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Shravana 5, 1938 (Saka)

LOK SABHA DEBATES

(English Version)

Ninth Session

(Sixteenth Lok Sabha)



(Vol. XVIII Contains Nos.1 to 10)

LOK SABHA SECRETARIAT

NEW DELHI

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No. 8, Wednesday, July 27, 2016/Shravana 5, 1938 (Saka)

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LOK SABHA DEBATES

LOK SABHA

Wednesday, July 27, 2016/Shravana 5, 1938 (Saka)

The Lok Sabha met at Eleven of the Clock

[HON. SPEAKER *in the Chair*]

... (*Interruptions*)

[*English*]

HON. SPEAKER: I will allow you in 'Zero Hour', not now.

11.01 ½ hours

***ORAL ANSWERS TO QUESTIONS**

HON. SPEAKER: Q. No. 141, Shri Vinod Kumar Sonkar.

(Q. 141)

[*Translation*]

SHRI VINOD KUMAR SONKAR: Hon. Madam Speaker, I would like to begin by extending my congratulations to my Government and the Hon. Prime Minister for presenting, for the first time in the country, a Budget dedicated to the welfare of the villages, the poor, and the farmers, keeping their concerns at the forefront.

Hon. Madam Speaker, the Postal Department too is an issue directly linked with the villages, the poor, and the farmers. The Hon. Minister has provided detailed information in his reply. In the Allahabad Postal Division, there are two districts - Allahabad and Kaushambi. These were bifurcated in the year 1997, yet even today,

* For Questions, please visit <https://sansad.in/ls/questions/questions-and-answers> .

no Head Post Office has been established in Kaushambi district. All routine functions such as cash distribution to sub-post offices, implementation of schemes, speed post, registered post, parcel, and money order services continue to be operated from Allahabad.

Hon. Madam Speaker, a communication revolution has taken place in the country, and several means of communication have been developed. People talk on mobile phones, use laptops, and there is widespread discussion on Digital India. However, even today, the villagers, the poor, the farmers, and the labourers remain dependent on the post office. The Government has spent crores of rupees to connect the Postal Department with Core Banking Solutions and to make it technologically empowered. The Reserve Bank of India and the Union Government have accorded in-principle approval for operating the India Post Payments Bank. In order to achieve complete financial inclusion across the country through schemes such as the Pradhan Mantri Jan Dhan Yojana, the Atal Pension Yojana, and other social security initiatives being implemented by the Hon. Prime Minister, will the Government grant permission for these schemes to be operated through the post offices?

SHRI MANOJ SINHA: Hon. Madam Speaker, the Hon. Member has asked three questions in one. His primary concern is that after

the bifurcation of Allahabad, the newly formed Kaushambi district does not have a Head Post Office. It is true that the Postal Department has, from the beginning, laid down certain strict norms stipulating that whenever new districts are created, bifurcation takes place only if there are at least sixty or more Sub-Post Offices. At present, there are about fifteen such newly created districts in the State of Uttar Pradesh where Head Post Offices could not be established. I have taken due note of the issue raised by the Hon. Member and will apprise him of the position in this regard.

Naturally, under the initiative of the Hon. Prime Minister, we have commenced Core Banking Services at around 22,688 locations. The few remaining places are due to technical reasons or non-availability of broadband connectivity. The Reserve Bank of India has granted us permission for the India Post Payments Bank, and I expect that by September 2017, we shall be able to start this service at about 650 locations. A large number of accounts for welfare and social security schemes, such as the Sukanya Samriddhi Yojana and MGNREGA, are already being maintained in post offices. In the coming days, the schemes mentioned by the Hon. Member, such as the Atal Pension Yojana and the Jan Dhan Yojana, will also be implemented through our upcoming postal banks. This Government

has taken steps in the direction of ensuring that ordinary citizens receive the maximum possible benefit in a transparent manner. I would like to express my gratitude to my predecessor, Shri Ravi Shankar Prasad, whose dedication in advancing this Department will yield visible results in the days to come.

SHRI VINOD KUMAR SONKAR: Hon. Speaker, under the leadership of the Hon. Prime Minister, nearly Rs. 27,000 crore of the hard-earned money of poor labourers, which had remained unpaid in various companies across the country, has almost been returned through the creation of a common and unique EPFO number. Through you, I would like to ask the Hon. Minister that there are about 1,51,000 post offices in the country, and many of them have a large number of silent accounts. In these silent accounts lie thousands of crores of rupees belonging to the poor, the labourers, and the farmers of the nation. For various reasons, either their legal heirs have not claimed it, or their family members have not taken note of it, or those who deposited the money themselves have forgotten about it such enormous sums continue to remain unclaimed in these accounts.

Through you, I would like to know from the Hon. Minister whether the Government proposes to return the money lying in these

silent accounts to their rightful heirs and, in cases where there are no heirs, whether the Government will consider utilising such unclaimed funds for social welfare purposes.

SHRI MANOJ SINHA: Hon. Speaker, the suggestion made by the Hon. Member is indeed valid. However, legally, unless the rightful heir is identified, the deposited amount cannot be handed over to anyone else. It is also true, as pointed out by the Hon. Member, that there are numerous such accounts whose details have not yet been traced, and the money remains with our Department. The decision regarding whether such unclaimed funds may be utilised for social welfare purposes rests with the Ministry of Finance.

DR. UDIT RAJ: Hon. Speaker, I would like to draw the attention of the Hon. Minister to the fact that my Lok Sabha constituency, North West Delhi, faces a severe shortage of post offices. One Assembly Constituency, Kirari, has a population of nearly four-and-a-half lakh, yet there is no post office there. Another place is Rohini Sector 25, and similarly Metro Vihar Phase-I and Phase-II, as well as Holambi Kalan, also do not have post offices. I have already written letters in this regard. No post office exists in Krishna Vihar, Bawana, Rohini Sectors 23 and 24, or even in Kuthubgarh village in Delhi. There is no post office in Mangolpur Kalan, Bhagya Vihar, or

Ranikhera either. I have been writing repeatedly on this matter. In Rohini Sector 15, even though sanction has been granted, the building has not yet been constructed. In Badli, the post office is being run in a rented building, and a new building ought to be constructed. At other places, the computer operators appointed are not properly trained, as a result of which delivery is not taking place, and proper inventory management is also not possible. Postal delivery is being done through private persons. Therefore, I would request the Hon. Minister to resolve this issue.

SHRI MANOJ SINHA: Hon. Speaker, the Hon. Member had written three letters. One was regarding Kirari, Suleman Nagar in Kirari. This point would be within the knowledge of the Hon. Member. His two other proposals related to New Delhi, one of these has already been approved by the Department and a Sub-Post Office was opened; the second was for Sector 22, Rohini. The Department examined it and found it not justified, but even then, the Department made efforts to locate a site, though no suitable land could be found. The third request concerned Sector 21, Rohini, New Delhi. This too was examined by the Department and it was found not to be justified. It is true that we are facing a shortage of postal personnel and that earlier we used to open new post offices under the Plan Head. I

believe that ours is the country with the largest number of post offices, more than one-and-a-half lakh. Over the last three years, we have opened new post offices through redeployment. We have also requested the Government for support, and I feel that in the coming days we shall endeavour to extend this facility to more people. We have diverted some of our services in another direction so that our financial position can become self-sufficient. It is true that in urban areas, the norms make it difficult to open new post offices. However, considering the suggestion of the Hon. Member, whatever appropriate action is required will be taken, and I shall inform him of the same at the earliest.

[English]

SHRI E.T. MOHAMMAD BASHEER: Thank you Madam. I am quite happy to note that the post offices in our country are undergoing a rejuvenation process following the introduction of core banking system in post offices.

Madam, these are really revolutionary changes taking place in the post office sector. Besides this, the Government have linked post offices with many other financial and welfare activities. The very success of all these depends upon the infrastructure development of post offices such as building, ICT and connectivity issues. For

example, in my constituency, there are seven post offices having its own land but we have not constructed buildings. We are paying Rs. 65,000 as rent every month. I am asking the Minister whether the Government will have any programme of action to develop the infrastructure facilities in the post offices.

[Translation]

SHRI MANOJ SINHA: Hon. Speaker, regarding the question raised by the Hon. Member, on upgrading technology and ensuring the earliest possible commencement of Core Banking Services, I would like to inform him that our Government is committed to ensuring that the maximum number of ordinary citizens benefit from the social security schemes being implemented across the country. Out of 25,493 post offices, we have completed the work in approximately 22,688. In the coming days, we are also going to commence the India Post Payments Bank. As far as these seven post offices are concerned, I shall personally provide him with the details. However, it is true that in rural areas, buildings are no longer available, and the existing policy is that the work is carried out in the house of the person appointed as a Gramin Dak Sevak. We do provide them with a fixed salary. At many places, we do have our own buildings for Sub-Post Offices and Head Post Offices. As our

financial position improves, we shall strengthen this infrastructure in the coming days.

[English]

SHRI M. CHANDRAKASI: I would like to know from the hon. Minister the details of number of post offices – banks sanctioned and functional in Tamil Nadu and the details of such banks with ATM facilities in the State. I also request that the post office in Veppur block in my constituency be upgraded as a Taluk Post Office with all facilities.

[Translation]

SHRI MANOJ SINHA: Hon. Speaker Madam, the Hon. Member has sought information regarding his Lok Sabha constituency, and I shall provide him the relevant figures in writing. He has also urged for the upgradation of postal facilities. I would like to assure him that our Department is certainly committed to this, and we shall make efforts in that direction.

(Q. 142)

[Translation]

SHRI SUKHBIR SINGH JAUNAPURIA: Hon. Speaker Madam, our nation is, in fact, a country of the youth. Nearly 65 per cent of the population is below the age of 35, and about twenty-seven and a half per cent fall within the age group of 15 to 29 years. Among the numerous scams that occurred in the past ten years, one took place in the Ministry of Sports as well. At present, about fifty federations are functioning in the country. These federations work largely in urban areas, and opportunities are extended mainly to children who come with recommendations. Through you, I would request the Hon. Minister to direct these federations to ensure that children from rural areas also receive opportunities and that the federations take steps to nurture their talent.

On this subject, I would like to submit one more point. For the last 15-20 years, the same individuals have been occupying the post of President. The Hon. Minister has also referred to irregularities in his reply. Transparency will have to be ensured in their elections so that new people may also get an opportunity. I would also submit that due to sports activities in their youth, many sportspersons suffer from back pain, knee problems, or other such ailments, but there is

no arrangement in place for their future, as a result of which they become a burden on their families in old age.

I would like to ask the Hon. Minister what arrangements have been made to ensure that sportspersons do not become a burden on their families in their old age.

SHRI VIJAY GOEL: Hon. Speaker Madam, the Hon. Member has asked several questions together. Sports is a State subject; the promotion of sports is the responsibility of the States, while achieving excellence in sports is the responsibility of the Centre. It is indeed heartening that sports is receiving greater encouragement in the country, and at present, 119 sportspersons from India are going to participate in the Olympics. There are presently forty-nine federations in the country which we have recognised. It is not correct to say that no check is kept on them. In fourteen cases, we have found irregularities and have suspended their recognition, whether due to issues in their elections or their failure to follow our Code of Conduct.

It would not be proper to say that selections are made on the basis of recommendations. A considerable number of selections are merit-based. The House would be pleased to know that the sportspersons who participate in the Olympics and in other events

such as the Commonwealth Games largely come from rural backgrounds and from the North-East. Our Hon. Prime Minister has stated that sports in the North-East must receive even greater encouragement. Alongside this, we aim to develop a sports complex in every district. It is true that there is some shortage of funds. Only yesterday, while replying in the Rajya Sabha, I stated that if any MP contributes fifty per cent towards any sports project, the Ministry of Sports will provide the remaining fifty per cent as a grant. The House will be pleased to know that several MPs in the Rajya Sabha have agreed to this.

SHRI SUKHBIR SINGH JAUNAPURIA: Madam, as the Hon. Minister is saying that Members of Parliament should contribute fifty per cent, I would submit that MPs will indeed contribute fifty per cent, but for this, the MPLADS fund of Rs. five crore needs to be increased to Rs. twenty-five crore.

HON. SPEAKER: Please ask your question.

SHRI SUKHBIR SINGH JAUNAPURIA: As the Hon. Minister has stated, the Wrestling Federation of India had recently been supervising the training of Indian wrestlers. Despite this, a case of food contamination has come to light. Wrestler Narsingh Yadav and athlete Inderjeet Singh have failed the dope test. The Hon. Prime

Minister has taken this matter seriously, as these young sportspersons have failed the dope test. This has caused great loss to the country. It might well have been possible for them to win gold medals or several other medals. Somewhere, the Wrestling Federation of India has been negligent, owing to which this case of food contamination, affecting these young sportspersons, has been shown on television today.

Through you, I would request the Hon. Minister that just as the Wrestling Federation of India was preparing these two young wrestlers to participate in the Olympics, similarly, second-ranked wrestlers such as Parveen Rana should also have been trained in parallel. Had any case of doping arisen, the second-ranked sportspersons could then have been sent in their place.

HON. SPEAKER: Please ask your question. You are not to make a speech on this subject.

SHRI SUKHBIR SINGH JAUNAPURIA: Will the Hon. Minister state whether any action will be taken against the Wrestling Federation of India in view of the irregularities detected in it?

I would also like to ask the Hon. Minister one more question: in earlier years, an announcement had been made regarding the

construction of stadiums in our districts and blocks. Has there been any progress in this regard?

SHRI VIJAY GOEL: Hon. Speaker Madam, I would first like to clarify to the Hon. Member that I did not ask for fifty per cent of Rs. five crore, that is, two-and-a-half crore rupees. Whatever project you propose in your constituency, you may clear fifty per cent of the cost of that project. ...*(Interruptions)* As regards the point raised by Shri Jaunapuria, NADA (National Anti-Doping Agency) functions under WADA (World Anti-Doping Agency). Our reports are immediately sent to them. When such matters are detected in respect of sportspersons, any action is taken only after receiving the report of the Anti-Doping Panel that we appoint. In the case of one sportsperson, the situation has now become clear. In this regard, his suspension is provisional. The final report will be received in a day or two, and it will then be placed before you.

[English]

SHRIMATI MAUSAM NOOR: Madam, India, despite its demographic dividend and young population, is yet to find a space in global sports and athletics map. Sensing this critical achievement gap, the UPA Government introduced Rajiv Gandhi Khel Abhiyan in February, 2014 which replaced Panchayat Yuva Krida and Khel

Abhiyan. Along with the same, two other sports projects were launched by UPA – Urban Sports Infrastructure Scheme and National Sports Talent Search Scheme. These programmes were merged and rechristened as *Khelo India*.

I would like to know from the hon. Minister whether the Government has been able to identify exceptional talents from rural and tribal areas and other backward areas under *Khelo India* scheme. If yes, what progress is shown by these individuals in their chosen field of sports.

[*Translation*]

SHRI VIJAY GOEL: Hon. Speaker Madam, we have been continuously engaged in talent hunting. This is not something that started today; it has been ongoing for many years. The three schemes that you mentioned earlier required substantial contribution from the States, which often did not materialise. Therefore, under the Khelo India Scheme, we are now making efforts to ensure that whether it is talent hunting, sports stadiums, sports complexes, or the expansion of sports to villages and other areas, all these components are being brought under the Khelo India framework. For this, we shall establish a competitive structure from the lower to the higher levels so that we may correctly identify deserving sportspersons. At

present, we have 59 SAI (Sports Authority of India) Training Centres, fifteen Centres of Excellence, and five National Sports Academies. We are now going to set up eight more academies for individual disciplines through which we shall provide better training and also discover talent more effectively.

SHRI RAGHAV LAKHANPAL: Hon. Speaker Madam, during the past two-three days, there has been considerable discussion and concern on the very issue raised by the esteemed Member, Shri Jaunapuria. The allegations of doping levelled against our sportspersons, whether these are part of a conspiracy against them or against the Wrestling Federation or sports bodies, is a matter for investigation. I would like to draw attention to the fact that anabolic steroids are freely available in the market and are being misused at various levels in sports. In order to curb such manufacturers and suppliers because my Starred Question No. 159 today also relates to this.

HON. SPEAKER: That is why I allowed you.

SHRI RAGHAV LAKHANPAL: In the reply I have received, it has been stated that NADA does not have any legal authority over manufacturers and suppliers. NADA may not have such authority, but the Government certainly does. Manufacturers and suppliers

who are making anabolic steroids freely available in the market without any prescription are ruining the careers of sportspersons. Will the Government take any steps in this regard?

SHR VIJAY GOEL: Hon. Speaker Madam, the Hon. Member has raised a very pertinent question. The Government will give full attention to this matter.

[English]

HON. SPEAKER: Shri Prasun Banerjee.

... (Interruptions)

HON. SPEAKER: Only the question of Shri Prasun Banerjee will go on record.

*Interruptions ... **

SHRI PRASUN BANERJEE: Madam, I thank you for giving me a chance to ask a question.

Madam, I am also an Olympian. I am also the first footballer to come as a Member of Parliament. So, I give thanks to all my colleagues. I want to congratulate everyone for coming first in

* Not recorded.

football. I want to suggest to the Minister through you that all the sports federations in India are useless.

HON. SPEAKER: Please do not say something like that.

SHRI PRASUN BANERJEE: Why are our Ministers not interfering? This Government should intervene immediately. Let me tell you about our football fraternity. I was a footballer and also the Captain of my team. *[Translation]* Earlier, we were within the top 90, but today our FIFA ranking in football has fallen to 155. This is the state of football now. The Football Federation is doing nothing for the sport. There is no talent searching, nor do they bring promising children from the villages. Through you, I would like to inform the Hon. Minister that football in our country is being ruined. The Mohun Bagan team and the East Bengal team are our national teams. In the year 1911, these very clubs had defeated English football teams. Yet these teams receive no recognition. The game of football, which is a popular sport in India, is declining. Therefore, we must save football. The people sitting in the Federation merely sit at home and make grand statements.

HON. SPEAKER: Please ask your question. I have allowed you because you are a sportsperson.

SHRI PRASUN BANERJEE: Madam, I would like to say to the Hon. Minister that what steps are you going to take, through these federations, to save football? The Sports Minister must take responsibility. I would like to know what the federations in our country are doing.

SHRI VIJAY GOEL: Hon. Speaker Madam, the Hon. Member has done well to raise a question related to football. You may recall that our Hon. Prime Minister had recently said that apart from cricket ...*(Interruptions)*

[English]

SHRI K.C. VENUGOPAL: What about NADA's issue? ...
(Interruptions)

[Translation]

SHRI VIJAY GOEL: Please address your issue to the Chair. The Hon. Prime Minister has stated that apart from cricket, games such as football, hockey, kabaddi and kho-kho must also be encouraged. You will be pleased to know that by next year there will be a wave of football fever across the entire country. This year, we are organising the BRICS Football Tournament. Thereafter, in the year

2017, the FIFA World Cup is going to be held, which will take place in six major cities. We have already begun preparations to ensure that football reaches even those clubs located in lanes, localities and small towns. Our Government is going to take this forward.

[English]

SHRI C.K. SANGMA: Madam, I read the answer of the hon. Minister saying that the guidelines are not very specific. The guidelines are only to certain areas of election and monitoring. It is important that the Government should intervene and should put guidelines on the way they will function. As the Member had earlier said, there should be more involvement of rural areas and States. That is my first point.

Secondly, the Government has put up a very good scheme where it is saying that it is going to put 50 per cent for districts and all these areas. My first point is that 50 per cent is not enough. I think we need to put more. My request to the hon. Minister and also the hon. Prime Minister who is here is that they should give more funds for this. Also, instead of having bigger stadiums in big cities, I think we should have small, small stadiums in all areas. I would request the Minister to look into that aspect as well.

[Translation]

SHRI VIJAY GOEL: Your suggestion is good, and for this the State Governments will also have to increase their budgets. In Gujarat alone, there is a budget of Rs. Five hundred crore for sports ...*(Interruptions)* You do not listen... ...*(Interruptions)*

HON. SPEAKER: Please give your answer.

SHRI VIJAY GOEL: Accordingly, we are holding meetings with State Governments and also with representatives from the corporate sector. We have spoken to ASSOCHAM and FICCI as well so that we may mobilise maximum funds for the National Sports Fund. Whatever funds any corporate contributes, we receive a matching grant from the Ministry of Finance. Our endeavour is to promote sports and to establish sports complexes at the district level.

[English]

SHRI K.C. VENUGOPAL: What has happened to Narsingh Yadav's issue? ... *(Interruptions)*

[Translation]

HON. SPEAKER: Two questions have already been asked on this matter. You may give notice for a discussion on it.

(Q. 143)

[English]

SHRIMATI P.K. SHREEMATHI TEACHER: Madam, I thank you very much for allowing me an opportunity to ask a question about the AMRUT Scheme. Our hon. Prime Minister has declared the AMRUT Scheme in the month of June 2015. Under this, 500 cities are going to be benefited and developed and Rs.50,000 crore will be spent on AMRUT Scheme. It was the declaration. The Scheme is very nice. Money is also there. But the implementation part is very poor. My question, through you, is this. How many States have submitted the State Annual Action Plan under AMRUT? What is the real expenditure? Is there any mechanism to monitor this important project, if not, whether the Government is ready to constitute an Expert Joint Committee to monitor this Scheme for speedy implementation?

