this face, but

this face and these fingerprints are attributed to or associated with this personality. So, you need what is called as the minimum datasets and in the minimum datasets, some immutable characteristics of the person, besides the face and the fingerprints, have to be there. For example, mother's maiden name is a compulsory minimum dataset field because mother's maiden name cannot be changed and it is immutable. Similar is the birthday, but we do not record the birthday very well. So is the case with mother's age at the time of birth. These are immutable characteristics. These are some of the technological things. There are many, many more.

Secondly, for identity theft, basically, there is an identified mechanism and a de-identified mechanism. That is done through a mechanism. In UHID, it is called encrypted UHID. So, in Aadhaar, it will be encrypted Aadhaar. So, the sensitive information has to be de-associated with the identity and given on. In health care, if we are transferring health medical records, electronic medical records, the encrypted ID is associated with the clinical data and sent, but not my name and my address. These mechanisms are not there and it can be misused.

I think, clause 57 clearly establishes that it is not a Money Bill. We only wish it was introduced through a different route because it can be used for any other purpose where finance and money are not involved. It is very clear. I know that it will go to the Rajya Sabha, but Article 110 says that you have 14 calendar days. So, in 14 calendar days, it has to go there, they have to send their recommendations and it has to come back. If it is not going to happen, it is going to be pushed through. Let it be pushed through, but I hope that in the next sessions, we will revisit it because there are landmines and risks in it.

In the United States, it is called the Social Security Number and the Social Security Number is a skeleton key, which is able to unlock the kingdom of unrolled riches for identity theft. Just now, my friend said that Aadhaar helps the Government to eliminate fraud, but it also helps criminals to indulge in fraud through identity thefts. So, that is what we need to prevent.

It steals the central piece of data needed to hijack a credit or steal a health insurance and use it as human shields and generally wreck havoc. This is written by a columnist in the USA that : “Everyday, two branches of the US Government, the Executive and the

Legislative, put our identities and sometimes even our life at risk because of mismanagement of the Social Security Number.”.

In a Bill, there are penalties if somebody steals identity or encroaches on privacy. A Bill may be good on paper, but it should be implementable on streets and in the agencies. This is the flaw. However much penalties are there, it may not be implemented well.

In 2008, the Defence Department in the USA ordered all branches of the US Military to stop using the Social Security Number for their soldiers because it was putting the US soldiers at risk. So, are we going to put our Indian soldiers at risk with this Aadhaar Number?

Another major risk is that the identity theft is more prone for children because children are given Aadhaar Number only after they go to school or maybe they reach 18 years and things like that and not on the day they were born. So, in the US and other countries, more theft happens for the identity of children than for adults.

The other point that our friends from the BJD mentioned was about ethnic cleansing, genetic profiling and so many other issues that are there and about which we need to be very careful. Recently, the National Institute of Biomedical Genomics discovered that there are not two races in India, but there are three more races in India, namely,

Austro-Asiatic, Tibeto-Burman and I do not know the scientific name for it, but this creates some of the problems.

Lastly, we recently passed the Enemy Property Bill and we called the enemy's children and grandchildren all enemies and they will be associated with ID cards and Aadhaar cards. These are the potential misuse as they will live their whole life with the social stigma. So, we have reservations, but we agree with the Government. Thank you, Sir.

**SHRI MEKAPATI RAJA MOHAN REDDY (NELLORE):** Thank you, Mr. Chairman, Sir, for giving me an opportunity to speak on this important Bill, namely, the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016.

The proposed legislation is a welcome move on the part of the Government as it provides statutory backing to Aadhaar, the unique identity number, through which there is a proposal to target delivery of subsidy, benefits and services. It is also laudable to establish Unified Identification Authority of India (UIDAI) and establishment of operation and maintenance of the Central Data Repository.

The Bill is expected to provide good governance, efficient, transparent and targeted delivery of subsidies, benefits and services, the expenditure of which will be incurred from the Consolidated Fund of India to individuals residing in India through assigning of unique identity numbers to such individuals.

Aadhaar legislation is hoped to be the most important ones in the recent times as it can be used to transform India's appalling quality of governance. It is unique in a way that it gives every resident an opportunity to possess a portable national identity and also because it

anchors demographic attributes such as name or gender to biometric attributes.

When this unique identity will combine with the universalization of banking and communication through mobile phones, it is likely to be an historic opportunity to transform the leaky and corrupt distribution of welfare. It will also have an opportunity for the Government to transfer cash or food stamps instead of physical distribution of bags of fertilizers or sacks of rice that mostly never reach the concerned ones.

The proposed legislation is also likely to benefit in price distortions in the economy, and poor people most likely will be liberated from local power brokers. With the advent of new hybrid banks piggybacking on communications technology, every village may be brought within the ambit of formal financial system. This may also improve delivery of welfare to build support for reforms in markets like land and labour.

Since most of the Government's social security schemes and digital initiatives are critically dependent on use of Aadhar, the unique identity number is likely to form the cornerstone of India's move

towards a cashless economy along with the opening of bank accounts as part of Jan Dhan Scheme.

Aadhar is also becoming the fulcrum of many Government projects, and one or few mistakes can demolish the trust, so extra care is needed. It has also become extremely useful for a variety of aspects and the most important is the ability to build credit histories.

However, there is a fear of misuse or stealing for profiling or spying on citizens. This has become a cause of worry for the people, which needs to be addressed. It is important to maintain confidentiality. The move to address privacy concerns is also welcome. But Aadhar by itself cannot help in identifying beneficiaries. It has the name, age and biometrics of a particular individual and can help in identification, but it may not be able to tell if a particular person should be receiving Government subsidies or not. For this, it would be worthwhile if Aadhar is linked to some other proof like BPL card. Moreover, it is seen that the people are not receiving the Aadhar card after they change their particulars like change of address or other relevant details. In that case, the poor people suffer. The officials concerned need to be directed that they

should handover the Aadhar card to everyone, even if he or she has applied for change of particulars.

While it is a smart move to have a good infrastructural framework and delivering benefits to the poor people, it should not be mandatory for them to forego their freedom to avail these benefits. It is also believed that UID Authority of India may find it difficult to capture the fingerprints of lakhs of workers like beedi workers or miners working in coalmines because of their nature of work, according to its own biometric authentication standards. Government needs to look into this issue; otherwise, the purpose will fail.

However, I welcome and support this Bill. Thank you.

[Translation]

**SHRI RAJENDRA AGRAWAL (MEERUT):** Hon. Chairperson, Sir, thank you for giving me the opportunity to speak on this Bill. I would like to begin my remarks by referring to a statement made by a former Prime Minister. Shri Rajiv Gandhi had observed, and the country has repeatedly referred to this, that when one rupee is sent from Delhi, only 15 paise reaches the intended beneficiary. However, despite this being an experience acknowledged by the then Prime Minister himself, no effective efforts were made by him or by the Governments led by his party to correct this situation. If we truly wish to ensure that the full amount reaches the beneficiary, two essential elements are required. One is the individual, and the other is the system. If a Government has Finance Ministers whose family members make arrangements in foreign countries to manage black money, one can well imagine the extent of leakage of funds and the level of corruption that would prevail in such circumstances. I do not wish to comment further on this aspect. The fact that only fifteen paise out of one rupee reached the beneficiary had one such reason, which I have mentioned in terms of individuals. At the same time, proper systems also need to be established. Fund or assistance may be

released by the Government, but without correct mechanisms, transparency, and identification, the benefits will be wasted or diverted and will never reach the people they are meant for. Since the formation of the Government led by Shri Narendra Modi, there has been a clear objective of ensuring transparency, and consistent efforts have been made to put in place appropriate systems across all sectors to achieve this goal.

The objective of the Jan Dhan Yojana was to ensure that Government assistance reaches the poor of this country, those whom we wish to make partners in the nation's journey of development, and those whom we seek to integrate into the system so that whatever is intended for them actually reaches them. An essential second component of this effort is the clear identification of the individual. The Bill under discussion pertains precisely to this issue of identification. We have ensured the opening of bank accounts, and now, by establishing clear identification, we seek to deliver facilities, benefits, and subsidies to targeted individuals. This is the very objective of this Bill. What happened in the absence of such a system? MGNREGA has been widely discussed, and it became more associated with corruption precisely because of the absence of an

effective delivery mechanism. I would like to cite a brief example from the Public Distribution System, as time is limited. According to the 68th Round of the NSSO, based on data for 2011–12, approximately 46.7 Percent of the benefits under the PDS did not reach the eligible beneficiaries. These problems exist, and the only effective solution to address them is proper identification, so that benefits reach the intended persons and their participation in the country's development journey is ensured. Our colleagues in the Congress often state that they initiated all these measures and that they launched the Garibi Hatao programme. Whether poverty has actually been eradicated is a separate matter. They may take satisfaction in their claims; we have no objection to that. As Jagjit Singh sang in a ghazal, "Tum itna jo muskura rahe ho, kya gham hai jisko chhupa rahe ho." The sorrow runs deep, and the entire country is aware of it. There is no need to elaborate further. The more someone tries to look happy, the more it may indicate that they are hiding something painful. I have no objection to that.

Hon. Chairperson, even after the GST Bill had been passed by the Lok Sabha, arguments were raised for referring it to the Standing Committee. Members will recall the manner in which those arguments

were addressed at the time. Matters on which the Standing Committee had already given clear and considered views were again sought to be referred back to the Standing Committee by our friends in the Congress. This has, unfortunately, become a recurring approach.

It is a fact that the achievements of a corruption-free Government committed to the welfare of the poor are proving difficult for some to accept. They find it hard to reconcile with the reality that such outcomes could not be achieved earlier. This was so because neither the required leadership nor the appropriate institutional mechanisms were in place at that time. It is now approaching 2.40 p.m., and the Bill is scheduled to be passed by 3.30 p.m. I will conclude with a couplet: “Mere kaatil bhi pareshaan hain, jab bhi woh vaar karte hain, mere chahne walon ki dua se khanjar toot jaate hain.” (These lines mean that opposition and criticism fail because public support neutralises them.) I thank you for allowing me to participate in this discussion.

**SHRI JAI PRAKASH NARAYAN YADAV (BANKA):** Hon. Chairperson, Sir, I rise to speak on the Aadhaar Card Bill. The Hon. Finance Minister and the Hon. Minister of State are present in the House. In accordance with parliamentary convention and practice, there should be no undue haste in passing this Bill on the same day. It is essential that there is broad consensus, transparency in the provisions, and assurance to the last citizen that no intermediary can act fraudulently, that personal assets remain under individual control, that the Aadhaar card remains with the holder, that confidentiality is fully safeguarded, and that there is no scope for misuse. These concerns already exist. Referring the Bill to the Standing Committee would not have given rise to any objection. We must carefully examine how the data will be kept confidential, who will collect it, and from which sources it will be collected. If these aspects are not addressed in a comprehensive manner, several serious difficulties may arise. At the same time, the liberty of citizens must be protected. The poor, farmers, and the uneducated often lack adequate awareness of such technical matters, and there is a risk that they may be exploited. Therefore, the information system must be strengthened, and the data

must be stored in a secure and reliable manner. Failure to do so may lead to consequences contrary to the intended objectives of the Bill.

There is considerable discussion today on initiatives such as Make in India, Digital India, and Achhe Din, and such discussion is both natural and welcome. However, when reference is made to the Jan Dhan Yojana, it must be acknowledged that this initiative did not emerge in isolation or without any historical context. Even earlier, funds under schemes such as MGNREGA were being transferred. These matters are often mentioned in the House, and they collectively form part of our institutional experience. Some Members choose to express their views through poetry and question why others may feel uneasy. There is, in fact, no discomfort on our part. Everyone aspires for progress, and everyone desires that better days should come. That said, it is a matter of concern if the narrative gradually shifts from Make in India towards Back in India. Such a trend, if it takes hold, would indeed be undesirable.

Hon. Chairperson, Sir, we consider the Aadhaar Card Bill presented by the Hon. Minister of Finance to be appropriate in principle. At the same time, it is imperative that the integrity of individual identity and the associated safeguards are preserved

without compromise. With these observations, I conclude my remarks. Thank you.

**SHRI KAUSHALENDRA KUMAR (NALANDA):** Hon. Chairperson, Sir, I am grateful to you for giving me the opportunity to speak on the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016. Thank you very much.

**14.42 hours** (Hon.Speaker *in the Chair*)

While I extend my support to this Bill, I would also like to urge the Government to accord careful consideration to certain critical concerns. Foremost among these is the protection of citizens against the disclosure or misuse of personal information. In the absence of robust safeguards within the Bill, there would be a direct infringement of the fundamental rights guaranteed to citizens under the Constitution. It is, therefore, imperative that the Government ensures that, under no circumstances, is the personal information of any citizen misused or disclosed in any manner whatsoever.

I would also like to draw the attention of the House to the observations made by the Hon. High Court in relation to Aadhaar. These observations merit careful consideration and must be duly factored into the implementation of this legislation. With regard to the issuance of Aadhaar to every citizen, the process has been largely

completed in several States. In Bihar, for instance, nearly 80 Percent of the work has already been completed. It is, therefore, imperative to ensure that Aadhaar is made available to every citizen across the country and that it is provided free of cost, so that no individual is excluded from its benefits.

The Government is proposing to amend certain rules to provide for penalties against individuals who indulge in fraudulent practices. This aspect requires detailed discussion. It must be ensured that, under no circumstances, these provisions are misused and that citizens of our country are not subjected to harassment or hardship. The Government proposes to store Aadhaar data in computerised form and to connect it with the internet. At the same time, it must be ensured that this data is not accessed or misappropriated by unauthorised persons. The Government must take full responsibility in this regard, because Aadhaar contains the biometric information of individuals and also holds sensitive personal data linked to their identities.

It is, therefore, imperative that this data is protected with the highest level of security so that no individual is able to misuse such sensitive information. The Government must establish a comprehensive and foolproof framework to ensure absolute data

protection. With these observations, I conclude my remarks. I would also respectfully urge the Hon. Minister to consider referring this Bill to the Standing Committee and to facilitate wider consultation before its final enactment. Thank you.

[English]

**SHRI ASADUDDIN OWAISI (HYDERABAD):** Madam Speaker, I stand to oppose the Bill for various reasons which I will list out right now.

Is Aadhaar mandatory? Justice A.P. Shah Committee of Experts on Privacy recommended that the Bill should specify whether an individual has the right to opt in or opt out of providing their Aadhaar number and the service should not be denied to individuals. The UIDAI said that this is voluntary. But if you read section 7, it makes Aadhaar mandatory. I want the Hon.Minister to please enlighten me on this. Section 7 says that if anyone does not have an Aadhaar card, he will be offered alternate and viable means. What does 'viable' mean? Is it viable to you or viable to me? The third point is, UIDAI has suggested that construction and mining workers should be put in the list of exceptions. You have done it and you have made Aadhar compulsory for them. It was rightly said by the Congress Member as to what is the definition of national security? It is a very subjective understanding which the Government can use against anyone.

Clause 32(1) and Clause 54(w) mention time period for maintaining authentication records. This will be completely misused for activities or profiling individual behaviour.

Section 33(1) speaks about disclosure of demographic information and that too by a District Judge. But no such order shall be made without giving an opportunity of hearing to UIDAI, but not to the person whose data has been disclosed. It means I will not be given an opportunity.

Section 33(2) can be misused and will lead to continuous surveillance without any notification to the user even after surveillance ceases, violating one of necessary and proportionate principles of communication surveillance.

This Bill lacks provision of giving notice to a person in case of breach of information in case of third party, use of data or change in purpose of data which were among the provisions recommended by Justice Shah Committee on privacy. If there is a breach, the provisions are so weak that the complaint against the disclosure will go to adjudicatory authority who can be IT Secretary in the State who has no knowledge of law, no courts are there and no infrastructure is there. Let me give a classic example. The Cyber Appellate Tribunal has not

been made operational in last three years. Civil remedies offered are mere illusionary.

As per section 31, if I want to correct my record, my name or my caste, I can only request the UIDAI authority and the authority has to be 'satisfied'. It is again very subjective. There is no penalty on Authority if it fails to respond. The Bill does not provide for a user even to be able to approach the Court, to ask for his information to be corrected in Aadhar Card.

As for renewal of request for disclosure, data will be revised by a Committee of Cabinet Secretary. The earlier Committee had the nominees of the Prime Ministers, the nominees of the Leader of the Opposition and three nominees of Union Cabinet. That would have been a much tighter control. Let me give you a classic example. We celebrate Women's Day. The Supreme Court has said, 'Allow dance bars in Mumbai.' The Supreme Court also said that the right to privacy of people, who patronize dance bars, has to be protected. It is amazing. What about people outside who don't go to dance bars? We should have brought a Bill in this Parliament saying this is the Right to Privacy and Right to Privacy is a Fundamental Right. We have left it to the Supreme Court.

John Locke rightly said, “The end of law is not to abolish or restrain, but to preserve and enlarge freedom.” Last week, we came to know that our public sector banks have written off Rs 1.4 lakh crore loans to corporates. What we are giving as subsidies are crumbs to the poorest of the poor and we are worried about the leakage. How would you stop the leakage of this corporate loot?

Lastly, Clause 7 authorizes the Central and State Government to make conditionality for any person to undergo Aadhar authentication for availing a service. To file an FIR, I will have to go for Aadhar authentication. To go to AIIMS or Safdarjung hospital, Aadhar authentication is needed. That is why I am of the opinion there are a lot of problems in this Bill. This should be referred to the Standing Committee. Mark my words; we are midwifing a police State. Mark my words. That is why I stand to oppose it. Thank you.

**SHRI S.P. MUDDAHANUME GOWDA (TUMKUR):**

Hon.Speaker Madam, this Bill was originally initiated by UPA under the able leadership of Shrimati Soniya Gandhi and Dr. Manmohan Singh. If it had been adopted by this Government as it is, we would not have had any objections. But you have brought some amendments to this Bill. Who should obtain Aadhar? That is the question. If you read Section 3, every resident shall be entitled to obtain Aadhar. That is the word used. Instead of that, what I am thinking of is why we can't insert 'every resident shall obtain an Aadhar number?' It is because what is happening is that an Aadhar Card holder need not be a PAN Card holder but every PAN Card holder should hold an Aadhar Card.

The Hon.Supreme Court in a judgement has held that Aadhaar Number is absolutely not mandatory for opening bank accounts or getting phone connection etc. The very purpose of this Bill will be defeated if everyone in this country is not issued an Aadhaar Card. This will give an account to the country by which it can ascertain or get information regarding the number of citizens and their details. Everything can be obtained if it is made mandatory. The word 'shall be' should be used instead of 'may be' entitled to.

I seek your indulgence to Section 5 which says:

“The Authority shall take special measures to issue Aadhaar number to women, children, senior citizens, persons with disability, unskilled and unorganised workers, nomadic tribes or to such other persons who do not have any permanent dwelling house and such other categories of individuals as may be specified by regulations. ”

I agree with it but you have not specifically mentioned the special measures you are adopting to see that everybody obtains Aadhaar Number.

In the same tenor in Section 9 you are saying:

“The Aadhaar number or the authentication thereof shall not, by itself, confer any right of, or be proof of, citizenship or domicile in respect of an Aadhaar number holder. ”

On the one hand you are adopting some special measures to see that people mentioned under Section 5 are issued with the Aadhaar Number and on the other hand you are also telling that it will not

confer any right of citizenship or domicile to the persons holding Aadhaar Number.

In the original Bill, which the UPA government had brought, there was a provision for a Review Committee. A Review Committee is absolutely required. There are some flaws. There is absolutely nobody to review the decision taken by this authority. That is why a Review Committee is necessary. It should have been formed so that if something wrong is done by this Committee or if the Government wants to have its hand in this, through Review Committee the Government can assess the situation and can rectify any mistake committed by this authority. A provision regarding the constitution of a Review Committee, which was originally inserted in the Bill brought by the UPA Government, has been deleted in this Bill.

I wanted to bring some other factors but because of the time constraint I would like to make one last point. I would like you to refer to Section 33, which says:

“Nothing contained in sub-section (2) or sub-section (5) of section 28 or sub-section (2) of section 29 shall apply in respect of any disclosure of information, including identity

information or authentication records, made pursuant to an order of a court not inferior to that of a District Judge: ”

Madam, only the District Judge has got a right to get information or disclosure of information. If you look at Section 47, it says:

“(1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorised by it.

(2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act. ”

Chapter 7 deals with some of the punitive provisions. According to that even if there is some unauthorised disclosure by an officer then a Chief Judicial Magistrate or a Chief Metropolitan Magistrate can try that offence, whereas under Section 33 it has been mentioned that a judge not below the rank of a district judge has got right to get information about the card holders. There is some anomaly. Please

look into it. The Supreme Court has interfered in some Aadhaar Card matters. That should not happen again as it will definitely be subjected to the scrutiny by the Supreme Court and that is why we must take utmost care while deliberating it. As my senior friends have said, I also urge upon this Government to see that this Bill is referred to the Standing Committee so that this Bill can be discussed more effectively.

**THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):** Madam, I am extremely grateful to the Hon. Members who have spoken at length on this Bill.

I may just add one observation with regard to a suggestion made by several Members. They have asked what is the hurry and urgency. Why should it not go to a Committee? This idea was first conceived by the UPA in 2009.

It is seven years since then. Except for some questions with regard to privacy and disclosure of information which have been raised which I will just answer, most speakers have actually supported this Bill. This gives us an opportunity to really analyse to ourselves including myself who may be responsible for this that the principle purpose of this Bill is to empower the State to distribute the resource of the State to the deserving people and save revenue so that it does not go to undeserving people.

A Bill on which there is almost a near consensus barring one or two discordant voices, it must take us seven years before we can legislate. We have already gone through in some form or the other

through the Committee process also. The fact that we have gone through seven years itself is a good reason that now enough is enough and we must go ahead and pass this Bill.

The effect is going to be that both the Central Government and the State Governments are going to save thousands of crores of rupees after having serviced and served the poor people and these thousands of of crores rupees that they will save from the undeserving people are further resources which can go to the advantage of serving those people. So, there is an element or urgency as far as this Bill is concerned.

Madam, the speakers from the Congress Party have raised several issues. I would just deal with some of the important ones. In substance I found that there was no principle objection to the idea of Aadhar. After all it was the Congress Party which conceived of it. They perceived it in a Bill which provided for the establishment of an authority and they gave this idea of a unique identity. What we will do with that unique identity number, the Bill did not speak of it. So, it said that there shall be a unique identity authority; it will issue an Aadhar number; and there will be biometrics. So identification and personality of each individual and its special features will be identified

but to what purpose it will put to use, the Bill did not conceive of that. That is probably the reason that Members had apprehension as to why you want this. The courts also had apprehensions. The citizens' groups had apprehensions and this whole debate of secrecy and privacy arose.

Learning from that experience, we have improved upon that idea and the improvement upon that idea is that the principle purpose of this Bill and the focus of this Bill is now shifted. It is because at the end of the day what are our subsidies? Subsidy is an amount which a Government gives from its own revenues to service the poor and vulnerable sections of the people. But the problem with the subsidy is that it can become an unquantified amount which is given to an unidentifiable section of people.

Till a few months ago if not a year or two ago, people like me were also receiving an LPG subsidy. If I go and buy kerosene, I am entitled to a subsidy. Every time I filled up petrol in my car two-three years ago, I was getting a subsidy from the State.

### **15.00 hours**

Every time I bought diesel, I was getting a subsidy. Now, the question which arises is, are people like me who are completely

undeserving in this matter should even one rupee of the State be spent on me or should it be spent on the poor and the vulnerable? The answer is very clear. It should be spent on the poor and the vulnerable. Therefore, borrowing from the UPA idea of having a unique identity we have shifted the focus and the focus is that subsidies must now be targeted. Nobody should be able to get it twice over or four times over. You should be able to identify the people who get it and those people in a targeted manner must get the benefit and we have shifted the focus and the focus is that subsidies must now be targeted. Nobody should be able to get it twice over or four times over. You should be able to identify the people who get it and those people in a targeted manner must get the benefit and those who are undeserving must be phased out. The Government and the State will save resources and these resources must further be spent for the welfare of those people who deserve it. That is the principal object. Therefore, why it becomes a Money Bill, in our submission, that is for the Hon.Speaker to take a final view. Under article 110(c) any money going into the Consolidated Fund of India or coming out of Consolidated Fund of India, any legislation that deals with it is substantively a Money Bill. Now, the question was that if there is additional machinery which is

being created for enforcement of that, predecessor Hon.Speakers had taken a view that machinery is incidentally created, principal purpose is the spending of the money and the targeting of that money in a particular manner so it does not lose its character as a Money Bill. If it is a Money Bill, it must follow the procedure of a Money Bill. Now, if the Congress Party wanted the credit that they gave birth to this idea and they want a copyright on this idea, I give them the benefit of that copyright. That should be a good reason that they should support this Bill. So, please do not oppose a Bill, do not even delay a Bill which you say you gave birth to. It is a coincidence of history that we have the opportunity and privilege of finally being put into Government but any Government, the Congress is in power in many States and it will benefit the Congress ruled States. Hon.Members from Telengana have said how effectively they are using this instrument; Hon.Members from the TDP have said how effectively they are using this instrument. From the State of West Bengal to the State of Karnataka, it is going to help each and every State. Money Bill is a rule, whether it is the General Budget or the Railway Budget. Money Bill has a particular procedure in the Constitution. You do not bye-pass a particular House. It goes to the other House and it is discussed there and that House

votes upon in some Bills and gives its advice and suggestions as far as Money Bills are concerned.