RAO INDERJIT SINGH: Madam, there seems to be some misconception. Rs.5,000 crore is not the amount that has been earmarked for AMRUT. Over five years, in Mission Mode, the Government of India will spend Rs.50,000 crore and not Rs.5,000 crore. The Mission was launched only in July last year. Already, the Annual Action Plans of all States and Union Territories, where this

Mission is applicable, have already been approved by the Ministry of Urban Development. For the next year, which is the current year, fifty per cent of the States have already had their Annual Action Plans submitted to the Government of India. Out of that, fifty per cent of the amount that has been undertaken under the Annual Action Plan has already been earmarked for these States that have submitted their Annual Action Plans. I think, within this time period of one year, a great achievement has been made under Mission Mode conceived by the Prime Minister wherein the Annual Action Plans of all the States for the year 2015-16 have already been approved. Hereafter, if there are any deformities or dysfunctionalities, they will be addressed as time comes along.

SHRIMATI P.K. SHREEMATHI TEACHER: Madam, my second question is this. Kannur Corporation in my constituency is also included under the AMRUT Scheme. The Kannur Cantonment area is not included under the Scheme, even though it comes under the Defence. The Kannur Cantonment is the only cantonment near the Arabian Sea which is the headquarters of Defence Security Corps and Territorial Army. The population is below 5000. Most of the civilians are poorest of the poor. Most of them are Anglo-Indians. I would like to know whether the Government and the hon. Minister

is ready to include the small part of that Kannur city under the AMRUT Scheme.

RAO INDERJIT SINGH: Madam, there is a clearly defined criteria by which these 500 cities have been selected. The civil areas of cantonments are part and parcel of the cities that have been selected if their population is one lakh and above.

SHRIMATI P.K. SHREEMATHI TEACHER: Madam, this is in the middle of the city.

RAO INDERJIT SINGH: The civil area has to be part and parcel of a city whose population is over one lakh. The other criterion is that the capital towns of all States have been included. The third criteria is that the HRIDAY cities where there is heritage involved, have been selected and also towns on the main stems of rivers with a population of 75,000 but less than one lakh have also been selected. Apart from that, there are other criteria as well. Cantonments if they fall within the criteria that have been laid down by the Government of India will be part and parcel of this Mission. If the criteria do not apply, then they will not be. On the issue of the city that Madam has asked for, I will let her know separately whether her city falls within the criteria or not.

[Translation]

SHRI OM BIRLA: Madam Speaker, under the AMRUT Scheme, for the first time, the Government has drawn up a plan for infrastructure development in 500 cities. Certainly, through infrastructure, development will take place in cities with populations below ten lakh as well as those above ten lakh. Hon. Minister, we had decided that we would also undertake urban development in these cities through Public–Private Partnership. Would the Hon. Minister kindly inform us in how many cities development projects have been planned through Public–Private Partnership, and in how many cases stakeholders have actually participated under Public–Private Partnership? In several small municipalities, when the State Government is required to provide the two-thirds share and the Urban Local Body the remaining one-third, many municipalities, municipal corporations or local bodies remain financially weak. This is a very important scheme, and for the first time in the country any Government has prepared a plan for infrastructure development. It would be appropriate if the Union Government and the State Governments, through mutual efforts, frame a plan for development under Public-Private Partnership.

[Translation]

RAO INDERJIT SINGH: Madam, under the AMRUT Mission, the effort is not to create infrastructure in the conventional sense; rather, the emphasis is being placed on sewerage systems. Priority is being given to augmenting water supply systems, establishing sewage treatment plants, rehabilitating old water supply systems, and rejuvenating water bodies that have dried up or become defunct but can still be utilised for drinking water supply. When any State submits its Annual Action Plan to the Union Government and the Ministry of Urban Development, we approve it. After approval, the State, in accordance with the prescribed norms-namely, the share of expenditure to be borne by the State and that to be provided by the Centre, which ranges from 50 per cent to 90 per cent in many places receives funds from the Centre. The remaining 50 per cent is to be borne by the State through its own resources. Out of this, 20 per cent must be the State's own contribution, and the remaining 30 per cent may be mobilised either through the PPP mode or through foreign funding agencies. In every State, at many locations, work is being undertaken through foreign funding as well as through the PPP mode. The list is very extensive, and I shall provide the details separately in respect of the Hon. Member's query.

SHRI GAURAV GOGOI: Madam Speaker, with your permission, I would like to speak from here.

Madam, the majority of India's population resides in villages, but studies indicate that in the coming years, half of the population will move to cities. Nearly fifty crore people will reside in towns and cities. Today, various Government schemes exist for the development of towns and cities, whether the Smart Cities Mission or the AMRUT Scheme. However, it is being observed that these schemes are benefitting only those cities and towns which are already developed, and only those States which already possess higher revenue. I would like to present one example. In reply to an earlier question, the Hon. Minister Shri Vijay Goel stated that the Hon. Prime Minister has said that greater priority must be given to the North-Eastern States. Yet, under the AMRUT Scheme, the North-Eastern States have been allotted only twelve towns. In comparison, if we look at the State of Gujarat, it has received thirty-one towns under the same scheme.

Madam, we would like to know how the North-East can be given greater priority under this scheme. Can each State of the North-East be allotted at least ten towns on the basis of a suitable criterion? Otherwise, the same situation will continue, namely, that

the Western States, which are already more developed, will continue to receive a greater number of towns under these schemes.

RAO INDERJIT SINGH: Madam, according to the Census of 2011, 31 per cent of the country's population resides in urban areas, amounting to approximately 4,041 towns and cities identified in that Census. It is estimated that by the year 2050, nearly 60 per cent of India's population will be living in cities, having migrated from villages to urban areas. The burden on existing cities is increasing, their infrastructure is deteriorating, and as more people move into them, there is a pressing need to strengthen the infrastructure, including water supply systems and sewerage facilities. It is for this purpose that we have the AMRUT Mission, the Smart Cities Mission, and several other missions which have been launched by the Government of India under the leadership of Shri Narendra Modi. My submission is that in the coming years, we shall have to place much greater emphasis on urban areas, because their population is increasing every day. This is not unique to our country; it is a global phenomenon. In every country that has advanced or developed, people have migrated into cities. The same trend is beginning here as well. As far as the Hon. Member's core question regarding the North-East is concerned, I would like to state that

under the Government led by Shri Narendra Modi, special attention has indeed been paid to ensuring that the North-Eastern region is given greater importance than others ...(*Interruptions*)

[*English*]

HON. SPEAKER: Please do not interrupt like that.

... (*Interruptions*)

[*Translation*]

HON. SPEAKER: That is not how it should be. Hon. Minister, please complete your reply.

... (*Interruptions*)

RAO INDERJIT SINGH: Under the AMRUT Scheme, funds are provided to many States in the ratio of 50:50, that is, fifty per cent from the Union Government and fifty per cent from the State Government. As far as the North-East is concerned, ninety per cent of the funds are provided by the Union Government, and only ten per cent has to be borne by them. ...(*Interruptions*)

[*English*]

HON. SPEAKER: Nothing will go on record.

...(Interruptions)...

SHRI SHIVKUMAR UDASI: First of all, I would congratulate the hon. Prime Minister for starting this ambitious project of developing 500 cities in the country and making improvement in the infrastructure facilities. My question is this. ... (*Interruptions*)

In Annexure-II, the hon. Minister has given an answer regarding the fund-sharing pattern under AMRUT. For cities/towns with a population up to ten lakh, the Centre and the State are sharing 50 per cent each. But in Karnataka, when it comes to the 50 per cent share of the Government of Karnataka, they are saying that 30 per cent would be borne by the urban local bodies and 20 per cent by the State Governments. It will be very unfortunate to say this. The urban local bodies are not being financially strengthened. They do not have that much of money. I would like to know whether the Government has given any mandatory direction to them that 50 per cent should be given by the State Government. The Government of Madhya Pradesh is funding 40 per cent from the State Government and ten per cent from the urban local bodies. My question to the hon. Minister is whether they are giving any mandatory instructions to the

* Not recorded.

State Government so that the urban local bodies are not strained. Otherwise, they should also allow municipal bonds and the funds could also be taken from other financial institutions on long-term basis.

RAO INDERJIT SINGH: Madam, the direction that has been issued to the States is that they must themselves contribute at least 20 per cent of the 50 per cent that has been allocated to their share. Fifty per cent is given by the Government of India; 50 per cent will have to be given by the urban local bodies and the State Governments whose share is defined and mandated to be at least 20 per cent. If the urban local bodies do not have funds, they are free to enter into public-private partnership. They are also free, as was earlier answered on the Question previous to this one, to get foreign funding as well. The Government of India cannot give directions on how a State should make up its 50 per cent share. We have approved our Annual Action Plan. We are funding 50 per cent. Thereafter, the States must contribute their 50 per cent for the Mission to be successful.

SHRI BAIJAYANT JAY PANDA: Madam, this Scheme is very well-intentioned but it has two flaws which I would like to bring to the hon. Minister's attention. Firstly, he refers to 31 per cent

urbanization as per the 2011 Census but there are many studies which show that if we follow the Chinese norms and other norms which are common world-wide, we have about 50-55 per cent urbanization already. There is one flaw in this. If you simply go by the population criteria, the cities and the towns which already exist are getting these funds. The reality is that States like Bihar and Odisha which have much more population in rural areas with small towns are getting excluded from this.

I urge the hon. Minister to reconsider the norms so that some of these towns where a lot of urbanization is happening will get considered in this scheme.

RAO INDERJIT SINGH: Madam, this 31 per cent that I mentioned was according to the 2011 census, which was five years ago. The rate of urbanization is quite dramatic and I may not be able to substantiate how much it is because we do not really have the figures but I think there is a substantial increase in the population of towns and cities.

What I wish to answer the hon. Member is that we are looking at first strengthening those cities which have a large population. Thereafter we will go down to the smaller ones. In the first mode, up to 2020, 500 of these cities have been taken up. But the *Swachh*

Bharat Mission, which has an all-encompassing view, has taken up all 4,041 cities which have been urbanized even though they may not have urban local body. So, I think this is a process which needs to be continuously monitored and we will consider his suggestions as sympathetically as possible.

(Q.144)

[English]

KUMARI SUSHMITA DEV: Madam, Speaker, the answer of the hon. Minister is clear that when it comes to telecom tariffs or the price of mobile data, all these matters are under the purview of TRAI, being regulated by TRAI, and it is not necessary that the Ministry interferes in it. That is the nature of the answer.

I would like to point out that Section 11 of the TRAI 1997 Act says that TRAI can recommend licensing terms, tariffs etc. to the Government of India.

We always remember our late Prime Minister Rajiv Ji when we talk of IT revolution and the idea was to make it inclusive and affordable to all, especially the marginalized class. But this Question specifically is addressing about the price of what we commonly call the data packs and its validity period to make it more affordable.

My specific question to the hon. Minister is that whereas TRAI plays a role of recommending to the Government of India, but it is the Government of India which actually decides on the terms and conditions of licensing. So, can the Government of India think of inserting a clause or a condition in the terms and conditions that for

the marginalized class and remote areas like the North-Eastern States a certain tariff, a certain criteria must be followed to show some leeway to them?

[Translation]

SHRI MANOJ SINHA: Hon. Madam Speaker, the point raised by the Hon. Member is indeed correct; this matter falls within the purview of TRAI. Recently, on 5 July, TRAI considered this issue and has placed the Telecom Consumers Protection Act Amendment (10) on its website and is seeking public comments. Responses have been invited up to 2 August. Normally, after receiving comments, TRAI takes a decision within three to four weeks. The Ministry is also in touch with TRAI. As regards the point raised by the Hon. Member about extending the validity period from 90 days to 365 days so that consumers may receive relief and benefit, I believe that in the coming days due consideration will certainly be given to the Hon. Member's sentiments, and the interests of consumers will indeed be protected.

[English]

KUMARI SUSHMITA DEV: Madam, the hon. Minister has talked about 10th amendment which is regarding a draft policy and it is in

the public domain. But I believe that the functioning of the TRAI and the powers of the TRAI have been called into serious question in the light of recent judgement of May 2016²⁰¹⁶ with regard to call drops. In the month of October 2015²⁰¹⁵, the TRAI had passed a regulation to impose a fine or a penalty on telecom companies for call drops up to Rs.1 to a maximum of three call drops in a day. But that has been struck down by the Supreme Court saying that the TRAI does not have the power to impose penalties. *[Translation]* It is true that the Union Government will bring the 10th Amendment after consulting the users of the country. But my question to the Government is this: if you do not give TRAI the power to impose penalties or fines, then how effective will this amendment and these consultation policies be for consumers? I have doubts about the benefit that consumers will actually receive.

SHRI MANOJ SINHA: Hon. Speaker Madam, the disincentive clause already exists for telephony, and the Hon. Member's core concern is that it should apply to data services as well. I cannot make any comment on the Hon. Supreme Court. However, this matter certainly falls within the jurisdiction of TRAI, and TRAI is examining it. The Ministry and TRAI are in constant discussion on such issues.

KUMARI SUSHMITA DEV: Please increase the powers of TRAI. Kindly amend the Act.

SHRI MANOJ SINHA: If such a need arises, we shall certainly enhance those powers. Please do not worry. The telecom sector in our country has been a successful story, though in recent days some black spots have appeared upon it. But with regard to the issue of call drops that has been raised, I would like to assure the House that our Government will remove this black spot. Only two days ago, we called all the telecom operators and, under the statutory powers available to the Government, issued necessary directions to them. I would like to assure the House that the commitments made by them, which have also appeared in the Press include an investment of approximately Rs. 20,000 crore in infrastructure in the coming year and the installation of more than one lakh BTS units. Based on the progress made in the last forty-five days, I can say that the targets given to them have been met, and they will have to continue meeting them in the future as well. We firmly believe that only when the consumer is satisfied can we say that the Government is truly working and that the Department is functioning properly.

SHRI JYOTIRADITYA MADHAVRAO SCINDIA: Madam Speaker, today the real strength of our country rests upon

information and technology. This Government itself has said, “Har haath ko hunar.” The question raised by my colleague relates to the present situation of call drops. Wherever we go, calls drop within ten seconds. How, then, will people receive information? In today’s times, information is the greatest source of power. The Government has neither given a satisfactory reply nor taken satisfactory action on this matter so far.

HON. SPEAKER: Shri Jyotiraditya Ji, please ask your question.

SHRI JYOTIRADITYA MADHAVRAO SCINDIA: We would like to know from the Hon. Minister, as he has recently taken charge of this Department, whether he can assure the House as to when this situation of call drops, now prevalent across the entire country will be resolved.

Along with this issue, there is also the matter of data, because data is equally important. IIT Delhi has conducted a study. On the basis of that study, it has been found that in Jharkhand, Madhya Pradesh, Rajasthan and Delhi, network capacity in several areas is only around 35 per cent, and there is frequent switching between 2G and 3G. As far as bandwidth is concerned, it is very low. For example, in Rajasthan, where operators have claimed that their capacity is 100 per cent, the IIT Delhi study states that the actual

capacity is only 60 per cent. In Madhya Pradesh, where operators have claimed 99 per cent capacity, the study reports it to be only between 35 per cent and 60 per cent.

I would like to ask the Hon. Minister what steps his Ministry and TRAI will take regarding these discrepancies. Kindly reassure this House and the people of the country.

Furthermore, regarding the advertisements issued by operators claiming connectivity of 14 to 16 Mbps, connectivity which is not actually received, what action does the Ministry and the Government intend to take? Kindly reassure the House on this as well.

SHRI MANOJ SINHA: Madam Speaker, TRAI has already released an application regarding data. On both Android and iPhone operating systems, any consumer may check the data speed being provided. It is true that there are difficulties, as the Hon. Member has informed the House. The study conducted by IIT Delhi has been taken note of by the Department as well as by TRAI. We are in constant touch with them. As I have already assured the Hon. Member, only two days ago we convened a meeting of all telecom operators and issued certain directions to them.

I want to assure the House that we are diligently overseeing this task with responsibility. Our government is committed to this. I believe that in the coming three to four months, the members of the House will also feel the positive improvements.

SHRIMATI RITI PATHAK: Madam Speaker, my question is very simple, yet I believe it is extremely important for the people of the country and for the ordinary middle-class family. Over the past few years, there has been a continuous increase in internet pack rates, call rates, and top-up values. I would like to know whether the Government has formulated any plan for regulating this. If so, what plan has been made? And if not, why has no such plan been made?

SHRI MANOJ SINHA: As far as pricing is concerned, it is printed on the pack, and the operators keep providing information to TRAI. If needed, the Government will intervene, and the Department will ensure that no injustice is done to consumers.

HON. SPEAKER: Shri Chandrakant Khaire : Not present.

Shri Harishchandra Chavan.

(Q. 145)

SHRI HARISHCHANDRA CHAVAN: Madam, in parts (b) and (c) of the Minister's reply, it has been stated that the Ministry does not have figures regarding the arrest of Non-Resident Indians accused of deceiving Indian women into marriage under false pretences. On grounds of confidentiality, foreign Governments do not share such information with Indian Missions or the Ministry. Information about arrests made in India is also not available with the Ministry, as this falls under the jurisdiction of the State Governments. If this is so, how will Indian women get justice? I would also like to know which community most of the women who have been deceived belong to.

SHRIMATI SUSHMA SWARAJ: Madam Speaker, the entire House, including you, would agree that assisting Indians who are in distress abroad has become a very high priority for this Government. Disputes arising out of NRI marriages also fall within this category. I would like to acknowledge the truth that this problem is as serious as it is complex. We face many difficulties in resolving such disputes. I have mentioned all those hurdles in my written statement. The Hon. Member referred to part (b); that is indeed correct. The biggest difficulty we face is that, owing to privacy laws in other

countries, they do not share information with us. An even greater difficulty is that foreign courts do not understand family traditions in the same way as they are understood in India. Even an ex parte decree for divorce is not treated by them as a grave matter, and therefore they grant divorce immediately. If the case is filed in India, summons cannot be served easily. The moment the person concerned learns that summons have been issued, he changes his address, and thus service of summons cannot be completed. That is why I had written about these two main difficulties. As for the question of which community these women belong to, I simply cannot have such data. What difference would it make? When I say that I assist any Indian stranded abroad, considerations of caste, language, region or community become irrelevant. For me, that person is an Indian, purely and simply an Indian and that woman is an Indian. Therefore, I do not understand what the Hon. Member seeks to achieve by obtaining such a statistic.

SHRI HARISHCHANDRA CHAVAN: NRIs marry Indian women by making false claims and showing false prestige, and they take large amounts of money from the bride's family in the name of dowry. After the marriage, they return abroad on the pretext of arranging a visa for their wives.

12.00 hours

After that, they do not return and, if they do, they come back after contracting a second marriage. This is how they deceive Indian women through NRI marriages. Even when the women manage to go abroad, they often discover that the husband already has another wife. Such women are subjected to various atrocities abroad. To provide relief to Indian women facing such atrocities abroad, India has signed agreements with 13 countries. A Parliamentary Forum has also been constituted to look into such cases. Through you, I would like to know how many actions have been taken so far through this Forum.

SHRIMATI SUSHMA SWARAJ: Madam Speaker, we have created a portal, which we launched on 21 February 2015, and we have named it *MADAD*. As I have stated in my written reply, we have received 246 complaints through this portal, out of which we have resolved 172. In addition to the portal, we received 362 complaints through post and e-mail, of which we have resolved 344. But I would also like to say that not only the Ministry of External Affairs, but also our Ministry of Women and Child Development and the National Commission for Women have made resolving NRI marriage disputes a priority. The Ministry of Women and Child

Development has formed an inter-ministerial committee in which there are two officers from the Ministry of External Affairs and one from their own Ministry. We have advised them to include a representative from the National Commission for Women and one from the Ministry of Law and Justice as well. They are jointly examining where the present provisions pose difficulties and where relaxation is required. Alongside this, the National Commission for Women has constituted a five-member expert committee and a four-member subcommittee. We are awaiting their recommendations. I would also like to inform the House that a petition has been received by the Rajya Sabha Committee on Petitions, and they are hearing the matter. We await their recommendations as well. I believe that, collectively, as we are trying to resolve this issue, whatever relaxations or changes are required in the rules will be made so that we may provide an effective solution to this problem.

HON. SPEAKER: Hon. Members, I have received notices of adjournment motions on various subjects from Shri Deepender Hooda, Shri Jai Prakash Narayan Yadav, Shri P. Karunakaran, Prof. Saugata Roy, Prof. K. V. Thomas, Shri Rajesh Ranjan, Shri Shailesh Kumar alias Bulu Mandal, Shri Rajeev Satav, Shri K. H. Muniyappa, Shri Tariq Anwar and Shri Kodikunnil Suresh.

Although these matters are important, it is not necessary to interrupt the proceedings of the House for them. These matters may be raised on other occasions.

Therefore, I have not granted permission for the adjournment motions.

***WRITTEN ANSWERS TO QUESTIONS**

Starred Question Nos. 146 to 160

Unstarred Question Nos. 1611 to 1840

12.03 hours**PAPERS LAID ON THE TABLE**

HON. SPEAKER: Now Papers to be Laid.