An Hon. Member mentioned that this Government scrapped the Unique Identity Authority and Shri Nilekani was forced to go out. We did not scrap the authority. We did not request Shri Nilekani to go out. In fact, much before we were voted to power, he decided to join the Congress Party and contest as a Congress candidate. So he had to resign from a public office. The Hon. Members from the Congress may correct their facts as far as that is concerned. I must say to the credit of Shri Nilekani who struggled for five years to see this come through and today at least he is having the last laugh and he is writing articles and saying at least somebody has accepted my idea and this is going to be good for the system. So, if the Hon. Members from the Congress wanted his certificate, I think, they already have it as far as this Bill is concerned.

Madam Speaker, two to three other points have been made. How do we get everybody to join? Ninety-seven per cent of the Members are already adults. Children will have to join in a big way. That will take some time. On an average, everyday, five to seven lakh people are joining this. Therefore, time is not very far way when everybody

will join in. One of the Hon.Members mentioned as to why the Government have said that a person is entitled to. This is exactly the language which was there in the original UID Bill also. You entitle a person and that entitlement enables him to seek subsidy. But for the purpose if he wants a benefit, then he needs to produce this identity. Now the principal issue is, is privacy or security going to be affected? I am not getting into this privacy debate which is before the Supreme Court. It is because a conservative Supreme Court in the 1950s and 1960s had said that privacy is not a Fundamental Right. Subsequently some judges took a view that it is a Fundamental Right. They will resolve that legal issue. But if you look at the Bill, you will find that we have added a whole chapter which is Chapter VI. Chapter VI deals with Secrecy and confidentiality of information. It is very different from what it was in the earlier Bill. The authority shall ensure secrecy, identity of information and authentication of individuals. Then the whole procedure is given.

If you see Section 8, you can find that some data can be shared with the consent of the individual. But biometrics cannot be shared even with his consent. If a person says that his biometrics may be

given to any other person, it cannot be shared and so, we have taken a protection against that provision.

Section 29 puts a restriction on sharing of biometrics. No core biometric information collected under this Act shall be shared with anyone for any reason whatsoever. So, there is a complete protection as far as biometric secrecy is concerned.

Shri Satpathy wanted to know whether DNA can be a part of it. The Act does not say so. Regulations can expand it but if ever regulations expand it, the regulations will have to be Tabled here and this House will have the right then to accept those regulations or not because there is a procedure for it. There is a parliamentary control over regulations itself.

Then Shri Owaisi had put a question. He is not here now. These days, Madam, it has become very fashionable that when any action takes place in a college or somewhere, you say that democracy is in danger, and we are becoming a Police State. Why are we becoming a Police State? It is because we are having information about our own people. So, we become a Police State. With whom will it be shared? Section 29(3) says:

“No identity information available with a requesting entity shall be—

(a) used for any purpose, other than that specified to the individual at the time of submitting any identity information for authentication;”

So, information cannot be used for any purpose. Then biometrics shall be stored in a particular manner that you create fire walls around it so that there is no leakage which is possible.

Now, what if a court wants it? I cannot bar the powers of courts. If a court wants it, it has to be somebody above a District Judge who has to ask for that information. Now, you mentioned whether there is going to be a review or not. If the disclosure of information is going to be made for some purpose, there will be a specially directed Joint Secretary like officer and every decision he takes will be reviewed by a Committee headed by the Cabinet Secretary. It is exactly the suggestion that you had made. So, that is also protected for.

Therefore, there is a lot of care which has been taken to make sure that information does not get leaked out as far as informants are concerned.

The Hon. Member from Shiv Sena, Shri Sawant, wanted to know as to what is going to be the impact as far as citizenship is concerned. Section 9 itself very clearly mentions in this Bill that since it applies to residents, there is a declaration in law and it does not confer any rights of citizenship on a person of whom the aadhar card is there. The law itself clearly states it.

Section 57 is regarding whether the aadhar card number can be used by any other authorities. I cannot bar other authorities. For instance, if the RBI were to have under its Act a provision that for a bank account, you need a card or for an admission to a Government college, you need a card for identity, or to establish some other proof, you need a card, the Act does not debar that itself.

Private agencies at times, take thumb impression, etc. Even those have been protected as secret information under this Act. So, even if a private agency takes it cannot leak it out. So, the question of fear which the Hon. Member, Shri Satpathy, has that it can be used for some form of ethnic cleansing and so on, I do not think is correct.

Shri Owaisi mentioned a point that if disclosures are to be made only on grounds of national security, national security is not defined. I do not think there is any legislation in India which defines national security. Threats to national security may vary from time to time. The National Security Act did not define what national security is but it is for the courts then to interpret on the user for national security. In liberal democracies like England, the word 'national security' is not defined under any Act. But everybody in the given context understands what national security is. I only want to inform this House that the purpose of this Bill is not to identify people for some collateral purpose, but to make sure that the benefits of public revenue reach the right people. That is the only purpose of this Bill at present.

Therefore, I commend this Bill to this House for acceptance.

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

“That the Bill to provide for, as a good governance, efficient, transparent and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to

such individuals and for matters connected therewith or incidental thereto, be taken into consideration. ”

*The motion was adopted.*

## **Clause 2    Definitions**

**HON. SPEAKER:** The House will now take up clause-by-clause consideration of the Bill.

Shri Tathagata Satpathy, are you moving your amendment?

**SHRI TATHAGATA SATPATHY:** Yes, I am moving the Amendment No. 14 to Clause 2. I beg to move:

Page 2, lines 17 and 18, --

*omit “, or other such biological attributes of (14)  
an individual as may be specified by  
regulations”.*

**HON. SPEAKER:** I shall now put Amendment No. 14 to Clause 2 moved by Shri Tathagata Satpathy to the vote of the House.

*The amendment was put and negatived.*

**HON. SPEAKER:** Shri N.K. Premachandran – not present.

Shri Rajeev Satav, are you moving your amendment?

**SHRI RAJEEV SATAV :** Yes, I am moving the Amendment No. 42 to Clause 2.I beg to move:

Page 3, for lines 9 to 11, --

Substitute '(v) "resident" means an individual who has resided in India for a period of three hundred and sixty-five days immediately preceding the date of application for enrolment;'. (42)

[Translation]

Madam, the issue is simply this. The Bill provides for the appointment of both a full-time and a part-time Chairman in the Authority. In that case, why is the appointment not being made on a full-time basis? Secondly, with regard to the directions that are being issued, will all such directions, to the extent of the disclosures involved, be made public?

[English]

**HON. SPEAKER:** I shall now put Amendment No. 42 to Clause 2 moved by Shri Rajeev Satav to the vote of the House.

*The amendment was put and negatived.*

**HON. SPEAKER:** Shri B. Vinod Kumar – not present.

The question is:

“That clause 2 stand part of the Bill”.

*The motion was adopted.*

*Clause 2 was added to the Bill.*

### **Clause 3 Aadhar Number**

**HON. SPEAKER:** Shri N.K. Premachandran – not present;

Shri B. Vinod Kumar – not present.

The question is:

“That clause 3 stand part of the Bill”.

*The motion was adopted.*

*Clause 3 was added to the Bill.*

*Clause 4 was added to the Bill.*

**Clause 5**                      **Special measures for issuance of  
Aadhaar number to certain category  
of persons**

**HON. SPEAKER:** Shri N.K. Premachandran – not present.

The question is:

“That clause 5 stand part of the Bill”.

*The motion was adopted.*

*Clause 5 was added to the Bill.*

*Clauses 6 and 7 were added to the Bill.*

**Clause 8**                      **Authentication of Aadhar Number**

**HON. SPEAKER:** Prof. Saugata Roy – not present.

Shri Tathagata Satpathy, are you moving your amendment?

**SHRI TATHAGATA SATPATHY (DHENKANAL):** Yes, I am moving Amendment No. 15 to Clause 8.

I beg to move:

Page 4, lines 26 and 27, --

*omit* “in such manner as may be specified by regulations”.

(15)

**HON. SPEAKER:** I shall now put Amendment No. 15 to Clause 8 moved by Shri Tathagata Satpathy to the vote of the House.

*The amendment was put and negatived.*

**HON. SPEAKER:** Shri B. Vinod Kumar – not present.

The question is:

“That clause 8 stand part of the Bill”.

*The motion was adopted.*

*Clause 8 was added to the Bill.*

**Clause 9                      Aadhar Number not evidence of  
citizenship or domicile, etc.**

**HON. SPEAKER:** Shri B. Vinod Kumar – not present.

The question is:

“That clause 9 stand part of the Bill”.

*The motion was adopted.*

*Clause 9 was added to the Bill.*

**Clause 10                      Central Identities Data Repository**

**HON. SPEAKER:** Prof. Saugata Roy – not present.

The question is:

“That clause 10 stand part of the Bill”.

*The motion was adopted.*

*Clause 10 was added to the Bill.*

*Clause 11 was added to the Bill.*

**Clause 12****Composition of Authority**

**HON. SPEAKER:** Shri Rajeev Satav, are you moving your amendment?

**SHRI RAJEEV SATAV:** Yes, I am moving Amendment No. 43 to Clause 12.

I beg to move:

Page 5, line 14, --

Omit “part-time (43)  
or”.

**HON. SPEAKER:** I shall now put Amendment No. 43 to Clause 12 moved by Shri Rajeev Satav to the vote of the House.

*The amendment was put and negatived.*

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

“That clause 12 stand part of the Bill”.

*The motion was adopted.*

*Clause 12 was added to the Bill.*

*Clause 13 was added to the Bill.*

**Clause 14                    Term of office and other conditions of  
Service of Chairperson and Members**

**HON. SPEAKER:** Prof. Saugata Roy – not present.

The question is:

“That clause 14 stand part of the Bill”.

*The motion was adopted.*

*Clause 14 was added to the Bill.*

**Clause 15                    Removal of Chairperson and Members**

**HON. SPEAKER:** Shri N.K. Premachandran – not present.

The question is:

“That clause 15 stand part of the Bill”.

*The motion was adopted.*

*Clause 15 was added to the Bill.*

**Clause 16                  Restriction on Chairperson or Members  
   on employment after cessation of office**

**HON. SPEAKER:** Prof. Saugata Roy – not present.

The question is:

“That clause 16 stand part of the Bill”.

*The motion was adopted.*

*Clause 16 was added to the Bill.*

*Clauses 17 to 22 were added to the Bill.*

**Clause 23                  Powers and functions of Authority**

**HON. SPEAKER:** Prof. Saugata Roy – not present.

Shri Tathagata Satpathy, are you moving your Amendments Nos. 16 & 17 to Clause 23?

**SHRI TATHAGATA SATPATHY:** No, Madam, I do not press my amendment.

**HON. SPEAKER:** Shri N.K. Premachandran – not present.

Shri Rajeev Satav, are you moving Amendment No.44 to Clause 23?

**SHRI RAJEEV SATAV:** Yes, I am moving my Amendment No.44 to Clause 23.

I beg to move:

Page 8, *omit* lines 47 and 48. (44)

**HON. SPEAKER:** I shall now put Amendment No. 44 to Clause 23 moved by Shri Rajeev Satav to the vote of the House.

*The amendment was put and negatived.*

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

“That clause 23 stand part of the Bill”.

*The motion was adopted.*

*Clause 23 was added to the Bill.*

*Clauses 24 and 25 were added to the Bill.*

**Clause 26****Accounts and audit**

**HON. SPEAKER:** Shri Rajeev Satav, are you moving your Amendment No.45 to Clause 26 ?

**SHRI RAJEEV SATAV :** No, I do not press my Amendment to Clause 26.

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

“That clause 26 stand part of the Bill”.

*The motion was adopted.*

*Clause 26 was added to the Bill.*

**Clause 27****Returns and annual report, etc.**

**HON. SPEAKER:** Shri Rajeev Satav, are you moving Amendment No.46 to clause 27?

**SHRI RAJEEV SATAV:** Yes, I do not press my amendment.

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

“That clause 27 stand part of the Bill”.

*The motion was adopted.*

*Clause 27 was added to the Bill.*

**Clause 28**                      **Security and confidentiality of  
information**

**HON. SPEAKER:** Prof. Saugata Roy – not present.

Shri Rajeev Satav, are you moving Amendment No.47 to Clause 28?

**SHRI RAJEEV SATAV:** Yes, I am moving my amendment. I beg to move:

Page 10, *for* lines 22 to 24,--

*substitute* “(b) ensure that the agencies, consultants, advisors or other persons appointed or engaged for performing any function of the Authority under this Act work on masked IDs in (47) place of actual Aadhaar IDs and only the Authority shall have the unique key linking masked IDs to Aadhaar IDs;

**HON. SPEAKER:** I shall now put Amendment No. 47 to Clause 28 moved by Shri Rajeev Satav to the vote of the House.

*The amendment was put and negatived.*

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

“That Clause 28 stand part of the Bill”.

*The motion was adopted.*

*Clause 28 was added to the Bill.*

**Clause 29                      Restriction on sharing information**

**HON. SPEAKER:** Shri Tathagata Satpathy, are you moving your Amendment No. 18 to Clause 29?

**SHRI TATHAGATA SATPATHY:** No, Madam, I do not press my Amendment.

**HON. SPEAKER:** Shri N.K. Premachandran – not present.

The question is:

“That Clause 29 stand part of the Bill”.

*The motion was adopted.*

*Clause 29 was added to the Bill.*

*Clause 30 was added to the Bill.*

**Clause 31                      Alteration of demographic information  
or biometric information**

**HON. SPEAKER:** Shri N.K. Premachandran – not present.

Shri Rajeev Satav, are you moving Amendment Nos. 48 and 49 to Clause 31.

**SHRI RAJEEV SATAV:** No, I do not press my Amendments.

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

“That Clause 31 stand part of the Bill”.

*The motion was adopted.*

*Clause 31 was added to the Bill.*

*Clause 32 was added to the Bill.*

**Clause 33          Disclosure of information in certain  
cases**

**HON. SPEAKER:** Shri Tathagata Satpathy, are you moving your Amendment No. 19 to clause 33?

**SHRI TATHAGATA SATPATHY:** I wish, I hope and I pray, Madam with folded hands that you would say good this time to me also that you were telling our junior colleague from Congress. Can I have half a minute? I beg to move:

*after* “Authority”

*add* “ and permission from the individual whose data is to be (19) disclosed”.

Madam, this one, I am moving. I am only adding – after line 44, which says – provided that no order by the court and this sub-section shall be made without giving an opportunity of hearing to the authority. I am adding – and “permission from the individual whose data is to be disclosed.”

Madam, you might know, there is a pharma company which is carrying out very many tests across many States of India. It is giving tablets to girls from the age of seven to 14 – for seven years continuously. It is saying that if girls pre-puberty and post-puberty take this tablet for seven consecutive years, then, at a later stage, they will not have Cancer of the ovary. This is a claim. Nobody knows because this test was started about one and a half years ago. Nobody knows what is the truth? Things like Aadhaar Card would be utilized by such companies to collect data about individuals. So, my request

to the Government is that this addition, without any ego problem, and permission from the individual use data is to be disclosed may be added, if found fit. Thank you, Madam. I do not press my amendment.

**HON. SPEAKER:** Shri N.K. Premachandran – not present.

Shri Rajeev Satav, are you moving Amendment No.50 to Clause 33?

**SHRI RAJEEV SATAV :** In this Amendment, the only request to the Government is that they should publish a report of total number of directions issued under this sub-section. I am moving my amendment. I beg to move:

Page 12, *after* line10,--

*add* “Provided also that the Government shall publish a report (50) summarizing the total number of directions issued under this sub-section.”.

**HON. SPEAKER:** I shall now put Amendment No. 50 to Clause 33 moved by Shri Rajeev Satav to the vote of the House.

*The amendment was put and negatived.*

**HON. SPEAKER:** Shri B. Vinod Kumar – not present.

The question is:

“That clause 33 stand part of the Bill”.

*The motion was adopted.*

*Clause 33 was added to the Bill.*

**Clause 34                      Penalty for impersonation at time of  
enrolment**

**HON. SPEAKER:** Prof. Saugata Roy – not present.

The question is:

“That clause 34 stand part of the Bill”.

*The motion was adopted.*

*Clause 34 was added to the Bill.*

**Clause                      Penalty for impersonation of Aadhar number  
35                      holder by changing demographic information or  
biometric information**

**HON. SPEAKER:** Prof. Saugata Roy – not present.

The question is:

“That clause 35 stand part of the Bill”.

*The motion was adopted.*

*Clause 35 was added to the Bill.*

**Clause 36      Penalty for impersonation**

**HON. SPEAKER:** Prof. Saugata Roy – not present.

The question is:

“That clause 36 stand part of the Bill”.

*The motion was adopted.*

*Clause 36 was added to the Bill.*

**Clause 37      Penalty for disclosing identity information**

**HON. SPEAKER:** Prof. Saugata Roy – not present.

Shri Rajeev Satav, are you moving Amendment No.51 to clause 37?

**SHRI RAJEEV SATAV:** I do not press my amendment.

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

“That clause 37 stand part of the Bill”.

*The motion was adopted.*

*Clause 37 was added to the Bill.*

**Clause 38            Penalty for unauthorised access to the  
Central Identities Data Repository**

**HON. SPEAKER:** Shri Rajeev Satav, are you moving Amendment Nos.52 to 61 to clause 38?

**SHRI RAJEEV SATAV:** I do not press my Amendments.

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

“That Clause 38 stand part of the Bill”.

*The motion was adopted.*

*Clause 38 was added to the Bill.*

*Clauses 39 and 40 were added to the Bill.*

**Clause 41                Penalty for non-compliance with  
   intimation requirements**

**HON. SPEAKER:** Shri N.K. Premachandran – not present.

The question is:

“That clause 41 stand part of the Bill”.

*The motion was adopted.*

*Clause 41 was added to the Bill.*

*Clause 42 was added to the Bill.*

**Clause 43                Offences by companies**

**HON. SPEAKER:** Shri Rajeev Satav, are you moving Amendment No.62 to Clause 43?

**SHRI RAJEEV SATAV:** I do not press my Amendments.

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

“That clause 43 stand part of the Bill”.

*The motion was adopted.*



denied Parliament the right. So, I would request this. As the Minister himself has said and that is why I am insisting. The Minister has stated it right now that it should come back to Parliament. And I am pressing for it.

**THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):** Regulation is always laid on the Table of the House.

**HON. SPEAKER:** About regulation he said that it will be laid on the Table of the House.

I shall now put Amendment No. 20 to Clause 48 moved by Shri Tathagata Satpathy to the vote of the House.

*The amendment was put and negatived.*

**HON. SPEAKER:** Shri N.K. Premachandran - Not present

The question is:

“That clause 48 stand part of the Bill.”

*The motion was adopted.*

*Clause 48 was added to the Bill*

*Clause 49 was added to the Bill.*

**Clause 50                      Power of Central Government to  
issue directions**

**HON. SPEAKER:** Shri Tathagata Satpathy.

**SHRI TATHAGATA SATPATHY:** Madam, I do not press my amendment.



**HON. SPEAKER:** Shri N.K. Premachandran - Not present

The question is:

“That clause 54 stand part of the Bill.”

*The motion was adopted.*

*Clause 54 was added to the Bill.*

*Clauses 55 to 57 were added to the Bill.*

**Clause 58                      Power to remove difficulties**

**HON. SPEAKER:** Shri Tathagata Satpathy.

**SHRI TATHAGATA SATPATHY:** Madam, I beg to move:

Page 17, lines 43 and 44,--

*for “three years”*

*substitute “six years”.                      (22)*

Madam, here they have stated in page 17, lines 43 and 44 that changes to the rules can be made in the next three years. Now Aadhaar will be a continuous thing. It is not that children would not be born in India and no further enrolment would be required. Therefore, this

period of three years, which will expire in 2019, does not seem reasonable. It should be unlimited, if not, at least for six years it should be open for scrutiny and for changes. This is my amendment.

**HON. SPEAKER:** I shall now put Amendment No. 22 to Clause 58 moved by Shri Tathagata Satpathy to the vote of the House.

*The amendment was put and negatived.*

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

“That clause 58 stand part of the Bill.”

*The motion was adopted.*

*Clause 58 was added to the Bill.*

*Clause 59 was added to the Bill.*

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

**HON. SPEAKER:** The Minister may now move that the Bill be passed.

**SHRI ARUN JAITLEY:** Madam, I beg to move:

“That the Bill be passed.”

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

“That the Bill be passed.”

*The motion was adopted.*

**15.28 hours****MESSAGE FROM RAJYA SABHA AND  
BILL AS PASSED BY RAJYA SABHA –****Contd.**

**SECRETARY GENERAL:** Madam Speaker, I have to report the following message received from the Secretary General of Rajya Sabha:-

‘In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Real Estate (Regulation and Development) Bill, 2016 which has been passed by the Rajya Sabha at its sitting held on the 10<sup>th</sup> March, 2016.’

1. Madam, I lay on the Table the Real Estate (Regulation and Development) Bill, 2016 as passed by Rajya Sabha on the 10<sup>th</sup> March, 2016.

**15.29 hours****MOTION RE: 19<sup>th</sup> AND 20<sup>th</sup> REPORTS OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS**

**SHRI JAYADEV GALLA (GUNTUR):** Madam, I beg to move the following:-

“That this House do agree with the Nineteenth Report of the Committee on Private Members’ Bills and Resolutions presented to the House on 2 March, 2016, subject to modification that para 4 and sub-para (ii) of para 5 of recommendations thereof, relating to allocation of time to Resolutions, be omitted and also agree with the Twentieth Report of the Committee presented to the House on 10 March, 2016.”.

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

“That this House do agree with the Nineteenth Report of the Committee on Private Members’ Bills and Resolutions

presented to the House on 2 March, 2016, subject to modification that para 4 and sub-para (ii) of para 5 of recommendations thereof, relating to allocation of time to Resolutions, be omitted and also agree with the Twentieth Report of the Committee presented to the House on 10 March, 2016.”

*The motion was adopted.*

**15.30 hours****PRIVATE MEMBERS' BILLS -Introduced****HON. SPEAKER:** Item 26; Yogi Adityanath – not present.

Item 27; Yogi Adityanath – not present.

**(i) Artisans (Welfare) Bill, 2015\***

[Translation]

**SHRI SUSHIL KUMAR SINGH (AURANGABAD):** Hon. Speaker, Madam, I beg to move that leave be granted to introduce a Bill to provide for the constitution of an Artisans Welfare Board for the welfare of the artisans living in the rural areas and for matters connected therewith.

[English]

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

“That leave be granted to introduce a Bill to provide for the constitution of an Artisans Welfare Board for the welfare of

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

the artisans living in the rural areas and for matters connected therewith.”

*The motion was adopted.*

[Translation]

**SHRI SUSHIL KUMAR SINGH:** Madam, I introduce\* the Bill.

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\* Introduced with the recommendation of the President

**15.30 ½ hours****(ii) Civil Liability for Nuclear Damage (Amendment) Bill,  
2015\* (Amendment of sections 35 and 46)**

[English]

**SHRI HARISH MEENA (DAUSA):** I beg to move for leave to introduce a Bill to amend the Civil Liability For Nuclear Damage Act, 2010.

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

“That leave be granted to introduce a Bill to amend the Civil Liability For Nuclear Damage Act, 2010.”

*The motion was adopted.*

**SHRI HARISH MEENA :** I introduce the Bill.

**HON. SPEAKER:** Item 30; Shri Pralhad Joshi – not present.

Item 31; Shri Pralhad Joshi – not present.

Item 33; Shri Pralhad Joshi – not present.

**15.31 hours****(iii) Right to Access of Judicial Proceedings and Information  
Bill, 2016†\***

**SHRI RAJEEV SATAV (HINGOLI):** I beg to move for leave to introduce a Bill to provide for access to judicial proceedings of the Supreme Court and its Benches by prescribing digital recording of all judicial proceedings and making them available online to the public in general to foster greater accountability and for matters connected therewith.

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

“That leave be granted to introduce a Bill to provide for access to judicial proceedings of the Supreme Court and its Benches by prescribing digital recording of all judicial proceedings and making them available online to the public in general to foster greater accountability and for matters connected therewith.”

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

*The motion was adopted.*

**SHRI RAJEEV SATAV :** I introduce the Bill.

**HON. SPEAKER:** Item 34; Dr. Kirit Somaiya – not present.

**15.31 ½ hours****(iv) Compulsory Basic Facilities for Widow and Orphans Bill,  
2016\***

[Translation]

**SHRI NISHIKANT DUBEY (GODDA):** Hon. Speaker, Madam, I beg to move that leave be granted to introduce a Bill to provide for compulsory basic facilities like housing, food, water, medicine and security to widows and orphans and for matters connected therewith.

[English]

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

“That leave be granted to introduce a Bill to provide for compulsory basic facilities like housing, food, water, medicine and security to widows and orphans and for matters connected therewith.”

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

*The motion was adopted.*

[Translation]

**SHRI NISHIKANT DUBEY:** Madam, I introduce the Bill.

**15.32 hours****(v) Personal Bankruptcy (Declaration and Rehabilitation) Bill,  
2016\***

**SHRI NISHIKANT DUBEY (GODDA):** Hon. Speaker, Madam, I beg to move that leave be granted to introduce a Bill to provide for mechanism through which a person who is unable to pay off his debts shall be declared bankrupt and rehabilitated and for matters connected therewith.

[English]

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

“That leave be granted to introduce a Bill to provide for mechanism through which a person who is unable to pay off

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his debts shall be declared bankrupt and rehabilitated and for matters connected therewith.”

*The motion was adopted.*

[Translation]

**SHRI NISHIKANT DUBEY:** Madam, I introduce the Bill.

**15.32 ½ hours****(vi) Andhra Pradesh Reorganisation (Amendment) Bill, 2016\***  
*(Amendment of sections 46 and 94)*

[English]

**SHRI Y.V. SUBBA REDDY (ONGOLE):** I beg to move for leave to introduce a Bill further to amend the Andhra Pradesh Reorganisation Act, 2014.

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

“That leave be granted to introduce a Bill further to amend the Andhra Pradesh Reorganisation Act, 2014.”

*The motion was adopted.*

**SHRI Y.V. SUBBA REDDY:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.33 hours****(vii) Surrogate Advertisements (Prohibition) Bill, 2016\***

**DR. BOORA NARSAIAH GOUD (BHONGIR):** I beg to move for leave to introduce a Bill to prohibit surrogate advertisements and for matters connected therewith.

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

“That leave be granted to introduce a Bill to prohibit surrogate advertisements and for matters connected therewith.”

*The motion was adopted.*

**DR. BOORA NARSAIAH GOUD :** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.33 ½ hours**

(viii) **Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill, 2016\*** (*Insertion of new Chapter IIA*)

**DR. BOORA NARSAIAH GOUD (BHONGIR):** I beg to move for leave to introduce a Bill to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

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

“That leave be granted to introduce a Bill to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.”

*The motion was adopted.*

**DR. BOORA NARSAIAH GOUD :** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.35 hours**

(ix) **Constitution (Amendment) Bill, 2016\*** (*Amendment of articles 243K and 243ZA*)

**DR. BOORA NARSAIAH GOUD (BHONGIR):** I beg to move for leave to introduce a Bill further to amend the Constitution of India.

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

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

**DR. BOORA NARSAIAH GOUD:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.34 ½ hours**

(x) **Small-Holder Farmers (Protection and Welfare) Bill, 2016\***

**ADV. JOICE GEORGE (IDUKKI):** I beg to move for leave to introduce a Bill to provide for protection and welfare of small-holder farmers by constitution of a Minimum Assurance Price Commission for their agricultural produce and a Small-holders Farmers Welfare Fund and for matters connected therewith.

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

“That leave be granted to introduce a Bill to provide for protection and welfare of small-holder farmers by constitution of a Minimum Assurance Price Commission for their agricultural produce and a Small-holders Farmers Welfare Fund and for matters connected therewith.”

*The motion was adopted.*

**ADV. JOICE GEORGE:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**HON. SPEAKER:** Item no. 42, Shri P. Karunakaran – Not present.

Item no. 43, Shri P. Karunakaran – Not present.

Item no. 44, Shri P. Karunakaran – Not present.

Item no. 45, Shri P. Karunakaran – Not present.

**15.35 hours****(xi) Sex Workers (Welfare and Rehabilitation) Bill, 2016\***

[Translation]

**DR. KIRIT P. SOLANKI (AHMEDABAD):** Madam, I beg to move that leave be granted to introduce a Bill to provide for welfare and rehabilitation of sex workers and their families and for matters connected therewith or incidental thereto.

[English]

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

“That leave be granted to introduce a Bill to provide for welfare and rehabilitation of sex workers and their families and for matters connected therewith or incidental thereto.”

*The motion was adopted.*

[Translation]

**DR. KIRIT P SOLANKI:** Madam, I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.35 ½ hours****(xii) Rainwater (Harvesting and Storage) Bill, 2016\***

**DR. KIRIT P. SOLANKI (AHMEDABAD):** Madam, I beg to move that leave be granted to introduce a Bill to provide for compulsory harvesting of rainwater in every Government, residential, commercial and institutional building to conserve water and ensure recharge of groundwater and for matters connected therewith.

[English]

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

“That leave be granted to introduce a Bill to provide for compulsory harvesting of rainwater in every Government, residential, commercial and institutional building to

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conserve water and ensure recharge of groundwater and for matters connected therewith."

*The motion was adopted.*

[Translate]

**DR. KIRIT P. SOLANKI:** Madam, I introduce the Bill.

**15.36 hours****(xiii) Education Loan Bill, 2016\***

**SHRI BHAIRON PRASAD MISHRA (BANDA):** Madam, I beg to move that leave be granted to introduce a Bill to provide for education loan to students and for matters connected therewith.

[English]

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

“That leave be granted to introduce a Bill to provide for education loan to students and for matters connected therewith.”

*The motion was adopted.*

[Translate]

**SHRI BHAIRON PRASAD MISHRA:** Madam, I introduce the Bill.

[English]

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**HON. SPEAKER:** Item no. 49, Shri Rajesh Ranjan – Not present.

Item no. 50, Kunwar Pushpendra Singh Chandel – Not present.

Item no. 51, Kunwar Pushpendra Singh Chandel – Not present.

**15.36 ½ hours****(xiv) Waste Management Bill, 2016\***

**SHRI KONDA VISHWESHWAR REDDY (CHEVELLA):** I beg to move for leave to introduce a Bill to provide for the segregation and re-cycle of municipal solid waste; use of re-cyclable waste in waste- energy plants for generation of energy and transportation of non-recyclable waste into landfills and for matters connected therewith.

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

“That leave be granted to introduce a Bill to provide for the segregation and re-cycle of municipal solid waste; use of re-cyclable waste in waste-energy plants for generation of energy and transportation of non-recyclable waste into landfills and for matters connected therewith.

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*The motion was adopted.*

**SHRI KONDA VISHWESHWAR REDDY:** I introduce the Bill.

**15.37 hours****(xv) Reservation for the Scheduled Castes and the Scheduled Tribes in Private Sector Bill, 2016\***

**DR. UDIT RAJ (NORTH WEST DELHI):** I beg to move for leave to introduce a Bill to provide for reservation for persons belonging to the Scheduled Castes and the Scheduled Tribes in private sector and for matters connected therewith.

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

“That leave be granted to introduce a Bill to provide for reservation for persons belonging to the Scheduled Castes and the Scheduled Tribes in private sector and for matters connected therewith.”

*The motion was adopted.*

**DR. UDIT RAJ :** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.37 ½ hours****(xvi) Constitution (Amendment) Bill, 2016\* (*Amendment of article 366*)**

**SHRI P.P. CHAUDHARY (PALI):** I beg to move for leave to introduce a Bill further to amend the Constitution of India.

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

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

**SHRI P.P. CHAUDHARY:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.38 hours**

(xvii) **Constitution (Amendment) Bill, 2016\*** (*Amendment of article 370*)

**SHRI P.P. CHAUDHARY (PALI):** I beg to move for leave to introduce a Bill further to amend the Constitution of India.

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

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

**SHRI P.P. CHAUDHARY:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**HON. SPEAKER:** Item No. 56 - Shri Om Birla – Not present.

Shri Dushyant Chautala.

**15.38 ½ hours**

(xviii) **Administrative Tribunals (Amendment) Bill, 2016\***  
*(Amendment of section 6)*

**SHRI DUSHYANT CHAUTALA (HISAR):** I beg to move for leave to introduce a Bill further to amend the Administrative Tribunals Act, 1985.

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

“That leave be granted to introduce a Bill further to amend the Administrative Tribunals Act, 1985.”

*The motion was adopted.*

**SHRI DUSHYANT CHAUTALA:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.39 hours**

**(xix) Right to Information (Amendment) Bill, 2016\*** (*Amendment of section 19*)

**SHRI DUSHYANT CHAUTALA (HISAR):** I beg to move for leave to introduce a Bill further to amend the Right to Information Act, 2005.

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

“That leave be granted to introduce a Bill further to amend the Right to Information Act, 2005.”

*The motion was adopted.*

**SHRI DUSHYANT CHAUTALA:** I introduce the Bill.

**HON. SPEAKER:** Item No. 59. Prof. Saugata Roy – Not present.

Item No. 60. Prof. Saugata Roy – Not present.

Item No. 62 - Shri Jayadev Galla.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.39 ½ hours**

(xx) **Constitution (Amendment) Bill, 2016\*** (*Substitution of new article for article 340*)

**SHRI JAYADEV GALLA (GUNTUR):** I beg to move for leave to introduce a Bill further to amend the Constitution of India.

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

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

**SHRI JAYADEV GALLA:** I introduce the Bill.

**HON. SPEAKER:** Item No. 63 – Shri Anurag Singh Thakur – Not present.

Item No. 64 - Shri Anurag Singh Thakur – Not present.

Item No. 65 - Shri Anurag Singh Thakur – Not present.

Item No. 66 - Shri Dushyant Chautala.

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**15.40 hours**

**(xxi) Code of Criminal Procedure (Amendment) Bill, 2016\***  
*(Amendment of section 260)*

**SHRI DUSHYANT CHAUTALA (HISAR):** I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1973.

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

“That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1973.”

*The motion was adopted.*

**SHRI DUSHYANT CHAUTALA:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.40 ½ hours****(xxii) Economically Weaker Class Corporation Bill, 2016\***

[Translation]

**SHRIMATI RAMA DEVI (SHEOHAR):** Madam, I beg to move that leave be granted to introduce a Bill to provide for the establishment of a Corporation for the welfare and advancement of persons belonging to economically weaker class and for matters connected therewith or incidental thereto.

[English]

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

“That leave be granted to introduce a Bill to provide for the establishment of a Corporation for the welfare and advancement of persons belonging to economically weaker class and for matters connected therewith or incidental thereto.”

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*The motion was adopted.*

[Translation]

**SHRIMATI RAMA DEVI:** Madam, I introduce the Bill.

**15.41 hours****(xxiii) Poverty Stricken and Backward Regions  
(Development) Bill, 2016\***

**SHRIMATI RAMA DEVI (SHEOHAR):** Madam, I beg to move that leave be granted to introduce a Bill to secure rapid, accelerated and overall development of poverty stricken and backward regions of the country by establishing an autonomous Authority for assured and speedy development of such regions in a planned manner and for matters connected therewith or incidental thereto.

[English]

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

“That leave be granted to introduce a Bill to secure rapid, accelerated and overall development of poverty stricken and backward regions of the country by establishing an autonomous Authority for assured and speedy development

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of such regions in a planned manner and for matters connected therewith or incidental thereto.”

*The motion was adopted.*

[Translation]

**SHRIMATI RAMA DEVI:** Madam, I introduce the Bill.

[English]

**HON. SPEAKER:** Item No. 69. Shri Pralhad Joshi – Not present.

Item No. 70. Dr. A. Sampath – Not present.

Item No. 71 - Shri Rajendera Agarwal.

**15.42 hours****(xxiv)Representation Of The People (Amendment) Bill,  
2016\* (*Substitution of new section for section 3, etc*)**

**SHRI RAJENDRA AGRAWAL (MEERUT):** I beg to move that leave be granted to introduce a Bill further to amend the Representation of the People Act, 1951.

[English]

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

“That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1951.”

*The motion was adopted.*

[Translation]

**SHRI RAJENDRA AGRAWAL:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.43 hours**

**PRIVATE MEMBER'S BILL - Introduction - Negatived**

**Indian Penal Code (Amendment) Bill, 2016**

*(Substitution of new section for section 377)*

[English]

**HON. SPEAKER:** Item No. 72, Dr. Shashi Tharoor.

**DR. SHASHI THAROOR (THIRUVANANTHAPURAM):**

Madam Speaker, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

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

“That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860.”

Those in favour will please say ‘Aye’.

**SOME HON. MEMBERS:** ‘Aye.’

**SEVERAL HON. MEMBERS:** ‘No’.

**SHRI NISHIKANT DUBEY (GODDA):** Madam, we want Division.

**HON. SPEAKER:** Do you want Division?

**SHRI NISHIKANT DUBEY:** Yes, Madam.

**HON. SPEAKER:** Okay. Let the Lobbies be cleared—

... (*Interruptions*)

**HON. SPEAKER:** Now, the Lobbies have been cleared.

## **ANNOUNCEMENT RE: AUTOMATIC VOTE RECORDING SYSTEM**

**SECRETARY-GENERAL:** Kind attention of the Hon. Members is invited to the following points in the operation of the Automatic Vote Recording System.

Before a Division starts, every Hon. Member should occupy his or her own seat and operate the system from that seat only.

When the Hon.Speakers says “Now Division”, the Secretary-General will activate the voting button whereupon “RED BULBS” above display boards on both sides of Hon.Speaker’s Chair will glow and a GONG sound will be heard simultaneously.

For voting, Hon. Members may kindly press the following two buttons simultaneously “ONLY” after the sound of the GONG and I repeat only after the sound of the GONG.

Red “VOTE” button in front of every Hon. Member on the Head Phone plate and any of the following buttons fixed on the top of the desk of seat:

For AYES : Green Colour

For Noes : Red Colour

For Abstain : Yellow Colour

It is essential to keep both the buttons pressed till another GONG is heard and the Red BULBS above the plasma display are “OFF”.

Hon.Members may please note that their votes will not be registered if buttons are kept pressed before the first GONG and both the buttons are not kept simultaneously pressed till the second GONG.

Hon. Members can actually “SEE” their votes on display boards installed on either side of the Hon.Speaker’s Chair.

In case the vote is not registered, they may call for voting through slips.

**HON. SPEAKER:** Now, the question is:

“That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860.”

*The Lok Sabha divided:*

**DIVISION****AYES****15:47 Hours**

\*Anwar, Shri Tariq

Baite, Shri Thangso

George, Adv. Joice

\*Goud, Dr. Boora Narsaiah

\*Hikaka, Shri Jhina

Khan, Shri Md. Badaruddoza

Kumar, Shri Shailesh

\*Meinya, Dr. Thokchom

Mohapatra, Dr. Sidhant

Panda, Shri Baijayant Jay

Patil, Shri Bheemrao B.

Ramachandran, Shri Mullappally

Reddy, Shri Konda Vishweshwar

Ruala, Shri C.L.

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\* Voted through slip.

Sahu, Shri Tamradhwaj

Satav, Shri Rajeev

Singh, Shri Ravneet

Tharoor, Dr. Shashi

**NOES**

Agrawal, Shri Rajendra

Ahlawat, Shrimati Santosh

Ahluwalia, Shri S.S.

\*Balyan, Dr. Sanjeev

Chandel, Kunwar Pushpendra Singh

Chaudhary, Shri P.P.

Chauhan, Shri Devusinh

Chhotelal, Shri

Choubey, Shri Ashwini Kumar

Choudhary, Col. Sonaram

Choudhary, Shri Birendra Kumar

Devi, Shrimati Rama

Dubey, Shri Nishikant

Dubey, Shri Satish Chandra

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\*Voted through slip.

\*Gangwar, Shri Santosh Kumar

Gowda, Shri D.V. Sadananda

Jaunapuria, Shri Sukhbir Singh

Kashyap, Shri Virender

Kaswan, Shri Rahul

Kataria, Shri Rattan Lal

Kishore, Shri Jugal

Kushawaha, Shri Ravinder

Lakhanpal, Shri Raghav

Maadam, Shrimati Poonamben

Mahato, Dr. Banshilal

Marabi, Shri Kamal Bhan Singh

Meena, Shri Harish

Meghwal, Shri Arjun Ram

Mishra, Shri Bhairon Prasad

Nishad, Shri Ram Charitra

Nishank, Dr. Ramesh Pokhriyal

Paatle, Shrimati Kamla

Pal, Shri Jagdambika

Paraste, Shri Dalpat Singh

\*Patel, Shri Prahlad Singh

Pathak, Shrimati Riti

Patil, Shri Kapil Moreshwar

Patole, Shri Nana

Raj, Dr. Udit

Rajoria, Dr. Manoj

Reddy, Shri Y. V. Subba

Rudy, Shri Rajiv Pratap

Sahu, Shri Chandulal

Sahu, Shri Lakhan Lal

Sampla, Shri Vijay

Sarmah, Shri Ram Prasad

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\* Voted through slip.

Sarswati, Shri Sumedhanand

Singh, Rao Inderjit

Singh, Shri Bharat

Singh, Shri Dushyant

Singh, Shri Kirti Vardhan

Singh, Shri Sunil Kumar

Singh, Shri Sushil Kumar

Sinha, Shri Manoj

Tanwar, Shri Kanwar Singh

Teni, Shri Ajay Misra

Usendi, Shri Vikram

Verma, Shri Bhanu Pratap Singh

Verma, Shri Parvesh Sahib Singh

Yadav, Shri Hukmdeo Narayan

Yadav, Shri Ram Kripal

**ABSTAIN**

Chautala, Shri Dushyant

**HON. SPEAKER:** Subject to correction†\*, the result of the Division is:

Ayes : 014

Noes: 058

Abstain : 001

*The motion was negatived.*

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†\* The following Members also recorded their votes through slips.

**Ayes:** 014 + Shri Tariq Anwar, Dr. Boora Narsaiah Goud, Shri Jhina Hikaka and Dr. Thokchom Meinya = 018

**Noes :** 058+ Dr. Sanjeev Balyan, Shri Santosh Kumar Gangwar and Shri Prahlad Singh Patel =061

**Abstain:** 001+Nil = 001

**15.49 hours**

**PRIVATE MEMBERS' BILLS- Introduced...contd.**

**(xxv) Prisons (Amendment) Bill, 2016\***

*(Amendment of section 3, etc.)*

**SHRI MULLAPPALLY RAMCHANDRAN (VADAKARA):** I beg to move for leave to introduce a Bill further to amend the Prisons Act, 1894.

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

“That leave be granted to introduce a Bill further to amend the Prisons Act, 1894.”

*The motion was adopted.*

**SHRI MULLAPPALLY RAMCHANDRAN:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.49 1/2 hours****(xxvi) Prevention of Witch-Hunting Bill, 2016\***

**SHRI RAGHAV LAKHANPAL (SAHARANPUR):** I beg to move for leave to introduce a Bill to provide for more effective measures to prevent and protect women from ‘witch-hunt’ practices to eliminate their torture, oppression, humiliation and killing by providing punishment for such offences, relief and rehabilitation of women victims of such offences and for matters connected therewith or incidental thereto.

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

“That leave be granted to introduce a Bill to provide for more effective measures to prevent and protect women from ‘witch-hunt’ practices to eliminate their torture, oppression, humiliation and killing by providing punishment for such offences, relief and rehabilitation of women victims of such

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

offences and for matters connected therewith or incidental thereto.”

*The motion was adopted.*

**SHRI RAGHAV LAKHANPAL:** I introduce the Bill.

**15.50 hours****(xxvii) Missing Children (Faster Tracking and Reuniting) Bill,  
2016\***

**DR. MANOJ RAJORIA (KARAULI-DHOLPUR):** Madam, I beg to move for leave to introduce a Bill to provide for faster tracking and reuniting the children, who go missing due to abduction, kidnapping, luring or runaway from their homes with their parents; for establishment of Special Cells in Police Establishments with specifically trained personnel to trace missing children; for immediate registration of F.I.R. for flashing photograph and details of missing children in television, newspapers and social media so as to put in place proper mechanism to trace missing children and for matters connected therewith or incidental thereto.

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

“That leave be granted to introduce a Bill to provide for faster tracking and reuniting the children, who go missing

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

due to abduction, kidnapping, luring or runaway from their homes with their parents; for establishment of Special Cells in Police Establishments with specifically trained personnel to trace missing children; for immediate registration of F.I.R. for flashing photograph and details of missing children in television, newspapers and social media so as to put in place proper mechanism to trace missing children and for matters connected therewith or incidental thereto.”

*The motion was adopted.*

**DR. MANOJ RAJORIA:** I introduce the Bill.

**15.51 hours****(xxviii) Compulsory Imparting of Moral Education in Educational Institutions Bill, 2016\***

**DR. MANOJ RAJORIA (KARAULI-DHOLPUR):** Madam, I beg to move for leave to introduce a Bill to provide for compulsory imparting of moral education in educational institutions upto secondary level in the country and for matters connected therewith or incidental thereto.

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

“That leave be granted to introduce a Bill to provide for compulsory imparting of moral education in educational institutions upto secondary level in the country and for matters connected therewith or incidental thereto.”

*The motion was adopted.*

**DR. MANOJ RAJORIA:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.52 hours****(xxix) Destitute Children (Rehabilitation and Welfare) Bill,  
2016\*\***

[Translation]

**SHRI SUKHBIR SINGH JAUNAPURIA (TONK-SAWAI MADHOPUR):** Madam, I beg to move that leave be granted to introduce a Bill to provide for the rehabilitation and welfare measures of destitute children and for matters connected therewith or incidental thereto.

[English]

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

“That leave be granted to introduce a Bill to provide for the rehabilitation and welfare measures of destitute children and for matters connected therewith or incidental thereto.”

*The motion was adopted.*

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

[Translation]

**SHRI SUKHBIR SINGH JAUNAPURIA:** Madam, I introduce the Bill.

**15.53 hours****(xxx) Constitution (Amendment) Bill, 2016\* (*Amendment of the Eighth Schedule*)**

**HON. SPEAKER:** Item No.50.

**KUNWAR PUSHPENDRA SINGH CHANDEL (HAMIRPUR):**

Madam, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

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

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

**KUNWAR PUSHPENDRA SINGH CHANDEL:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.54 hours****(xxxi) Constitution (Amendment) Bill, 2016\* (*Amendment of article 1*)**

**HON. SPEAKER:** Item No.51

**KUNWAR PUSHPENDRA SINGH CHANDEL (HAMIRPUR):**

Madam, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

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

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

**KUNWAR PUSHPENDRA SINGH CHANDEL:** I introduce the Bill.

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\* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 11.03.2016

**15.57 hours****RIGHTS OF TRANSGENDER PERSONS BILL, 2014 –****Contd.**

**HON. SPEAKER:** Now, we shall take up Item No. 78 – Further consideration of the following motion moved by Shri Baijayant Panda on the 26<sup>th</sup> February, 2016, namely:--

“That the Bill to provide for the formulation and implementation of a comprehensive national policy for ensuring overall development of the transgender persons and for their welfare to be undertaken by the State and for matters connected therewith and incidental thereto, as passed by Rajya Sabha, be taken into consideration. ”

Shri Jagdambika Pal to continue.

[Translation]

**SHRI JAGDAMBIKA PAL (DOMARIYAGANJ):** Hon. Speaker, I am grateful to you, and I am also thankful to the Hon. Minister of Parliamentary Affairs, for affording me a proper opportunity to speak on this matter.

This is an extremely important matter, and on the earlier occasion when you had permitted me to speak, I had already made my submission in this regard.

**15.59 hours**      (Shri Hukmdeo Narayan Yadav *in the Chair*)

Hon. Chairperson, Sir, across the entire country, within this society today, the rights that our Constitution grants us, this society recognises only two kinds of people, only two genders, male and female. Therefore, it is natural that today, those who exist in this society as transgender persons, after all, those transgender individuals who have committed no wrongdoing, who have committed no offence, neither by being transgender nor by the womb from which they were born or the place where they were born, when we speak today of bringing this Bill for them, we are speaking in support of this Bill. I understand that the Hon. Minister is also giving this matter serious consideration, and our Government too is deliberating upon it, because in recent days, on the 15th of April, 2014, the Supreme Court delivered a judgement, and with the recent Supreme Court judgement on the 15th of April, 2014, the third gender category has been legally recognised. Now, the Supreme Court of the country has also decided to recognise this third category or transgender persons, a person

whose gender does not match with the gender assigned to that person at birth. If their gender is not assigned as male or female, or if they are identified as transgender, does that mean they are not entitled to dignity in society? Do transgender persons today receive the same respect in our society as is accorded to a male or a female?

### **16.00 hours**

Our Constitution guarantees certain fundamental rights, and Article 15 expressly prohibits discrimination. In this context, I ask whether transgender persons are not subjected to discrimination in our society. Do they enjoy meaningful participation and inclusion in society, or respect for indifference and acceptance in society? Even today, I submit that if one looks within one's own Parliamentary Constituency, one's State, or travels anywhere across the country from Kanyakumari to Kashmir, one must reflect on how transgender persons are viewed and treated by society, and with what attitude and perception they continue to be regarded. Transgender persons are often seen approaching households at the time of a child's birth or during other moments of celebration to seek their customary dues. Even on such occasions, they are frequently subjected to inhuman and insensitive behaviour. We live in a welfare State, and in such a

society, it is our collective responsibility to be mindful of the condition and rights of transgender persons. Our Constitution guarantees equality of opportunity to every citizen. If a person or a child is transgender by birth, why should that individual be deprived of equal opportunities in society? If the same child were born as a son or a daughter, families would make every possible effort to provide the best education and send the child to good schools. Parents, whether they are poor labourers or rickshaw pullers, strive tirelessly so that their children may become officers, doctors, or engineers. However, when a transgender child is born into a family, does that child receive the same opportunities from the family, from society, or from the system that others receive? The discrimination that exists today against transgender persons must be addressed. It is precisely to eliminate this discrimination that legislation of this nature is required. I further submit that transgender persons continue to face serious barriers in terms of accessibility and inclusion within society.

...(Interruptions)

**THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI THAWAR CHAND GEHLOT):** Hon.

Chairperson, Sir, I would like to request all Hon. Members who are expressing their views on this matter to also provide guidance on two or three important aspects. In the judgment delivered by the Hon. Supreme Court, it has been stated that this category should be recognised as the third gender, while also providing for the individual's choice. If a person so desires, he or she may identify as male, or if they so choose, as female. However, the definition of transgender has not been clearly laid down. There is no precise clarity as to what the definition of a transgender person would be. It would, therefore, be appropriate if Hon. Members could also offer guidance on these issues.

The second issue relates to the observation that, along with being recognised as a third category, transgender persons may also be accorded the status of OBC. However, if a transgender person is born into a Scheduled Caste family and seeks to avail of the rights and entitlements available to the Scheduled Castes, or if a person is born into a Scheduled Tribe and seeks to avail of the rights and benefits applicable to the Scheduled Tribes, the question arises as to how this

situation should be addressed. In other words, how are we to reconcile the extension of benefits available to SC and ST communities in such cases? This issue requires careful consideration, particularly since a review petition is presently pending before the Hon. Supreme Court, and certain information has been sought from us in this regard. If we receive appropriate guidance on these matters, it will enable us to respond constructively and play a positive and informed role in addressing these concerns.