THE MINISTER OF STATE OF THE MINISTRY OF PLANNING, MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF HOUSING AND URBAN POVERTY ALLEVIATION (RAO INDERJIT SINGH): On behalf of Shri M. Venkaiah Naidu, I beg to lay on the Table a copy of Notification No. S.O.1544 (E) (Hindi and English versions) published in Gazette of India dated 27th April, 2016, appointing the 1st day of May, 2016 as the date on which the provisions, mentioned therein, of the Real Estate (Regulation and Development) Act, 2016 shall come into force under sub-section (3) of Section 1 of the said Act.

[Placed in Library, See No. LT 4942/16/16]

THE MINISTER OF STATE OF THE MINISTRY OF PLANNING, MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF HOUSING AND URBAN POVERTY

ALLEVIATION (RAO INDERJIT SINGH): I beg to lay on the Table:-

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

(i) Review by the Government of the working of the Mumbai Metro Rail Corporation Limited, Mumbai, for the year 2014-2015.

(ii) Annual Report of the Mumbai Metro Rail Corporation Limited, Mumbai, for the year 2014-2015, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

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

[Placed in Library, See No. LT 4943/16/16]

(3) A copy of Notification No. S.O.1265(E) (Hindi and English versions) published in Gazette of India dated 31st March,

2016, continuing to assign the additional charge of the post of Claims Commissioner for Delhi Metro Rail Corporation Limited to Shri Satish Chandra, General Manager (Legal), DMRC for a further period upto 3rd July, 2016 or until further orders, whichever is earlier, for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to person, or damage to any property arising out of the working of the Delhi Metro issued under Section 48 of the Metro Railway (Operation and Maintenance) Act, 2002.

[Placed in Library, See No. LT 4944/16/16]

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION, THE MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE, MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, THE MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY AND THE MINISTER OF STATE IN THE DEPARTMENT OF SPACE (DR. JITENDRA SINGH):

Hon. Madam Speaker, I beg to lay on the Table:-

- (1) A copy of the Notification No. G.S.R. 673(E) (Hindi and English versions) in Gazette of India dated 8th July, 2016 making certain amendments in the Second Schedule to the Right to Information Act, 2005 under sub-section (2) of Section 24 of the said Act.

[Placed in Library, See No. LT 4945/16/16]

- (2) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of Section 3 of the All India Services Act, 1951:

- (i) The Indian Police Service (Fixation of Cadre Strength) Second Amendment Regulations, 2016 published in Notification No. G.S.R.326(E) in Gazette of India dated 21st March, 2016.
- (ii) The Indian Police Service (Pay) Second Amendment Rules, 2016 published in Notification No. G.S.R.327(E) in Gazette of India dated 21st March, 2016.
- (iii) The Indian Administrative Service (Cadre) Second Amendment Rules, 2016 published in Notification No. G.S.R.426(E) in Gazette of India dated 19th April, 2016.
- (iv) The Indian Police Service (Pay) Third Amendment Rules, 2016 published in Notification No. G.S.R.467(E) in Gazette of India dated 29th April, 2016.
- (v) The Indian Police Service (Fixation of Cadre Strength) Third Amendment Regulations, 2016 published in Notification No. G.S.R.468(E) in Gazette of India dated 29th April, 2016.

- (vi) The Indian Administrative Service (Fixation of Cadre Strength) Amendment Rules, 2016 published in Notification No. G.S.R.469(E) in Gazette of India dated 29th April, 2016.
- (vii) The Indian Administrative Service (Pay) Amendment Rules, 2016 published in Notification No. G.S.R.470(E) in Gazette of India dated 29th April, 2016.
- (viii) The Indian Police Service (Fixation of Cadre Strength) Fourth Amendment Rules, 2016 published in Notification No. G.S.R.583(E) in Gazette of India dated 7th June, 2016.
- (ix) The Indian Police Service (Pay) Fourth Amendment Rules, 2016 published in Notification No. G.S.R.584(E) in Gazette of India dated 7th June, 2016.
- (x) The Indian Administrative Service (Regulation of Seniority) Amendment Rules, 2016 published in Notification No. G.S.R. 495(E) in Gazette of India dated 10th May, 2016.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND FARMERS WELFARE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.S. AHLUWALIA):

Madam, on behalf of Shri Manoj Sinha, I beg to lay on the Table a copy of the Indian Post Office (Amendment) Rules, 2016 (Hindi and English versions) published in Notification No. G.S.R. 80 in weekly Gazette of India dated 28th May, 2016 under sub-section (4) of Section 74 of the Indian Post Office Act, 1898.

[Placed in Library, See No. LT 4947/16/16]

[English]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE AND MINISTER OF STATE IN THE MINISTRY OF CORPORATE AFFAIRS (SHRI ARJUN RAM MEGHWAL): I beg to lay on the Table a copy of the 26th Progress Report (Hindi and English versions) on the Action Taken pursuant to the Recommendations of the Joint Parliamentary Committee on Stock Market Scam and matters relating thereto, June, 2016.

[Placed in Library, See No. LT 4948/16/16]



12.04 hours

**COMMITTEE ON PRIVATE MEMBERS' BILLS AND
RESOLUTIONS**

24th Report

DR. M. THAMBIDURAI (KARUR): I beg to present the Twenty-fourth Report (Hindi and English versions) of the Committee on Private Members' Bills and Resolutions.

12.04 1/2 hours

MOTION RE: 33rd REPORT OF BUSINESS

ADVISORY COMMITTEE

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND FARMERS WELFARE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.S. AHLUWALIA): I

beg to move:

“That this House do agree with the Thirty-third Report of the Business Advisory Committee presented to the House on 26th July, 2016.”

HON. SPEAKER: The question is:

“That this House do agree with the Thirty-third Report of the Business Advisory Committee presented to the House on 26th July, 2016.”

The motion was adopted.

12.05 hours**SUBMISSION BY MEMBER****Re: Dope Testing in Sports**

[Translation]

SHRIMATI RANJEET RANJAN (SUPOL): Madam Speaker, since yesterday all television channels have been discussing the Wrestling Federation and Shri Narsingh Yadav. The country had expected that he would bring a medal from the Rio Olympics; we were hoping for a gold medal. We do not know whether he was trapped in a doping case or whether he consumed it himself, but reports are now coming in that the name of Shri Parveen Rana has been put forward. The name of an international wrestler was removed and his name was suggested, and he fulfilled the required criteria. Today, on the one hand, NADA's decision is awaited, and on the other hand it has already become clear that Shri Parveen Rana will go. A player works hard for many years and dreams of the Olympics; now he will have to wait another four years for a chance. This is a very big setback for any sportsperson. I myself have been a lawn tennis player. I know how hard players work. Many go into depression. In the corruption being shown today, two possibilities

arise, either he took the substance himself, or someone gave it to him. It is being reported that the brother of an international player is involved in this; the cook is also recognising him; something objectionable was mixed into his food. I would like the Government to get this investigated by the CBI. If anyone has acted in such a manner to prevent a player from going to the Olympics, it is a heinous crime and deserves the strictest punishment. This is an affront to the entire country and to the player. Today there is so much politics in the Boxing Federation and the Wrestling Federation. A film was also made on Mary Kom; that too reflected a truth. It is extremely important that the Government pays attention to those players who work so hard to raise the nation's flag, but at the last moment receive such a setback that they fall into depression and become desperate. I again urge for a CBI inquiry, and that whoever has committed this heinous act should receive the harshest punishment.

HON. SPEAKER: Shri Ravindra Kumar Jena, Shri Mohammad Badaruddoza Khan, Shri Rajesh, Shri P. K. Biju, Shri P. Karunakaran, Kunwar Pushpendra Singh Chandel and Dr. Sanjay Jaiswal are permitted to associate themselves with the issue raised by Shrimati Ranjeet Ranjan.

Shri Satyapal Singh

... (*Interruptions*)

HON. SPEAKER: Shri Bidyut Baran Mahato

... (*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND FARMERS WELFARE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.S. AHLUWALIA):

Madam Speaker, this matter had come up this morning during Question Hour and a reply had been given. However, the issue raised just now by the Hon. Member will be brought to the notice of the Government, and I shall request that a statement be made.

...(*Interruptions*)

HON. SPEAKER: Shri Bidyut Baran Mahato

... (*Interruptions*)

THE MINISTER OF CHEMICALS AND FERTILIZERS AND THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI ANANTKUMAR): Madam Speaker, we informed the Minister yesterday. He will give a statement. ...(*Interruptions*)

HON. SPEAKER: It does not happen immediately. He has said so; perhaps you did not hear.

...(Interruptions)

SHRI SATYA PAL SINGH (SAMBHAL): Madam Speaker, I would like to draw your attention to a very important matter. I draw your attention to the far-reaching consequences of air pollution on the climate and environment of our country. Due to decreasing forest resources and increasing population, the air pollution being generated is having a widespread impact on the country's atmosphere. According to figures taken from the American Space Agency, NASA, Greenpeace claims that for the first time in the past century, India's air quality has become worse than that of China. According to Greenpeace's report, out of the world's twenty most polluted cities, thirteen are in India.

Madam Speaker, pollution has a direct impact on human life, animals, birds and vegetation. At present, there are only 39 monitoring stations to measure air quality in India, whereas China has 1,500 such stations. Due to air pollution, poisonous gases accumulate in pits and wells. The toxic particles of these gases settle

in such places. In my Lok Sabha constituency, people are falling victim to these poisonous gases. Although such incidents occur from time to time, in my Parliamentary Constituency there is a village called Malpur Jannu. On 24 July 2016, in a kudiya (well) of village Bilari, three persons died due to a high concentration of toxic gas. Whoever went down into that kudiya (well) lost their life one after another.

Madam, through you, I would request the Government that concrete steps be taken at the earliest to improve the air quality in our country, and that new monitoring stations be established for this purpose. By strengthening the monitoring system and working on long-term policies, we can protect not only human beings, but also animals, birds and plants. Through you, I would also like to request that the Uttar Pradesh Government be directed at the earliest to provide maximum possible financial assistance to the families of those who died in the kudiya(well) in village Bilari. Thank you.

HON. SPEAKER: S/Shri Bhairon Prasad Mishra, Ajay Misra Teni, Sudheer Gupta, Rodmal Nagar, Kunwar Pushpendra Singh Chandel and Dr. Manoj Rajoria are permitted to associate themselves with the issue raised by Shri Satyapal Singh.

SHRI BIDYUT BARAN MAHATO (JAMSHEDPUR): Hon. Madam Speaker, the State of Jharkhand is endowed with immense mineral wealth. Through you, I would like to draw the attention of the Government to an important matter concerning my region. Within the Jamshedpur Lok Sabha constituency lies Jaduguda–Narwa (UCL), where I had earlier, through this very House, requested the establishment of a nuclear power plant. On 18 February 2016, Dr. Shekhar Basu, Chairman of the Atomic Energy Commission of India, visited the area. He found abundant uranium deposits in and around Jaduguda and Narwa. Uranium is found only in Jharkhand and Andhra Pradesh. For producing 1,000 megawatts of electricity, 160 tonnes of uranium are required, whereas the country currently produces between 500 and 900 tonnes. According to the survey conducted by AMD, the area has such vast reserves of uranium that electricity can be generated for the next 1,000 years.

Madam, through you, I would like to bring to the notice of the Hon. Minister that considering the quantity of uranium found in Jaduguda and Narwa in the Jamshedpur Parliamentary Constituency, Shri Shekhar Basu has stated that if the State Government provides land, a nuclear power plant can be set up there. Therefore, through

you, I urge the Government to establish a nuclear power plant at this location.

HON. SPEAKER: S/Shri Bhairon Prasad Mishra, Kunwar Pushpendra Singh Chandel, Shri Sudheer Gupta, Shri C. P. Joshi and Shri Rodmal Nagar are permitted to associate themselves with the issue raised by the Shri Bidyut Baran Mahato.

SHRI NISHIKANT DUBEY (GODDA): Hon. Madam Speaker, through you, I would like to place before this House a very important matter. Pakistan is attacking Kashmir from all sides, whether internally or externally, by misleading the youth, through terrorism, or through infiltration. In the same manner, it is also creating conditions to weaken Kashmir economically.

Madam, there is a Tulbul Navigation Project. Pakistan refers to the same project as the Wullar Barrage Project. When we signed the Indus Water Treaty with Pakistan in 1960, we clearly identified four points specifying what works we could undertake. You may recall that the recent floods in Srinagar were also linked to the non-completion of the Tulbul Navigation Project. The Tulbul Project lies on the eastern and western banks of the Jhelum river. 'Wullar' means 'wall'. When the Jhelum river flows from Srinagar, it enters Wullar Lake, and from there it proceeds to Sopore and Baramulla districts.

It was for this reason that the Union Government conceived this project in 1984-85, and its tender was issued in 1987, after which work commenced.

Madam Speaker, if you look at the entire region comprising Srinagar, Sopore and Baramulla, you will find extensive apple orchards. If the navigation system in this region is strengthened, apple production will increase significantly. With higher production, the young people of the region who, owing to unemployment, may otherwise take the path of terrorism or anti-national activity will not do so, because with good navigation facilities, the cost of producing apples will reduce substantially and the cost of transportation will also decrease. When Pakistan understood that completion of the Tulbul Navigation Project would bring prosperity to the people of Kashmir and lead them towards greater development, it made every effort to obstruct it.

Madam, the condition of Wullar Lake is such that it is much larger than Dal Lake. In fact, Dal Lake is not even one-tenth of its size. With this, tourist flow to Dal Lake will increase significantly, apple navigation will improve, and more people will gain employment. For the last thirty years, since 1987, the Union

Government has been negotiating with Pakistan, but the negotiations have not reached any conclusion so far.

Through you, I would like to say to the Government that China has constructed a dam on the Brahmaputra river. Floods occurred because of Nathpa-Jhakri, and the Union Government could not stop China. The Union Government must not allow itself to be stopped by Pakistan, and the Tulbul Navigation Project must, under all circumstances, be completed at the earliest so that the youth there may obtain employment and return to the mainstream.

HON. SPEAKER: Shri Rodmal Nagar, Shri Sudheer Gupta, Shri Sumedhanand Saraswati, Dr. Manoj Rajoria, Kunwar Pushpendra Singh Chandel, Shri C. P. Joshi, Shri Ravindra Kumar Jena, Shri Bhairon Prasad Mishra and Shri Sharad Tripathi are permitted to associate themselves with the issue raised by Shri Nishikant Dubey.

12.16 hours**LOKPAL AND LOKAYUKTAS (AMENDMENT) BILL, 2016***

[English]

THE MINISTER OF STATE OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION, MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE, MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY AND MINISTER OF STATE IN THE DEPARTMENT OF SPACE (DR. JITENDRA SINGH): Madam Speaker, I beg to move for leave to introduce a Bill to amend the Lokpal and Lokayuktas Act, 2013.

HON. SPEAKER: The question is:

“That leave be granted to introduce a Bill to amend the Lokpal and Lokayuktas Act, 2013.”

The motion was adopted.

DR. JITENDRA SINGH: I introduce the Bill.

* Published in the Gazette of India, Extraordinary, Part-II, Section-2 dated 27.07.2016

SHRI SIRAJUDDIN AJMAL (BARPETA): Madam Speaker, I thank you very much for permitting to raise a matter of urgent public important pertaining to the State of Assam.

The preparation of National Register of Citizens (NRC) is in progress in Assam. It is a very commendable work. Here, I would like to bring to the notice of the Government of India, through you, that the minorities, especially Muslims are being harassed in the name of preparation of NRC on flimsy reasons. Our party, AIDUF demands that no Bangladeshi should stay in Assam. But genuine citizens should not be harassed.

Secondly, I would like to bring another important factor to the notice of this august House that overnight, devastating floods have totally destroyed the houses in Assam. In such a situation, people would rush to save their children and other family members rather than saving documents. So they are without documents now. But officers do not give them copies and these are genuine citizens of Assam are labeled as foreigners.

So, I would like to request the Government, through you, that these people should not be harassed while preparing the National Register of Citizens. This is our express demand.

SHRI MOHAMMAD SALIM (RAIGANJ): Madam Speaker, I want to associate with him.

HON. SPEAKER: You can associate.

[Translation]

Sushri Sushmita Devi, Shri Radheshyam Biswas, Shri Mohammad Salim, Shri Md. Badaruddoza Khan, Shri Sankar Prasad Datta, Shri M.B. Rajesh, and Shri P.K. Biju are permitted to associate with the issue raised by Shri Sirajuddin Ajmal.

SHRI ANOOP MISHRA (MORENA): Hon. Speaker, I would like to draw your attention towards Madhya Pradesh, and in particular towards tourism. Under the guidance of the Hon. Prime Minister, NITI Aayog has decided to promote tourism. My region consists of ravines, the areas along the Chambal, Kunwari and Asan rivers. This region is spoken of everywhere in a particular manner. It was the capital of King Bhoj during the Mahabharata period, known as Kuntalpur, and it was also the residence of Kunti. The temple of Harisiddhi Devi is located here. In the eighth and tenth centuries, various types of temples and structures were built in Mitawali, Padawali and Sihoniya. However, the Archaeological Survey of India is not undertaking their preservation. All these places should

be connected to the main tourism circuit. Kakanmath has been constructed on the pattern of Khajuraho, yet there is no transport facility to reach it. I have requested that a road be constructed through the Central Road Fund. Until this location is linked to the central circuit, tourists will not be able to reach it.

Madam Speaker, I am pleased to say that today we are sitting in the Lok Sabha Chamber, whose design Sir Lutyens created after visiting the temple at Mitawali, modelling it on the Yogini temple. Another special feature is that the stone used here is also sandstone from Morena and Gwalior.

Madam Speaker, through you, I would like to request the Hon. Minister that Mitawali, Padawali, Sihoniya and Kakanmath, along with Pahargarh, where the World Heritage Site of Bhimbetka is located, as well as the Mahabharata-era caves with ancient paintings at Likhichaj near Pahargarh, be linked to the main tourism circuit. Along with this, employment opportunities should be created for the people there, and efforts to enhance the importance of these places should be expedited. This is my humble request through you.

HON. SPEAKER: Shri Prahlad Singh Patel, Shri Bhairon Prasad Mishra, Shri C. P. Joshi, Shri Sudheer Gupta, Shri Rodmal Nagar, Shri Sharad Tripathi, Dr. Manoj Rajoria and Dr. Virendra Kumar are

permitted to associate themselves with the matter raised by Shri Anoop Mishra.

[English]

SHRI M.B. RAJESH (PALAKKAD): Thank you Madam Speaker. The State Bank of Travancore is the backbone of Kerala's economy. It is known as Kerala's own bank with 850 branches across the State. It has a deposit of more than Rs. 1 lakh crore and an advance of Rs. 67,000 crore. Its CD ratio is 67 per cent while that of State Bank of India it is only less than 55 per cent. It has given more than 60 per cent of Education Loan in the State. It tops the list of priority sector lending in the State also.

It is evident from these statistics that the State Bank of India has a crucial role as far as the Kerala's economy is concerned. It caters to the needs of small business, small and marginal farmers, traders and students. This shows the importance of State Bank of India. The decision to merge the State Bank of Travancore with the State Bank of India will have serious implications on the Kerala's economy. Now, the entire process of merger itself is not transparent. A provision of more than Rs. 1,170 crore have been made for the merger and now there is an attempt to create an impression that the State Bank of Travancore is in debt which is not proper.

Therefore, the Kerala Assembly has adopted a near unanimous Resolution against the merger of State Bank of Travancore with the State Bank of India.

Hence, I would like to urge upon the Union Government to respect the sentiments of the people of Kerala and the unanimous Resolution adopted by the Kerala Assembly and withdraw the decision to merge the State Bank of Travancore with the State Bank of India.

HON. SPEAKER: Shri P.K. Biju, Shri P. Karunakaran, Shri K.C. Venugopal, Shrimati P.K. Shreemathi Teacher, Shri Mullappally Ramchandran, Shri M.K. Raghavan, Shri M.I. Shanavas, Shri Kodikunnil Suresh, Shri Jose K. Mani, Shri N.K. Premachandran, Shri Md. Badaruddoza Khan and Shri Sankar Prasad Datta are permitted to associate with the issue raised by Shri M.B. Rajesh.

[Translation]

DR. RAMESH POKHRIAYAL NISHANK (HARIDWAR):

Madam Speaker, Haridwar is the spiritual capital of the entire world.

...(Interruptions)

HON. SPEAKER: Please associate yourself in writing.

...(Interruptions)

DR. RAMESH POKHRIAYAL NISHANK: Madam Speaker, Uttarakhand is the heaven on earth. People from all over the world come there for darshan and to touch and bathe in the sacred waters of the Ganga, a World Heritage river. My submission is that the National Highways from Muzaffarnagar to Haridwar, from Haridwar to Dehradun, from Haridwar to Rishikesh, and from Roorkee to Dehradun are in very poor condition. These National Highways are half-finished, due to which many accidents take place. There are numerous potholes on these roads.

Madam Speaker, I would like to thank Shri Nitin Gadkari, who has held meetings three or four times and attempted to expedite the work on these highways on a war footing. The Kumbh Mela has also concluded, yet the work has still not been completed.

Madam Speaker, my request is that there are traffic jams lasting up to eight hours in Haridwar. People come there from across the world; therefore, either a monorail should be introduced or an overbridge should be constructed from here to there.
...(Interruptions)

Madam Speaker, I also request that an overbridge be constructed up to Motichur. *...(Interruptions)*

HON. SPEAKER: Nishank ji, speeches of such length are not made during Zero Hour.

...(Interruptions)

DR. RAMESH POKHRIAYAL NISHANK: Madam Speaker, this is very important. ... (Interruptions)

HON. SPEAKER: Yes, I know.

...(Interruptions)

DR. RAMESH POKHRIAYAL NISHANK: There there are traffic jams lasting up to eight hours. People come there from all over the world; therefore, a monorail or an overbridge should be constructed there.

HON. SPEAKER: Shri Bhairon Prasad Mishra, Shri C.P. Joshi, Shri Sudheer Gupta, Shri Rodmal Nagar, Kunwar Pushpendra Singh Chandel and Shri Sharad Tripathi, are permitted to associate themselves with the issue raised by Dr. Ramesh Pokhriyal Nishank.

SHRI RAJU SHETTY (HATKANANGLE): Madam Speaker, the Union Government has launched the Pradhan Mantri Fasal Bima Yojana to protect farmers from natural calamities. Farmers too have extended very good cooperation to this scheme. For the past three to four years, Maharashtra has been facing severe drought. This year,

the India Meteorological Department had predicted that the monsoon would arrive late in Maharashtra, and that prediction has proved correct. Because of the delayed monsoon in Maharashtra, farmers are still engaged in Kharif sowing. However, the last date for depositing the premium under the Fasal Bima Yojana is 30 July. In Maharashtra, especially in the Vidarbha and Marathwada regions, farmers have been struggling with drought. Banks decided to restructure the loans of these farmers, and as this process is still ongoing, farmers are unable to deposit the premium by 30 July.

Therefore, through you, I request the Government to extend the deadline from 30 July to 15 August.

HON. SPEAKER: Shri Dhananjay Mahadik, Kunwar Pushpendra Singh Chandel, and Shri Bhairon Prasad Mishra are permitted to associate themselves with the issue raised by Shri Raju Shetty. Thank you.

SHRI PARBHUBHAI NAGARBHAI VASAVA (BARDOLI): Madam Speaker, I am grateful to you for giving me the opportunity to raise a very important matter related to my Parliamentary Constituency during Zero Hour.

On the Mumbai-Ahmedabad National Highway No. 8 in the State of Gujarat, at the Sawa crossing, Dhamdod crossing and Nandav crossing in Surat district, the absence of flyovers or underpasses has led to numerous fatal accidents in which hundreds of people have lost their lives. All three spots have also been declared as black spots by the Department. Therefore, to prevent such fatal accidents and to provide convenience to the people, I request the Government and the Hon. Minister, through you, to construct flyovers or underpasses at these three crossings at the earliest.

HON. SPEAKER: Dr. Kirit P. Solanki and Kunwar Pushpendra Singh Chandel are permitted to associate themselves with the issue raised by Shri Parbhubhai Nagarbhai Vasava.

PROF. RAVINDRA VISHWANATH GAIKWAD (OSMANABAD): Madam Speaker, today is the birthday of our Party Leader, Shri Uddhav Thackeray. I extend my greetings to him.

Madam Speaker, through you, I would like to draw the attention of the House to the fact that whenever any untoward incident occurs anywhere in the country, its consequences are reflected in my Parliamentary Constituency. Whether the incident is caste-related or involves atrocities, the result is bandhs, morchas, stone-pelting, quarrels, village shutdowns and so on in my area. If one person dies

there, ten people die here. The country and this House need to reflect on this. Bandhs cause great inconvenience to the people, and stone-pelting results in financial loss. Therefore, I request that a Parliamentary Committee be constituted to look into this matter. If injustice is done to someone, peaceful morchas or fasts can be undertaken. Today, whenever an incident occurs anywhere, the media conveys the information to the entire country within minutes. Members of different parties see whether they can gain political advantage and then organise bandhs. There is a need to implement some effective and strict law in this regard. Thank you.

HON. SPEAKER: Kunwar Pushpendra Singh Chandel, Shri Bhairon Prasad Mishra, Shri Rodmal Nagar, Shri Chandra Prakash Joshi, and Shri Sudheer Gupta are permitted to be associate with the subject raised by Prof. Ravindra Vishwanath Gaikwad.

[Translation]

SHRI P. SRINIVASA REDDY (KHAMMAM): Madam Speaker, I would like to draw the attention of the Ministry of HRD, Government of India through this august House that Kendriya Vidyalaya was established in Khammam district during the year 2007. The following problems are being faced by the students and I would request them to solve the problems immediately.

Out of 45 teachers in the Kendriya Vidyalaya, as per the staffing pattern, only five regular teachers are working after transfer of 15 regular teachers during this academic year. Therefore, the quality of education in the Kendriya Vidyalaya is badly affected due to the inadequate strength of teaching staff.

The other important problem is this. It is not known whether the reimbursement of expenditure towards uniform, cost of transportation and books was made to the students admitted under RTE Act. If the expenditure is reimbursed and the funds are available in the Vidyalaya, there will be a lot of help for the Vidyalaya for regular maintenance of the school.

I therefore urge upon the Government to take necessary action for recruitment of regular teaching staff and also release of sufficient funds for providing the basic amenities to the students as per the Right to Education Act, 2009. Thank you, Madam.

HON. SPEAKER: Shri Sharad Tripathi is permitted to associate with the issue raised by Shri P. Srinivasa Reddy.

[Translation]

SHRI RAHUL KASWAN (CHURU): Madam Speaker, my Parliamentary Constituency, Churu, is a very drought-prone district in Rajasthan, where 80 per cent of the population depends on agriculture. Of that 80 per cent, more than 75 per cent depend solely on rainfall. Last year too, during the monsoon season, the groundnut crop grown in the Sujangarh and Bidasar areas was severely affected by white grub. At that time, I had met the Hon. Agriculture Minister here, and took some scientists there to show them the entire situation, yet even then no relaxation was provided. This year again, farmers sowed their crops after the rains, and once more the groundnut crop has been affected by white grub. There is also a very large crop of moong this year; and we, in an effort to reduce imports of pulses, have strongly promoted its cultivation. However, this year the groundnut crop has suffered heavy damage from the Red-headed Caterpillar, which we call katra in the villages. Through you, I request the Ministry of Agriculture to send a team of scientists to conduct a survey there, and to provide pesticides to farmers at subsidised rates, so that the farmers may benefit.

HON. SPEAKER: Kunwar Pushpendra Singh Chandel, Shri Sharad Tripathi, Shri Rodmal Nagar, Shri Sudheer Gupta, Shri Chandra

Prakash Joshi, Shri Arjun Lal Meena, Shri Harish Meena, Shri Sumedhanand Saraswati, Dr. Manoj Rajoria, Shri Bhairon Prasad Mishra, and Shri Ramcharan Bohra are permitted to associate themselves the issue raised by Shri Rahul Kaswan.

SHRI CHHEDI PASWAN (SASARAM): Hon. Madam Speaker, I would like to draw your attention to a very important issue. I seek your protection as well, as I am raising a matter concerning the 70 per cent of our population who are farmers, whom we call the providers of food. Just as in the industrial sector, there is a need to create special zones in the agricultural sector as well, where only agricultural and agro-production related activities are permitted, and where farmers have the right to determine the sale price of their agricultural produce. Today, farmers are severely affected by suicides and several other grave problems. They need permanent relief from natural calamities. The Kisan Credit Card, agricultural loans and other such measures are only interim steps; they do not provide a permanent solution.

Agriculture is an unorganised sector. Although more than 70 per cent of the population depends on agriculture, it must be given an institutional form. At the grassroots level, small and marginal farmers, as well as genuine farmers, should be identified and given

the right to determine the sale price of their produce. This will promote agricultural products in the country and preserve the nation's leadership in the agricultural sector. Therefore, I urge the Government, in the national interest, to establish special zones for agriculture on the lines of industrial zones, where farmers have the right to fix the sale price of their agricultural produce themselves. Thank you.

[English]

HON. SPEAKER: Shri Chandra Prakash Joshi, Shri Rodmal Nagar, Shri Sudheer Gupta, Shri Devendra Singh Bhole, Shri Rabindra Kumar Jena, Shri Bhairon Prasad Mishra and Kunwar Pushpendra Singh Chandel are permitted to associate with the issue raised by Shri Chhedi Paswan.

SHRI BHEEMRAO B. PATIL (ZAHEERABAD): This is a very important issue. It has been two years since Telangana got separated from Andhra Pradesh. Yet the court remains the same for both the States though it should have been bifurcated immediately as per section 31 of the Andhra Pradesh Reorganisation Act.

Recently, 906 Judicial Officers of undivided Andhra Pradesh have been distributed among the two new States. As per the provisional list of allotment of subordinate judicial officers issued in the first week of May, 366 judicial officers were allotted to Telangana and 540 to Andhra Pradesh.

Of these, 142 Judicial Officers were appointed recently to Telangana, though their district of origin as mentioned in the application form is Andhra Pradesh. The Registrar General of the Hyderabad High Court failed to follow the 40:60 allocation

guidelines between Telangana and Andhra Pradesh. The Department of Personnel and Training (DoPT) should have issued allocation guidelines for Judicial Officers and the Union Law Minister should have appointed a Committee as per 80(2) of the Andhra Pradesh Reorganisation Act instead of arbitrarily posting people from Andhra Pradesh in the Telangana Judiciary.

Accordingly, 94 Judges should have been allotted to Telangana and 140 to Andhra Pradesh. However, the High Court gave only 84 District Judges to Andhra Pradesh and left 46 vacancies, while appointing 102 District Judges instead of 94 to Telangana. Of these 102 Judges, 72 Judges are from Andhra Pradesh and the remaining 30 are from the State of Telangana.

So, in this regard, I urge the Central Government to look into this matter and give Telangana a separate High Court for proper judicial functioning.

[Translation]

SHRI PRAHLAD SINGH PATEL (DAMOAH): Hon. Madam Speaker, an incident came to the notice of the entire House yesterday. A bus driver, wearing earphones, was transporting schoolchildren, and at a railway crossing, because of this negligence,

eight children lost their lives. I believe this incident is sufficient to alert the Government and the House. I also saw it on television yesterday. Across the world, many countries have stated that due to smartphones, the accident rate has risen above 62 per cent. Through you, I would like to bring this matter to the attention of the Government, and I believe the entire House will agree that whenever we frame laws on this issue, it must be ensured that drivers, whether commercial or private, particularly those driving on highways or carrying children, should not use earphones while driving. A strict prohibition must be imposed. This is a State subject, but I feel that whenever such incidents take place, the Government must enact strict legislation.

HON. SPEAKER: You are absolutely right.

Dr. Manoj Rajoria, Shri C.P. Joshi, Shri Rodmal Nagar, Shri Sudheer Gupta, Shri Bhairon Prasad Mishra, Dr. Virendra Kumar, Shri Sharad Tripathi, Kunwar Pushpendra Singh Chandel, and Shri Bodh Singh Bhagat are permitted to associate the issue raised by Shri Prahlad Singh Patel.

PROF. CHINTAMANI MALVIYA (UJJAN): Hon. Speaker, along with Government banks, many private banks are also operating in our country. Previous Governments issued a large

number of licences to private banks such as ICICI Bank, HDFC Bank, Kotak Mahindra, Axis Bank, Yes Bank and others. The ambitious schemes of our Hon. Prime Minister, such as the Jan Dhan Yojana and other economic inclusion programmes like the Mudra Yojana, have no connection with these banks, and these banks do not even comply with the Official Language Act. They operate entirely in English. They also impose many hidden conditions. In reality, these banks are organised enterprises of moneylenders. Our endeavour is to bring the poor into the mainstream, but due to these banks, this objective is being hindered. These banks must be directed to implement all Government schemes and to open the maximum number of branches in rural areas. Alternatively, these banks should be nationalised so that the country's development may progress rapidly.

HON. SPEAKER: Shri Sharad Tripathi, Kunwar Pushpendra Singh Chandel, Shri C.P. Joshi, Shri Rodmal Nagar, Shri Sudheer Gupta, Shri Alok Sanjar, Shri Bhairon Prasad Mishra, and Dr. Manoj Rajoria are permitted to be associated with the issue raised by Prof. Chintamani Malviya.

SHRI M. UDHAYAKUMAR (DINDIGUL): Madam, I thank you for the opportunity given to me to speak on an important subject.

The nation has just heaved a sigh of relief provided by above normal monsoon rainfall all this year across the country. For the present there is no threat of drought or famine even in vulnerable pockets like southern districts of Maharashtra, Rayalaseema in Andhra Pradesh and Vidarbha in Marathwada region which are prone to suffer by natural calamities.

Tamil Nadu has long been subjected to vagaries relating to denial of its share in river waters as a lower riparian State. Tamil Nadu has been waging a running struggle with its neighbours, Karnataka and Kerala, over sharing of river waters. Even with the provocative stance by both Karnataka and Kerala over release of waters from Cauvery and Mullai Periyar, Tamil Nadu is consistently known to have exercised utmost restraint in securing legitimate share of river waters as borne out by the fact that the hon. Supreme Court had passed orders upholding the rights of Tamil Nadu over its share of river waters as a lower riparian State.

In the backdrop, the Government of Tamil Nadu under the astute stewardship of Puratchi Thalaivi Amma, feels that the mega inter-linking of river projects should be revived. Tamil Nadu had

good neighbourly relations with Telangana and Andhra Pradesh and with their active support an attempt could be made by the Centre to take up the project in phases.

HON. SPEAKER: Please conclude.

SHRI M. UDHAYAKUMAR: I will conclude in a minute.

To start with, a Southern Regional River Grid could be taken up to link up Mahanadi-Godavari-Krishna and Pennar river and diversion of surplus water of the west flowing Pamba and Achankovil rivers to Vaippar in Tamil Nadu.

On behalf of the Government of Tamil Nadu and our hon. Chief Minister, I urge the Centre to consider this proposal in the right earnest.

HON. SPEAKER: Shrimati V. Sathyabama is permitted to associate with the issue raised by Shri M. Udhayakumar.

Now Shri C. Mahendran.

How many pages do you have? Is it one page or two pages? You people bring in writing. Do not read everything.

SHRI C. MAHENDRAN (POLLACHI): Hon. Madam Speaker, in my Pollachi parliamentary constituency, broad gauge conversion work has been going on for more than a year from Pollachi to

Podanur. I request the hon. Railway Minister through this august House that the ongoing gauge conversion work should be completed at the earliest.

I also request that the electrification work to be carried out from Pollachi to Podanur. This will enable the railway authorities to extend all the trains operating from Pollachi to Chennai.

I further request the hon. Railway Minister to introduce a new train by naming 'Amma Express' from Pollachi to Chennai and another train by naming 'Anaimalai Express' from Pollachi to Bengaluru.

Hence, I urge the hon. Minister of Railways to complete the broad gauge conversion work along with electrification work from Pollachi to Podanur and also take necessary action to operate all the trains to Chennai from Pollachi.

[Translation]

SHRI DHANANJAY MAHADIK (KOLHAPUR): Hon. Madam Speaker, the Union Government establishes ESI hospitals in every district for its employees. In my Kolhapur district too, an ESI Hospital was constructed in the year 1997. At that time, nearly Rs. 10 crore were spent on it. This hundred-bedded hospital has been

built on nine acres of land, for which the State Government has granted permission for fifty beds. One hundred and twenty employees have been appointed in this hospital. About 1,210 companies and shops are connected with it, and nearly 17,000 employees are linked to this facility. A contribution of Rs. fifty lakh is deposited every year from their salaries. Despite this, even after eighteen years, this hospital remains closed. The reason stated is that the completion certificate for the building has not been issued. The construction agency is the Government, the authority granting permission is also the Government, yet how has such a situation arisen? If the valuation of this building is assessed today, it would be more than Rs. one hundred crore. I had raised this matter in the previous Session as well. The Committee concerned with this issue is chaired by the Hon. MP Shri Khaire ji. He has also held two meetings and made significant efforts. Yet, despite all these efforts, why is this hospital not being opened? The Government must look into this matter urgently. The completion certificate should be issued and the hospital should be opened for the employees.

If you see, 17,000 employees are going to private hospitals, and all the money is going to private hospitals. Therefore, treatment should take place in our Government hospital, which is already

ready. I request the Government to take necessary action in this regard.

PROF. SAUGATA ROY (DUM DUM): Madam Speaker, I thank you very much for giving me this opportunity. I am grateful to you.

Madam, I want to raise an important point. The Tea Board of India has been set up under the Tea Act to act as an intermediary between the Ministry of Commerce and the tea industry. It would collect cess from the industry and distribute the same as subsidies to tea gardens. It would also promote Indian tea overseas with office in European Union Headquarters in Brussels.

The headquarters of Tea Board was in Kolkata. Recently, in the name of decentralization, Tea Board headquarters is being denuded of all powers. A large number of employees have been transferred to all over India. Recently, 11 Group D staff were transferred to Delhi, which is against all norms.

It seems that there is a conspiracy to shift the head office of the Tea Board from Kolkata to some place in Assam.

[Translation]

HON. SPEAKER: There is no conspiracy in this.

[English]

PROF. SAUGATA ROY: Twenty-nine Tea Board employees were transferred from Kolkata to Assam recently. The ruling party in its manifesto for Assam election had promised shifting of the head office of Tea Board. Such a move will be opposed by the people and Government of West Bengal.

Before the West Bengal elections, the Commerce Minister had announced that seven tea gardens of Duncan Group would be taken over by the Tea Board.

[Translation]

HON. SPEAKER: Your point has already been raised during Question Hour.

[English]

PROF. SAUGATA ROY: Nothing has happened in the matter while workers are starving. I urge upon the Central Government to take immediate steps in the matters.

Thank you. ... (*Interruptions*)

HON. SPEAKER: No, nothing else.

Shri Rajeev Satav.

... (*Interruptions*)

HON. SPEAKER: Nothing will go on record.

*Interruptions ...**

[*Translation*]

SHRI RAJEEV SATAV (HINGOLI): Hon. Madam Speaker, I would like to place an important issue before this House.

Since the formation of the NDA Government under the leadership of the BJP.

[*English*]

HON. SPEAKER: Please, no personal allegations.

[*Translation*]

SHRI RAJEEV SATAV: there has been frequent discussion about irresponsible behaviour on the part of their leaders since the formation of the NDA Government under the leadership of the BJP. In this sequence, a matter from the Pilibhit region of Uttar Pradesh has come to light. For the last eight days, this issue has been circulating in the media. According to the information that has emerged and the audio clip being aired in the media, a Union

* Not recorded.

Minister is allegedly pressurising and threatening a Dalit family, telling them that if they pursue the matter in court and do not withdraw the case, they should be prepared to face the consequences. If a Union Minister threatens a Dalit family in this manner, it is indeed a matter of grave concern. In that audio, the Hon. Minister is also heard saying that the Dalit family will have to leave the village and that attacks will continue on them unless they withdraw the case from the court. These allegations are extremely serious because neither the Government nor the Minister has issued any denial. Moreover, the complaint filed by the aggrieved family with the police has not resulted in any action.

Therefore, my question to the Government is: when will this habit of remaining silent come to an end, and when will the Government and the Minister concerned provide a clarification in this matter?

SHRI PANKAJ CHOUDHARY (MAHARAJGANJ): Hon. Speaker, there are two or three major rivers in my region, including the Rapti and the Narayani. Both are rising rapidly, causing severe erosion. In addition, there are certain hill streams in our area Rohin, Chandan, Jharai and Mahav. I have raised this issue in the House earlier as well. Today, because of these rivers and streams, hundreds

of villages have been surrounded by water. Movement of people has stopped. Thousands of hectares of crops have been damaged, and there is now a fodder crisis for cattle in the villages. Although this matter falls under the State's jurisdiction, through you, I request the Government to make arrangements to rescue the people in the waterlogged areas, to provide them with food and drinking water, to conduct a survey of the houses that have collapsed due to the floods and reconstruct them, and to provide all necessary assistance to the people.

HON. SPEAKER: Shri Bhairon Prasad Mishra, Kunwar Pushpendra Singh Chandel, and Shri Sharad Tripathi are permitted to associate with the matter raised by Shri Pankaj Chaudhary.

[English]

SHRI PRAKASH B. HUKKERI (CHIKKODI): Madam Speaker, thank you for giving me this opportunity to raise a very important issue about construction of bridges in my parliamentary constituency.

Heavy rains in the northern region of the State have submerged many roads and bridges, disrupting the normal life in my parliamentary constituency, Chikkodi in Belagavi District. As many

as 13 low-lying bridges and roads have been submerged due to swelling of Krishna and Doodhganga Rivers in Chikkodi, Raibag and Athani Taluks of the District.

Therefore, there is an immediate need to construct five bridges on some important State Highways and MDR's connecting Karnataka State with Maharashtra to put an end to this recurring problem.

The important bridges to be constructed are:-

1. Construction of Bridge across Krishna River at Kallol – Yadur Village;
2. Construction of Bridge on Bhoj – Karadga – Rendal road across Doodhganga River at Km. 1.75 near Karadga;
3. Construction of Bridge across Krishna River between Jungle (Athani Taluk) and Khadrapura (Shirol Taluk), Maharashtra State (MDR);
4. Construction of Bridge across Krishna River at Alagawadi Chinchali *via* Marob (MDR); and
5. Construction of Bridge on Mangasuli – Laxmeshwar SH 73 across Markandeya River.