**SHRI JAGDAMBIKA PAL:** Hon. Chairperson, Sir, I am grateful to the Hon. Minister for referring to the judgment delivered by the Hon. Supreme Court on 15 April 2014. From the points highlighted by the Hon. Minister, it is clear that both the Hon. Minister and the Government are giving serious consideration to the contents of that judgment. It is also evident that the issues raised by the Hon. Supreme Court are being examined with a view to bringing forward appropriate legislation in the coming days. In that context, the Hon. Minister has rightly indicated that the sentiments of the Members of this august House and the suggestions they may offer will also be taken into account. I congratulate him for this approach. The judgment of the Hon. Supreme Court recognises transgender persons as a third

category, that is, as the third gender. It is also correct that a transgender person may choose to identify as male, female, or as a third gender. However, the practical realities today are a matter of concern. Whether it is a transgender person applying for a passport or visa as male, becoming a Mayor in Gorakhpur, contesting elections as female and becoming a Member of the Legislative Assembly in Madhya Pradesh, or serving as a police officer in Kerala, the question that arises is whether this truly reflects the recognition of their rights as transgender persons. In reality, such individuals remain transgender, that is, part of the third gender. If a transgender person is to be brought into the mainstream of society as a third gender, it must be accepted that, despite not belonging to the conventional male or female categories, they are often compelled to identify themselves under one of these categories in order to gain social recognition. Only after such identification do they receive recognition in society, whether it is the right to contest elections, to seek employment, or to obtain a passport and visa for travel abroad. It is precisely this concern that needs to be addressed today.

When we place our suggestions before the House in relation to this Bill, it is only natural to recall that our Constitution is among the

finest in the world. Whether certain principles have been derived from the United Kingdom or from the United States, our Constitution has always remained dynamic, and we have consistently been prepared to amend it from time to time. Constitutional amendments have been carried out in accordance with changing times and emerging needs. Today, people across the progressive nations of the world acknowledge that India's parliamentary democracy, India's republican framework, and the foundations of our democratic system are strong and resilient. If we look at the Fourth Estate, or observe developments in South-East Asia and even in our immediate neighbourhood, whether it is Pakistan, Sri Lanka, Malaysia, Thailand, Myanmar, or Nepal, I believe that India, in many ways, stands as a torchbearer for democracy in the region. At the core of this leadership lies our Constitution. We have consistently taken steps as a progressive State. I am confident that the Government will also act with progressiveness and a liberal approach in this matter, so that transgender persons in our society are provided due protection and dignity. If there are transgender children, how can it be ensured that they are able to study in the same schools alongside other children? Through you, I would like to submit to the Hon. Minister that, in

practical terms, transgender persons are often separated from their families and from the broader social environment, leading to the formation of isolated communities. They tend to live separately with a limited group of people, and in many cases, transgender persons are taken away from their homes by others from within that community. In such circumstances, are these individuals not entitled to the protections guaranteed under Article 21 of the Constitution? This Bill must ensure protection for transgender persons under Article 20, which guarantees the right to life and personal liberty. Every citizen of India has the right to live with dignity under Article 19 of the Constitution. They have right to freedom of speech and expressions, right to settle, right to adopt any business.

Article 19 guarantees fundamental rights to every citizen of this country, whether male or female. These rights cannot be curtailed, nor can there be any encroachment upon them. Our Constitution confers these rights upon the people of India. The question that arises is whether transgender persons enjoy the same security of life, the same personal liberty, and the same freedom. If we reflect honestly, either individually or as a society, the answer raises a serious question mark. Even today, transgender persons are deprived of equal status, equal

opportunity, and the rights that are available to other citizens, particularly to other children. Their lawful rights continue to be restricted and denied. Therefore, this question is of fundamental importance and deserves serious consideration by this House.

The fundamental question is whether right for transgender to live among any community they so choose to and not being denied this right just due to their being transgender. If a person is transgender, should that alone become the basis for deprivation? If a transgender person wishes to live with a family within a community, or to reside alongside others in society, even today, society often does not permit this or recognise this right. What is their fault in being transgender? Whether viewed from a biological perspective or in terms of destiny, if a person is transgender, it is neither the fault of the parents nor of the individual concerned. If someone falls within the category of transgender, should they be deprived of social rights on that account alone? We see that men and women enjoy the freedom to live anywhere in society, to pursue education, to travel to any part of the country, to marry, and to settle their families wherever they choose. Do transgender persons not have the same aspiration to live with dignity? They observe others in society and naturally desire the same

life. One of the greatest strengths of Indian society is the joint family system. If we look at many countries across the world, whether in Europe or in the United States, we often find that people above the age of 40 reside in old-age homes. In some cases, when a person passes away, the body remains in the morgue until family members can travel over the weekend from cities such as Los Angeles to Las Vegas or from New York to Chicago. We have witnessed such situations ourselves. In our culture, parents dedicate their entire lives to their children. If a parent suffers from a serious illness, whether related to the liver, kidneys, or the heart, the child considers it a duty and a source of fulfilment to devote all resources towards saving the parent, feeling that they are discharging their filial responsibility. In a country with such values and traditions, where a mother remains awake through the night for her child, where one spends a lifetime nurturing and preserving the family home, where families stand together in times of illness, sorrow, and joy. Would they not feel that, had they been part of a family, they too would have received the same sense of security that a family provides? Today, transgender persons are subjected to inhuman behaviour and cruelty. What law exists to prevent such cruelty? When they face inhuman treatment or

harassment, they are compelled to endure humiliation, taunts, and neglect. Society often looks upon them with indifference and disdain. Such treatment inevitably causes deep emotional pain and distress. They must wonder that, had they not been transgender, they too would have been welcomed and respected in society in the same manner as other men and women. After all, who does not desire respect? Even beyond respect, transgender persons must be accorded the basic right to live in society with dignity. With these words, I conclude my remarks and seek the indulgence of the Chair.

**HON. CHAIRPERSON:** You had concluded your remarks three minutes ago.

**SHRI JAGDAMBIKA PAL (DOMARIYAGANJ):** Hon. Chairperson, that was by your indulgence. It is certain that the Government will bring forward this Bill. Today, transgender persons are subjected to violence, abuse, and exploitation within society. This Bill will, at the very least, provide them with protection. The Hon. Minister has raised certain questions, and those are valid. It is the duty of the Government to ensure that no individual is subjected to cruelty, inhuman behaviour, or torture. It is evident that transgender persons are often victims of such exploitation in society. If we do not extend

legal protection against such exploitation, how can we claim that our society is progressive, or that it affords the third gender the right to live with dignity and with equality of opportunity? The Hon. Minister has also mentioned that, in light of the judgment, there is the issue of placing transgender persons within the OBC category. This matter will certainly need careful examination. [English] The same section of the Bill also provides for power to the Executive Magistrate to prevent such instances from taking place and taking all necessary precautions, if the incident has already taken place. Like in the case of SC/ST, the transgender can be provided with protection, maintenance and rehabilitation. [Translation] There is also the important question of rehabilitation. We must consider how transgender persons are to be rehabilitated, what measures the State can take for their maintenance, and how their safety can be ensured. These are three crucial issues on which this august House and the Government will need to deliberate, so that transgender persons living in society can be adequately protected. This is not merely a question of physical protection. While we speak of ensuring their physical safety, it is equally important that we protect their rights, their liberty, and their freedom. They must also be assured the right to equal

opportunity in education, healthcare, housing, and employment. Our society extends opportunities for livelihood and healthcare to all citizens, and the benefits of all such schemes and programmes must likewise be made available to transgender persons.

Hon. Chairperson, Sir, through you, I would like to submit to the Hon. Minister that our Government has made a provision of Rs. 1 lakh for health insurance in the Budget. Those who were earlier deprived of such facilities naturally found it extremely difficult to even approach hospitals in the event of a serious illness. Many suffered silently at their doorsteps and gradually slipped towards death. Today, under the leadership of Shri Narendra Modi, our Government has provided health insurance cover of Rs. 1 lakh even to the poorest of the poor. This, in essence, reflects the true spirit of a welfare State. We are making sincere efforts to address the needs of even the poorest citizen in the areas of education, health, and social security. We have set the objective of providing housing to all by 2022 and electricity to all by 2019. In order to translate the concept of a welfare State into reality, the Union Government, under the leadership of Shri Narendra Modi, is making determined efforts on the ground. While we are taking such steps to ensure that people in society have housing, toilets,

and electricity, we must also reflect on the rights and entitlements of a significant segment of our population, namely transgender persons. We must give due consideration to their maintenance and rehabilitation as well. We raise these concerns because Articles 15, 19, and 21 of the Constitution confer rights upon the people of this country, whether in the form of fundamental rights, protection against discrimination, or safeguards relating to life and personal liberty.

Hon. Chairperson, Sir, I do not wish to go into great detail. However, through you, I would like to urge the Hon. Minister that a Bill of this nature must certainly be brought forward, and it should come from the Government. When the Hon. Minister responds, I would like to request that he may state that the Government is actively considering this matter and that concrete rights will be assured to transgender persons to uphold their dignity and self-respect. To put an end to the discrimination that transgender persons currently face in society, the rights guaranteed under Article 15, which are available to all citizens, must also be extended to them. They must have equal participation in society, the right to live with dignity, and equal opportunities in all spheres. Society must accept them as equal

citizens. I believe that if such a Bill is enacted, it will set an example not only for our country but also for the entire world.

With these words, I conclude my remarks and extend my support to this Bill. Thank you.

[English]

**DR. SHASHI THAROOR (THIRUVANANTHAPURAM):** Mr. Chairman, I rise to speak in support of the Rights of Transgender Persons Bill, 2014, which has been passed by the Rajya Sabha on 24<sup>th</sup> April 2015 and brought to this House for consideration and passage.

Earlier, this afternoon, we have seen a disgraceful exhibition of majoritarian bigotry in which the mere introduction of a Bill on a gender issue was not sought to be permitted by the force of the brute majority in this House. What has been particularly saddening in this open and brazen display of bigotry and homophobia has been the reluctance of these people to confront their own prejudice by having an open discussion in this House. This is a House where all the issues governing the future of our nation, the laws and policies under which this country must run, are to be discussed. Yes, after discussion, the House is free to decide in favour or against. But to vote against discussion is to my mind, a low in the proud annals of Indian parliamentary democracy.

What I see today with this Bill, however, is an opportunity to confront some of the same problems that were implicit in Section 377. In fact, Section 377 itself is part of what we are trying to overthrow

with the rights of Transgender Persons Bill. The irony is that in India there has always been place in mythology for people of different gender identities, different sexual orientations. Indian history has shown no example of prejudice against these people. On the contrary, in the Mahabharata, we read about Shikhandi, who, as we know, in the end got rid of Bhishma, the great hero. We also know about the whole concept of *Ardhanareeshwara*. Even God is half man and half woman. Many of us would remember how the Hon.Chief Minister of Andhra Pradesh, 30 years ago, Shri N.T. Rama Rao dressed up as *Ardhanareeshwara* and surprised his followers. But this was seen as very much in keeping with national traditions in our country. The people of transgender background were recognised as a *Napunsakh* gender in Vedic and Puranic literature. They were given great importance in India throughout history and even in the Islamic courts, during the period of Mughal Rule. The Jain text mentioned even a broader concept of gender identity by speaking about the idea of a psychological sex being different from that of a physical one. Unfortunately for us, the British came and they passed laws in the Indian Penal Code and after that have criminalised the whole lot of human behaviour and human reality that in India have not been

criminal. It is ironic to see the self-appointed defenders of *Bhartiya Sanskriti* on the Treasury Benches now acting as the defenders of the worst prejudices of British Victorian morality. That is what we have seen this afternoon.

I want to stress that when you look at Section 377 of the Indian Penal Code and when you look at the Criminal Tribes Act of 1871, all this targets the transgender community as well as the homo-sexual community. They violate the Indian ethos and the traditions of perhaps at least 2000 years of Indian cultural practice, Indian mythology, Indian history, our *Puranas*, our ways of living. We have instead been saddled with a colonial era interpretation of what is good and right for Indians. We have been saddled with a morality that is not from the soil of this country but from the soil of Victorian Britain. All the prohibitions that the ruling party so fondly clings on to today, that we have seen in their exhibition of prejudice half an hour ago, all of these are legacies of British colonial rule and have no roots in Indian practice or in Indian ethos.

I want to stress that in modern India the Supreme Court took the first step in 2014 to recognise the third gender, confirming their right to identify themselves as a third gender or a gender different

from that assigned to them by their biological birth. In the case of the National Legal Services Authority versus the Union of India and others, the Supreme Court actually talked about the bias against such individuals who identify themselves as transgender persons in our society. It talks about their unjust exclusion from the social, economic and cultural activities of our society. The court stated, “Gender identity entails a person’s deeply felt internal and individual experience of gender which may or may not correspond with the sex assigned at birth including the personal sense of the body which may involve a freely chosen modification of bodily appearance or functions by medical, surgical or other means and other expressions of gender including dress, speech and mannerisms.”

So, the Supreme Court of India has upheld the importance of the gender role in securing a person’s identity in our society. Therefore, if you want in this Parliament to preserve the rights of Indian citizens, then clearly gender rights are also a fundamental part of such rights. It is unfortunate that some have chosen to deny members of the transgender community these basic rights and protections which are available under the Constitution of India to all citizens.

Article 14 of the Constitution speaks about the right of equality. Article 15 grants all of us the right to protection against discrimination. Article 16 gives us all the equality of opportunity in matters of public employment. And Article 21 gives us the right to personal liberty, life and dignity. All of these rights are denied to the homosexual community under 377 and are denied to the transgender community under the Indian Penal Code. These are the rights that this Bill seeks to restore.

I want to stress that Article 21, which I have already mentioned, includes the right to personal autonomy and self determination. The gender to which a person belongs has to be determined by the person himself, herself, itself, themselves, whatever word you want. Thus, the non-recognition of the right of gender violates the Constitution of India. Therefore, the Bill that is before us defines a transgender person in a liberal way as one whose sense of gender does not match with the gender assigned to that person at birth, includes trans-men and trans-women, gender queers as some of them call themselves, many other sociocultural identities like Kinnars, Hijras, Aravanis, Joktas and so on, all of these are covered in the Bill drafted by Mr. Tiruchi Shiva and passed in the Rajya Sabha.

The Government has an obligation to uphold the right of dignity of Indian citizens. The Government has an obligation to ensure their safety, accommodation, their support services, and their equal participation in the social and economic life of our country and their rights to do so. Apart from these enabling rights, the Bill of course also calls to protect them from discrimination, discrimination they are suffering terribly. It puts an onus on the Government and local authority to protect them from cruelty, torture, abuse, exploitation and inhumane treatment. All of this is essential and the Bill provides various administrative, social and educational measures to create a conducive society for the natural development of these human beings who are citizens of India.

They also of course protect the rights of transgender children requiring their equal treatment on a par with all other children. We do not want transgender children to be separated from their parents. We want them to have their families with them. They should acquire the knowledge, the skills, the habits necessary for their normal personality development. Transgender children have been treated very badly. A lot of discrimination and cruel treatment has happened against them,

sometimes even within their own families and we must, therefore, make sure that the law protects them in these circumstances.

Abuse of these people must be stopped as well. Therefore, we must encourage the participation of civilian aid organisations, all those NGOs that can come to the assistance of victims of abuse. At the same time, we do want to ensure that individuals can bring their complaints to the law and get themselves protected in this process. And I want to stress that promoting the social, educational, cultural, economic and health rights of a transgender person requires us to accept the provision in the Bill for inclusive education without discrimination, vocational training and of course skill development which this Government has set such great store by by even creating a separate Ministry of Skill Development. They have also requested and this Bill provides 40 per cent reservation in educational institutions and Government jobs and of course various other provisions that I don't need to repeat here. How do we ensure these rights are upheld? A National Transgender Welfare Commission is one step forward with similar Commissions at State level to support this Welfare Commission. Then there are Transgender Courts obviously because if there is still abuse or violence, people need to go to a judicial

mechanism where there is sympathetic understanding of the specific problems of transgender communities.

All of this is there in this Bill. The Rajya Sabha has already seen fit to pass it. To my mind, it also requires the cooperation of the Treasury Benches to create a national policy for the benefit of transgender persons. I am not encouraged by the conduct of the Treasury Benches just earlier in this afternoon in the context of the amendment not the abolition of Section 377. The problem is that there is bigotry and unfortunately it finds a ready home in the ruling party.

I do want to stress that there are opposite examples available in this country. As a Member of Parliament from Kerala, let me mention what the State of Kerala has done. It has actually adopted a State policy on transgenders. I urge the Members of the Treasury Benches to pay heed to this with a view to considering a similar national policy for transgenders. The Department of Social Justice of the Government of Kerala has adopted a policy for transgender persons in 2015 which provides for the self-identification of transgender persons, provides social protection and facilities such as education, health services, housing, water supply, sanitation, employment, public awareness including through the mass media and requires inclusive practices in

Government departments, public offices, post offices, hospitals and the whole lot. Kerala has even managed to establish separate cells in the prison blocks to protect transgender persons. It is the first State in the country to do this.

The Kerala Government, as a part of the State policy, has created social inclusion and sensitization workshops working with NGOs that support this community, counselling centres for victims of violence and exclusion, crisis intervention centres, support centres very much modelled on the one-stop crisis centres we have for women which is part of national policy, encouraging the Anganwadi workers and self-help groups to sensitize the parents of gender non-conforming children and youth and helping them to understand their children's problems, capacity building initiatives to train caretakers and teachers in educational institutions, workshops and law-enforcing agencies, particularly the police, to prevent institutional violence by police against transgenders, and finally, it has established a State Transgender Welfare Board. Why can't the Government do something similar at the national level?

Shri Siva's Bill provides for such institutions and I want to say that in doing this, India will simply be bringing itself up at par with

the rest of the world. Let us not forget that the opening words of the Universal Declaration of Human Rights adopted as far back as 1948, are very clear- "all human beings are born free and equal in dignity and rights." That is what we are trying to give them. Through my earlier unsuccessful attempt to change Section 377, it was very much to give the same freedom and dignity to the homosexual community as all Indians have and today this Bill before us gives all the protection to transgender communities that you and I enjoy as free citizens of India.

In 2011, the United Nations Human Rights Council became the first UN inter-governmental body to adopt a wide-ranging resolution on human rights, sexual orientation and gender identity. Resolution 17/19 expressed the Council's grave concern at violence and discrimination against individuals based on their sexual orientation and gender identity and this is something in 2011 that we are now catching up with this Bill of 2015.

I do want to stress, if you look at Article 2 of the International Covenant on Civil and Political Rights to which India is a party and a signatory; "Each State, party to the Covenant, undertakes to respect and to ensure to all individuals within its territory and subject to its

jurisdiction the rights recognised in the Covenant without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. In other words, by discriminating against transgenders, by discriminating against homosexuals India puts itself in violation of Article 2 of the International Covenant on Civil and Political Rights.

I would also like to mention Article 12, sub-clause (1) of the International Covenant on Economic, Social and Cultural Rights because that gives States the obligation to grant everyone the right to the enjoyment of the highest attainable standards of physical and mental health.

And, the Committee on Economic, Social and Cultural Rights of United Nations has indicated that the Covenant proscribes any discrimination in access to health care and the underlying determinance of health on the grounds of sexual orientation and gender identity. In other words, Mr. Chairman, we are simply granting people universally recognised human rights.

I do feel that the Government has woken up to some of this by coming up with its own version of the Bill. At least there are indications of a version that they are consulting others on. I am here

today to speak on Shri Tiruchi Siva's Bill as passed by the Rajya Sabha. But I want to point out that the Government's version of the Bill has some very diluting provisions which should not be encouraged and which in my view are inferior to the Bill that we are discussing right now. For example, there is no provision for the establishment of National or State Transgender Welfare Commissions in the Government's Bill. As I have said, Kerala has already established one. We cannot dilute something which has already happened and the Government becomes free of any accountability if we have no Commission to enforce the law. Then you are not accountable under the law and that is what happens. It must be noted that the OBCs/SCs/STs/Women, all have Commissions to promote their rights. Why should not the transgender community?

They are also very concerned about education. I have mentioned this earlier because I have received a communication from a transgender person saying that equal access to education is fundamentally vital. I am quoting him:

“We do not agree that we need to be rescued or rehabilitated since nothing is wrong with us. Instead, there are problems

with society's respect for us. Hence, we would prefer support for more education and livelihood opportunities.”

This is what they are asking. Let them work, let them read. They will find better opportunities than by giving rescue and rehabilitation approaches. They say that they would prefer that the Government of India or the State Governments have sufficient consultations with the transgender community to understand what they really need.

I also want to stress that it may look odd with regard to the right to marriage, inheritance and adoption but the fact is that marriage or marriage like benefits for transgender couples living together – they may share a home, maybe they cannot get married under our laws, maybe it is not possible for them to be coupled or partnered biologically – but they may want to live together, they may want to be each others' primary care-givers, they might want to inherit, adopt and so on, and I think we should allow the law to protect their rights to have this kind of decent treatment.

And the truth is that, I have already mentioned, we need to provide benefits to the children. They are the future of our society. If

we cripple these children emotionally by mistreating them as children, we are depriving ourselves as a society of the contributions they can make in future. I also want to mention practical matters like access to bathrooms, hospitals, public transport facilities and so on.

Let me conclude, Mr. Chairman, I can see you are getting concerned about the time. I just wanted to stress that the problem with this Bill is, it is part of a much larger problem of colonial era legislation reflected in the Indian Penal Code, 1860 and its subsequent amendments in the 19<sup>th</sup> century.

Sir, you may be aware that our Hon.Rashtrapatiji, Shri Pranab Mukherjee, in a speech on the occasion of marking the 155<sup>th</sup> anniversary of the Indian Penal Code called for this Indian Penal Code to be comprehensively revised. He said that it reflects a British era and Victorian 19<sup>th</sup> century morality. It reflects conditions of colonial oppression and many of the laws such as the sedition law, which I have brought before you in this House, reflects the desire of the colonial masters to deprive Indians of rights.

Therefore, our own Rashtrapatiji wants the Indian Penal Code revised. It is in this spirit that I have earlier introduced an attempt to amend Section 377. Today, we are discussing the rights of transgender

persons. It is a shocking thing to me that the Treasury Benches and that the Ruling Party of this country prefers to remain anchored to an outmoded Victorian standard of Penal Code rather than to the values of our own society, our own culture and thousands of years of Indian history which had given people of different sexual orientation and different gender practice a respectable place in our society. Now unfortunately, we are saddled with a Government and a Ruling Party whose Members want to condemn them to the ghetto of discrimination, abuse and violence.

I plead with the Hon.Members here and you, Mr. Chairman, to pass this Bill, as passed by the Rajya Sabha, to send from this House a proper signal to the rest of the country and to the nation that we belong to the 21<sup>st</sup> century, that we are a humane society, that we would treat our people whoever they are equally. Every Indian citizen will be granted the same rights and we would treat them with fairness, with dignity and with justice.

I thank you Mr. Chairman. Jai Hind.

[Translation]

**SHRI PRAHLAD SINGH PATEL (DAMOHA):** Hon. Chairperson, Sir, Shri Panda ji has introduced a Private Member's Bill. This House consistently deliberates upon the interests and concerns of even the smallest sections of society and endeavours to find appropriate solutions to their problems. The matter under consideration is undoubtedly significant and merits detailed discussion. As per the 2011 Census, the number of such persons in the country is approximately 4,88,000. However, when one examines the Hindi translation of the Bill, I would like to raise a serious objection to the terminology employed. In my considered view, the appropriate term should be "triyapurush", a Sanskrit expression, or alternatively "ubhayalingi". The use of the term "viparitlingi" in the Hindi translation is inappropriate and objectionable. My primary objection pertains to this very issue, because language, particularly in legislative texts, cannot be treated casually, and such distortion or misuse of words is unacceptable.

I would like to make another important point. A comparison between homosexuality and triyapurush cannot be drawn. A condition arising from birth cannot be equated with what is perceived as a

deviation. Therefore, when we speak about addressing these issues, it must be acknowledged that while the problem is indeed serious, it requires a nuanced and balanced perspective. I had intended to place certain data before the House. I carefully listened to the speech of Shri Panda ji, as well as to the views expressed by other Hon. Members. However, one crucial aspect has not been discussed. The crisis related to education does not arise in early childhood. It generally begins around the age of 13 or 14, when the family ceases to accept the child. This dimension has not been addressed at all. We have, perhaps, become accustomed to repeatedly criticising the Government and society. But who has ever prescribed that if an intersex or transgender child is born into a family, that child must be ostracised? Where is such a notion written? If a family fails to accept such a child, then certainly the responsibility of society and the Government arises, and that responsibility can be assessed on moral and social grounds. However, without first examining the role of the family, to place the Government and society alone in the dock does not, in my view, represent a fair or comprehensive approach. Every Member is, of course, entitled to hold and express their own opinion. Reference was also made by Shri Tharoor ji to Ardhanarishwar. With due respect, I

would submit that this term should be excluded from both his speech and mine. Such analogies are inappropriate in this context. While each Member may have their own understanding and interpretation, the use of metaphors and religious or cultural symbols in this House must be guided by restraint and propriety. One cannot transpose Ardhanarishwar into this discussion without a sound and relevant basis, as doing so risks misrepresentation and unintended disrespect. I would like to clarify at the outset that I am not speaking with any negative intent. I come from a State where, according to the 2011 Census, the total number of transgender persons is 4,87,803. out of this number, 54,854 are children in the age group of zero to six years. The data also includes the population belonging to Scheduled Castes and Scheduled Tribes, which means that transgender persons are also born into SC and ST families. In this manner, 78,211 are from Scheduled Castes and 33,293 from Scheduled Tribes. Their literacy rate is 56 percent. Those who have stated in their speeches here that transgender persons are denied the right to education should take note of this figure. This literacy rate itself is evidence that there is no inherent exclusion in matters of education. The problem begins when the family refuses to accept the child. In most cases, it is the family

that abandons the child, but there is still no effective solution to this problem. During his intervention, the Hon. Minister had rightly pointed out whether a solution can be found to an issue that even the Hon. Supreme Court has not been able to resolve fully.