Construction of these bridges is very significant for vehicular and public movement in the affected region.

Therefore, I urge upon the hon. Minister of Road Transport and Highways to consider my request on priority and grant approval for construction of all bridges without any further delay. Thank you.

[Translation]

SHRI GANESH SINGH (SATNA): Madam Speaker, more than half of the country is facing a flood situation due to heavy rainfall. In Madhya Pradesh, during the past days, severe rainfall across 23 districts has caused damage worth thousands of crores of rupees. Lakhs of poor people have been rendered homeless, movement between many villages has been cut off, and large bridges and culverts have been washed away. In my Lok Sabha Constituency, Satna, the floods on 6, 7 and 8 July 2016 created such a dreadful situation that contact with many villages was lost, Satna city was flooded, and the Army had to be called in to evacuate people to relief camps. Thousands of people were compelled to stay in relief camps for several days. A large number of houses have collapsed, and in many villages farmers have suffered severe crop losses. The district has suffered a loss of Rs. 1,173 crore. A total of 14,845 houses have collapsed. Approximately 102 relief camps were opened in the State.

The State Government has provided Rs. 93 crore for rescue and relief. Through you, I would like to submit that we had called an NDRF team to Satna for flood relief. They have given certain suggestions. I request the Union Government to assist us on the basis of those suggestions and to send a team to study the situation.

HON, SPEAKER: Shri Bhairon Prasad Mishra, Kunwar Pushpendra Singh Chandel, Dr. Manoj Rajoria, and Shri Sharad Tripathi are permitted to associate with the issue raised by Shri Ganesh Singh.

SHRIMATI ANJU BALA (MISHRIKH): Madam Speaker, I thank you for giving me the opportunity to speak on the issue concerning the Bilgram-Mallawan Assembly Constituency of my Lok Sabha Constituency, Mishrikh. This area extends from Sardiyapur village of Bilgram Tehsil in Hardoi district to Gahripurwa village of Bangarmau Tehsil in Unnao district, a stretch of about 25 kilometres. Here, the problem of floods, which is akin to a natural calamity, occurs every year. I had raised this issue earlier in 2014 as well. Floods and storms are not in our control, but the matter of constructing an embankment was raised by me earlier. This year too, entire schools have been washed away. Places where houses once stood are now submerged under water, nothing is

visible. Therefore, through you, I request the Government that, in public interest, an embankment along the banks of the Ganga river be constructed immediately to address the recurring problem of floods.

HON. SPEAKER: Shri Bhairon Prasad Mishra is permitted to associate with the issue raised by Shrimati Anju Bala.

SHRIMATI REKHA VERMA (DHAURAHARA): Madam Speaker, I am grateful to you for giving me the opportunity to speak during Zero Hour.

Madam, the Hargawn and Dhaurahra Assembly segments of my Parliamentary Constituency, Dhaurahra, have been severely affected by the floods caused by the Sharda river. The problem has arisen because embankments have not been constructed on both sides from Lakhimpur to Bahraich and Chatlati Ghat, and similarly, embankments have not been constructed on both sides of the Ghaghara river from Ishanagar to Hasanpur Katauli.

Madam, through you, I request the Hon. Minister to kindly pay urgent attention to this matter.

HON. SPEAKER: Shri Sharad Tripathi and Shri Bhairon Prasad Mishra are permitted to associate with the issue raised by Shrimati Rekha Verma.

[English]

SHRI NINONG ERING (ARUNACHAL EAST): Madam, I am really grateful to you for giving me a chance to speak on this occasion. It is a grim situation throughout the country, but I would like to apprise that Arunachal Pradesh is now under the heavy flood especially in the areas of East Siang, Lower Dibang Valley, Lohit, Namsai and Changlang. There are two Rivers – Noa Dehing and Dibang – which have entered into the villages of Namsai and Madepur and especially five villages have been completely destroyed.

I would urge the hon. Minister for Home Affairs and also the Finance Minister in this regard. We are a non-revenue earning State. You must really help us and we depend on you.

SHRI C.K. SANGMA (TURA): Madam, I am also part of the flood affected group. My constituency has also been hit badly and especially the areas of Phulbari, Rajabala, Haripur, Shilkata, Singimari have been hit very badly.

I only have two points to make. I think, the whole of Assam and Meghalaya has been hit. Yesterday, a lot of MPs from North-East had met the hon. Home Minister. If a delegation could go headed by the Home Minister to survey that area, it would be of great help.

The second point that I have is that if we can think of proactive measures rather than reactive measures, I think it would help in future because Assam, the North-East and the Garo Hills areas have always been affected by floods.

I just want to make one last point. My constituency faced the entire brunt because once the water comes out, it lands up in my constituency in the lower part. There is a project called Rongai Valley Project. I would urge the Minister of Water Resources to take up that Project in right earnest. If this is not done, as you were mentioning earlier, maybe we might not have pineapple in future that you like so much from Meghalaya State.

[Translation]

HON. SPEAKER: Shri Sharad Tripathi, Shri R.P. Sharma, Shri Kamakhya Prasad Tasa, and Shri Rameswar Teli are permitted to associate with the matter raised by Shri C.K. Sangma.

SHRI GAURAV GOGOI (KALIABOR): Madam Speaker, in the past two years Assam has not witnessed as much flooding as it has this year. All experts are saying that the rains this year are so heavy that we are unable to estimate the scale of the floods. We are not at the end of the flood season; rather, we are in the middle of it, and another month of flooding still remains. Therefore, we request that you allow a Calling Attention next week on this matter. We want the Government's response and immediate assistance. The floods in Assam this time are so severe that even animals in Kaziranga are not safe.

Hence our demand is that you provide time for a short-duration discussion so that we may obtain the Government's response on this issue.

HON. SPEAKER: For that, you will have to give notice. Deepender ji, what is your matter?

SHRI DEEPENDER SINGH HOODA (ROHTAK): Madam Speaker, I would like to raise an issue in this House concerning the problems faced by the employees of the Delhi Municipal Corporations, especially the sanitation workers. In Delhi there are three municipal corporations, the East Delhi Municipal Corporation, the North Delhi Municipal Corporation and the South Delhi

Municipal Corporation. Nearly one and a half lakh sanitation workers, ANM nurses, and Group C and D employees are working in these bodies. People from my Lok Sabha Constituency and from the State of Haryana are also working there. They have been struggling in Delhi for a long time, raising their issues repeatedly. There have also been strikes. Delhi is the capital of our country; we all must take cognisance of the employees working here. On the one hand, the Government speaks of Swachh Bharat and collects thousands of crores of rupees as cess for it, but on the other hand, not even a single rupee from the Swachh Bharat cess has been allocated for the sanitation workers of Delhi.

Madam, through you, I request the Government that these employees be regularised from the date of vacancy, and that the system of contractual employment in Delhi be abolished, as was promised in the manifesto of the Aam Aadmi Party. I urge the Government to pay immediate attention to these issues.

...(Interruptions)

SHRI RAJESH RANJAN (MADHEPURA): Madam Speaker, I would like to change my subject and draw your urgent attention to the fact that the flood situation in the river Kosi has become extremely severe. Maoists in Nepal have issued threats that they will

blow up the barrage. Whenever water levels rise in Nepal, the impact is directly felt in India. The areas of Supaul and Nohatta in Bihar are completely submerged.

Through you, I request that an NDRF team and a Minister of the Union Government be sent there. The condition of the people in that region is not good. Therefore, I request that necessary arrangements be made immediately by the Union Government to provide relief to the affected people. Thank you.

SHRI BISHNU PADA RAY (ANDAMAN AND NICOBAR ISLANDS): Hon. Speaker Madam, you have great concern for the land of Andaman and Nicobar. I am the MP from Kalapani. On 29 May 2015, Shri Babul Supriyo ji visited Andaman in his capacity as Minister. In Ward No. 2 of the Port Blair Municipal Council, land had been identified under the Pradhan Mantri Awas Yojana. Eleven days later, our Lieutenant Governor changed its designation to a Botanical Garden. An expenditure of Rs. 20 crore is proposed on this. For this, the Port Blair Municipal Council, the Member of Parliament and the Ward Councillor had raised objections. The Standing Committee on Home Affairs had stated that consultation with the MP was necessary. Whether one calls them stakeholders, the Municipal Council or the MP, none of them were consulted. The

Municipal Council passed a resolution opposing the construction of the Botanical Garden, and the District Planning Committee also opposed it. Yet the LG, acting arbitrarily, is forcibly constructing a Botanical Garden there, even though there is already one such garden a short distance away. I urge that this Botanical Garden be stopped immediately. ...(*Interruptions*)

HON. SPEAKER: Kunwar Pushpendra Singh Chandel is permitted to associate with the issue raised by Shri Bishnu Pada Ray.

YOGI ADITYANATH (GORAKHPUR): Madam Speaker, would like to draw your attention to the issue of the migration of the majority community from various towns of Uttar Pradesh. Madam, this is a serious matter, whether it is Kairana in Muzaffarnagar-Shamli, or Kandhla, or the incident related to Babri Mandi in Aligarh, an attempt is being made to create a situation similar to what was created in the Kashmir Valley during the 1980s and 1990s. The law and order situation in Uttar Pradesh has completely collapsed. As a consequence, goons and elements of criminal tendencies belonging to a particular section are harassing traders and ordinary citizens, and have completely disrupted normal public life. In every town, people belonging to the majority Hindu community are being targeted and forced to migrate. The Uttar Pradesh Government and

the local administration remain silent. Through you, I make a humble request to the Union Government to intervene in this matter, to strictly stop the ongoing migration occurring in various towns of Uttar Pradesh, and to take stringent action against those criminal elements.

HON. SPEAKER: Kunwar Pushpendra Singh Chandel, Shri Bhanu Pratap Singh Verma, Shri Bhairo Prasad Mishra, and Shri Sharad Tripathi are given permission to address the issues raised by Shri Yogi Adityanath.

Now, Matters under Rule 377.

... (*Interruptions*)

SHRI RAVNEET SINGH (LUDHIANA): Madam, what is our fault?... (*Interruptions*)

HON. SPEAKER: What has happened? Whatever remains will be taken up tomorrow.

... (*Interruptions*)

SHRI RAVNEET SINGH: Madam, I have been coming to you continuously for five days... ...(*Interruptions*) This is wrong... ...(*Interruptions*) Madam, elections are due in Punjab...

...(Interruptions) That is why you are not giving me an opportunity to speak. ...(Interruptions)

HON. SPEAKER: Ravneet ji, it is not so; you have been given an opportunity to speak.

... (Interruptions)

HON. SPEAKER: Ravneet ji, one should not get angry like this. Please take your seat.

... (Interruptions)

12.58 hours**MATTERS UNDER RULE 377^{1*}**

[English]

HON. SPEAKER: Hon. Members, the matters under Rule 377 shall be laid on the table of the House. The Members who have been permitted to raise matters under Rule 377 today, and are desirous of laying them may personally hand over the text of the matter at the Table of the House within 20 minutes.

Only those matters shall be treated as laid for which text of the matter has been received at the Table within stipulated time. The rest will be treated as lapsed.

^{1*} Treated as laid on the Table.

(i) Need to undertake repair of Khalilabad-Bakhira-Mehdawal road in Sant Kabir Nagar parliamentary constituency, Uttar Pradesh.

[Translation]

SHRI SHARAD TRIPATHI (SANT KABIR NAGAR): In my Parliamentary Constituency, Sant Kabir Nagar, the road leading from Khalilabad to Mehdawal via Bakhira is one of the oldest roads of the region. However, its condition has deteriorated so badly that during the monsoon season, three to four feet of water accumulates on the road. This is a historic township. Thousands of years ago, techniques for manufacturing glassware were available here. Bakhira is known throughout the country for its handloom production. At one time, the late Shrimati Sucheta Kripalani, who later became the Chief Minister of the State, was the MLA from this area. I have been struggling for several years to get this road repaired. The administration's attention has been drawn to this matter several times, but no action has been taken. I request the Government that, considering the historical significance of this township and the urgent present requirement, work on this road be commenced immediately.

ii. Need to provide adequate funds to the Tocklai Tea Research Institute at Jorhat in Assam

[English]

SHRI KAMAKHYA PRASAD TASA (JORHAT): The State of Assam is the world's largest tea-growing region, lying on either side of the Brahmaputra River and bordering Bangladesh and Myanmar and all the tea estates are running under the guidelines of Tea Board of India. The Tea Board of India is a state agency of the Government of India established to promote the cultivation, processing and domestic trade as well as export of tea from India.

I would like to bring to the notice that Assam is the largest tea-producing State of India and the set-up of Tea Board is in Kolkata, West Bengal. It is a long standing demand of the people of Assam, Tea Board should be re-located to Guwahati, Assam. I request the Government of India to take an immediate action in this regard.

Apart from that, Tea Board of India is responsible for funding to Tocklai Tea Research Institute, Jorhat and it is the oldest and the largest research station of its kind in the world. Since inception, Tocklai has been serving the industry and has become synonymous with research on tea in the country. It has unfurled technological

knowledge in tea segment from time to time. The phenomenal increase in production of tea in N.E. India, from 234 million kg in 1951 to about 619 million kg in 2002, clearly undermines the impact of R&D. The average productivity of TRA member estates covering 75% of the total tea growing area of the N.E. India is about 56% more than that of Non-members in the region which is an outcome of effective implementation of technology developed at Tocklai.

Now, there is no funding to Tocklai Tea Research Institute neither by Tea Board of India nor Government of India. The situation of Tocklai Institute is very bad, there are no research works going on.

I request the Government of India to provide sufficient funds to Tea Board of India and instruct the concerned department to make sure Tocklai Tea Research Institute is allocated necessary funds for research and development of tea in India.

(iii) Need to conduct proceedings of cases in High Courts in regional languages

[Translation]

SHRIMATI DARSHANA VIKRAM JARDOSH (SURAT):

Hindi is our Official Language, and it is recognised as a universally accepted language spoken and understood by the majority of people in our country. Our Father of the Nation, Mahatma Gandhi, strongly advocated the promotion of Hindi.

In many States, English is still used in the judicial proceedings of the High Courts. Today, the level of education has advanced significantly. Due to the media, public awareness and interest in judicial processes have also increased. People now wish to obtain as much information as possible.

Several State Governments had requested the Union Government to permit High Court proceedings in the language of their respective States. However, the Hon. Supreme Court has not granted such permission.

Under Article 348(2) of the Constitution of India, the Union Government should make the necessary amendments to allow High Courts of the concerned States to conduct their proceedings in the

language of that State. This will enable citizens to have full access to information regarding judicial processes and the disposal of their cases in their own language.

(iv) Need to curb illegal sand mining by having a National Policy

[English]

SHRIMATI RAKSHATAI KHADSE (RAVER): Sand is the soil of the river providing and sustaining virtually all life that exist in the river. Due to boom in real estate and construction activities, there has been a major spike in the sand (both Beach & river) requirement which has resulted in unscientific and indiscriminate sand mining. This has affected the river ecology, polluted the rivers, low PH mix of various metal oxides, reduced oxygen from water and thus increased BoD, this badly affects river biota. Stream sand mining results in the destruction of aquatic and riparian habitat through large changes in the channel morphology. The impacts include bed degradation, bed coarsening, lowered water tables near the stream bed and ultimately channel instability. This further results in polluted water and also reduced water levels. Sand mining critically leads to drinking water shortage and also agrarian distress in the vicinity which in turn leads to exodus of people to urban clusters upsetting the economic and cultural balance of a society and creates social tension. This indiscriminate mining has also destroyed hills, eroded biodiversity spheres, denuded forests and degraded fertile soil. Largely this has changed the physical characteristics of river basins,

impacting heavily the socio-economic condition of the local people. Due to sand mining extra vehicular traffic has generated which has negatively impaired the environment. Sand Mining should not be permitted where there are fractures in underground aquifers which help in ground water recharge. Hence the need is to better implement legislative mechanisms and various judicial pronouncements for sustainable sand mining. I request to develop, design and create a National Policy for sustainable sand to arrest the illegal mining which is effective. I request further to look for quality & affordable alternatives to sand to meet the increasing demand for sand without compromising riverine ecology.

(v) Need to probe the shoddy construction work of sewerage and pipeline system under Jawahar Lal Nehru National Urban Renewal System in Kanpur Nagar, Uttar Pradesh.

[Translation]

SHRI DEVENDRA SINGH 'BHOLE' (AKBARPUR): I would like to draw the Government's attention to a very grave issue concerning the public interest in Kanpur Nagar.

This matter pertains to the indiscriminate and unregulated digging of roads in Kanpur city, which has not only caused a loss of crores of rupees in Government revenue but has pushed the daily lives of citizens into a miserable condition. Moreover, there is a constant risk of extensive loss to life and property. Under the JNNURM scheme operated by the Union Government, work on laying high-capacity sewer and water pipelines has been going on in Kanpur for the past eight years. However, the roads constructed over these pipelines at a cost of crores of rupees have been destroyed due to pipeline leakage. Nearly Rs. 100 crore have been spent on this scheme in Kanpur Nagar. Far from ensuring effective use of funds, poor-quality construction has completely ruined roads built with the same expenditure. Even the Kanpur Municipal Commissioner recently disclosed to newspapers how crores of rupees' worth of construction

has been rendered useless due to substandard sewer and pipeline work. The level of financial irregularities is such that, at several places, soil was excavated and then refilled without laying any pipelines. At places where pipelines were laid, neither gravel was used for the base, nor was the filling done with sand. Due to incomplete construction, leakage problems exist throughout the city, resulting in a drinking water crisis on the one hand and severe damage to roads constructed at great cost on the other. Waterlogging has occurred at various locations, even though full payment for the work has already been made by the department. Under this scheme, funds provided by the Union Government are not being used as per norms. The situation has worsened to the extent that several crores of rupees have been spent merely to stop the leakages. Due to lack of inspection of the works undertaken under this scheme, extremely poor-quality pipes have been used by the concerned officers and contractors. In Kanpur district, in the deep sewer line and drinking water project, all rules, regulations and prescribed standards have been completely disregarded. As a result, pipelines laid just one year ago are leaking and breaking because they were not fully placed underground. It is absolutely essential that all works carried out under this scheme be thoroughly investigated.

Therefore, I request that, keeping in view the basic civic facilities of the common people, necessary orders and directions be issued for a high-level (CBI) inquiry into all the works being carried out and those already carried out under this scheme.

(vi) Need to construct a railway line between Jalgaon and Solapur in Maharashtra

SHRI RAOSAHEB PATIL DANVE (JALNA): In my Parliamentary Constituency, Jalna, there has long been a demand for the Jalgaon-Solapur railway line. This railway line would connect North Maharashtra, Marathwada and West Maharashtra. In addition, it could become a direct railway route up to Karnataka, which would greatly accelerate the development of this entire region.

Although budgetary provision had been made for the survey of this route, no action has been taken so far regarding its construction. The construction of this railway line is extremely essential for the development of the people of this region.

Through you, I would request the Government that the survey of the Jalgaon-Solapur railway line be completed at the earliest and that its construction work be commenced without delay.

(vii) Need to provide compensation to farmers in Jammu and Kashmir who lost their land due to fencing along the border.

SHRI JUGAL KISHORE (JAMMU): I would like to draw the Government's attention to those border areas of the State of Jammu and Kashmir where fencing has been erected along the border. Because of this fencing, the agricultural land situated on the other side of the fence has effectively been taken over. The farmers who used to cultivate that land have been rendered unemployed.

What has the Government done for those poor farmers? They are now on the verge of starvation. What fault do these poor farmers have in the arrangement of border fencing? They have neither been provided any employment, nor have they received any compensation for the land so far, which would have enabled them to support their families.

Through you, I request the Union Government that the farmers in Jammu and Kashmir who have been deprived of their land due to the border fencing be given adequate compensation at the earliest.

(viii) Need to set up a special group to report on the problems afflicting the hydel sector in Himachal Pradesh.

SHRI RAMSWAROOP SHARMA (MANDI): Himachal Pradesh is the only State in the country which has the capacity to harness 25 per cent of the entire nation's hydro-power potential. The total hydro-electric potential of all the rivers in the State has been assessed at 27,436 MW, but so far only 8,415 MW has been harnessed, of which merely 7.6 per cent is under the control of the Government of Himachal Pradesh and the remainder is controlled by the Union Government. Both the Union and the State Governments have, from time to time, formulated numerous schemes to promote hydro-power generation, yet neither the State nor the country has received the desired positive results.

Himachal Pradesh is the only State that can, from the environmental standpoint, become a model for the entire nation. Being a hilly region, its financial resources are limited. The economy of this State depends upon tourism and hydro-power projects. As a result of policy incentives, 655 small hydro-electric projects are operational in the State, the majority of which are located in my

Parliamentary Constituency. Most of these projects have been pending for many years awaiting environmental clearances from the Union Government. In addition, there are several operational issues which, due to inadequate coordination between the Union and the State Governments, remain unresolved for years. These include low compensation for land acquired for transmission lines, insufficient availability of land for required afforestation, certificates for diversion of land for tunnels under the Forest Conservation Act, 1980, and improvement works in the affected areas. These are important matters requiring periodic attention from both the Union and the State Governments. My request is that, to promote hydro-power generation in Himachal Pradesh, a special team comprising the Union Ministry of Environment and the Union Ministry of Power be constituted to expeditiously resolve the issues relating to the State's hydro-power projects so that their operation may continue without any hindrance.

Upon completion of these projects, the economy of Himachal Pradesh will undergo a transformational change. Nearly 85,000 local youths will gain employment and the State will receive revenue worth several thousands of crores of rupees.

**(ix) Need to construct school building for Kendriya
Vidyalaya At Chitrakoot, Uttar Pradesh.**

SHRI BHAIRON PRASAD MISHRA (BANDA): In Chitrakoot district, which falls within my Parliamentary Constituency, the Kendriya Vidyalaya is presently functioning in the Rainbasera building at Chitrakoot, where adequate space is not available. The Nagar Palika is also pressing for this premises to be vacated. The district administration has already allotted land in the name of the Kendriya Vidyalaya for construction of a permanent school building. However, construction work has not yet commenced, although a considerable time has passed since the land was allotted. Despite several written communications and repeated requests in this regard, the Department has not taken the required action. Therefore, I would request the Government that construction of the building for the Kendriya Vidyalaya in Chitrakoot district be started and completed at the earliest so that teaching activities may not be hindered.

(x) Need to facilitate environmental clearance for construction/development of stretch of National Highway No. 28B passing through Valmiki Nagar parliamentary constituency, Bihar.

SHRI SATISH CHANDRA DUBEY (VALMIKI NAGAR): In my Parliamentary Constituency, Valmiki Nagar (Bihar), the only National Highway, NH-28B, has not yet received the NOC from the Ministry of Environment for the stretch from kilometre 97 to kilometre 112. Because of this, development work and normal traffic movement on this National Highway are not taking place. As a result, lakhs of passengers are suffering every day, and there is a huge loss of revenue.

Through you, I would like to draw the attention of the Hon. Minister for Road Transport and Highways to this issue. I request that for the construction and development of this important highway, which connects two States, coordination be established with the Hon. Minister of Environment, Government of India, and that the NOC be issued at the earliest, or an alternative solution be found.

**(xi) Need to bring civilian areas of various Cantonments
under nearby Corporation of Municipality.**

SHRI LAXMI NARAYAN YADAV (SAGAR): There are sixty-two Cantonment Boards in different parts of the country. The land in these areas is divided into Civil Land and Defence Land. Civil Land is that land on which civilians reside in large numbers, and Defence Land is that land on which a smaller number of civilian bungalows exist and whose administration is directly under the supervision of the Army. All civic facilities for residents of Civil Land are administered by the Cantonment Board, and the elected representatives exercise control over it.

Experience shows that residents of Civil Land, commonly called the Sadar Area, do not receive the same facilities as the residents of municipal corporations or municipal councils. Most Boards do not possess complete records of land. For various works, the required staff is also unavailable. It has also been observed that civilian residents are often subjected to discriminatory treatment by Cantonment Board officials, due to which tension persists locally and needs to be addressed.

Therefore, I request the Government that all Civil Land, that is, Sadar Areas of all Cantonment Boards, be merged with the nearby Municipal Corporations or Municipal Councils so that the residents may receive the same facilities as other citizens.

**(xii) Need to set up an Agriculture Engineering Institute in
Jalaun district of Uttar Pradesh.**

SHRI BHANU PRATAP SINGH VERMA (JALAUN): Within my Parliamentary Constituency lie the regions of Jalaun, Garautha and Bhognipur, which fall in Bundelkhand. Nearly eighty per cent of the population of Bundelkhand depends primarily on agriculture. Keeping this in mind, the Union Government is establishing the Maharani Lakshmibai Central Agricultural University at Jhansi, which is indeed a welcome step. Considering the regional utility of this University, two centres have been proposed at Tikamgarh and Lalitpur districts. In my Parliamentary Constituency, four types of soil - bhar, kawar, paduwa and rakad, are found. Despite the high quality of soil, agricultural improvement is still required here. The Agricultural Science Centre of Jalaun district is affiliated to Kanpur, whereas it should be affiliated to the Maharani Lakshmibai Central Agricultural University at Jhansi.

I would like to request the Union Government that an Agricultural Engineering Institute be established in Jalaun district. This will undoubtedly lead to the all-round development of the district.

(xiii) Need to provide clean and safe drinking water to people in Ballia parliamentary constituency, Uttar Pradesh.

SHRI BHARAT SINGH (BALLIA): My Parliamentary Constituency, Ballia, is situated mainly along the banks of the Ganga and Ghaghara rivers. In hundreds of the riverbank villages, the groundwater contains a high concentration of arsenic and other chemical substances. As a result, the residents and livestock of these villages are facing an acute crisis of drinking water. Due to the consumption of arsenic-contaminated water, thousands of people have been afflicted with serious diseases, and over the past years hundreds have suffered grievously and died a painful death. Since the formation of our Government under the leadership of the Hon. Prime Minister, I have raised this extremely serious issue in the House several times, requesting that the Union Government take the initiative to provide safe drinking water in the arsenic-affected villages so that the lives of the villagers may be protected. I request the Union Government that immediate action be taken on priority on this extremely grave matter.

(xiv) Need to provide land for setting up of a Cancer Research Centre and Hospital at Bhandup in Mumbai

[English]

DR. KIRIT SOMAIYA (MUMBAI NORTH EAST): There is a proposal by Ministry of AYUSH for establishment of Cancer Research Centre and Hospital at Bhandup, Mumbai. For establishment of this Hospital they need a piece of land bearing survey no. 246, measuring 13456 sq. yd. at Bhandup which is a vacant land. This land belongs to CPWD, Mumbai under the Ministry of Urban Development. The Ministry of UD has now proposed for construction of GPOA instead of OPRA on this piece of land. But till date the piece of land that is required by M/o AYUSH from the M/o UD has not been handed over for establishment of Cancer Research Centre and Hospital at Bhandup. I request the Hon'ble Minister of UD for early handing over the piece of land to AYUSH so that they can open the Hospital.

(xv) Need to provide broadband connectivity to Post Office, Suwana in Bhilwara parliamentary constituency, Rajasthan.

[Translation]

SHRI SUBHASH CHANDRA BAHERIA (BHILWARA): My Parliamentary Constituency, Ballia, is situated mainly along the banks of the Ganga and the Ghaghara rivers. In hundreds of these riverbank villages, the groundwater contains a high concentration of arsenic and other chemical substances, due to which the residents and livestock of these villages are struggling with a severe drinking water crisis. By consuming arsenic-contaminated water, thousands of people are falling prey to serious diseases, and over the past years, hundreds have suffered severe illness and have died in agony. Since the formation of our Government under the leadership of the Hon. Prime Minister, I have raised this extremely serious issue in this House several times, urging that the Union Government take the initiative to provide safe drinking water in arsenic-affected villages so that the lives of the villagers may be protected. I request the Union Government that immediate action be taken on priority on this extremely grave matter.

(xvi) Need to provide assistance to Kerala for completing the seawall along its coastline

[English]

SHRI MULLAPPALLY RAMACHANDRAN (VADAKARA): Kerala has a 580 km long coastline with hundreds of families living along the coast itself. These families mainly depend on fishing for their livelihood and it is almost impossible to relocate them without hampering their means of subsistence. These poor fisher folk are constantly exposed to the rough seas and consequent land erosion and their life and property are always at risk more so during the monsoons. Several stretches of stone seawall have been attempted. But this is not a permanent solution or sure remedy. Hutments are being washed away and the people live in deep and constant fear. I urge upon the Government to make a scientific study in consultation with other coastal nations that have been successful in coastal management and work out a solution befitting India and especially Kerala, which is vulnerable to the onslaught of strong monsoon winds. As for now, since monsoon has already set in, I request the Government to extend all possible assistance to the state of Kerala for completing the seawall along the entire length of its long coastline so that the poor fisher folk are duly protected.

(xvii) Regarding rejuvenation and replanting of coconut palms in Tamil Nadu

SHRI C. MAHENDRAN (POLLACHI): Tamil Nadu stands first in the production of coconuts (6917.25 Million Nuts). Tamil Nadu comes third in terms of area under cultivation of coconut. However, the State faces challenges in maintaining the productivity of coconut groves due to severe pest and disease attacks and senile and unproductive palms. To increase yield, coconut palms have to be replanted.

Government of Tamil Nadu has proposed a special package with a total outlay of Rs. 3397.80 crores including subsidy of Rs. 757.95 crores (25% of the outlay) to improve existing gardens, remove old and senile palms and replant coconut seedlings. The project covers 161 lakh palms in 92,000 hectares. This proposal is under consideration of the Ministry of Agriculture and Farmers Welfare. As this scheme would raise yield and increase edible oil production, the Government of India may kindly consider early sanction of scheme for the Rejuvenation and Replanting of Coconut Palms in Tamil Nadu as requested by our Hon'ble Chief Minister.

(xviii) Regarding expansion of Salem Steel Plant in Tamil Nadu

SHRI V. PANNEERSELVAM (SALEM): I would like to draw the attention of Hon'ble Minister of Steel towards some of the issues pertaining to Salem Steel Plant.

The Salem Steel Plant (SSP) has enormous potential for expansion and for increasing the production line of that plant. Expansion of the Salem Steel Plant is also one of the long-felt need of the industrial-associations, business-associations and people of my Constituency. Setting up of a manufacturing unit for the production of house-hold-articles and an exhibition Centre for the same will definitely increase the business volumes of the plant. The SSP shall use its rich experiences and material resources for setting up a separate manufacturing unit for the production of Rail/Metro-train coaches in collaboration with Railways/ICF. Production of Metro-rail coaches will help in saving foreign exchange. These measures will not only bring more profits for the plant but also generate employment opportunities for people.

Further, I also wish to submit that the SSP should take necessary steps for providing proper road facilities to more than one

lakh people in eight villages in the 16 Kilometers stretch of land from Muniampatti to Poolanpatti. This will solve the problem of the people of these villages who now have to take circuitous route to travel to Poolanpatti. This may be undertaken as part of the Corporate Social Responsibility of the SSP of the local people.

Hon'ble Minister of Steel may kindly consider my above requests and suggestions favourably and issue instructions to concerned authorities in this regard.

**(xix) Need to release funds to Government of Andhra Pradesh
for the Panchayati Raj Department of the State**

**SHRI MUTHAMSETTI SRINIVASA RAO (AVANTHI)
(ANAKAPALLI):** The 14th Finance Commission has recommended that the States' share in the net proceeds of the Union tax revenues be 42%. The recommendation of tax devolution at 42% is a huge jump from the 32% recommended by the 13th Finance Commission. The transfers to the States will see a quantum jump. This is the largest ever change in the percentage of devolution. In the past, when Finance Commissions have recommended an increase, it has been in the range of 1-2% increase. As compared to the total devolutions in 2014-15, the total devolution of the States in 2015-16 will increase by over 45%.

The 14th Finance Commission has recommended distribution of grants to the States for local bodies using 2011 population data with weight of 90% and area with weight of 10%. The grants to States will be divided into two, a grant to duly constituted Gram Panchayats and a grant to duly constituted Municipal bodies, on the basis of rural and urban population.

14th Finance Commission has recommended grants in two parts; a basic grant, and a performance grant, for duly constituted Gram Panchayats and Municipalities. The ratio of basic to performance grant is 90:10 with respect of Panchayat and 80:20 with respect to Municipalities.

14th Finance Commission has recommended a total grant of Rs. 2,87,436 crore for five year period from 1.4.2015 to 31.3.2020. Of this, the grant recommended to Panchayats is Rs. 2,00,292.20 crores and that to municipalities is Rs. 87,143.80 crores. The transfers in the year 2015-16 will be Rs. 29,988 crores. But the Panchayati Raj Department, Government of Andhra Pradesh has not received any amount. As a result they are not able to devolve funds to Panchayati raj institutions in the villages and no development work is taking place. I want to know from the Ministry of Panchayat Raj how many Panchayati raj institutions are there in India, particularly in Visakhapatnam and Anakapalle? What is the allocation of funds in the last two years?

I urge upon the Government to release funds to the Andhra Pradesh Panchayati Raj Department at the earliest for further devolution.

**(xx) Need to include Saudi Arabia among those countries
which are exempted from bio-metric visas**

SHRI P.K. BIJU (ALATHUR): Kerala is an established tourist destination for both Indians and non-Indians alike. Tourism is a very important source of revenue for the state's economy. The Centre's recent decision making bio-metric data compulsory for citizens of Saudi Arabia would adversely impact the state's tourism prospects. Every year around five lakh holidayers visit Kerala from Saudi Arabia. The Centre has made bio-metric data compulsory at a time when the state is eyeing more tourists from Saudi Arabia. The applicant has to appear directly to get the bio-metric visa issued. But it is not a must for e-visa. There are chances that the Saudi tourists may opt for other countries, including neighbouring Sri Lanka, in view of the complexities in applying for bio-metric visas. This will adversely impact the state's tourism revenue.

I urge the Government to include Saudi Arabia among those countries which are exempted from bio-metric visas and should be issued e-visas.

(xxi) Need to grant special category status to Bihar.

[Translation]

SHRI KAUSHALENDRA KUMAR (NALANDA): Bihar is an extremely backward State. As per the report submitted by the Raghuram Rajan Committee to the Government, it ranks second among the most backward States. The Committee had suggested that, in order to bring Bihar and Odisha at par with other States, the Union Government would have to undertake several measures. Foremost among them was that Bihar should be granted Special Category Status so that industries may be encouraged to establish themselves there. The State Government has been striving for this for many years and has repeatedly urged the Union Government. However, neither the previous Government, nor the present one, has acted in the interest of the State. Nearly 11 crore people of the State have been left to their fate. More than half of the State's land area is compelled to suffer floods every year, while the remaining part faces drought-like conditions. For the past thirty years, apart from the Barauni Power Plant and an ordnance factory and rail workshop in Nalanda, no other industries have been set up in Bihar. During the last General Election, the Hon. Prime Minister had assured the people of Bihar that if anyone had the strength to grant Special

Category Status to Bihar, it was Shri Modi. Now that the leadership of the Union Government is in the hands of Shri Modi, the continued indifference towards a highly backward State like Bihar is difficult to understand.

Therefore, as before, once again I request the Union Government that, on the lines of the North-Eastern States, Bihar also be granted Special Category Status and be given tax concessions, so that industrialisation may be promoted in the State and we too may stand shoulder to shoulder with the rest of the country in advancing the development of both the State and the nation.

**(xxii) Need to review the decision to handover 12 oilfields to
private parties in Assam**

[English]

SHRI BADRUDDIN AJMAL (DHUBRI): I on behalf of people of Assam strongly oppose the Central Government's decision to bid 12 oil fields of Assam to the private and foreign companies. The decision of Government has triggered agitation in the state as privatization of the field would take away the people's right over the resources. In Gujarat, the Centre handed over the oil field to the state-run Gujarat state petroleum corporation. But in Assam, the oil field is being given to private parties.

The Government is arguing that Government companies have no capacity or required manpower for this purpose but we know well that both Oil India and ONGC are exploring oil in other places of India as well as in Arab and African countries. In his statement, the Petroleum Minister said that approximately Rs. 78000 crore can be earned by exploration at the cost of only Rs. 4000 crore. If the Government spends the amount of 4000 crore for making exploration, then it will bring profit to the Government thereby denying opportunities to the private and foreign companies.

Moreover the state Government is also yet to receive royalty of 10,000 crore from Central Government and release of this amount will help State Government to make Assam Hydro Carbon and Energy Company Limited (AHCCL) capable for this purpose.

100% FDI (Foreign Direct Investment) is allowed in oil sector for which the Central Government will lose its control over pricing and marketing of explored oil and gas. I urge upon the Government of India to roll back its decision to hand over the 12 oilfields of Assam to private or foreign companies for exploring oil and give it to Government companies or State owned Corporations.

(xxiii) Need to address the problems faced by people belonging to Kachari community in Assam to get ST certificate

SHRI NABA KUMAR SARNIA (KOKRAJHAR): In Assam Kachari community enjoys ST status but some of them who adopted Hinduism and took titles (Surnames) of high caste community have been denied ST Certificate.

I would like to express my deep feelings of anguish, discrimination, alienation and deprivation as they have been denied the Scheduled Tribe (ST) Certificate. They have been members of Kachari community which is a major tribal community living in Assam, since time immemorial and they are recognized as Scheduled Tribe community of Assam by the Constitution of India since Independence.

Since time immemorial, their village is under tribal belt and block. Under Bodoland Territorial Council included under Sixth Schedule every village is a tribal village. All are having Scheduled tribe certificate and get all facilities. Their Father and Grandfather are also having a Scheduled Tribe certificate issued by the All Assam Tribal Sangha and counter signed by concerned DC or Civil SDO of

area as per laid down procedure in Assam. The Scheduled Tribe Certificate, in general, is being issued by the State Government in most of the States in our country. But in the State of Assam, the All Assam Tribal Sangha, an NGO, has been authorized to issue the Scheduled Tribe Certificate to the eligible communities and the same is countersigned by civil SDO or DC). Because of political influence and alleged vested interest of a dominant tribal group and some irresponsible persons with the interference from All Assam Tribal Sangha, the scheduled tribe certificates have been denied to the Community on the pretext that they have adopted Hinduism and taken the titles (surnames) of some upper caste community of Assam. For more than a decade, they are facing this problem. This is grossly against the natural justice as the Schedule Tribe Certificate cannot be denied to a Community as they have exercised their fundamental right to freedom of religion.

Therefore, I request the Central Government to take suitable action immediately to issue ST certificate to the Kachari Community so that they can also avail the benefits extended to the Scheduled Tribe community of the country.

12.59 hours**LOKPAL AND LOKAYUKTAS (AMENDMENT) BILL, 2016**

HON. SPEAKER: Now, we will take up Item No. 9(A).

THE MINISTER OF STATE OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION, MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE, MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY AND MINISTER OF STATE IN THE DEPARTMENT OF SPACE (DR. JITENDRA SINGH): I beg to move:

“That the Bill to amend the Lokpal and Lokayuktas Act, 2013, be taken into consideration.”

Hon. Madam Speaker, the Lokpal and Lokayuktas Bill, 2013 became an Act from January 2014. ... (*Interruptions*) After the Government took over in May 2014, we went through the details of

the Bill and opinion came up that certain more modifications were required in order to make it more feasible and workable. ... (*Interruptions*) So, the amendment to the Lokpal and Lokayuktas Bill was brought in the Lok Sabha in December 2014. There was a brief discussion following which the hon. Members across the party lines were of the opinion that the Bill needed to go to the Standing Committee for further deliberations. So, considering the sense of the House, the Bill was sent to the Standing Committee. The report of the Standing Committee was received in December 2015. The Bill became a law in January, 2014. Now, the Bill as we know, was passed by the Parliament on the recommendations of the Standing Committee and the amendments to the provisions of the Act have been introduced by the Government and reconsiderations are being made by the Standing Committee which is already there. But some of the provisions of this Act are there.

13.00 hours

Some of the provisions of this Act have created certain issues. For example, the Act requires that all public servants should file their declarations of assets including assets of their spouses and children. That is one issue which has raised considerable amount of

discussion. The date for that was April, which later on extended and currently the deadline or the last date is 31st July, 2016.

Similarly, Madam Speaker, the provisions of the Act also relate to another issue which has generated considerable amount of discussion. This is the declaration of assets by several persons connected with non-government organizations which receive funding from foreign sources or get direct or indirect funding from the State. Some of the NGOs, as all of us are aware, could also be running certain educational institutions; some of them are also running some media houses, both electronic and print. Therefore, while there are amendments which are pending consideration by the Standing Committee, the need for the public servants and the NGOs to file their asset declaration has raised quite a lot of debate.

In the meanwhile, on the 25th July, that is Monday, a delegation of hon. Members of Parliament from different parties met the hon. Prime Minister and requested him to delete the provisions with regard to the declaration of assets and also the provision requiring that these assets be made public. The Prime Minister assured them that the Government would look into the matter.

Considering all these, the Government has done some exercise on this and is of the opinion that since this law was framed after

detailed consideration by the Standing Committee, the same would require to be considered in depth by the Standing Committee itself. The Government is open to the idea of amending the law but the same could be done only after it is considered by the Standing Government. The Government hopes that since the Standing Committee which is already seized of the matter on a larger review of the Act as has been suggested from across the sections of the society and across the sections in both the Houses, the mentioned provisions would be considered in entirety and the Standing Committee would endeavour to make its recommendations expeditiously and if possible before the next Session of Parliament.

In the meanwhile, I propose an amendment in Parliament today in order to substitute the provision of section 44 which precisely deals with the declaration of assets and the provision of making the assets public. I do so, so that the present or the immediate impasse which has happened with regard to the declaration of assets could be overcome and the same in relation to the public servants which include the Government officials as well as the political functionaries and the other category of NGOs could be deferred.

With these few words, I propose to the Hon. House that the amendment may kindly be accepted. Thank you.

HON. SPEAKER: Motion moved:

“That the Bill to amend the Lokpal and Lokayuktas Act, 2013, be taken into consideration.”

SHRI BHARTRUHARI MAHTAB (CUTTACK): Is it to be deferred in perpetuity or deferred for a year?

HON. SPEAKER: Let him complete.

DR. JITENDRA SINGH: As I said, since we would refer it to the Committee we would request that the Report is available to us by the next Session, as is usually the norm. But in the meanwhile since this entire text is based on the sense of the House, I hope without discussion we could pass it since we also have the urgency of the date, 31st July which is the deadline.