I come from Madhya Pradesh. The other day, when Shri Panda ji was speaking, I had cited an example. In the Madhya Pradesh Legislative Assembly, a transgender person was elected as a Member of the Legislative Assembly and completed the full term. Her name is Shabnam Mausi, and I would like to mention her name here with due respect.

**SHRI THAWAR CHAND GEHLOT:** She is a transgender person.

**SHRI PRAHLAD SINGH PATEL (DAMOHI):** Chairperson, no, I will use the term ubhayalingi; I will not use viparitlingi. I believe that this distinction needs to be clearly settled. Shabnam Mausi was born a male child, a son, but her Guru gave her the name Shabnam Mausi. Ultimately, she came to be recognised as a woman. When elections to the local bodies were held in Madhya Pradesh, a transgender person was elected as a Mayor and also as a Councillor. While there is no reservation for women in Lok Sabha and Legislative Assembly elections, such reservation exists in local body elections. At that time,

a controversy arose as to whether she was a woman, a man, or how she should be categorised. The question then was as to who would resolve this issue. Would this House do so? Eventually, the conclusion that emerged was based on the ancient Indian tradition of the Guru–shishya system. The name given by the Guru was accepted as determinative of whether the person would be regarded as a woman or a man. On that basis, she contested from Katni against a seat reserved for women and was elected Mayor. A similar situation also arose in Sagar district, where transgender persons were elected as Councillors.

I am saying this to emphasise the point about whom we are referring to and what neglect is being spoken of. In my view, this is fundamentally a question of values and propriety, and our religious and cultural traditions themselves provide clarity on this matter. If one examines history, it becomes evident that the security of the royal inner quarters of queens was traditionally entrusted to intersex persons. There are historical accounts which show that they even laid down their lives to protect the queen. Even after their sacrifice, no one could lay a hand on the queen, and it was they who ensured her safe evacuation. There are several such examples recorded in history.

If one chooses to look at only one aspect of this issue, I would like to place another perspective before the House. Recently, an auspicious ceremony took place in my family. Many people speak at length on such matters, but I make no claims. I accepted it simply as a blessing, because in our tradition such a presence is regarded as auspicious. The gift presented to my daughter-in-law by the head of the intersex community was such that, in my view, even close relatives could not have matched it. In fact, I requested my brother that, as a gesture of respect, he should reciprocate by offering a gift of twice the value to that family. This, too, reflects a particular social outlook. Therefore, all facets of the issue must be examined before arriving at any conclusion.

As far as the Government's position is concerned, I would like to clarify it. Had the Bill been carefully examined on the website, as some of my colleagues have suggested, it would have been evident that its provisions are merely being reiterated here. The Bill clearly states that both pre-matric and post-matric scholarships should be extended to such persons. This is essential, as it would also prevent any form of discrimination. Similarly, the Bill makes specific provision for training. It even addresses the issue of pension. If an

intersex person, after working up to the age of 40 or 60, is compelled to give up their livelihood, which society often dismissively refers to as dancing or begging, there should be an appropriate provision for pensionary support.

Accordingly, it is necessary to view these issues through the lens of social justice for persons who are regarded as marginalised, backward, or subjected to discrimination of any kind. The House must consider what forms of social security and welfare protection ought to be extended to them. They are entitled to education and skill-based training, and it is the intention of the Government to ensure these rights. Further, in cases where an individual is unable to continue working due to age or other circumstances, the responsibility lies with the State to provide financial security. Recognising this obligation, the Government has already made provision for pensionary support.

I believe we must first be clear about the core issue we wish to address. The fundamental question is this: who determines a person's gender? Is it the Court, society, or the traditional Guru-based system followed within the transgender community? The judgement of the Hon. Supreme Court recognises this Guru tradition as a valid basis for such determination. The example I placed before the House illustrates

this clearly. In Madhya Pradesh, an individual who was born biologically male was later recognised as female by her Guru. On that basis, she was acknowledged as a woman and was able to avail the corresponding legal and constitutional benefits, including becoming a Member of the Legislative Assembly.

Can those participating in this debate offer a clear answer or a workable solution to these questions? Even the Hon. Supreme Court has recognised that individuals are free to identify with the gender of their choice. However, a serious constitutional and administrative challenge will emerge if this House, at a higher stage, accepts the principle of reservation for women. In such a scenario, when the Election Commission's third category recognising persons as a distinct gender is applied, how will eligibility be determined? Will such persons also be entitled to reservation, and if so, under what framework? These are not theoretical concerns. They are practical issues that demand resolution. The Bill passed by the Rajya Sabha contains several inconsistencies, and it would be neither prudent nor responsible to overlook them. There are numerous instances across India where individuals have been forcibly made part of the transgender category. What remedy will exist in such cases? Under

which category will such persons be placed? Today, medical science offers procedures through which a woman may transition to a man, or a man to a woman. Access to such medical facilities exists, and individuals may exercise their choice. However, this raises further questions. Who will determine this choice, society, the Government, or the individual concerned? At the time of birth, can families influence or compel such decisions? If so, should we not evolve a clear framework to address and regulate such situations? These are complex social, medical, and legal issues, and it is necessary that a structured mechanism be developed to deal with them responsibly. I believe that before enacting or adopting any legislation, these pressing and fundamental questions must be thoroughly discussed and addressed. Merely stating that a law should be enacted will not suffice. The population concerned is approximately five lakh, and when a separate law is framed for a group of this size, it must be done with the same care and clarity with which rules are framed for other distinct communities. For instance, in our country, communities such as the Banjara, who are present in large numbers in Rajasthan and elsewhere, have been accorded specific considerations because of their nomadic way of life. The State has evolved appropriate mechanisms to address

their unique circumstances. Similarly, an informed and sensitive approach is required here. Therefore, I would like to submit, with utmost humility, that drawing a comparison with homosexuality is deeply unfortunate. While it may not strictly fall within the definition of unparliamentary language, I nonetheless find such a comparison regrettable. It reflects a particular mindset rather than a reasoned understanding of the issue, and such conflation does not contribute constructively to the legislative process. Therefore, whenever we speak of persons of the third gender, it must also be acknowledged that within our religious traditions and family ceremonies, their absence is often regarded as inauspicious. Can this recognised social and cultural status be denied? It should not be suggested within this House that such recognition does not exist. Certainly, there may be instances of distortion, neglect, or mistreatment, and in such cases, protection must unquestionably be provided. However, I am not prepared to accept the sweeping assertion that they are invariably subjected to neglect. In our cultural framework, their place is recognised both implicitly and symbolically, and this cannot be denied. An Hon. Member cited the example of Shikhandi. It must be clarified that Shikhandi was born as the daughter of King Drupada and

later assumed a male identity to fulfil a personal vow of vengeance. This was a specific and exceptional circumstance. Shikhandi was not born as a person of the third gender, but adopted a male role by choice to accomplish a particular objective. Therefore, before invoking such analogies, we must be cautious not to stray from the core subject. Drawing parallels without contextual accuracy does not serve the seriousness of the issue under consideration.

Hon. Chairperson, Sir, in conclusion, I would like to state that every section of society has an unquestionable right to live with dignity, and I fully endorse that principle. However, dignity is not secured merely by hurried legislation. Laws of such depth and sensitivity cannot be enacted in haste, without comprehensive deliberation, especially when these issues continue to pose challenges even before the highest court of the land. It is undeniable that medical science has advanced significantly, and where an individual, by informed choice, seeks gender reassignment, the State must be prepared to provide support, protection, and, where necessary, financial assistance, particularly when families lack the means. Such compassionate pathways deserve careful consideration by this House. At the same time, legislation must also address situations where

individuals are subjected to coercion or forced decisions regarding their identity. There are numerous such cases, and any proposed law must clearly define safeguards, responsibilities, and remedies for them. Therefore, before proceeding with rigid legal frameworks, it is imperative that these fundamental questions are thoroughly examined. Only then can the House ensure that any law enacted truly upholds justice, dignity, and constitutional values. When a condition exists from birth, it deserves empathy, support, and acceptance from all of us. We must recognise that such individuals are an integral part of our society and our families. That is why I stated at the outset that the issue is, in many cases, fundamentally familial in nature. Who has ever said that a family must expel its son or daughter from the home? If a child is accepted within the family, they are far more likely to live a life of dignity and self-respect. The real difficulty arises when the family refuses to accept the child. It is only then that the social circumstances we are discussing today begin to emerge. Therefore, without giving due consideration to both these dimensions, family responsibility and societal response, we should not rush into any decision. This is undoubtedly an important subject, and the concerns of this section of society deserve careful and compassionate attention.

However, the existing circumstances must be examined in their entirety, so that no new complications arise in the future. Only after such comprehensive consideration should any decision be contemplated.

Hon. Chairperson, Sir, I am grateful to you for granting me the opportunity to speak. Thank you very much.

[English]

**SHRI BHARTRUHARI MAHTAB (CUTTACK):** Mr. Chairman, Sir, thank you. I stand here to participate on the discussion relating to the Private Member Bill, Rights of Transgender Persons Bill, 2014 as passed by Rajya Sabha.

This Motion has been moved by my colleague Shri Baijayant Jay Panda. I have heard him. He gave a very spirited speech the other day when he piloted this Bill. Just now I heard Shri Prahlad Patel raising certain objections to a great extent relating to the framing of the Bill that was passed in Rajya Sabha despite the Minister's consistent effort that you leave it to the Government so that we will make adequate provision. But that Bill was passed because majority of Members in that House supported this Bill.

This Bill has a number of incongruities. I have gone through the Bill. But I am not going to list out as to what are the incongruities. But I will first start with, as on the other day when I had asked for the Hindi English of that Bill, where it said that it is *vipareeta lingi*, Rights of Transgender Persons Bill, 2014.

Before coming to that aspect, I would like to mention another aspect. It was published in *Washington Post* on April 15, 2014 after

the Supreme Court's verdict. They had said that it is a landmark judgement. India's Supreme Court on Tuesday created a third gender 'status' for transgender people granting the group formal recognition for the first time.

It says: "Recognition of transgender as a transgender is not a social or medical issue, but a human rights issue". They quoted Justice K.S. Radhakrishnan who had pronounced that judgement. Transgenders are citizens of this country and are entitled to education and all other rights. So, while going through the Bill because at that time most of the Bills passed by the UPA regime the order of the day was most of them were rights based. So, you have right to life and personal liberty, right to live in the community, right to integrity, protection from torture, or cruel or inhuman or degrading treatment or punishment, right to home and family, etc.

I would say transgender is not unique to our country alone. [Translation] I am reminded of an anecdote, which you may perhaps have heard. It is a story from the era of the Ramayana. Although it may not be narrated in such detail in the epic itself, it has been part of our traditional understanding.

**17.00 hours**

When Lord Rama, Lakshmana, and Sita crossed the river Ganga to proceed into exile, many people from Ayodhya followed them. At one point, Lord Rama stopped them and requested that they return. He then boarded the boat and crossed to the other side. There too, he found the same people standing. From there, he called out, “O my beloved men and women of Ayodhya, I request you to return.” Fourteen years later, when Lord Rama returned by the same route, he noticed that some people were still present at that place. He asked them why they had not returned. They replied, “You asked those who are men and those who are women to return. We are regarded as neither men nor women. You did not address us at all.” What would one call them? Kinnar? The term Kinnar is believed to have originated from the era of the Ramayana. As Hon. Shri Prahlad Singh Patel mentioned, and as others have suggested alternative terms, these expressions have long existed in our society. Reference has already been made today to the character of Shikhandi from the Mahabharata, but Brihannala should also be mentioned. There comes a point where a biological transformation occurs, and subsequently, that biological state is further altered. It is in this broader context that the Hon. Supreme Court has elaborated upon the issue, recognising that

identity cannot be confined to rigid binaries. [English] It is not only a social or medical issue; it is a human rights issue keeping the present situation in context. Therefore, I would say, Transgender people have existed in every culture; every race, class since the story of human life has been recorded. Only the term, 'Transgender' and the medical technology available to trans-sexual people are new. In its broadest sense, Transgender encompasses anyone whose identity or behaviour falls outside the gender norms. Here, I would like to make a distinction because whenever discussion takes place – let us make it very clear the difference between sex and gender. Sex refers to biological status as male or female; gender identity refers to a person's internal deeply felt sense of either being man or woman or something other in between. Gender expression refers to all of the external characteristics and behaviours that are socially defined as either masculine or feminine such as dress, mannerisms, speech patterns and social interactions. The contemporary term, 'Transgender' arose in the mid-1990s - ; it is not very old; it is as early as 25 or 26 years - from a grass root community of a gender different people.

**17.04 hours** (DR. P. Venugopal *in the Chair*)

Sir, a reply had come on 17<sup>th</sup> March 2015 from the Minister for an Unstarred Question in Lok Sabha. The Minister had replied, and I quote: “The Hon’ble Supreme Court in its judgment dated 15.04.2014 in W.P. No. 400/2012 filed by National Legal Services Authority Vs Union of India and others has, *inter-alia*, directed the Centre and the State Governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments.” A case was filed by the National Legal Services Authority *Versus* Union of India & Others.

It further states: “The Ministry has filed an application in Supreme Court seeking clarification regarding granting OBC status to such transgender persons who may by birth belong to SCs/STs.” What has happened after that? We would like to understand because this is a very genuine question. This has not been addressed in this Bill. At times, the Supreme Court also pronounces certain judgments without going into the intricacies which the Government itself found out that

you give them reservation and you have a restriction on reservation to OBCs. There are people in the Scheduled Castes and the Scheduled Tribes and you want to give them reservation. Chaudharyji, What is the outcome of the review petition you have given? I am unable to understand.

**SHRI P.P. CHAUDHARY (PALI):** It is pending.

**SHRI BHARTRUHARI MAHTAB :** It is still pending. An Expert Committee was also constituted by the Ministry to make an in-depth study of the problems being faced by the Transgender community and suggest suitable measures to ameliorate their problems. The Committee has already submitted its Report on 27<sup>th</sup> January, 2014. I have not heard anyone referring to this Committee's Report. Rather, Shri Prahlad Singh Patel just now mentioned that the Government has prepared a Bill. He was referring to that Bill. We are not privy to that Bill also.

Sir, transgenders are citizens of this country. The spirit of the Constitution is to provide equal opportunity to every citizen to grow and attain their potential irrespective of caste, religion or gender, that word is there. Persons who are transgenders do not identify with the gender stated on their Birth Certificate. When the Supreme Court has

said this correction was made. Shri Baijayant Panda also mentioned what further corrections have been given effect to. A lot of changes have come and consciousness has also come.

But here I would like to mention two core concepts to help understand transgender people and their experiences. First, gender and sex are distinct in this context. Sex is biology; sex is assigned at birth, and gender is one's innate sense of self. Thus, the definition of transgender is, where the Latin word '*trans*' means on the other side of; it signifies someone whose gender differs from their assigned sex. Secondly, while transgender refers, in the broadest sense, to someone whose sex and gender do not match. In other words, anyone not '*trans*' is *sis*. Transgender, as has been said by the very famous newspaper of England, *The Guardian*, should be used as an adjective.

Sir, there was a ruling given by the National Legal Services Authority (NALSA). They sent out notices to States to implement five steps. First, a Central Grant of Rs. 1,000 per month should be given to parents of transgender children. Secondly, they should give scholarship to transgender students from Class 7 to Class 10. Thirdly, there should be a scholarship to them for higher studies. Fourthly, there should be a skill training scheme and finally, there should be a

monthly pension scheme. After the NALSA judgement, this five-point circular was sent to respective States. With the Centre-State contribution set at 75:25, none of these seems particularly challenging. But my question is this. Has the Ministry of Social Justice and Empowerment collated the information as to how many States have implemented these steps and which are those States who have implemented them? Tamil Nadu, possibly, has done the most. Thank you, Mr. Chairman, it was your State which has gone far ahead and done the most. A monthly pension of Rs. 1,000 and subsidised bank loans have been provided by Tamil Nadu. It was also the first State to set up a Transgender Welfare Board followed by Maharashtra and West Bengal. Karnataka recently announced a monthly pension of Rs. 500, and Bihar and West Bengal reservation in Government jobs. A few universities have opened up seats for transgenders. But this is too little and too vague to have any real impact. For instance, the Supreme Court, apart from making 'third gender' a legal option, also made it clear and I do not know whether the Hon.Minister has factored this aspect.

**HON. CHAIRPERSON :** Mahtab *ji*, one minute. Hon.Members, two hours' time allotted for discussion on this Bill is almost over. As there

are seven more Members to take part in the discussion on the Bill, the House has to extend time for further discussion on the Bill. If the House agrees, the time for discussion on the Bill may be extended by one Hour.

**SEVERAL HON.MEMBERS:** Yes.

**HON. CHAIRPERSON:** Thank you. Mahtab *ji*, kindly continue.

**SHRI BHARTRUHARI MAHTAB:** I was mentioning whether the Government has factored into the other aspect which the Supreme Court has said in its judgement. The Supreme Court, apart from making third gender a legal option, also made it clear that transgender included people who had no surgery. If there is no surgery, then he will be included in transgender. But the Ministry of External Affairs still asks for proof of sex reassignment surgery before it allows a gender change on the passport.

In fact, one of the most significant breakthroughs of the Nalsa ruling was the right of self-identification about which Baijayant *babu* mentioned that if a

person says that, yes, I am such and such, then other than male, female, the third category also can be mentioned there. The right of

self-identification with verification was allowed only through psychological assessment and not physical test as Raja Virat had done of Brihannala. There was a physical test. But, here, there is no need of any physical test; there is only psychological assessment.

It is actually the age – what Prahlad *bhai* was mentioning – of 12 or 13 that gender dysphoria first surfaces where a person experiences distress because there is a mismatch between the biological sex and the gender they identity with mentally. It is now that the children are most vulnerable and need assurance that it is all right to be gender different.

When families and Government fail to provide this security net, they drive their children into conventional *hijra* community that adopts them. It is estimated that there are about 4.9 lakh transgenders in India today. But it may be quite off the mark; census workers are just not qualified to ask the right questions.

Prejudice against transgenders is rampant in our society, prompting discrimination of members of the community. This is unfortunate especially since historically, Indian society has included transgenders in social and cultural life. But today they face ridicule, humiliation and isolation and are excluded from education and

employment. Discrimination against transgenders, whether for education or employment, has forced them into begging or prostitution. This, in turn, has made them vulnerable to police violence. Social ostracism and institutional exclusion has forced them to live in the shadows. The trials of this disempowered section of society could be reduced to some extent by drawing them into educational institutions.

Therefore, I request the Government to prepare a comprehensive Bill to come out, to protect their interest as has been defined by the Supreme Court. But this Bill has a number of incongruities. The deliberation that happened in Rajya Sabha and the discussion that is happening here in Lok Sabha can be factored into because here is a gender which we cannot avoid, we cannot ignore. They need respect and they need to also flourish in this society.

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

**SHRI P.P. CHAUDHARY (PALI):** Thank you very much, Sir for affording me an opportunity to speak on the Rights of Transgender Persons Bill, 2014, a Private Member's Bill moved by Shri Tiruchi Siva, Member of Parliament, Rajya Sabha, sought to put an end to the alleged injustices faced by the transgender community and to ensure them a dignified life, free of discrimination and unnecessary prosecution.

Basically, the Bill aims at creating mechanisms and institutions through which the transgender persons could be effectively integrated into mainstream society. The Bill deals with various aspects of life, from rights and entitlements, education, skill development and employment, social security and health care, provision of reasonable accommodation, legal aid, financial aid, prevention of abuse, violence or exploitation, rehabilitation, social inclusion and acceptance. Under the Bill, the National and State Transgender Welfare Commissions would be set up as statutory bodies to ensure the protection and promotion of these rights.

The Bill was unanimously passed by the Rajya Sabha on 24<sup>th</sup> April, 2015, becoming the first Private Member's Bill in the past 45 years to be passed. Now, to understand the real controversy, we have

to travel through some of the Constitutional provisions of India. There are three expressions which are very important for deliberating on this issue. First one is with respect to the 'sex' expression, second is with respect to the 'person' and the third is with respect to the 'citizen'. As far as the last two expressions, 'citizen' and 'person', are concerned, if we see the definition of these two words and the provisions envisaged under the Constitution of India, the transgender person fall under the category of the 'Citizen of India' and also under the category of 'person'. As far as the 'sex' part is concerned, certain rights have been given under the Constitution like under Articles 15, 16 and other parts of the Constitution of India.

The Supreme Court, in National Legal Services Authority Vs. Union of India on 15<sup>th</sup> April, 2014, gave legal recognition to the 'third gender', however, India's transgender community continues to face a plethora of problems. In this progressive verdict, the Supreme Court held that "discrimination on the basis of sexual orientation or gender identity includes any discrimination, exclusion, restriction or preference, which has the effect of nullifying or transposing equality by the law or the equal protection of laws guaranteed under our Constitution. Self-determination or gender was held to be an integral

part of personal autonomy and self-expression which fell within the realm of personal liberty guaranteed under Article 21 of the Indian Constitution”.

Keeping in view the observation of the Supreme Court, it is clear that the Fundamental Rights enshrined under the Constitution of India are extendable and protection has already been in this regard. It is wrong to say that protection of Fundamental Rights has not been given. Protection of Fundamental Rights has been given to everyone who is falling under the category of ‘person’ and who is the citizen of India. Some Fundamental Rights have been extended to the Citizen of India and some Fundamental Rights have been extended to everyone.

The Indian Constitution provides Fundamental Rights to equality; tolerate no discrimination on the grounds of sex, caste, creed or religion. In the light of the Constitutional guarantees provided, there is no reason why the transgender community should be denied their basic rights. It has been stated that they are being denied their Fundamental Rights. It is not so. If we see the definition as provided in the Bill, it defines the word ‘transgender person’ as a person, whose gender does not match with the gender assigned to that person at birth and includes trans-men and trans-women (whether or not they have

undergone sex reassignment surgery or hormone therapy or laser therapy etc.), gender-queers and a number of socio-cultural identities such as – kinnars, hijras, aravanis, jogtas, etc.

Chapter II of the Bill looks at rights and entitlements across eight Clauses. It deals mostly with substantive rights such as the right to equality, life, free speech, community, integrity, family, along with rights against torture and abuse. One Clause specifically provides for the rights and protection of transgender children.

Now, if we see Article 14 of the Constitution – this Bill has been framed as if the fundamental rights are not extendable – it says:

"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

Here, the word used is ‘any person’. All the transgender persons fall under the category of ‘any person’. So, this right of equality before law and equal protection of law is available to all the transgender persons irrespective of the fact whether there is no determination of sex as envisaged under Articles 15 and 16.

Education, employment and social security, and health are then covered in successive Chapters. The Chapter on education mandates the Government to provide for inclusive education for transgender students. It also places an obligation on the Government towards ensuring participation of transgender persons in adult education programmes.

Under the Chapter on employment, the Government is mandated to formulate schemes for vocational training and self-employment of transgender persons. The Chapter also prohibits discrimination against transgender persons in any establishment, thus encompassing private sectors. Basically, no discrimination has been envisaged under the Constitution. This Bill is basically for the empowerment of transgender persons.

In the social security and health Chapter, the Government is asked to promulgate a range of schemes for promoting rights of transgender persons to ensure an adequate standard of living. These include schemes for community centres and access to safe drinking water and sanitation. Health care facilities are to be provided in the form of separate HIV clinics and free sex reassignment surgery. Transgender rehabilitation programmes, particularly in the areas of

health, education and employment are also provided for. Measures to promote cultural life are also to be undertaken, which include sponsoring of transgender films, theatre, and music and dance festivals.

This Bill is not making a clear situation, whether the fundamental rights are extendable to it or not. Basically, this Bill has been brought in two ways – one is for extending the fundamental right and at the same time it talks about empowerment of transgender persons. Basically, it can be treated as for empowerment of transgender persons. It is not for the purpose of extending the fundamental right because it has already been extendable, and all transgender persons fall under the definition of ‘person’ and they are the citizens of India.

There is a limited provision for reservation in this Chapter as well. Government educational institutions as well as those receiving aid from the Government are asked to reserve two per cent of the total seats in each course for transgender persons, while the Government establishments are asked to provide for the same percentage of reservation in vacancies. As far as the private sector is concerned, the Bill asks for the Government to provide incentives to employers to

ensure that at least two per cent of their workforce is comprised of transgender persons within a five-year period from the commencement of the Act.

Article 15 (1) of the Constitution says:

"The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."

Two expressions are very important. One is 'citizen'. This Article is only extendable to a citizen. Transgender person is a citizen of India. So, this right is available to him. But at the same time, the State will not discriminate on the ground of sex. But here, no doubt, sex has not been determined for the transgender person. So, if the State wants, then discrimination can be made. But so far no legislation has either been made by Parliament or any of the State Legislature to my mind. So, no discrimination has been made on this issue. It cannot be claimed that there is any discrimination as contemplated under Article 15 of the Constitution of India.

Then, Article 15 (4) says:

"Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes."

So, if a transgender person falls in a particular category, then automatically he is entitled of that right. If by birth, he is from the Scheduled Caste category, then that right can be extended to him. Similarly, either it may be a Scheduled Tribe category or it may be an OBC category in which he may be born, that right can be extended to him.