SHRI MOHAMMAD SALIM (RAIGANJ): Wherefrom has the sense of the House emerged? Maybe, I was not present. This is an important Bill and is being discussed in entirety in the Standing Committee. You are expecting that the Report would come in the next Session. How do you arrive that immediately this one section has to be amended and why are you saying this is the sense of the House? When was the sense of the House arrived at?

DR. JITENDRA SINGH: As pointed out by the hon. Member, although the amendment Bill, which was introduced initially in December 2014 in the same House, had a long list of amendments these amendments were of a different nature. I will not be able to go

into the details. For example, one of the provisions there was that the Selection Committee ought to have the Leader of the Opposition and since in the present House we did not have an acknowledged Leader of the Opposition we thought we could bring in an amendment accepting the Leader of the largest Opposition Party as the Leader of the Opposition. Similarly, in the Selection Committee we had a provision for having jurist members but somehow when the Bill was passed in January 2014 and became an Act, the duration or the term of the jurist was not specified. So, we thought that was also one technical amendment.

What I am trying to say is that though this is not the only amendment but the urgency, as the hon. Member is rightly pointing out, of bringing an amendment pertaining to Section 44 arises from the fact that this has put a binding on us to stick to the deadline of July 31st for filing your assets, including the assets of the spouses and children and also making them public, and, not only the assets of the public servants but also assets of the NGOs. So, in order to overcome that technicality this amendment is being brought in. Of course, there are other amendments which can be taken up later on.

PROF. SUGATA BOSE (JADAVPUR): Madam, may I just say one sentence that this is a sensible move on the part of the

Government and I hope that the Standing Committee will make sure that genuine philanthropic and charitable work does not get adversely affected by the provisions of the Act. The phrase public servant has to be properly defined when the larger amendment comes. Thank you very much Madam Speaker.

HON. SPEAKER: The question is:

“That the Bill to amend the Lokpal and Lokayuktas Act, 2013, be taken into consideration.”

The motion was adopted.

SHRI MOHAMMAD SALIM: Madam, I have raised an issue and I have not got the answer.... (*Interruptions*)

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

SHRI MOHAMMAD SALIM: Why are we not discussing the Bill?

[Translation]

HON. SPEAKER: I will call you; how can it be over already? It has only just begun.

... (Interruptions)

[English]

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

The question is:

“That clauses 2 and 3 stand part of the Bill ”

The motion was adopted.

Clauses 2 and 3 were added to the Bill

... (Interruptions)

[Translation]

HON. SPEAKER: I will give you an opportunity to speak.

...(Interruptions)

HON. SPEAKER: At least allow me to reach that point.

...(Interruptions)

[English]

HON. SPEAKER: The question is:

“That Clause 1, the Enacting Formula and the Long Title stand part of the Bill. ”

The motion was adopted.

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.

DR. JITENDRA SINGH: Madam, I move:

“That the Bill be passed.”

HON. SPEAKER: Motion moved:

“That the Bill be passed.”

SHRI MOHAMMAD SALIM: Madam, the Minister has talked about the urgency. I accept it. Without putting in the List of Business, without circulating any Supplementary Business, he is bringing this Bill before the House. It is a wrong parliamentary practice. I am

asking you a question.... (*Interruptions*) What is the urgency? You listen to me.

HON. SPEAKER: Ahluwalia Ji, let him complete.

SHRI MOHAMMAD SALIM: It is a wrong practice.

Secondly, the Minister himself while introducing this Bill and asking for passing it, said in entirety the Standing Committee is seized of the matter but we have to amend Section 44. There are two reasons for that. One is, a delegation met the Prime Minister and the Prime Minister has said it. Secondly, there is the deadline of 31st July for declaration of assets. This is with retrospective effect from 2014. We know that this country has debated Lokpal and Lokayukt not only in Parliament, not only in the Standing Committee but outside also. [*Translation*] Extensive discussion has taken place on this matter. It is connected with corruption, and it is connected with benami transactions as well. Since the 2012 report, the White Paper on Black Money, the Union Government has been addressing this issue. Many laws have been enacted in this regard. When required, in the matter of the LoP, we amended the Lokpal Bill. However, it appears that you are trying to take public servants out of the ambit of this scrutiny. We Members of Parliament ourselves fall within its scope. Will we now create philanthropic bodies or NGOs to save

ourselves? We are fully aware of what the Union Government is doing with NGOs and how they are being harassed. At that time, it was stated that the law contained a provision that one must declare one's assets before the competent authority. There are some Members of Lok Sabha who, even after your Bulletin and your directions, do not declare their assets. There are also such reporters and members of the news media.

Why is the Union Government suddenly, with such affection, attempting to pass this Bill without discussion in order to exempt public servants, including Members of Parliament, from its scope? An answer to this question has not been provided. The Union Government must explain under whose pressure it is acting.
...(Interruptions)

HON. SPEAKER: The Minister is speaking. Why are you creating an uproar?

[English]

DR. JITENDRA SINGH: Madam, at the outset, I would like to clarify that the Government is not against the Lokpal Bill. Let not the message by any chance go that we are against the Lokpal Bill or

we are against eradication of corruption. That is certainly not the message and that is certainly not the intention.

I have heard the hon. Member who has given some good inputs. Now what we are trying to actually facilitate is effective implementation of the Bill. For that only, we brought in the amendment Bill in December 2014 because the Bill as it had been passed and became an Act in January 2014 was not workable for a number of reasons which I have already tried to point out to you. These issues included the issue of Leader of the Opposition, duration of various members, term of the jurists and then certain logistic issues as well. Those amendments are still there and they were sent to the Standing Committee on the advice of the House. The Standing Committee report has come.

Now out of those amendments, amendment to Section 44 has certainly created an urgency because it pressurized the deadline of July 31. Now since this is a Bill which has already become law, we cannot do it on our own. We have to come back to Parliament. So, specifically for Section 44, we have brought it.

Now as per the second part which the hon. Member has pointed out, it is not that the delegation met the hon. Prime Minister and therefore this is inspired. You are narrating only half-truth of what I

said... (*Interruptions*). Let me repeat what I said. I said that the opinion was sought to be obtained from different sections of society including the stakeholders as also from hon. Members of Parliament from both the Houses across party-lines. You please read my statement. I had said that 'in the meanwhile'. It is not that the delegation met and overnight we got prompted. So, this is part of a larger process to gather as many inputs as possible from the stakeholders as well as from others.

Thirdly, as far as public servants are concerned, which includes the Government officials, political functionaries including Members of Parliament, nowhere have we tried to say or there is a reflection of the intention that we are trying to do away with the provisions against corruption. At the same time, there are issues which have been raised by the public servants relating to the declaration of the assets of their spouses and their children. For example, you have a Civil Servant, mostly lady officers have also raised this contention that the spouse is working elsewhere and they are not very clear whether they should be asked to make it public and declare the assets. So, we said that let us have a serious, fair, objective thought over it. That is one aspect.

Secondly, as far as the NGOs are concerned, it is not my NGO or your NGO or siding with any NGO. We have NGOs which are doing philanthropic activities; there are NGOs which are running educational institutions, some of them good ones; we have NGOs or Trusts running media houses. Therefore, it is just to give a space to the inputs received from all of them. We have never negated if the Standing Committee and the opinion later on is to go ahead in the same line as it is today, the Government is ready to go ahead on that. We are committed to work against corruption and to implement the Lokpal as approved by the House... (*Interruptions*)

[Translation]

HON. SPEAKER: Later it will have to go to the Standing Committee in any case; at that time you may overturn it again.

[English]

SHRI KALYAN BANERJEE (SREERAMPUR): Madam, on last Monday in the Business Advisory Committee meeting I said that we need to talk on this and give us time and please do not list it for Tuesday. But the Government said that it was very urgent. We agreed for listing it on Tuesday. But we said we want to have a discussion. We said at that time that we have certain points to raise

on this. But we are not getting that opportunity here to discuss it. I can appreciate the urgency.

Hon. Minister, I would like to ask you a question. Is there any concept in the mind of the Government that NGOs should be kept beyond the scope of this Act whether it is running a media house or running an educational institution? Educational institutions have now become commercial. Where is any charity in educational institutions? Only in a very few places there are educational institutions which are doing this charity. It is alright that the Bill is being passed without discussion. But for the benefit of the country please do not make any attempt to dilute the Act itself. There should not be any dilution. NGOs are also responsible. NGOs are taking money. Simply because an NGO is running a media house and therefore they should be kept beyond the scope of this Act is something which we are opposing.

DR. JITENDRA SINGH: Madam Speaker, the suggestions of the hon. Member are very well taken. I do not know how the message has gone that we are trying to spare or bail out any NGO which is at fault.

SHRI BHARTRUHARI MAHTAB: It is just an advisory.

DR. JITENDRA SINGH: I do not know how the message has gone that we are trying to spare or bail out any NGO which is at fault. Not at all. Who said that?

[Translation]

SHRI MALLIKARJUN KHARGE (GULBARGA): There are no two opinions about the fact that this is very urgent. Since the timeline is only till 31 July, you have brought this under Section 44 for extension. The date from which you want to commence it will be notified by you. But ...*(Interruptions)* Whether it is 2014 or 2015, Dubey ji, we enacted it in 2014. You have brought some amendments; that is a different matter. But this should not be diluted. There should not be even a feeling that by bringing the Lokpal Bill here, all MPs together have diluted it and are trying to exempt themselves from its ambit. Such a message must not go out. Therefore, we want you to clarify this.

[English]

DR. JITENDRA SINGH: Hon. Madam Speaker, the point made by Shri Kharge ji, a very senior Member, is very well taken. Certainly,

it is neither the intention nor the design to dilute the Act. We are ready to make it even more stringent if that is the recommendation given to us. We are ready to go as far as possible in the endeavour against corruption. If you read the last line of the 44th Amendment, it says:

“On and from the date of commencement of the Act, every public servant which also includes the NGO shall make a declaration of his assets and liabilities in such form and manner as may be prescribed.”

So, certainly, we have not deleted that part. It still exists but, maybe, on the advice of everybody including the stakeholders, we would give an opportunity for another thought to it.

HON. SPEAKER: The Minister may now move the motion to pass the Bill.

DR. JITENDRA SINGH: I beg to move:

“That the Bill be passed.”

HON. SPEAKER: I think, the matter is clear to everybody.

The question is:

“That the Bill be passed.”

The motion was adopted.

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

13.20 hours

*The Lok Sabha then adjourned till Twenty Five Minutes
past Fourteen of the Clock.*

14.30 hours

The Lok Sabha re-assembled at Thirty Minutes past

Fourteen of the Clock.

(Hon. Deputy Speaker *in the Chair*)

**BENAMI TRANSACTIONS (PROHIBITION) AMENDMENT
BILL, 2015^{2*}**

HON. DEPUTY SPEAKER: Now, we take up item No.10 – Shri Arun Jaitley.

THE MINISTER OF FINANCE AND MINISTER OF CORPORATE AFFAIRS (SHRI ARUN JAITLEY): I beg to move:

“That the Bill further to amend the Benami Transactions (Prohibition) Act, 1988, be taken into consideration.”

*Moved with the recommendation of the President.

HON. DEPUTY SPEAKER: Do you want to say anything?

SHRI ARUN JAITLEY: I just want to make a brief comment as far as this legislation is concerned. Originally the Benami Transactions (Prohibition) Act was enacted in 1988. The tenor of the provisions of that Act had only nine Sections and any person who wishes to acquire an asset or a property must do it in his own name, with his money. If he acquires it in the name of somebody else, then, it is deemed to be a benami property.

Even though two judgements of the Supreme Court came, as to which is a benami property and which is not a benami property, from 1988 till today, 2016, this law has not been put into effect. And the reason why this law was not given effect was that the law provided for two significant provisions as to the fact that if there is a benami property, benami transactions are prohibited and the State will have the power to acquire the benami property. Further that the person who enters into this benami transaction is liable to be prosecuted. There was nothing else mentioned in the Act.

When this Act went to the Law Ministry thereafter, there was no machinery provided for as to how the acquisition would take place, as to what would be the terms of the acquisition. When this law was framed, it was thought that everything else would take place

by virtue of rules. Probably the Law Ministry thought, and rightly so that this could be a case of excessive delegation. There are some vital provisions in every law which have to be provided in the legislation itself, and some non-operational provisions could be operationalised through the rules itself. So the Law Ministry said that rules cannot be framed. So, this Act had to be operationalised through rules, and the rules were never framed.

Thereafter, an effort was made and to begin this particular legislation subsequently, after this legislation was brought in, it was then redrafted in 2011 by the UPA Government in the form of amendment to the 1988 Bill. The reason why we want to amend the 1988 Bill – the original Bill has nine Sections but a large number of Sections were added – one proposal was that it should be repealed and a new Bill should come in. But then if we brought in a new Bill, properties acquired benami between the periods of 1988 onwards would have all gone scot-free. So, it was considered necessary that the old law be allowed to remain, and the new amendments be inserted into the old law itself. Now that Bill lapsed with the lapsing of the Lok Sabha, even though it was referred to a Standing Committee, and the Report did come.

In 2015, a fresh amendment Bill was introduced by us, the original Bill has nine Sections, and the amendment Bill has 71 Sections. The reason for incorporating the amendments in the Bill is again the same that we want the Bill to be operationalised from 1988 onwards. A large number of amendments have been introduced. This Bill has been referred to the Standing Committee. The Standing Committee has given a certain set of recommendations and the most important amongst them was that what the exceptions to the benami principles are. One exception which the law provided for was, properties held within an Undivided Hindu Family. That is, property may be in the name of the Karta but the beneficiaries may be other coparceners.

The second amendment was, in the event of a Trust, Trustee can hold the property as a fiduciary of the principal Trust. So, those would be exempted. Now, there was certain categories of amendments which Members of the Standing Committee itself suggested that there are a large number of properties particularly in the Union Territory and elsewhere where transactions take place on a Power of Attorney and an agreement to sell, people are put into possession and by virtue of the provisions of Section 53(A) of the Transfer of Properties Act the possession is protected. But the

property continues to be in the name of the original owner. Will those be treated be as benami? So, Members suggested that a further amendment may be incorporated that properties which are already under some form of arrangement of this kind should really be brought in as far as this legislation is concerned. We considered it appropriate and that key amendment has been accepted by the Government. Therefore, those amendments have also been circulated.

Sir, the principal object behind this Bill is that a lot of people who have unaccounted money invest and buy immovable property in the name of some other person or a non-existent person or a fictitious person or a benami person. So these transactions are to be discouraged. As far as assets held illegally abroad are concerned, from the very beginning the effort of the Government has been, they should be squeezed, the use of cash beyond a certain limit should be discouraged, unaccounted money must make way and, so, the colour of transaction of money itself must change. Therefore, this is an important step in that direction. It is predominantly an anti-black money measure that any transaction which is benami is illegal and the property is liable to be confiscated. It will vest in the State and the entrant of the benami transaction is liable to be prosecuted.

With these few opening remarks, I commend this Bill for discussion and acceptance of the hon. House.

HON. DEPUTY SPEAKER: Motion moved:

“That the Bill further to amend the Benami Transactions (Prohibition) Act, 1988, be taken into consideration.”

SHRI S.P. MUDDAHANUME GOWDA (TUMKUR): Mr. Deputy Speaker, Sir, first of all I would like to express my sincere thanks to you for having allowed me to initiate the discussion on the Benami Transactions (Prohibition) Amendment Bill, 2015.

Sir, benami transactions are detrimental to the interest of this nation and benami transactions constitute a serious offence against the State also. It is the bounden duty of the Government not only to prohibit these transactions, but also to prevent any benami transactions from taking place. So, prohibition is needed and prevention is also required equally.

We have been hearing much about Indian black money in foreign countries. We hope that the Union Government is still making its effort to bring back Indian black money in foreign

countries. But to our surprise, we have got enormous and sufficient black money on our Indian soil itself.

Sir, as the hon. Minister has rightly pointed out, these haves will make use of have-nots to preserve their ill-gotten money. The haves, who have got a lot of ill-gotten money, will make use of the situation of have-nots and they will keep this money in the name of have-nots.

The easiest way of keeping the ill-gotten money is to invest it in land properties. We have been seeing that throughout the country a lot of valuable, prime properties are being purchased by some people in the name of somebody else. A lot of black money is invested in land properties. We can see a lot of land properties, which are fertile in nature, have been kept barren and vacant. The persons who invest their black money in these lands, they have not purchased for the purpose of agriculture. They have purchased these land properties for the purpose of making use of their ill-gotten money in those properties.

Sir, with utmost responsibility I would like to place on record that in our country, a lot of lands, which are vacant and barren, have been converted into banks of this black money.

I would like to give you one example. Suppose, there is a property worth Rs. 1 crore. Normally, the guidance value of this property would be about Rs. 10 lakh. People will purchase that property, which is worth Rs. 1 crore, for Rs. 10 lakh on paper by paying Rs. 1 crore. In that way, they will safely keep their ill-gotten Rs. 90 lakh in that vacant land. This ill-gotten money is being spread all over the country. This money is also not accountable. These are all white-collared offences. They are investing this black money for two purposes. One is to keep their black money safely on a vacant land and secondly they want to escape from the clutches of law. So, they will make use of this vacant land just to escape from the clutches of law and to keep their money safe. This law is not only detrimental to the economy of this country but it is also detrimental to the food production of this country. It is because these people do not want to make use of such lands for agricultural purposes. They will keep such lands vacant or barren. This is definitely a very good move. This legislation was brought forward by the UPA Government which is now being introduced by the NDA Government. We wholeheartedly support this Bill.

I have also suggested some preventive measures to prevent this black money being used by the people. Normally, in real estate, that

is the legal term which the people have started using, there is a lot of black money transaction. I do not say that the entire real estate sector is clubbed with black money. But normally the people who have got a lot of black money, they invest this black money in real estate business. The real estate business means purchasing vacant lands.

We have got the Karnataka Land Reforms Act. That is prevailing in Karnataka. This has been done by the then Congress Government. There, a non-agriculturist or a company cannot purchase or own agricultural land. Section 17 (a) and (b) of the Karnataka Land Reforms Act prohibits any person, who is not an agriculturist, from purchasing agricultural land. That is the way by which we have prevented black money holders from investing this money in agricultural lands. Of course, such kind of laws may be there in some other parts of the country but ultimately, in that perspective, it is the responsibility of the Union Government to bring some stringent legislations to prevent the non-agriculturists, who have no intention of doing agriculture, by encroaching upon the agricultural properties.

Secondly, the Parliamentary Standing Committee has also suggested that the Aadhaar number, PAN and bank account number should be connected to every land transaction. If the Aadhaar

number is linked; if the PAN is linked; if the bank account number is linked; and if more details are taken by the registering authorities about the purchaser then it will stop generation of black money. Above all, it is the responsibility of the respective Governments to find out the exact source of money that is going to be used in purchasing land. So, they should ascertain the source of money, not necessarily income. Then only, to some extent, they can prevent fictitious persons. Benami people can invest in agricultural lands. That is why, now the Government of India should bring some legislation with regard to that.

Secondly, how do you collect information about the benami transactions? There are people who are prepared to come and give information about these benami transactions. Benami transactions cannot take place without the knowledge of other individuals. Definitely people are prepared to come and inform the concerned authorities about these transactions. We can say that they are the whistle blowers. But, what is the law you have enacted in this Bill to protect the interest of the whistle blowers? Persons who want to disclose about the illegal transactions or benami transactions are neither protected, given protection here, nor is any incentive being announced. Why should he come and unnecessarily take risk by

informing about the illegal transaction of somebody else? So, he should be protected.

In addition to that, some incentive should be given to him also. His identity and other things also may be safeguarded. Then only we can extract more information about the benami transactions.

Now, I would like to mention a few facts, give my individual view about some of the lacunas in the proposed Bill. You are right in saying that the offence committed under this Act is very serious. It is a white-collared offence. It is an offence against the State. You must be extra careful about the people who indulge in these activities. They are doing such activities at the cost of the future of this nation, at the cost of the economy of this nation. The sentence you have prescribed under Section 61 is from one year to seven years – not less than one year and it may go up to seven years. Rightly it is triable by a Sessions Court. But, you have stated that these offences are non-cognizable. I would like to know how an offence of serious nature, an offence which is liable to be tried by a Sessions Court, can be treated as a non-cognizable offence. The moment you say that it is a non-cognizable offence, it takes away the seriousness of this offence. Normally in the country what we feel is, an offence

which is triable by a Sessions Court is a serious offence. That is why, that should be made a cognizable offence.

Here, in the appellate court, you have made a provision for right to representation. Principles of natural justice require and demand a person should be given some legal assistance. The same provision is not provided to that person before the adjudicating authority because adjudicating authority is the person who virtually goes to the very root of the case. He gives opportunity of hearing to the person. He records the evidence. He looks into the documents. He hears the arguments and then takes a decision. Virtually the trial will be conducted before the adjudicating authority. But, unfortunately, you have not provided for legal assistance to appear before the adjudicating authority; whereas, before the High Court, of course there is a provision in that regard. Before the appellate tribunal also, you have provided the legal representation. Before the High Court also, one can definitely be represented by an advocate. But you have not mentioned anything about appearance before the adjudicating authority.