Then, if we come to Article 16, it provides for the benefits in public employment. So, that right can also be extended with respect to that category of the person whether he falls under the OBC category or the SC category or the General category. So, it is wrong to say that that right is not extendable to the transgender persons.

In the absence of any provision or any enactment either by the Parliament or the State Legislatures, to make a discrimination with respect to their employment or with respect to their admission in educational institution, no right can be claimed like this that they are being discriminated.

Sir, on the question of reservation, so far as the reservation part is concerned, either it may be in educational institutions or it may be in employment, one can understand that the Bill is for the purpose of empowerment of the transgender persons, and if the reservation is to be provided at all, then two per cent reservation may be provided. But that cannot be a lateral reservation; that can be a horizontal reservation, and, he will represent with respect to the caste he belongs. So, about the horizontal reservation, there is no problem. This provision can be made by the respective States and even in the Central legislation.

Sir, it is also provided that the constitution of the State and the National Commission is not required for them. The Commissions, which are already existing, can look into those matters. It is also provided that the special courts are to be constituted looking at to their population. It is not possible to provide the special courts because it

would create a lot of expenditure. So, instead of creating new specialized bodies leading to greater expenditure, increase of fiscal deficit and duplication of bureaucracy, the proposed body should be accommodated under the existing bodies. There is no national or State-wise data from the National Crime Records Bureau on crimes against transgender persons and such data must be collected for better implementation of the Bill and to address the law and order situation regarding transgender persons in the nation. I support the Bill to the extent of empowering the trans-gender person.

Thank you very much, Sir.

**SHRI KONDA VISHWESHWAR REDDY (CHEVELLA):** Hon. Chairperson, I am thankful to you for giving me this opportunity to speak.

Sir, the Hon. Member, Shri Baijayant Panda had moved the following motion:

“That the Bill to provide for the formulation and implementation of a comprehensive national policy for ensuring overall development of the transgender persons (*hijras*) and for their welfare to be undertaken by the State and for matters connected therewith and incidental thereto.”

Sir, it has already been passed in the Rajya Sabha. I stand here to support this Bill.

The *hijras* or the LGBT community deserve the same opportunity, rights and dignity as any other human being. We need to recognize and understand the problem. It is not a problem of any deviant lifestyle or a value system or a culture. In most cases, the problem is biological and medical.

Sir, the Judiciary through various judgments has acknowledged the LGBT community and the third gender. The medical community and the medical fraternity also acknowledge them.

When we get admitted to hospitals, we have to get ourselves registered. We have to write our name; we have to give our address, our age and our gender. For mentioning gender, it used to be male and female. Now, there is an International Standard called HL, which the international community adopts. Now, recently, the medical fraternity here has also acknowledged it. So, as per HL7, when you get admitted to hospitals, you have four genders, namely:- Male, Female, Others and Unknown. 'Unknown' is usually used in forensic science where the dead bodies gender cannot be established. So, when the medical fraternity has acknowledged it and the legal fraternity has also acknowledged it, who are we not to acknowledge it? Our culture has accepted the hijra community. Both the vedic science and the modern science have accepted it. Our ancient cultures and contemporary cultures have accepted it. So, it really puzzles me, Sir, that we actually need to debate so long for such an obvious Bill before it is passed.

Sir, I do not want to take much time but I fully agree with Shri Bhartruhari Mahtab. It is not just a medical or a biological issue. It is a human rights issue.

If we recognize them as human beings, if we recognise that they deserve all the rights and opportunities as human beings and if we do not grant them the same opportunities, rights and dignity, then maybe, we should start or introduce another Bill for not recognizing them as human beings. I think it would be grossly unfair if we do not grant them the same. So, once again, I support the Bill and thank you for the opportunity.

[Translation]

**SHRI LAKHAN LAL SAHU (BILASPUR):** Hon. Chairperson, Sir, I am deeply grateful to you. Today, the Rights of Transgender Persons Bill, 2014, which has been passed by the Rajya Sabha, is under consideration, having been introduced by Hon. Shri Baijayant Panda. Several Hon. Members have already expressed their views on this Bill. If we look at history, we find that this subject has been recognised even in Sanskrit grammar, where gender is classified into three categories: masculine, feminine, and ubhayalinga. The ubhayalinga category corresponds to what is today referred to as transgender persons. Such identities have always existed in society, as has been rightly pointed out by previous speakers. Reference has been made to Shikhandi from the era of the Mahabharata. Even in the Ramayana, Lord Rama articulates a broad and inclusive outlook when he says:

“Purusha napunsaka nari va, jeeva charachara koi,  
Sarva bhava bhaja kapata taji, mohi param priya soi.”

(The verse is cited to underline that Indian philosophical and cultural traditions have long recognised and respected the dignity of all genders, including the third gender.)

The term *napunsaka* itself is synonymous with the third gender. Thus, evidence of the recognition of the third gender can be found even in the period of the *Ramayana*. *Shikhandi* was originally born as a woman. She was won by *Bhishma Pitamah* in a *swayamvara*, but was not accepted by him. Subsequently, she assumed the form of the opposite gender and, as a warrior, sought revenge against *Bhishma Pitamah*. It was under these circumstances that *Bhishma Pitamah* was ultimately defeated by *Arjuna*. I believe that had *Bhishma Pitamah* not been defeated at that juncture, the *Mahabharata* war, which lasted eighteen days, might have continued even longer. The epic war of the *Mahabharata* is well known across the world, and I do not wish to dwell further on it. My submission is simply this: persons of the third gender have always been part of our society. It is our collective responsibility, and particularly the responsibility of the Government, to be concerned about this community, to make appropriate arrangements for their welfare, and to ensure that they are cared for in a dignified manner. The key question before us is how, within our

constitutional framework, we can provide them with protection and security. The term *napunsaka* itself is synonymous with the third gender. Thus, evidence of the recognition of the third gender can be found even in the period of the *Ramayana*. *Shikhandi* was originally born as a woman. She was won by *Bhishma Pitamah* in a *swayamvara*, but was not accepted by him. Subsequently, she assumed the form of the opposite gender and, as a warrior, sought revenge against *Bhishma Pitamah*. It was under these circumstances that *Bhishma Pitamah* was ultimately defeated by *Arjuna*. I believe that had *Bhishma Pitamah* not been defeated at that juncture, the *Mahabharata* war, which lasted eighteen days, might have continued even longer. The epic war of the *Mahabharata* is well known across the world, and I do not wish to dwell further on it. My submission is simply this: persons of the third gender have always been part of our society. It is our collective responsibility, and particularly the responsibility of the Government, to be concerned about this community, to make appropriate arrangements for their welfare, and to ensure that they are cared for in a dignified manner. The key question before us is how, within our constitutional framework, we can provide them with protection and security.

This Bill has been introduced with the objective of integrating the transgender community into the mainstream of society, affirming their right to freedom and personal choice, and placing these rights before society at large. It seeks to prevent the discrimination that the transgender community faces and to ensure that its members are able to participate as equal stakeholders in both social and national development. Transgender persons are human beings, and like every individual, they aspire to demonstrate their abilities and talents for the benefit of society and the nation. From this perspective, it is essential that they are accorded respect within society, that their rights are duly protected, and that their feelings and dignity are recognised. The history of transgender persons in our country is long and well established. They have always been a part of Indian society. At the international level, they have been referred to by different terms at different times, including hijra and napunsak. However, India has lagged behind in framing specific legislation for their welfare. In contrast, several countries regarded as developed nations, such as the United States of America, Canada, Australia, the United Kingdom, Italy, Singapore, and nearly thirty other countries, have already enacted laws to promote the development, security, and protection of

the rights of transgender persons. Today, the crucial question before us is how individuals living within society can be enabled to live with dignity and respect, both under the Constitution and within the social framework. Articles 15 and 16 of the Constitution have already been discussed. Article 15 clearly provides that there shall be no discrimination on grounds of religion, caste, sex, or place of birth. In this context, must we not reflect upon the fact that there exists a community whose fundamental rights, guaranteed under these very provisions, are not being adequately protected? Should we not be concerned that the constitutional safeguards meant for them are failing in practice? If their rights are being violated and their fundamental freedoms are being infringed, it is incumbent upon us to deliberate seriously on this issue. There is, therefore, an urgent need to consider how we can effectively secure and enforce their rights and ensure that the constitutional promise of equality and dignity is truly realised for them. The Bill under consideration contains provisions relating to the right to education. I am fully in favour of education for such sections of society. They must be provided access to education and given opportunities to demonstrate their abilities and talents within society. Merely because a person is transgender or of the third gender for any

reason, it would be wholly unjustified to deny them education. Article 16 of the Constitution speaks of equality of opportunity in matters of public employment. The pertinent question is whether such persons are, in reality, being afforded equal opportunities. If they are not, then it becomes our responsibility to consider how appropriate mechanisms can be created to ensure access to employment and the exercise of their rights. There is, therefore, a clear need to establish a structured framework through which members of such communities can genuinely benefit from the constitutional guarantees available to them and participate fully in social and economic life. Article 21 of the Constitution guarantees the right to life and personal liberty, which includes the right to education. Under this provision, every individual, every child, and every citizen of India is entitled to receive education, and this Article provides constitutional protection for that right. Today, the issue is not confined only to persons of the third gender. Those who suffer from poverty and those who live at the margins of society are also being deprived of education. With reference to the data placed before the House earlier by Hon. Shri Patel, I would like to draw attention to another report, which indicates that so far, only about two percent of the transgender community has been able to

access education. This raises a serious and pertinent question: do we not need to make greater efforts to expand educational access for such communities living within society? This is a matter that certainly warrants thoughtful consideration, and it is imperative that this aspect is also addressed with due seriousness.

Hon. Chairperson, Sir, the Bill contains several provisions. One such provision relates to reservation, with the objective of ensuring equal opportunities for persons belonging to this category within society. The Bill as presented proposes reservation in primary, secondary, and higher educational institutions, as well as reservation of posts for transgender persons. The Hon. Minister is present in the House, and these provisions merit careful consideration in order to ensure that the intended objective of equality and inclusion is effectively realised. I have examined and read the reply placed before the Rajya Sabha by the Government. In that response, concern has also been expressed regarding the manner in which members of this community could be extended the benefit of reservation within the existing framework. With respect to the Other Backward Classes, I would like to point out that the Mandal Commission recommended reservation up to 27 percent. However, even today, this level of

reservation is not uniformly implemented across the country. In some States it stands at 19 percent, in others at 14 percent, and in certain cases even as low as 6 percent. I would like to cite the example of Chhattisgarh, where reservation for OBCs is limited to only 6 percent, and even within this arrangement there exist several anomalies. If we seek to extend reservation to this community through the OBC category, the question arises as to whether they would, in practice, be able to derive any meaningful benefit from such reservation. This is a matter that requires serious consideration, because even the communities already included within these categories, whether OBC, Scheduled Caste, or Scheduled Tribe, are not yet receiving the full benefits of reservation in many cases. Adding further groups without addressing these existing gaps raises a legitimate concern as to whether the intended benefits can be effectively delivered. Therefore, this issue undoubtedly warrants careful and comprehensive deliberation.

Hon. Chairperson, Sir, I am in agreement with the views expressed by the Hon. Minister regarding the manner in which this community may be accommodated within the existing reservation framework. On the other hand, there is the binding position laid down

by the Hon. Supreme Court that reservation cannot exceed 50 percent. In these circumstances, it becomes necessary to carefully consider how members of this community can, in practical terms, be extended the benefit of reservation. This issue unquestionably requires serious and thoughtful deliberation.

Hon. Chairperson, Sir, the Bill also proposes the establishment of separate courts to address issues of justice relating to this community. At present, even the existing judicial system is under considerable strain and is unable to cope fully with the volume of cases before it. In such circumstances, what assurance do we have that merely creating separate courts will, in fact, deliver timely and effective justice to this community? Therefore, before providing for separate courts or judicial forums, it is essential that we first establish the necessary institutional and administrative infrastructure. In my considered view, unless a robust judicial framework is put in place, we will not be able to ensure meaningful justice for this community. This aspect, too, requires careful and realistic consideration.

Hon. Chairperson, there are numerous issues in which injustice is inflicted upon these sections of society. Many of these issues cannot be resolved merely through legislation. We must also examine the

prevailing attitudes within society towards such communities, how people perceive them, and the outlook they hold. These dimensions must be understood and addressed with seriousness. Unless such attitudes evolve in a positive direction, we will not be able to provide meaningful security to members of this community. If our objective is to integrate them into the mainstream of society, progress will remain limited unless social thinking itself undergoes change. My submission, therefore, is that it is essential to create a conducive and supportive environment for such communities. In this context, the proposal for establishing State-level Commissions has also been raised, and this aspect merits careful consideration. Commissions have been constituted for several sections of society. Similarly, a Commission may be established for this community as well, which would work towards its development and examine ways to extend appropriate facilities. Such a Commission could also assess how constitutional provisions may be safeguarded and how the rights guaranteed under the Constitution can be effectively delivered to this community. Reports obtained from such a Commission should then be taken into account and incorporated into the Bill. This approach

would ensure that the legislation is informed, balanced, and responsive to the actual needs of the community concerned.

Hon. Minister, the reply given in the Rajya Sabha indicates that the Government is sensitive to these issues and is inclined to bring forward a well-structured Bill for this community in due course, supported by appropriate schemes. This suggests that we are indeed moving in a positive direction. Members of this community must be provided comprehensive protection in the future, so that their relationship with society improves, they are able to access meaningful employment opportunities, and they are given the chance to demonstrate their abilities and talents within society. I welcome this Bill and would like to urge the Hon. Minister to place these matters before the Government with due seriousness, while also apprising it of the sentiments expressed by Members of this House.

I thank you for giving me the opportunity to speak, and I now conclude my remarks.

**SHRI BHAIRON PRASAD MISHRA (BANDA):** Hon. Chairperson, I rise to speak on the Bill that has been introduced. The number of persons belonging to this community across the country has now crossed 30 lakh, making it a substantial section of our population. We are concerned about every individual living in this nation, and “Sabka Saath, Sabka Vikas” remains the guiding principle of our Government. Accordingly, it is imperative that both the Government and society at large address the concerns of this community, which exists in such significant numbers across the country.

Hon. Chairperson, this Bill has been introduced to encourage thoughtful consideration of this community, to better understand its concerns, and to deliberate on what can be done for its welfare. Members of this community are subjected to discrimination. It is a contradiction that on auspicious occasions they are welcomed with affection. At the birth of a child or during weddings, they are invited and their blessings are considered auspicious. On such occasions, their presence is regarded as a good omen. Yet, in social life, the same individuals are often treated with disdain and exclusion. This reflects a duality in societal thinking and behaviour. If these persons are

considered auspicious, and if their blessings are believed to bring happiness to a newborn child or a newly married couple, then why should they be subjected to discrimination in everyday life? This is a question that society must seriously reflect upon. This Bill has been brought forward precisely to facilitate such deep reflection and meaningful deliberation on the status, dignity, and rights of this community.

Hon. Chairperson, they are referred to by various terms, such as kinnar, transgender, ubhayalingi, and viparitlingi. In some cases, there is a deficiency of hormones, and it is said that when there is such a deficiency, they may be drawn towards the opposite sex. In some cases, the sexual organs themselves are absent from birth. A large number of children go missing in the country, and it is alleged that some such children are abducted and forcibly made part of the transgender community. Many such instances are seen. We must reflect deeply on all these aspects. In particular, where there is a hormonal deficiency, adequate arrangements for treatment must be ensured. Their medical care should be properly provided, and we must consider how such deficiencies can be addressed. At the same time, for those who are so from birth, we must act with empathy and

compassion, and we must consider how they can be brought into the mainstream of society.

We must consider how equal rights can be extended to such persons, particularly now that they have been recognised as a third gender. The Hon. Supreme Court has also held that they should be accorded recognition as a third gender. It is, therefore, our responsibility to address their problems in a manner that ensures they are not subjected to discrimination, are not made objects of ridicule, and are treated with dignity. We must also take proactive steps to support their progress and ensure that they are enabled to move forward as equal members of society.

I would also like to submit that we must give due attention to the grave concern of persons who are forcibly made part of the transgender community. The law and order situation in the country must be strengthened in this regard. A large number of children go missing, and it has been reported that many such children are abducted and subsequently forced into this community. Therefore, it is imperative that the law and order machinery is improved to prevent such crimes. Although maintaining law and order primarily falls within the jurisdiction of the State Governments, both the State

Governments and the Union Government must work together to ensure the safety and protection of such children and put in place effective safeguards to prevent such exploitation.

I would also like to draw the attention of the House to the existence of certain organised centres operating in different places. Just as there are instances where girls from economically vulnerable families are forcibly taken and pushed into exploitative activities, similar concerns have been reported in relation to some centres associated with the transgender community. In certain cases, once an individual is taken to such places, they are prevented from returning and are compelled to remain there and engage in activities against their will. It is, therefore, essential that such centres are properly identified and monitored. The authorities must give serious consideration to this issue, and firm action should be taken against any establishment involved in coercion, exploitation, or abuse. Ensuring protection from such practices is an important responsibility of both the State and society.

Sir, as I have already indicated, skill development must be a key priority. The Government has introduced skill development schemes for all sections of society with the aim of identifying existing

abilities and strengthening them through appropriate training, and this work is already in progress. Members of this community, particularly those who are so from birth, also possess valuable talents. Some may excel in music, while others have different skills. It is essential that we consider how these abilities can be developed and how such individuals can be brought into the mainstream. Through targeted skill development programmes, we must empower them to achieve self-reliance and participate meaningfully in society.

With regard to education, it is evident that the level of educational attainment within this community is extremely low. Figures of only two to three percent have been mentioned. Members of this community are often denied opportunities for education. They face discrimination, and within the environments in which they live, they are frequently not sent to school at all. Instead, they are compelled to engage in certain occupations from an early age. This is a matter of serious concern and must be addressed. We must consider how adult members of this community can be enrolled in appropriate classes and provided with adult education. Similarly, we must examine how younger members can be admitted into schools and

enabled to pursue formal education. Ensuring access to education at all levels is essential for their empowerment and inclusion in society.

Reference has also been made to the constitution of a National Commission. Certainly, a National Commission as well as State-level Commissions should be constituted, because this is a very large community and we must be concerned about its welfare. It is necessary to consider how reservation in employment can be provided to them and how they can be accommodated in private institutions as well. More than 29 countries across the world have enacted laws for the welfare of this community. Our Government has also taken steps in this direction. The Hon. Minister has stated so. The Hon. Supreme Court has also issued directions in this regard, and the Bill has been passed by the Rajya Sabha. There have been several persons from this community across the world who have created history. Many have been elected as Members of Legislative Assemblies and have held positions such as Mayors. In Chennai, Sushri K. Prithika Yashini has been appointed as a Woman Police Sub-Inspector. Efforts should be made to extend to them the benefits available to Scheduled Castes, Scheduled Tribes and Other Backward Classes. I would like to congratulate the States of Tamil Nadu, Maharashtra and West Bengal,

which have constituted Welfare Boards for this community and have taken steps for their welfare. Other States should also come forward and take similar initiatives. Proper arrangements for their rehabilitation should also be made. The East Delhi Municipal Corporation has taken an initiative by providing a two per cent quota in shops to promote them. Similar measures should be adopted in other places as well. I would also like to state one more thing. There are fake transgender persons who are found in trains and buses. Their identification should be ensured. Identity cards should be issued to them so that fake persons who forcibly collect money, intimidate people, threaten them, and use abusive language for extortion can be restrained, and appropriate action can be taken against them. This is a matter that requires serious attention. Those who are doing good work should be given opportunities to progress. For instance, in the United States, they are recruited into the armed forces, and in Bihar, they are engaged in bank recovery work. Therefore, all of us should work towards their advancement. With these words, I support the Bill that has been introduced today and request the Government to take initiatives for their welfare and improvement. Today, we have an opportunity and there is a need to be concerned about a large

community. With these words, I express my gratitude and conclude my remarks. Thank you very much.

[English]

**SHRI VIRENDER KASHYAP (SHIMLA):** Mr. Chairman, Sir, I am very much thankful to you for giving me an opportunity to participate in the debate on this very important Bill, which was introduced in Rajya Sabha. The Rights of Transgender Persons Bill, 2014, as passed by Rajya Sabha, was introduced in this House on 26<sup>th</sup> February 2016 by Shri Baijayant Panda, who is an Hon. Member of this House. He has moved this Bill for further consideration in this House.

As the discussion on the Rights of Transgender Persons Bill, 2014 has commenced, I would like to place my views before the House and proceed further on this matter that first of all, I must say that we need to identify who these transgender people are. Secondly, we need to understand the difference between 'sex' and 'gender'. We need to differentiate these two. I have gone through the provisions of this Bill. It is a matter of concern that till date we do not know the exact number of such persons, that is, how many transgender live in our country. As far as Census of 2011 is concerned, it states that their total population is only five lakhs. However, I do not agree with the figures of Census, 2011. So far as their numbers are concerned, it

could be a huge number; it may go up to 50 lakhs or so. [Translation] In this regard, the Government must ascertain their actual numbers, as persons belonging to the third gender are found across the country. They are present in every city and town and often live collectively. This is a matter that requires serious consideration by the Government. I thank the Hon. Minister of Social Justice and Empowerment for ensuring that this issue is being discussed in this House after 67 years of Independence.

**18.00 hours**

The question before us is what kind of rights should be accorded to transgender persons in this country. As rightly pointed out by Hon. Members, this issue is not merely one of medicine or biology. It is a matter of human rights. Therefore, after due deliberation on this matter, we must determine what kinds of facilities, protections, and entitlements can be provided to them.

[English]

**HON. CHAIRPERSON:** Shri Kashyapji, you can continue your speech next time.

**HON. CHAIRPERSON:** The House shall now take up 'Zero Hour'. Hon. Members are requested to complete their submissions within two minutes.

**SHRIMATI R. VANAROJA (TIRUVANNAMALAI):** Respected Sir, the attack on fishermen by Sri Lankan Navy has been continuing unresolved for the last several decades. The Sri Lankan Navy very recently captured 68 fishermen and 78 fishing boats including the 12 fishermen and their two fishing boats detained earlier on February 11, 2016. Sri Lankan Navy has been arresting Tamil Nadu fishermen and it was unfortunate that the arrest was continuing while they were pursuing their traditional vocation of fishing. The repeated attempts by the Sri Lankan Navy to prevent the exercise of traditional rights by our fishermen by continuing apprehensions, arrests and assaults cannot be allowed to continue further and need to be halted through the concerted efforts by the Government of India as demanded by our Hon. Chief Minister Dr. Puratchi Thalaivi Amma in a communication to our Hon. Prime Minister today. Our Hon. Chief Minister Dr. Puratchi Thalaivi Amma has also demanded to take proactive steps to bring about a permanent solution to the issues that plagued the livelihood of thousands of Tamil Nadu fishermen as well as sought

the personal intervention of the Hon. Prime Minister to ensure the release of 68 fishermen and 78 fishing boats including the 12 fishermen and their two fishing boats detained on February 11, 2016. Therefore, I would urge upon the Hon. Prime Minister to take immediate action as demanded by our beloved leader *Idhaya Dheivam* Dr. Puratchi Thalaivi Amma for the release of the fishermen captured by the Sri Lankan Navy and also to bring about a permanent solution to the issues that plagued the livelihood of thousands of Tamil Nadu fishermen.

**HON. CHAIRPERSON:** Kunwar Pushpendra Singh Chandel is permitted to associate with the issue raised by Shrimati R. Vanaroja.

**DR. SHASHI THAROOR (THIRUVANANTHAPURAM):** Mr. Chairman, may I be permitted to speak from here?

**HON. CHAIRPERSON:** Yes please.

**DR. SHASHI THAROOR:** Mr. Chairman, my topic is the need to provide greater financial assistance to the State of Kerala under the Union Budget. The Union Budget has proved a disappointment to many. But it is particularly disappointing that the Government has not adhered to the promises made to the State of Kerala.

The Government promised to establish an All India Institute of Medical Sciences in Kerala. Despite the State Government submitting the final logistics, no financial allocation has been made for the upcoming financial year and no selection of allocation has been done. The Government has budgeted a paltry sum of Rs.190 crore towards setting up new Indian Institutes of Technology (IITs) including an IIT in Kerala. This amount is grossly insufficient to meet the infrastructure needs of these institutions. Despite its long-professed commitment to promoting Ayurveda and traditional medicine, the Government has not established a National Institute for Ayurveda or a National Institute for Medicinal Plants in Thiruvananthapuram, both of which have long been pending proposals. Additionally, promises to declare Sabarimala as a National Pilgrimage Centre, allocating resources for boosting tourism, establishing a corpus for rubber farmers and assistance for economically vulnerable migrants returning from Gulf countries have not been fulfilled.

Sir, Kerala is supposed to be God's own country. At the moment, human beings are suffering and in need. The Government of India must show justice to them. I, therefore, urge the Government to

provide the required financial allocations to the State of Kerala and fulfil their commitments to the State. Thank you.

**HON. CHAIRPERSON:** Adv. Joice George is permitted to associate with the issue raised by Dr. Shashi Tharoor.

[Translation]

**SHRI TAMRADHWAJ SAHU (DURG):** Thank you, Hon. Chairperson, for giving me an opportunity to speak during Zero Hour. I would like to raise the issue of withdrawal of the excise duty imposed on gold jewellery.

Sir, the jewellery trade across the country is completely shut and an indefinite strike is underway. In the Union Budget 2016, the Central Government has imposed excise duty on gold and diamond jewellery. This step of the Central Government is anti-trade in nature. In protest against this decision, jewellery shops across the country have been closed. Ordinarily, excise duty is levied on production in the organised sector, whereas in the jewellery trade, ornaments are manufactured by goldsmiths who belong to the unorganised sector. The jewellery traders of India have never hesitated to pay taxes; their objection is not to taxation per se, but to the imposition of excise duty and the complexities associated with it, which they fear will revive the

inspector raj. Most jewellers neither manufacture ornaments themselves nor operate factories of their own. Jewellery is produced through job work by goldsmiths and artisans. The making of a single ornament often involves the labour of eight to ten individuals, working at different locations rather than under one roof. In such a fragmented and unorganised system, compliance with the procedural complexities of excise law is practically unworkable. The core issue is not whether the excise threshold is fixed at six crore rupees or 12 crore rupees. Once excise is imposed, the entire jewellery trade will be exposed to the fear of inspection and harassment by the excise machinery. It is pertinent to recall that in 2012, the present Hon. Prime Minister, Shri Narendra Modi Ji, had himself repeatedly highlighted in his speeches the harassment faced by jewellers and goldsmiths under the pretext of gold control and excise enforcement. This decision of the Union Government is completely short-sighted and anti-trade. I would like to urge the Government to review this decision afresh and, if taxation is necessary, to levy it through customs duty or under some other head. At present, almost the entire gold supply is already subject to a 10 percent customs duty. I would like to request

the Hon. Minister to free the bullion trade from the harassment of excise and to withdraw this order. Thank you.

[English]

**HON. CHAIRPERSON:** Shri Arvind Sawant and Shri Rahul Ramesh Shewale are permitted to associate with the issue raised by Shri Tamradhwaj Sahu.

**ADV. JOICE GEORGE (IDUKKI):** Mr. Chairman, Sir, our Government is spending a lot of money on infrastructure especially on establishing national highways and rural roads. But there is a disparity in using the money for establishment of rural infrastructure and other national highways also. According to AG's Report of Kerala, during the last 40 years no money has been spent from Central road funds in my District Idukki. I now raise another issue of connecting two pilgrim centres of South India. You would also be happy to have such a national highway established between Palani Hills and Sabarimala. Both these are the most important and famous pilgrim centres in South India. Establishing connectivity between pilgrim centres and tourist centres will have a telling effect on the development of these areas and the intervening areas also. I suggest a road from Palani to Sabarimala through Kulumam, Kurichikotta,

Chinnar, Marayoor, Munnar, Nedunkandam, Kumli and Mundakayam through Erumeli Sabarimala route. My friend Mr. Udaya Kumar would also be happy to support me in establishing this new national highway between Palani and Sabarimala. So, I urge upon the Government to take up this issue and declare a new national highway connecting Palani and Sabarimala, allot funds for the same, and complete that work within a time bound manner. Thank you.

[Translation]

**SHRI SUKHBIR SINGH JAUNAPURIA (TONK -SAWAI MADHOPUR):** Hon. Chairperson, Sir, the distance from Sawai Madhopur in my Parliamentary Constituency to Sheopur Railway Station is about 60 kilometres, and Sheopur falls in the State of Madhya Pradesh. If a new railway track is connected from Sawai Madhopur to Sheopur, it will provide substantial benefits to passengers, tourists and traders travelling between Rajasthan and Madhya Pradesh. At present, people have to travel to Sheopur via Mathura, Agra or Ujjain, which makes the route considerably longer. As a result, people are unable to complete their work within a single day. With the addition of this railway track, the Railways will also earn significant revenue, and the people of Madhya Pradesh as well

as those of my Parliamentary Constituency and the State of Rajasthan will derive special benefits. This will also save time and enable people to carry out their work more efficiently. Therefore, through you, I would like to request that this work be completed at the earliest so that Sheopur may be connected with Sawai Madhopur.

[English]

**HON. CHAIRPERSON:** Shri Bhairon Prasad Mishra and Shri Kunwar Pushpendra Singh Chandel are permitted to associate with the issue raised by Shri Sukhbir Singh Jaunapuria.

[Translation]

**SHRI BHAIRON PRASAD MISHRA (BANDA):** Hon. Chairperson, I would like to draw the attention of the House to an important issue. At present, jewellery traders are on strike in most parts of the country. Jewellery businesses remain closed, which is causing inconvenience to consumers and, at the same time, resulting in loss of revenue to the Government. The protest by jewellery traders relates to the imposition of an additional tax in the form of excise duty. They are staging sit-ins and demonstrations at various places, and their agitation has been continuing for several days. This is currently the wedding season, due to which consumers are facing considerable

difficulty. Therefore, through you, I would like to request the Government to give due consideration to the problems of jewellery traders and to resolve their grievances. Further, the Government should take effective steps by consulting the jewellery traders and exploring an alternative mode of taxation that is acceptable to all concerned.

[English]

**HON. CHAIRPERSON:** Shri Sudheer Gupta, Shri Kunwar Pushpendra Singh Chandel, Shri Bhanu Pratap Singh Verma and Shri Sharad Tripathi are permitted to associate with the issue raised by Shri Bhairon Prasad Mishra.

[Translation]

**SHRI VIKRAM USENDI (KANKER):** Hon. Chairperson, Sir, in the State of Chhattisgarh, my Lok Sabha Parliamentary Constituency of Kanker comprises two districts, namely Balod and Kondagaon. Both these districts are predominantly inhabited by tribal communities and Other Backward Classes. However, due to the absence of Kendriya Vidyalayas in these districts, children are unable to pursue their education locally and are compelled to travel long distances to access educational facilities. Therefore, the establishment

of Kendriya Vidyalayas in these areas is extremely necessary. Through you, I would like to request the Hon. Minister for Human Resource Development to ensure that one Kendriya Vidyalaya is established at the earliest in each of these two districts, so that the residents of these areas may derive maximum benefit.

[English]

**HON. CHAIRPERSON:** Shri Kunwar Pushpendra Singh Chandel is permitted to associate with the issue raised by Shri Vikram Usendi.

[Translation]

**SHRI JUGAL KISHORE (JAMMU):** Hon. Chairperson, through you, I would like to draw the attention of the Union Government, and in particular the Ministry of Water Resources, River Development and Ganga Rejuvenation, towards the State of Jammu and Kashmir. In Jammu and Kashmir, the winter capital shifts to Jammu. Jammu is a fairly large city, and flowing right through the heart of the city is the river Tawi, also known as Suryaputri Tawi. There are numerous temples situated along both banks of the Tawi river. However, the kind of development that this river ought to have received has not taken place. At present, special attention is being paid across the country towards rivers. Through you, I would like to request that both

banks of the Tawi river be developed on the lines of the Sabarmati riverfront. If this is done, not only will the Tawi river appear beautiful, but the city of Jammu will also become more attractive. There is another important reason. Crores of devotees from different parts of the country visit the Mata Vaishno Devi temple in Jammu and Kashmir. In addition, the State is a major centre of tourism. However, due to the lack of development of the Tawi river, the city does not appear as beautiful as it should. Therefore, I would like to request that adequate funds be made available at the earliest for the development of the Tawi river, so that the city becomes more beautiful and visitors may also derive greater enjoyment from their visit.

[English]

**HON. CHAIRPERSON:** Shri Bhairon Prasad Mishra, Shri Kunwar Pushpendra Singh Chandel and Shri Sharad Tripathi are permitted to associate with the issue raised by Shri Jugal Kishore Sharma.

**SHRI M. UDHAYAKUMAR (DINDIGUL):** Hon.Chairperson, I would like to thank our leader and Chief Minister of Tamil Nadu Dr. Puratchi Thalaivi Amma for giving me the opportunity to speak on this occasion on behalf of the Dindigul Parliamentary Constituency. I wish to bring your attention to the problem of the coir industry in

Batlagundu Town Panchayat which is nearby Nilakottai Taluk, Dindigul District in the State of Tamil Nadu.

It is situated at the foothills of the Kodaikanal mountain range. Batlagundu is also known as 'Betel City'. This area is endowed with 25 medium-scale industries and 2000 small-scale industries. The economy of the town is mostly dependent on agricultural products like betel leaf and coir industry. The growing raw material shortage and migration of labour to other areas of activity due to the prevailing low wage structure in the coir sector are the main issues that need to be tackled urgently to sustain the momentum of growth in coir exports.

I would request the Central Government that a mini coil spinning machine, which is capable of enhancing production of quality yarn required for the coir tufting industry, may be supplied free of cost to coir workers in the BPL category.

I would request the Central Government to set up a raw material bank for the coir industry.

Coir industry is labour intensive and provides direct employment to lakhs of people. I urge the Central Government to appoint a team of experts for studying the problems being faced by the coir labourers. I would suggest that the Central Coir Board may

encourage the entrepreneurs to start manufacturing value-added coir products like mats, rugs, carpets, etc., which will help them to earn more and enable them to pay attractive wages to their workers.

It is also suggested that the Government may encourage the nationalised banks and other financial institutions to offer loan facilities at subsidised rates of interest, especially to small coir units to meet out their working capital requirements during peak seasons.

The industry has every scope to make an indelible mark in the industrial map of Tamil Nadu and could finally contribute to the economic development of the country.

Thank you.

[Translation]

**DR. RAMESH POKHRIYAL NISHANK (HARIDWAR):** Hon. Chairperson, I am grateful to you for giving me the opportunity to speak. As you are aware, the Haridwar region is not only a centre of spirituality and yoga, but also a very important hub of sugarcane production in Uttarakhand. Areas adjoining Haridwar, such as Dehradun, Bijnor, Saharanpur, Muzaffarnagar and Meerut, constitute a belt that ranks among the highest in the country in terms of

sugarcane production. Approval had been granted for the establishment of a Sugarcane Research Centre in Haridwar, but its non-establishment till date has led to considerable resentment among the farmers there. Sir, as you are aware, countries such as the United States of America, Australia and Brazil achieve per-hectare yields that are 15 to 20 percent higher than those in India, while China records production of nearly 86 tonnes per hectare. In such a situation, our sugarcane farmers are being compelled to bear a heavy burden and suffer significant losses.

Sir, with regard to the Sugarcane Research Institute proposed to be established in Haridwar, I would like to request the Union Government, through you, that it be made operational immediately. Along with various academic programmes, state-of-the-art research should be incorporated in this institute. Adequate extension centres should also be established so that the benefits of advanced laboratory technology reach the farmers right up to the last field. The establishment of this institute is extremely essential. Research and academic development in the field of agricultural management are also very important so that sugarcane cultivation can be organised and managed in a systematic manner. I would like to draw attention to the

fact that farmers have not received payment for their sugarcane for the last two years, due to which they are gradually turning away from sugarcane cultivation, which will prove to be a serious obstacle to the country's progress.

Therefore, through you, I would like to request that the pending payments of sugarcane farmers be released immediately along with interest, and that an International Sugarcane Research Institute be established at Haridwar with immediate effect. Thank you.

[English]

**HON. CHAIRPERSON:** S/Shri Bhairon Prasad Mishra, Sudheer Gupta, Kunwar Pushpendra Singh Chandel, Sharad Tripathi and Dr. Manoj Rajoria are permitted to associate with the issue raised by Dr. Ramesh Pokhriyal Nishank.

[Translation]

**SHRI NINONG ERING (ARUNACHAL EAST):** Hon. Chairperson, Sir, through you, I would like to draw the attention of the Hon. Prime Minister and the Minister dealing with matters relating to the North Eastern States. When the Hon. Prime Minister visited Arunachal Pradesh, he had assured that there would be development,

energy generation, and momentum in development in the State. However, nothing of that sort is visible in the present Budget. The Look East and Act East policies appear to be only rhetorical statements rather than policies implemented with genuine commitment. I have observed in the Budget that the allocation under the NLCP has been kept at only Rs. 33,000 crore this year, which is almost the same as last year and amounts to a token provision. In our region, an allocation of about Rs. 2,000 crore is necessary, but only Rs. 795 crore has been provided. There are seven States in the North East, and with the allocations proposed in the Budget, no meaningful development work can take place there.

Through you, I would like to state once again to the Hon. Prime Minister that while it is said that good days are coming for everyone, good days are not coming to the North Eastern States in terms of development. Therefore, I would like to request that the allocation under this head be increased substantially.

**HON. CHAIRPERSON:** Shri Ganesh Singh -- Not present.

**SHRI ARVIND SAWANT (MUMBAI SOUTH):** Hon. Chairperson, Sir, I would like to raise an important issue in the House. The Department of Posts is presently doing commendable work, and

through it, services are reaching even the smallest sections of society. However, there are certain shortcomings which I wish to bring to the notice of the concerned Minister and the Department during Zero Hour. In our area, there is a district called Palghar. In that district, the Department of Posts has appointed agents for mobilising deposits under various schemes such as National Savings Certificates, Kisan Vikas Patra, Monthly Income Scheme, Recurring Deposit, and others. There are nearly four thousand such agents in Palghar district. A majority of them are women, and among them, many are tribal women. These women are working under difficult conditions. When people go to the post offices with money for deposit, there are insufficient staff. Moreover, a so-called Pinnacle system has been introduced, which functions at a very slow pace. As a result, people are made to sit for two hours or more, and these agents are also made to wait. They are told that after 12 noon, no transactions will be accepted. This is public money, money belonging to the people, and it is being deposited into the Government treasury. Yet, after one o'clock, deposits are not being accepted. These poor women receive commission from the post offices. However, Tax Deducted at Source is deducted from that commission, and for the last two years, their

TDS has not been refunded. These women were compelled to resort to agitation in the meantime.

Through you, I would like to place two specific requests before the Union Government. First, the Tax Deducted at Source of these agents should be refunded immediately. Second, the Pinnacle system that has been installed there is extremely inadequate. Either this system should be rectified without delay or a new and efficient system should be introduced. The same difficulty had earlier arisen in the Worli Post Office in Mumbai as well. These demands are not confined only to Mumbai or Palghar, because the Pinnacle system has been implemented across the entire country. Due to this system, poor people, especially pensioners and those depositing TDS, are facing serious inconvenience. I expect the Government to ensure that the TDS amounts are refunded at the earliest and that necessary improvements are made in the Pinnacle system. Thank you.

[English]

**HON. CHAIRPERSON:** Shri Rahul Shewale, Kunwar Pushpendra Singh Chandel, Shri Sudheer Gupta and Dr. Manoj Rajoria are permitted to associate with the issue raised by Shri Arvind Sawant.

[Translation]

**SHRI NANA PATOLE (BHANDARA-GONDIYA):** Hon. Chairperson, Sir, in our country, there has been an increase of nearly fifty percent in heart-related diseases. At present, there is only one cardiologist for a population of three lakh people, which is entirely contrary to the guidelines issued by the World Health Organization. In cardiology, only specialist doctors who have undergone fellowship training through super-speciality courses are authorised to perform angioplasty. However, due to the shortage of specialist doctors and the lack of public awareness, the lives of patients are often put at risk by other practitioners.

Through you, I would like to urge the Union Government to increase the number of seats in super-speciality courses in cardiology in medical colleges, so that qualified specialist doctors may be made available for the prevention and treatment of heart diseases. I also request the Government to show greater interest in establishing medical colleges in backward and rural areas of the country. In my Parliamentary Constituency, Gondiya district, a proposal for the establishment of a medical college has been submitted by the Government of Maharashtra and by public representatives, and the matter is presently under consideration of the Union Government.

Through you, I would like to request the Government to consider this proposal and take an early decision.

[English]

**HON. CHAIRPERSON:** Kunwar Pushpendra Singh Chandel, Shri Bharon Prasad Mishra, Shri Sudheer Gupta, Shri P.P. Chaudhary and Dr. Manoj Rajoria are permitted to associate with the issue raised by Shri Nana Patole.

[Translation]

**SHRI GANESH SINGH (SATNA):** Hon. Chairperson, Sir, through you, I would like to draw the attention of the Hon. Minister for National Highways to a very important road in the State of Madhya Pradesh.

National Highway No. 75 passes through the extremely backward Bundelkhand and Vindhya regions of Madhya Pradesh, covering the districts of Chhatarpur, Panna, Satna, Sidhi and Singrauli. Although the work of widening this road has been approved, the work has been stopped. As a result, people are being forced to endure heavy dust and are falling ill.

I would like to urge the Hon. Minister for Road Transport and Highways to ensure that the work on this road is resumed immediately. I also would like to draw attention to the severely dilapidated condition of the main road in Satna city and the areas of Madhavgarh, Sajjanpur and Rampur. Although a bypass has been approved, the work remains incomplete. The roads within the city have deteriorated into potholes, and the responsibility for their repair lies with the National Highways Authority itself. A proposal for their repair has been sent by the State Government to the Ministry. I request that approval for the same be accorded without delay.

In addition, the Government of Madhya Pradesh has proposed the inclusion of seven State highways, covering 3,644 kilometres in the first phase, and three State highways, covering 1,466 kilometres in the second phase, into the national highway network. I demand that the route passing through Damoh, Hatta, Semaria, Powai, Jaso, Nagod, Singhpur, Kothi, Jaitwara, Mehuti, Kotra, Semaria, Sirmour, Jawa, Suti and Shankargarh up to Allahabad in my region be declared a National Highway.

[English]

**HON. CHAIRPERSON:** Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh are permitted to associate with the issue raised by Shri Ganesh Singh.

**SHRI BHARTRUHARI MAHTAB (CUTTACK):** Hon. Chairperson, Sir, thank you for giving me this opportunity. As per the National Centre for Disease Informatics and Research National Cancer Registry programme report India shares around 5.7 per cent of global cancer burden which implies that every 13<sup>th</sup> new cancer patient in the world is an Indian. The increase in the number of cancer cases in the country may be attributed to a large number of ageing population, unhealthy life styles, use of tobacco and tobacco products, unhealthy diets etc. Central Government supplements the efforts of respective State Governments for improving health care including prevention, diagnosis and treatment of cancer. National Health Mission is now being implemented especially for cancer patients for intervention, at the district level, include awareness generation for cancer prevention, screening, early detection and referral to an appropriate level of institution for treatment The focus is on three types of cancer, namely breast, cervical and oral cancer.

In the State of Odisha we have a Regional Institute of Cancer named as Acharya Harihara Regional Cancer Centre situated in Cuttack. My demand is that the Odisha Government has sent a proposal to the Central Government for upgradation of this Regional Cancer Centre to an apex centre of excellence on cancer to manage the increasing patients of cancer in the State and to provide them timely and advanced treatment.

I would like to mention here that the incidence of cancer cases State-wise in India has been given here. In the State of Odisha, in 2012 it was 36,599 and in 2015 it has risen to 39,288 and the mortality rate in 2012 was around 16,103, in 2015 it has risen to 17,287. Therefore, I urge upon the Government to consider the proposal which the Government of Odisha has sent to upgrade it as an apex centre of excellence and accord its approval to the proposal and provide adequate funds for the purpose at the earliest.

Thank you.

**HON. CHAIRPERSON:** Shri P.P. Chaudhary, Kunwar Pushpendra Singh, Shri Sharad Tripathi, Shri Bhairon Prasad Mishra, Dr. Manoj Rajoria are permitted to associate with the issue raised by Shri Bhartruhari Mahtab.

**DR. BOORA NARSAIAH GOUD (BHONGIR):** Hon.Chairperson, Sir, thank you for giving me this opportunity to raise a matter of urgent public importance during the Zero Hour. I would like to invite the attention of the Government through you to the fact that we are surprised and pained at the recent Budget where there was no announcement for setting up of AIIMS in the State of Telengana.

The State of Telengana is the youngest State in India. I had taken up this issue with the then Hon.Health Minister, Dr. Harshavardhan who promised on the floor of the House in the first Session itself that the State of Telengana will have an AIIMS. However, on the advice of Dr. Harshavardhan, our Hon.Chief Minister pro-actively identified 220 acres of land with rail, road and air connectivity at Bibinagar in my constituency Bhongir.

We have submitted all the data including details about land, water and other required things. Recently, the present Minister for Health, Shri Nadda, has visited my constituency, Bhongir. He was there for two days. I had accompanied him and showed him the place. He has assured that in this Budget, he will consider one AIIMS-like institution for Telangana State.

I would take this opportunity to urge upon the Central Government on this matter. Whenever they think of Hyderabad, they think of the medical hub. Unfortunately, Apollo, Medicity, Medicare and Star Hospitals are all corporate hospitals. My request to the Central Government is, at least, there should be a provision for AIIMS-like institution in Telangana for which we will be thankful to them.

I would take this opportunity to again impress upon the Central Government to announce one All India Institute of Medical Sciences as early as possible to the State of Telangana.

**HON. CHAIRMAN:** Dr. Manoj Rajoria is permitted to associate with the issue raised by Dr. Boora Narsaiah Goud.

[Translation]

**SHRI DEVUSINH CHAUHAN (KHEDA):** Sir, I am grateful to you for giving me the opportunity to speak. I would like to draw the attention of the House to a very important issue concerning my area, Kheda. In my constituency of Kheda, the old National Highway No. 8 between Ahmedabad and Baroda has recently been converted into a six lane road. The distance of this stretch is 90 kilometres. Parallel to this, an expressway was constructed earlier, which was the first such

gift to Gujarat by the Hon. Vajpayee Government. That expressway also covers a distance of 90 kilometres. On the newly upgraded six lane road, two toll booths have been installed. As a result, the toll tax amount has doubled. This has caused considerable harassment to the public. For the same distance of 90 kilometres, people are now being charged a double amount, which is an injustice to them. Because of this, most of the traffic has been diverted to the expressway, leading to heavy congestion and severe inconvenience to commuters. In my area, there is a place called Sandhana where a toll booth has been installed. This area already falls on a National Highway heritage route, namely the Dandi Route, where there should be no toll booth at all. Despite this, toll tax is being collected there.

Through you, I would like to request the Hon. Minister to rationalise the toll charges and at least exempt my district from toll tax.

[English]

**HON. CHAIRMAN:** Shri Pushpendra Singh Chandel is permitted to associate with the issue raised by Shri Devusinh Chauhan.

**SHRI RAM PRASAD SARMAH (TEZPUR):** Sir, through you, I would like to raise the issue of the problems faced by the tribals, tea tribes and adivasis in Assam.

Assam is predominantly a tribal State with about seven million tribals and tea tribes. There are different categories of tribes living there like Bodos Mising, Karbi, Deori, Thewar, Rava, Dimasa and Sonowal. But the areas inhabited by the tribals are most backward. There is no road connectivity. They are mostly living in inter-State border areas. There is no facility of drinking water. There is no facility of electricity. There are no good schools. So, they are rotting. Even after about 70 years of Independence, we are yet to provide them the basic requirements of life which the Constitution of India has guaranteed. There are several laws for their protection but those laws are not being implemented. Even the Forest Rights Act which grants rights to forest dwellers is not being implemented in Assam.

Through this august House and through you, I would request the Government of India and the Government of Assam to implement the laws and provide road connectivity, drinking water, schools and colleges, electricity and other basic needs to these tribal areas, tea

garden areas and adivasi areas so that they can live a life of some standard.

**HON. CHAIRMAN:** Kunwar Pushpendra Singh Chandel, Shri Bhairon Prasad Mishra and Dr. Manoj Rajoria are permitted to associate with the issue raised by Shri Ram Prasad Sarmah.

[Translation]

**SHRI HARISH MEENA (DAUSA):** Sir, I thank you for giving me the opportunity to speak on an important issue. I represent the Dausa Parliamentary Constituency of Rajasthan. This is one of the most backward regions of the State. About 85 percent of the population here belongs to the Scheduled Castes, Scheduled Tribes and Other Backward Classes.

I would like to inform the House that it has been the misfortune of this area that there was not even a single Kendriya Vidyalaya here. My constituency begins just 15 kilometres from Jaipur. I would like to thank the Union Government because, after sustained efforts and repeated requests from my side, a Kendriya Vidyalaya was sanctioned. It has started functioning in a private building, but the construction of its own building has not yet begun. The Union Government has already released the funds for this purpose. However,

there appears to be some dispute between the officials of the Union Government and the State Government. When I approach the Union Government, I am told to take it up with the State Government, and when I approach the State Government, I am told that it is a matter of the Union Government. Due to this dispute between the two, the construction work of the school building has not commenced. At present, the school is functioning only from Classes I to V. If the building is constructed, children from poor families in my area will be able to study from Class I to Class XII. Therefore, through you, I would like to request that directions be issued to both the Union Government and the State Government to resolve their differences and ensure that the school building is constructed at the earliest. I shall be highly obliged. Thank you.

[English]

**HON. CHAIRPERSON:** Dr. Manoj Rajoria and Kunwar Pushpendra Singh Chandel are allowed to associate with the matter raised by Shri Harish Meena.

Hon. Members, I have a list of 20 more Members who want to raise their matters in the 'Zero Hour'. So, I would request all of you to be brief and conclude within a minute.

[Tranalation]

**SHRI P. P. CHAUDHARY (PALI):** Hon. Chairperson, Sir, India is an agriculture-based country, and the majority of its population resides in rural areas. With a view to the development and upliftment of rural areas, Regional Rural Banks were established under the Regional Rural Banks Act. For the past 40 years, these rural banks have been rendering commendable services and are present in almost every Gram Panchayat. However, the provision at present is that Members of Parliament Local Area Development Scheme funds, that is MPLADS funds, are to be deposited only in nationalised banks. In reality, the core banking services today are being effectively provided by the rural banks. Moreover, in the current Budget, the priority accorded to agriculture by our Hon. Prime Minister and the Hon. Minister of Finance for the first time in such a significant manner is a major step and will prove to be a milestone for rural development across the country. In this context, a Gram Panchayat will receive approximately Rs. 80 lakh over a period of four to five years, and an additional Rs. 80 lakh will be received through MGNREGA. In this manner, a total amount of about Rs. 1 crore 60 lakh will be available to a single Gram Panchayat. Considering all these aspects, in order to

ensure the smooth management and utilisation of these funds, I would, through you, request the Hon. Finance Minister that wherever Regional Rural Banks are functioning, Government funds as well as MPLADS funds should also be permitted to be deposited in these banks. For this purpose, the necessary amendments may be made to the rules and the MPLADS guidelines, so that MPLADS Government funds can be deposited in Regional Rural Banks. Thank you very much. ...(*Interruptions*)

[English]

**HON. CHAIRPERSON:** Kunwar Pushpendra Singh Chandel, Shri Sharad Tripathi, Shri Bhairon Prasad Mishra, Shri Sudheer Gupta, Dr. Manoj Rajoria are allowed to associate with the matter raised by Shri P.P. Chaudhary.

[Translation]

**SHRI RAVNEET SINGH (LUDHIANA):** Hon. Chairperson, I rise to place a matter of great importance before the House. In my assessment, never before have so many Members of Parliament spoken on a single issue during Zero Hour as they have today. Our jewellers have been on strike for a prolonged period. A similar situation had arisen in 2012, when the jewellers observed a strike for

22 days. At that time, the then Minister of Finance, who is now the Hon. President, Shri Pranab Mukherjee, withdrew the 1 percent excise duty that had been imposed. On that occasion, our present Hon. Prime Minister had described the excise duty as anti national and had characterised the money involved as stridhan. Through you, I would like to submit that more than one crore fifty lakh people across the country are currently participating in this strike. In Punjab alone, over three lakh individuals are affected. I would like to urge the Union Government, through you, to take note of the deep anxiety prevailing among jewellers regarding the excise department. This agitation is not about avoiding taxes. As has already been pointed out by several Members, jewellers are paying 10 percent import duty along with various other taxes. Their main concern is the fear of harassment by the excise authorities, including frequent raids and coercive practices, which may also give rise to the involvement of middlemen. This has resulted in a widespread strike. Until the jewellers' associations withdraw their agitation, the general public will continue to face serious hardship, particularly during the current wedding season, when many people's jewellery remains lying in shops. Therefore, I would like to request the Government, through you, to take immediate

steps to resolve this issue, ensure the early withdrawal of the strike, and repeal the 1 percent excise duty, so that jewellers may resume their work and normalcy may be restored. Thank you.

[English]

**HON. CHAIRPERSON:** Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel are allowed to be associated with the issue raised by Shri Ravneet Singh.

[Translation]

**SHRI VIRENDER KASHYAP (SHIMLA):** Hon. Chairperson, Sir, I am grateful to you for giving me the opportunity to speak on a very important and specific issue. Over the past several days, and indeed across the entire country, farmers are facing a very serious problem caused by wild animals. In particular, in hilly regions such as Himachal Pradesh and Uttarakhand, wild animals, especially monkeys, wild boars and nilgai, are destroying agricultural crops. At present, there is no effective provision to deal with this menace, especially under the existing wildlife protection legislation. The basic difficulty is that in hill States, farmers own small landholdings of 5 to 7 bighas. Many farmers have now stopped cultivating their land altogether because, despite planting crops, wild animals subsequently

devastate their fields. As a result, their hard work goes completely to waste.

Through you, I would like to draw the attention of the Union Government, and particularly the Hon. Minister of Rural Development who is present in the House, to a pilot project developed by the University of Forestry and Horticulture in our State. Under this pilot project, fencing has been installed around fields and integrated with solar powered electric systems. When animals come into contact with the fencing, they are repelled and move away, while there is no harmful impact on human beings.

Therefore, through you, I would like to request that the Union Government, in coordination with the State Governments, consider introducing a suitable subsidy or scheme of this nature so that effective relief may be provided to our farmers. Thank you.

[English]

**HON. CHAIRPERSON:** S/Shri Bhairon Prasad Mishra, Anurag Thakur, Kunwar Pushpendra Singh Chandel, C.P. Joshi, P.P. Chaudhary Dr. Manoj Rajoria are allowed to be associated with the issue raised by Shri Virendra Kashyap.

**SHRI K. ASHOK KUMAR (KRISHNAGIRI):** In my constituency Krishnagiri, there are 24000 LPG consumers in Denkanikottai Taluk Headquarter. These consumers are from 10 village Panchayats in Kelamangalam Union and one Town Panchayat in Kelamangalam and 19 Village Panchayat in Thali union.

In Thali, Union 19 village Panchayats have 5000 consumers; 10 village Panchayats and one town Panchayat in Kelamangalam union have 6000 consumers. Denkanikottai is 12 km. away from Kelamangalam and 16 km. away from Thali. People in Thali have to drive 16 km. and people in Kelamangalam have to drive 12 km. to get gas cylinders at Denkanikottai gas agency. The public transporters do not allow people to carry the gas cylinders in their buses. Due to the moment of wild animals crossing the road from the forest, poor people have to face another burden of conveyance charges. The gas agency retailers deliver cylinders only on particular days at Kelamangalam union and Thali union areas. So the daily wages people and farmers are facing difficulty in getting gas cylinders on a regular basis.

So, I urge upon the Minister of Petroleum and Natural Gas, through you, to appoint two Gas Agencies at Thali and Kelamangalam areas. Thank you.

[Translation]

**SHRI SUMEDHANAND SARASWATI (SIKAR):** Hon. Chairperson, I would like to draw your attention to a very important issue concerning my Parliamentary Constituency. Khatu Shyam, located in my Lok Sabha constituency, is a major religious shrine where approximately 25 to 30 lakh devotees visit every year. This year, the fair is scheduled to be held from 16 March to 20 March. Thousands of residents from my constituency who are settled in Mumbai, Surat and Ahmedabad travel to the shrine by train. Similarly, a large number of devotees also come from Delhi. In total, nearly 25 to 30 lakh devotees visit during this period. Over the past several years, unfortunate accidents have occurred because many passengers travel sitting on the roofs of trains due to inadequate arrangements.

Through you, I would like to request the Hon. Minister to make arrangements for special trains during the period of the fair so that devotees can travel safely and conveniently. Thank you.

[English]

**HON. CHAIRPERSON:** S/Shri Sudhir Gupta, Bhairon Prasad Mishra, Manoj Rajoria and Kunwar Pushpendra Singh are permitted to associate with Shri Sumedanand Saraswati

[Translation]

**SHRI RAHUL SHEWALE (MUMBAI SOUTH CENTRAL):**

Hon. Chairperson, Sir, most of the major metropolitan cities of the country, particularly Mumbai and Delhi, are suffering from severe pollution. During the winter season, pollution levels rise further, as a result of which the common public has to face several serious diseases.

In my Parliamentary Constituency, there is a very large dumping ground in the Deonar area where Mumbai's waste is dumped. Due to frequent fires breaking out in this waste every day, toxic smoke spreads across the Deonar and Mulund areas. As a consequence, thousands and lakhs of residents living in these areas are suffering from lung cancer, asthma and other serious respiratory diseases. Extensive correspondence and meetings have taken place regarding the relocation of this dumping ground, but the local administration of Mumbai has remained completely indifferent. There is an urgent need to scientifically eliminate the Deonar dumping ground and to transform this area into a green and environmentally sustainable zone. I suggest that, in view of the seriousness of this matter, the Union Ministry of Environment and Forests should issue appropriate

directions through the Green Tribunal, declare this area a 'green zone', and forward the same to the Government of Maharashtra.

Hon. Chairperson, Sir, recently, in the first week of February, the System for Air Quality, Weather Forecasting and Research analysed the air quality of Mumbai and Delhi and found that certain areas of Mumbai, such as Chembur, Deonar, Mulund and Andheri, are more polluted than Delhi.

Therefore, through you, I would like to request the Hon. Minister for Environment and Forests to direct the Government of Maharashtra to scientifically eliminate the dumping grounds at Deonar and Mulund and relocate them to the outskirts of Mumbai, so that the residents of these areas may be relieved from serious diseases.

[English]

**HON. CHAIRPERSON:** Shri Arvind Sawant Shri Sudheer Gupta, Shri Chandra Prakash Joshi and Kunwar Pushpendra Singh Chandel are permitted to associate with the issue raised by Shri Rahul Shewale.

[Translation]

**KUNWAR PUSHPENDRA SINGH CHANDEL (HAMIRPUR):** Hon. Chairperson, Sir, I had intended to raise the issue relating to

jewellers. However, the matter concerning excise duty on the jewellery trade has already been raised in the House by several Hon. Members. Therefore, I would like to place before the House another issue pertaining to my Parliamentary Constituency.

Sir, I come from the Hamirpur Parliamentary Constituency in the Bundelkhand region. There is an acute shortage of water in our area. Due to this scarcity, the total sowing of crops during the current season was only about 12 percent of the normal area. Even after this limited sowing, farmers incurred heavy expenditure and somehow managed to arrange water to raise their crops. However, earlier this week, the region experienced severe hailstorms. Bundelkhand, which has been suffering from drought for the past ten to twenty years, is an area from where farmers have been forced to migrate. There is no water for livestock, no drinking water, and no water for irrigation. In such circumstances, the hailstorm has caused massive damage to crops.

Sir, through you, I would like to request the Union Government to direct the Government of Uttar Pradesh to immediately release compensation from the SDRF fund and credit the same directly into the bank accounts of the affected farmers.

[English]

**HON. CHAIRPERSON:** Shri Bhairon Prasad Mishra and Shri C.P. Joshi are permitted to associate with the issue raised by Kunwar Pushpendra Singh Chandel.

**SHRI Y.V. SUBBA REDDY (ONGOLE):** I wish to bring to your notice how Government of Andhra Pradesh is belittling two of the three Tiers of Panchayati Raj System, particularly with regard to implementation of Swarnajayanti Gram Swarozgar Yojana, by not obtaining resolutions from Gram Sabha, Mandal Praja Parishad, which are mandatory as per the guidelines issued under the scheme by the Ministry of Rural Development, for giving subsidized loans to *SC/ST/OBC* and Minorities.

Government of Andhra Pradesh is taking shelter under a G.O. No. 101 issued on 31<sup>st</sup> December, 2013, and constituted a Committee with three nominated members. The G.O. in 2013 was issued since there were no Panchayat Raj elected members as the term of the earlier PR institutions was expired. But, now, there are elected members. In spite of that, Government of Andhra Pradesh, instead of obtaining resolutions from Gram Sabha and Mandal Praja Parishad as mandated by the guidelines issued by Ministry of Rural Development, is

resorting to nomination method and appointing their party worker which is a clear violation of the spirit and Constitutional rights granted to the PRI elected Members.

Since banks have the final say in selection process of beneficiaries, request GOI to issue instructions to banks to accept resolutions from Gram Sabha and Mandal Parishad and also take elected representatives like Sarpanchs, MPTCs, ZPTCs members into consideration for implementation and monitoring of this scheme without relying on the recommendations of the nominated committee members.

**\*SHRI R K BHARATHI MOHAN (MAYILADUTHURAI):**

Hon.Chairman Sir, Vanakkam. Water is very much necessary for agriculture. It is very much significant to link all the rivers for providing irrigation to all parts of country, Hon.Chief Minister of Tamil *Puratchithalaivi* Amma has time and again urged the Union Government as regards the nationalization of rivers besides linking them together. The inter-linking of rivers can only be a permanent solution to all the existing Inter-State river water disputes. Particularly, the rivers in southern part of the country should be linked so as to solve the issues on water-sharing between southern States. Hon.Amma has been insisting on this point as it would ensure the socio-economic development of the people of southern States. Hon.Chief Minister of Tamil Nadu *Puratchithalaivi* Amma has been continuously stressing the need for inter-linking of southern rivers under the southern rivers development scheme. The Union Government should come forward to immediately implement the Athikkadavu-Avinashi flood canal scheme, as stressed by

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\* English English of the speech originally delivered in Tamil

Hon.Amma, with an allocation of Rs1,862 crore to Government of Tamil Nadu.

[Translation]

**SHRI VISHNU DAYAL RAM (PALAMU):** Hon. Chairperson, Sir, through you, I would like to raise during Zero Hour a matter of great importance from the perspective of the State of Jharkhand. I would like to speak about an illustrious son of Jharkhand, Birsa Munda. Born on 15 November 1875, Shri Birsa Munda inscribed the language of valour upon the pages of history with the ink of courage. He made sincere efforts to eradicate social evils from tribal society. He awakened social consciousness among the tribal communities, and the struggle he led against the British rule remains indelibly recorded in the annals of history. Such was his stature that he is revered not only in Jharkhand but also in Bengal, Odisha, and across tribal regions, where he is worshipped as a divine figure. Through you, I would like to request the Union Government to issue a commemorative postage stamp on the occasion of his 141<sup>st</sup> birth anniversary.

[English]

**HON. CHAIRPERSON:** Shri Chandra Prakash Joshi, Kunwar Pushpendra Singh Chandel, Shri Bhairon Prasad Mishra, Shri Sharad Tripathi and Shri Sudheer Gupta are permitted to associate with the issue raised by Shri Vishnu Dayal Ram.

[Translation]

**SHRI KANTI LAL BHURIA (RATLAM):** Hon. Chairperson, Sir, I am grateful to you for giving me an opportunity to speak during Zero Hour. Jhabua is a tribal-dominated district, where about 85 Percent of the population comprises tribal brothers and sisters. In the Meghnagar area of Jhabua district, a Special Industrial Area was established with the objective of promoting employment-oriented industries. Keeping in view the need to balance development with environmental protection, the Government of Madhya Pradesh maintained this balance until the year 2003. However, after the BJP came to power, permissions and licences were issued for the establishment of more than 175 industries from Gujarat and western Madhya Pradesh in this area. Contrary to the original intent, local residents have not been provided with employment in these industries. Due to hazardous levels of pollution caused by chemical waste from these units, several villages have witnessed a rise in heart ailments, cancer, and other serious diseases. Livestock and birds in the region are also being adversely affected. Despite repeated complaints at the local level, neither the Government of Madhya Pradesh nor the district

administration has taken any action. This is an extremely serious matter that requires urgent intervention.

Hon. Chairperson, similarly, jewellers across the country are on agitation. Many of them have been compelled to sell vegetables or are on the verge of selling tea to survive. Several Members have already raised this issue in the House. Associating myself with those concerns, I would like to urge the Government to address this issue with due seriousness. ...(*Interruptions*)

**SHRI BHANU PRATAP SINGH VERMA (JALAUN):** Hon. Chairperson, Sir, I thank you for giving me an opportunity to speak on this extremely important issue. In my Lok Sabha Parliamentary Constituency of Jalaun, as well as in the Garauta and Bhognipur areas of the Bundelkhand region of Uttar Pradesh, farmers had sown their Rabi crops after taking loans. On the evening of Monday, 07.03.2016, unseasonal rainfall accompanied by hailstorms completely destroyed their crops. Nine blocks of our district have been severely affected by this hailstorm. In the Jhansi district of our Lok Sabha Parliamentary Constituency, the blocks of Moth, Bamour and Gursana have also suffered extensive crop damage due to hailstorms.

Hon. Chairperson, another district, Kanpur Dehat, particularly the blocks of Malasa and Amraudha, has also witnessed unseasonal rainfall. While some areas faced hailstorms, others suffered due to unseasonal rains, as a result of which farmers have been badly devastated. They had somehow managed to sow their crops with great difficulty. Through you, I would like to urge the Union Government to conduct an immediate assessment and to provide maximum possible relief to those farmers who had sown their crops after taking loans.

[English]

**HON. CHAIRPERSON:** Shri Chandra Prakash Joshi, Kunwar Pushpendra Singh Chandel and Shri Bhairon Prasad Mishra are permitted to associate with the issue raised by Shri Bhanu Pratap Singh Verma

**SHRI NAGENDRA KUMAR PRADHAN (SAMBALPUR):** Mr. Chairman, Sir, I would like to draw your kind attention to a matter of urgent public importance. I represent Sambalpur Parliamentary constituency of Odisha. Deogarh district is a part of my constituency. Deogarh district headquarters has got a sanction of Rs. 150 crore for construction of District headquarters, hospital building, staff quarters

and other facilities. The previous Government has given the sanction. But this Government has taken a decision that if the projects are, at present, under construction then only they will sanction them, and treat them as ongoing projects. This Deogarh District is a naxal affected area and more than 80 per cent people, who are residing there, are tribal. Around 57 per cent of the total land is the forest land. Due to scarcity of land, the District Administration could not be able to locate the land. Now, the land has been located and allotted in favour of District hospital's name.

I would, through you, like to request the Hon. Health Minister to renew the previous sanction and the earmarked amount is to be spent for that purpose without further delay.

**SHRI K. PARASURAMAN (THANJAVUR):** Hon. Chairman, Sir, I would like to request the Government to reconsider Direct Benefit Transfer Scheme planned by the Government for kerosene from April 2016 as being done for LPG.

I also want to bring to the notice of the Government that our Hon. Puratchi Thalaivi Amma has been consistently opposing direct benefit transfer to replace subsidised essential commodities like food and fertiliser with cash payments since the availability of these critical

commodities is more important than saving on the subsidies. The Government has informed that under the scheme, the consumer would be required to pay the full un-subsidized price of kerosene at the time of purchase. The subsidy amount will then be subsequently directly transferred to their bank accounts. The kerosene is used by a number of poor people in the country and they may not have additional amount to pay for kerosene at the time of purchasing.

Therefore, I request the Government to provide subsidized kerosene to the State Government as being done before. Our Hon. Chief Minister Puratchi Thalaivi Amma had already urged the Government to make a special allocation of 19,100 kilolitre of kerosene in addition to the regular allotment to be supplied to the 38.20 lakh households without LPG connection in the flood-affected districts. However till now the Union Government does not give any response on the request of our Hon. Chief Minister Puratchi Thalaivi Amma. Hence, the special allocation of kerosene should be made by the Government immediately.

[Translation]

**SHRI SUDHEER GUPTA (MANDSOUR):** Hon. Chairperson, through you, I would like to urge the Hon. Minister, Shri Arun Jaitley,

to give due consideration to this matter. Gold in India is not merely a matter of trade but is deeply associated with emotion and tradition. Gold jewellery is worn and manufactured alike in cities as well as villages across the country. At present, the Government has presented an excellent Budget, which has brought satisfaction to every section of society. However, the middle-class manufacturers, traders and artisans engaged in the making of gold jewellery are facing serious difficulties. The cause of their distress is the excise duty that has recently been imposed by the Government. Large manufacturing firms such as Tanishq, which sell and manufacture jewellery worth Rs. 5,000 to Rs. 10,000 crore annually, have been placed in the same category as small manufacturers and traders who produce jewellery by hand or with small machines. I would like to request that small manufacturers and small traders be exempted from excise duty registration and all associated procedural requirements, so that this popular and people-oriented Budget may be further strengthened by this positive and meaningful inclusion. ...(*Interruptions*)

[English]

**HON. CHAIRPERSON:** Shri Bhairon Prasad Mishra, Dr. Manoj Rajoria, Shri Vishnu Dayal Ram and Kunwar Pushpendra Singh

Chandel are permitted to associate with the issue raised by Shri Sudheer Gupta.

[Translation]

**DR. MANOJ RAJORIA (KARAULI-DHOLPUR):** Hon. Chairperson, Sir, through you, I would like to draw the attention of the House to the extensive damage caused by the heavy hailstorm that occurred in Rajasthan last week. Several districts of Rajasthan experienced severe hailstorms, resulting in substantial damage to the rabi crop. Farmers had nurtured the hope that they would at least recover from the losses suffered last year.

### **19.00 hours**

However, once again, they have been struck by the fury of nature. Rajasthan constitutes nearly 10 percent of the country's total geographical area, yet it has access to only about 1 percent of the nation's water resources. Farmers are perpetually grappling with water scarcity, and the additional blow of a hailstorm has proven devastating for them. Through you, I would like to urge the Union Government to ensure that immediate relief is provided to the affected farmers, either through the NDRF or through any other appropriate mechanism, without delay.

[English]

**HON. CHAIRPERSON:** Shri Bhairon Prasad Mishra, Shri Chandra Prasad Joshi and Kunwar Pushpendra Singh Chandel are permitted to associate with the issue raised by Dr. Manoj Rajoria.

Dr. K. Gopal.

**DR. K. GOPAL (NAGAPATTINAM):** Hon. Chairperson, Sir, thank you.

Fishing in India is a major industry in its coastal States employing 30 million people. India has 7,517 kilometres of marine coastlines, 3,827 fishing villages, and 1,914 traditional fish landing centres. Even after 68 years of Independence, the fishermen community has not developed in education and socio-economic status. There are many long-pending demands from these 30 millions fishermen community in the country.

There is a need for a separate Ministry for Fishers and Fishermen Welfare.

An exclusive bank in the name of National Bank for Fisheries and Fishermen Development shall be established for their benefits.

Letter of Permit shall be provided to the traditional fishermen.

Traditional fishermen community should be accorded with the Scheduled Tribe status.

Also fishing has to be recognized on par with agriculture. The fishermen should be provided with benefits and concessions as agriculturists.

The fishermen shall be provided with fuel at cost price without any Central taxes and cess.

The fishermen community has to be provided with waiver of loans by the Government since they are the first ones to suffer from floods and cyclones.

I wish to record in this august House the steps taken by the Hon.Chief Minister, Puratchi Thalaivi Amma, since 1991 for retrieving Katchatheevu back. Amma had filed a petition in the Supreme Court seeking the declaration of the 1974 and 1976 agreements between India and Sri Lanka on ceding of Katchatheevu to Sri Lanka as unconstitutional.

I urge upon the Hon. Prime Minister to take appropriate steps for the immediate release of 64 fishermen, to secure 77 fishing boats

from the Lankan custody and to also retrieve Katchatheevu back.  
Thank you.

[Translation]

**SHRI SHARAD TRIPATHI (SANT KABIR NAGAR):** Hon. Chairperson, Sir, the present Government has brought forward a Budget focused on the welfare of farmers, for which I would like to express my special gratitude to the Hon. Prime Minister. The Union Government is introducing welfare-oriented schemes for farmers and soldiers through development initiatives. I come from Uttar Pradesh. At present, Board examinations, High School, Intermediate and B.A. examinations are underway there. In rural areas, electricity supply has been disconnected without any prior notice and in a mala fide manner in villages where students reside whose fathers are farmers. Even the electricity supply to Sanekhurd village in Sant Kabir Nagar district, which I have adopted under the Sansad Adarsh Gram Yojana, has been disconnected. This gives the impression that the present Uttar Pradesh Government has no concern for the hardships of farmers and soldiers. Through you, I would like to request that the Union Government issue directions to the Uttar Pradesh Government to ensure that electricity supply is not disconnected in any village during

examination periods. The disconnection of electricity in an adopted model village, in particular, indicates that the local Executive Engineer is acting on mala fide instructions of the State Government.

[English]

**HON. CHAIRPERSON:** Shri Bhairon Prasad Mishra, Shri Chandra Prasad Joshi, Shri Sudheer Gupta and Kunwar Pushpendra Singh Chandel are permitted to associate with the issue raised by Shri Sharad Tripathi.

Dr. T.G. Venkatesh Babu.

**SHRI T.G. VENKATESH BABU (CHENNAI NORTH):** Thank you, Hon.Chairperson, Sir.

The Government of India, in the Union Budget 2015-16 announced establishment of an AIIMS in Tamil Nadu. Consequent upon this, a Central Team visited the State in April 2015 and inspected all the five locations viz., Sengipatti in Thanjavur District, Chengalpattu in Kancheepuram District, Pudukottai Town in Pudukottai District, Perundurai in Erode District and Thoppor in Madurai District where the required extent of lands were already identified by the State Government. However, so far, the final

decision of where the AIIMS in Tamil Nadu would be set up is yet to be communicated by the Government of India. In this connection, our Hon.Chief Minister of Tamil Nadu, Dr. Amma, has already written letters to the Union Government.

I shall, therefore, urge upon the Union Government to kindly take necessary steps that the construction and establishment of AIIMS in Tamil Nadu may be taken up on priority and adequate funds for the same may be sanctioned without delay. Thank you.

[Translation]

**DR. UDIT RAJ (NORTH-WEST DELHI):** Hon. Chairperson, Sir, I would like to draw your attention to the problems of my Lok Sabha Parliamentary Constituency of North West Delhi. The farmers there are facing severe distress because their land has been acquired by the Delhi Development Authority (DDA). In cases where a farmer owned 30 acres of land and even one acre could not be acquired, he is not being allotted an alternative plot. On the other hand, a person who owned only one acre of land and whose land was acquired by the DDA has been given an alternative plot. In this manner, injustice is being done to large farmers and to those farmers whose entire land has not been acquired.

Hon. Chairperson, Sir, in the rural areas of Delhi, Section 81 is in force, under which if a farmer's land remains unused for three years, the Government takes it over. This has become a major source of exploitation. The Lal Dora area was demarcated during British rule and has been expanded only once in independent India. The population there has increased substantially. I have repeatedly requested that the Lal Dora area in the North West Delhi Lok Sabha Parliamentary Constituency be expanded.

Hon. Chairperson, Sir, the Munak Canal, which flows from Haryana to Delhi, supplies water to the residents of Delhi. There is no boundary wall along the Munak Canal. The Delhi Government has been unable to undertake this work, resulting in contamination of water. The treatment plant is also not able to purify the water fully, and as a result, the people of Delhi are consuming contaminated water.

Through you, I would like to request the Government to advise the Delhi Government to construct a boundary wall along the Munak Canal. Thank you.

[English]

**HON. CHAIRPERSON:** Shri C.P. Joshi, Kunwar Pushpendra Singh Chandel, Shri Sharad Tripathi and Shri Bhairon Prasad Mishra are permitted to associate with the issue raised by Dr. Udit Raj

The House stands adjourned to meet again on Monday, 14<sup>th</sup> March, 2016 at 11 a.m.

**19.07 hours**

*The Lok Sabha then adjourned till Eleven of the Clock on  
Monday, March 14, 2016/Phalguna 24, 1937 (Saka)*

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