That is why, this is my request. Tomorrow, anything which we enact here will be subjected to scrutiny by the courts. Tomorrow, the courts should not say that an opportunity of hearing is not given, he

has not been properly represented and he was not capable of defending his case, such things should not happen. That should not become a problem before any court. That is one thing.

Secondly, regarding these authorities, jurisdiction and procedural aspect appear to be too high, too heavy and too lengthy. You are creating four provisions at the initial stage i.e. initiating officer – one who initiates the cases. Then, why do you want this approving authority? He, as the initiating officer, is a right person who looks in detail about the benami transactions. He will have the first hand information about all these things. But you have also asked him to take approval from the approving authority. Then, there is an administrator. Even the initiating officer can also play the role of an administrator but still you have created one more post, the administrator who manages the land which was confiscated. Then, there is adjudicating authority. Of course, the adjudicating authority has got the original jurisdiction of trying the case and he is the person who declares about the benami transaction and he is the person who actually confiscates these illegal properties after having come to the conclusion that it is a benami transaction. That is one thing.

Secondly, you have provided a provision for this appellate tribunal. But in the appellate tribunal, what happens is that though

the matter is being seriously adjudicated before the adjudicating authority, but once again you have made a provision for recording evidence, looking into the documents and verification of the documents. All these things will be done before the appellate tribunal. That is not required. The Appellate Tribunal should hear the appeal on the basis of the evidence which is available, on the basis of the evidence which has been recorded before the adjudicating authority. But you have a made provision to re-introduce the case here also in the Appellate Tribunal. That means the original jurisdiction still exists before the Appellate Tribunal, which is not correct.

Once again the High Court is there. Naturally, these cases will be taken to the Supreme Court also. That will definitely help the people who indulge in these activities, because they can drag the case for years together. That is how, things are happening. In the Appellate Tribunal also, you have not fixed any time limit. You have used the words “may hear and decide within one year”. Naturally, you are a legal luminary and you know how these courts will use the word ‘may’. I think that will not solve the problem. The seriousness of the whole issue or the concern of the Government is to deal with these cases very stringently. I think that will be taken away the way

in which the provision is being made to drag the case for years together. That should not happen.

Finally, before the High Court, it is right that the High Court deals with only the substantial question of law. That is okay. The High Court can hear if there is any error in the substantial question of law, then only they can hear and dispose of the case. I will read Section 49(7).

“The High Court may determine any issue which has not been determined by the Appellate Tribunal.”

Then, the Pandora’s box of litigation is opened. The High Court also, not necessarily on the substantial question of law but even on the facts also, can deal with it. That is once again a hindrance to the very purpose of this law.

So, finally, as I pointed out earlier, there are many flaws which have to be looked into, and by adding only one thing, I will conclude my speech. The Parliamentary Standing Committee has recommended about known source of income. That should not be there. It is only known sources. That should be there. It is because income means a person, who has got income, is different from a

person who has got sources. Sources are different from sources of income. 'Known sources' are the right words. In spite of the recommendation of the Parliamentary Standing Committee, that amendment has not been made. So, that is the right thing because income is different from sources. That is why, that should be seriously looked into.

With all these things, I fully support this Bill, and I express my sincere thanks for giving me the opportunity.

[Translation]

DR. RAMESH POKHRIYAL NISHANK (HARDWAR): Hon. Deputy Speaker, Sir, I would like to speak in favour of the Benami Transactions (Prohibition) Amendment Bill, 2015, which has been brought to amend the Benami Transactions (Prohibition) Act, 1988.

First of all, I would like to congratulate our Prime Minister and our distinguished Finance Minister for having taken an important step towards creating a new chapter in India's history by promoting transparency and curbing black money. I recall that Hon. Finance Minister Shri Arun Jaitley had stated in his Budget Speech, 2015, that with regard to preventing domestic black money, we would introduce a comprehensive Benami Transactions (Prohibition) Amendment Bill in the House. He had also stated in his speech that with the passing of this Bill, we would be able to confiscate benami properties and, through punitive provisions, prevent funds from being channelled into benami assets, particularly in the real estate sector. Through the introduction of this Bill before this House today, the Hon. Finance Minister has honoured the commitment he made in his Budget Speech and has worked towards creating a significant milestone in this direction.

Sir, if we look at it, the 57th Report of the Law Commission, dated August 1973, had also stated that the spread of black money across the world and the image of India in that regard had become a matter of concern for the people of this country, and it was on that basis that the Report was prepared. However, after 1973, this Act was brought in 1988 during the time of Rajiv Gandhi Ji. It appears to me that this was brought under pressure after the world community, the people of the country and the widespread economic corruption in India had caused deep concern, but even then it was not brought in a practical form. As a result, India's credibility was declining across the world, and it was adversely affecting the prospects of investment in our country. Although this Bill was introduced to undertake economic reforms and curb black money, it was brought in an incomplete form. Only nine sections were included in it. There was a serious lack of adequate provisions. Benami transactions were not even properly defined. There was no clear provision regarding punishment for offenders. Excessive exemptions were granted. There was no clarity regarding family members. There was no provision indicating which officer would be competent to issue notice, conduct inquiry, take decisions after inquiry, which administrative authority would acquire the property,

or who would manage the confiscated property. There was no effective provision regarding appellate remedies for persons seeking protection against harassment. The rigour of civil courts was also not explained, and there was no clarity about the implementation of the Act.

From the year 1988, it is surprising that no rules were framed under it. From 1988 until 2011, when the Government brought this Bill once again, as the Hon. Finance Minister has also stated in his speech, instead of making amendments, the Department kept saying that rules could not be framed because the Act was incomplete. What ought to have been done was to amend the existing Act rather than bringing a new one, but instead of amending it, a new Act was introduced. A new Act was brought in place of the 1988 Bill, which has made the situation very clear today. Our friends from the Congress are not present in the House; had they been here, they would have answered that their intention had been to protect black money in the country. Their intention had been to encourage those who accumulate black money; otherwise, they would not have introduced a new Bill in August 2011 after the 1988 Act. By introducing a new Bill, their intention became clear that persons

holding benami properties from 1988 to 2011 would get total exemption. This new Bill was brought for their absolution.

Sir, the Bill introduced in 2011 was referred to the Committee of Shri Yashwant Sinha. That Committee too made several amendments, gave its concurrence and submitted it in June 2012. Kharge Sahib has now entered the House. What is surprising is that after June 2012, two Sessions of that very year were available to the Government. In 2013, four Sessions were available to the Government. What kind of compulsion was there that you did not pass the recommendations of that Committee? Their intention was not to pass it; therefore, it was left as it was. There was no transparency, a lack of honesty, and a clear intention to protect certain persons; otherwise, this Bill would have been passed. I would like to congratulate my Government that, with the intention of realising the concept of a corruption-free India through transparency, honesty, accountability to the people and a responsible work ethic, it decided to amend this Bill that had remained pending for 28 years, and today we stand here to deliberate upon it.

15.00 hours

The provisions contained in this Bill are indeed intended to tighten the noose around those who earn black money and plunder the nation, and to bring them within the ambit of this law. This framework is, in itself, strong. One of my colleagues was speaking on this matter just now; I believe that if he reads each and every section of this law, he will agree that it would be difficult to bring a law more stringent than this one. If we look at this Amendment Bill, the original Section 2, in which even the definition of “transaction” was absent and the definition of “benami transaction” was not provided, has now been replaced.

I would like to submit that under Chapter I, clause 1(9)(a)(i) of this Bill, “benami transaction” has been defined, and it appears in this Act in a very clear manner. First,

"Benami Transactions" means-

(a) any such transaction or arrangement,-

(i) where a property is transferred to, or is held by, a person, and the consideration for such property has been provided, or paid by, another person; and

(ii) where the property is held for the immediate or future, direct or indirect benefit of the person who has provided or paid the consideration;

Second-

Means any transaction or arrangement in respect of a property carried out in a fictitious name;

Which is what you were referring to just now. Third, there is a clear definition that-

Any transaction or arrangement where the owner of the property is not aware of such ownership or denies knowledge of such ownership.

Fourth, it is very clearly defined that-

Any transaction or arrangement where the person providing the consideration cannot be traced or is a fictitious person.”

Sir, while the Bill clearly defines what shall constitute benami property, it has also dealt with another aspect on which much controversy had arisen, namely, whether family property would fall within its ambit, raising several questions about family members, kinship groups and the traditional family structure of India.

It has been made very clear in the Bill which properties shall stand excluded from the definition of benami transactions. These are as follows: Properties held by a member of a Hindu Undivided Family out of known sources of income of the HUF; secondly, properties held by any person in a fiduciary capacity; thirdly, properties acquired out of known sources of income in the name of an individual's spouse or children, and properties acquired out of known sources of income, jointly in the name of an individual's brother, sister, lineal ascendant or descendant. It has been precisely stated who will fall under the category of benami, and who will not be covered by this Act.

Sir, I understand that the Committee of Shri Yashwant Sinha had also felt that the 1988 Bill had completely failed in this regard; therefore, this Bill has been brought in a much improved manner. As was discussed earlier, this Bill clearly lays down the structure, designating the initiating authority, the approving authority, the

administrative authority and the adjudicating authority. A four-pillar institutional mechanism has been established because the Committee had also observed that the earlier Act did not contain any such mechanism to hear people and ensure proper determination.

I believe that just as provisions have been made in Section 2, similarly the provisions relating to punitive action against offenders have also been clearly stated, whereas in the earlier Act there was absolutely no clarity on these matters. The earlier Act had a provision for three years of imprisonment; this has now been amended and a provision has been made for imprisonment ranging from one year to seven years. Not only this, but a monetary penalty of 25 per cent of the fair market value of the property has also been provided for. No one would even consider acquiring benami property under such stringent provisions.

A Hon. Member was just asking what provisions exist in the event of furnishing false information. For giving false information, there is not only a provision for imprisonment ranging from six months to five years, but also for levying a monetary penalty of ten per cent of the fair market value of the entire property concerned. Under this Amendment Act, the competent authorities have been vested with the powers of a civil court. Clear provisions have now

been made regarding the management of confiscated property, including the appointment of administrators by income-tax authorities on behalf of the Union Government. Earlier, none of this existed who would confiscate the property, whether such confiscated property would vest in the Union Government, the State Government or any institution, and if so, who would operate it, who would manage it, nothing was provided. Now, there are very clear provisions. There is a provision for an Appellate Tribunal. The Parliamentary Standing Committee on Finance had also observed that if people felt aggrieved, they should know where to appeal. This has now been clearly laid down, and an appellate mechanism has been established. It has also been stated that if any person feels that he has not been duly heard by that forum, he may also appeal before the jurisdictional High Court.

Therefore, I consider that, consistent with our transparency and accountability, we have brought this law at a global standard. I can certainly say that this will curb black money. Those who are acquiring benami properties through black money, who are plundering the nation, will face a severe blow to their intentions. This is precisely why the credibility of our Government has increased globally, and as a result India today ranks number one in FDI

inflows. Today, India is receiving 63 billion dollars in FDI, whereas the United States is receiving 59 billion dollars. We have surpassed even the United States in FDI inflows. This reflects the credibility of our Government.

With this very sentiment, when this Bill is passed today, a new turning point will come in India and a new chapter will be created. No one will dare to indulge in dishonesty or corruption anywhere. Therefore, I extend my hearty felicitations to our Finance Minister, our Prime Minister and the Government, for the vision they conceived and for bringing this law before the country today, thereby establishing a very important link in the direction of strengthening India through transparency. For this, I offer my warm congratulations to the Hon. Finance Minister. Thank you.

[English]

SHRI M. UDHAYAKUMAR (DINDIGUL): Hon. Deputy Speaker, Sir, I wish to express my sincere thanks and gratitude to our beloved leader hon. Chief Minister of Tamil Nadu Puratchi Thalaivi Amma for giving this opportunity. Our Amma is taking charge as a Chief Minister of Tamil Nadu for the sixth time and in the second consecutive time. She is a people's leader. That is why, we often say her "Our Amma" for giving this opportunity to speak on the Benami Transactions (Prohibition) Amendment Bill, 2015.

The Bill seeks to amend the Benami Transactions Act, 1988. The Act prohibits benami transactions and provides for confiscating benami properties.

The Bill seeks to amend the definition of benami transactions; establish adjudicating authorities and an Appellate Tribunal to deal with benami transactions; and specify the penalty for entering into benami transactions.

The Bill amends this definition to add other transactions which qualify as benami, such as property transactions where the transaction is made in a fictitious name. The owner is not aware of it

or denies knowledge of the ownership of the property or the person providing the consideration for the property is not traceable.

The Bill also specifies certain cases which will be exempted from the definition of a benami transaction. These include cases when a property is held by a member of a Hindu undivided family, and is being held for his or another family member's benefit, and has been provided for or paid off from sources of that family; a person in a fiduciary capacity; a person in the name of his spouse or child and the property has been paid for from them person's income.

The Standing Committee on Finance after examining the written submissions and hearing the views of the Ministry, institutions, experts and State Governments on the Bill find that there are key issues, concern areas and certain operational difficulties which are required to be squarely addressed before the Bill is enacted.

In the exception to benami transaction as laid down in Section 2(1) of the Principal Act -- (Section 4(9)(i), (iii) and (iv) of the proposed Bill, -- the expression "out of known sources of income" should be replaced by "out of known sources" so as to bring clarity in cases where loan funds which are not income, are used as consideration for purchase of a property and not be kept out of the

purview of the Bill. Further, the words ‘and legal’ may also be inserted after ‘known’ so as to safeguard genuine and *bona fide* transactions. The Government has accepted this recommendation of the Committee.

It has to be ensured that any *bona fide* transaction should not be deemed as ‘benami’, when it involves transfer of immovable property entered into under (i) a registered agreement to sale (ii) a registered irrevocable General Power of Attorney (GPA), and (iii) a registered Development Agreement on payment of stamp duty in accordance with law applicable thereto.

According to this Bill, a benami property shall not be re-transferred by the *benamidar*, a person who is holding the property to the beneficial owner, who provided the consideration for the transaction or any person representing him. If the benami property is re-transferred, it is considered void. However, in the Amendment Bill, it is said that, if the benami property is disclosed as part of the income disclosure scheme of the Finance Act, 2016, then the corresponding provisions of the Bill will not be applicable.

In a federal set-up like India where land is a State subject, it would be deemed appropriate that the rights of confiscated benami properties vest with State Governments instead of the Central

Government has recommended to the Government to re-examine this aspect in the light of the Constitutional provisions.

The Bill seeks to establish four authorities to conduct inquiries or investigations regarding benami transactions: (i) Initiating Officer, (ii) Approving Authority, (iii) Administrator and (iv) Adjudicating Authority.

The Standing Committee has observed that it should be ensured that the provisions of the Bill are not in conflict with the provisions of the existing Tribal Land Acts administered by States in Tribal Areas and Scheduled Areas specified under the Constitution. Ground realities in these specified areas should thus be considered and duly factored in. The amendment Bill is likely to have very serious impact in rural areas, where because of large number of cash transactions and poor state of land records, even genuine land owners may find it difficult to establish their titles records being non-traceable. As a precaution, therefore, a thorough and serious inquiry by the Initiating Officer becomes essential before the matter goes to the Adjudicating Authority. The time taken for such inquiry should, therefore, be extended from the proposed period of thirty days to thirty months. This would give the affected person adequate time to prove that she/he is the genuine owner of the property in question. I hope this

recommendation by the Standing Committee has been incorporated in the Amendment Bill.

The Bill seeks to change the penalty to rigorous imprisonment of one year upto seven years, and a fine which may extend to 25 per cent of the fair market value of the benami property. Certain session courts would be designated as Special Courts for trying any offences which are punishable under the Bill.

Time limit for disposing of the appeal by an Appellate Tribunal, say within 2 years from the date of filing of the appeal, should be fixed in the Bill. Any increase in this period should be an exception, made only at the instance of the High Court on an application made by the Tribunal.

The Standing Committee has observed that the provisions of the proposed Bill are silent on the extra territoriality, where the transacting persons standing in fiduciary capacity, benamidar, beneficial owner or the property are situated or located abroad. Similarly, the provisions are also silent on the role of whistle-blowers and their protection, which would be important to detect benami holdings. Adequate provisions in this regard should be incorporated in the Bill.

In the proposed Bill, the appointment of the Adjudicating Authority has been prescribed in clause 9; however, no such mechanism has been provided for appointment of the Initiating Officer and the Approving Authority. The proposed Bill may therefore be restructured by inserting a Chapter on Authorities on the lines of Income Tax Act, wherein Chapter XIII provides for appointment and control, jurisdiction and power of such Authorities so as to have greater clarity and avoid legal hassles.

In clause 32, for qualification for appointment of Chairperson of the Appellate Tribunal, “experience as a High Court Judge for a period of at least five years” may be inserted with a view to having the services of experienced judges. This has been accepted and incorporated in this amendment Bill.

A provision is needed to be inserted in the proposed Bill for right to representation for a person preferring an appeal before the Adjudicating Authority as provided under clause 48 of the Bill for preferring an appeal to the Appellate Tribunal.

The crux of the whole problem of *benami* transactions lies in transactions being recorded in the names of persons who are not the beneficial owners. To pre-empt and eliminate this, the Committee has desired that certain consequential amendments in the Transfer of

Property Act, 1881 and Registration Act, 1908 should be made, particularly making mandatory online registration of all immovable properties, linkage of Aadhar number and PAN number of all the parties to the transaction and sharing of data by the Registration Authorities with the Central agencies like Income Tax Department.

Stress should be laid on digitalisation of land record and its regular updation. Efforts should be made to deal with the problem systematically to the extent possible without needless discretionary intrusions. There should be complete co-ordination and intelligence sharing between different agencies such as Income Tax, Excise, Customs, Police, Banks, Stock Exchanges, Regulators such as SEBI and RBI, and investigative agencies such as CBI, ED, and SFIO. This aspect should be adequately reflected in the Bill.

The Committee was of the view that this Bill should not become another coercive instrument in the hands of the Central Revenue Department to forcibly collect or mobilise taxes, as the existing Income Tax Act had adequate provisions and teeth to deal with issues such as tax evasion and unaccounted income or wealth. The Committee believed that multiplicity of authorities should not be created and the existing set up could be utilised for this purpose. The

need of the hour is to exercise the existing powers judiciously and in a credible manner.

The Finance Minister in his Budget Speech 2015 had stated the purpose of the Bill was to curb the generation of domestic black money. However, the Standing Committee found that the Statement of Objects and Reasons of the Bill was silent over that significant aspect. The intent of the Government should therefore be clearly mentioned in the Statement of Objects and Reasons of the Bill. It is also necessary that prevention of corruption and tracking of tainted money are also added as supplementary objects of the Bill.

With these words, I conclude my speech. Thank you for the opportunity.

SHRI KALYAN BANERJEE (SREERAMPUR): Hon. Speaker Sir, the Bill which has come up is the Benami Transactions (Prohibition) Amendment Bill. In clause 3, you say, “This Act may be called the prohibition of *Benami* Property Transactions Act, 1988.” This is what you want to do. Why are you not bringing in a new Bill? Why have you brought this amendment Bill? If the title of the Bill goes, like the ‘Benami Transactions (Prohibition) Act, 1988’ why are you amending a Bill titled Benami Transactions (Prohibition) Amendment Bill, which is further to amend the Benami Transactions (Prohibition) Act, 1988? You are trying to bring new things into the old Act. If that is so, why are you not replacing it with a completely new Act itself? Through you I would like to draw the attention of the hon. Finance Minister. It is also a great privilege to have the hon. Law Minister here. It is all the time my privilege whenever both of them are in the House.

The Standing Committee of Finance in Part-II of its 28th Report had exactly recommended for bringing a new Bill itself. There is a total change of characters. What is the requirement of it? Let us see the object behind it. We have heard the speech of the hon. Finance Minister in 2015 regarding stopping of black money. The main thrust was whether these transactions are made through a backdoor process

or through the black money. Today, if I have white money and if I transfer a property to anyone, it is not benami. Benami is having the money whose source has not been disclosed and cannot be disclosed because it is earned out of illegal activities. The property purchased out of such transactions is called in different names and it is called benami. I have a little experience about that.

In 1989 I purchased a second-hand car. The car was given to me but the owner said that he would give the documents etc. after a few days. I believed him for that. For two years I was not given those documents and in 1991 that car was stolen by someone. In the competent court naturally the owner has to apply for seized car. I had to take the help of the Police Commissioner. Ultimately it was found that the gentleman who was owner of the car was staying in a remote village of Bihar. He was the owner's domestic servant. This is the example of a benami property and this has to be stopped.

I now come to Clause 9 of the Bill. It says:

“(a) A person shall not be qualified for appointment as the Chairman or a member of the Adjudicating Authority unless he has been a member of the Indian Revenue Service and has held the post of Commissioner of Income-tax or equivalent post in that Service;

The Chairperson or other Members of the Adjudicating Authority shall be appointed by the Central Government.

The Central Government shall appoint the senior-most Member to be the Chairperson of the Adjudicating Authority.”

How can you distinguish the seniority? Seniority can be distinguished within the same cadre. How can you distinguish between the seniority of an income tax officer and a district judge?

As regards income tax tribunal matters, constitutional bench judgement on Chennai matter, you know that if the power is not vested where the judicial officer is and it is given to the administrative officer, then it would be *ultra vires*. One has to ensure who the Chairman would be. When a person from judiciary is there, maybe of district level, then why are you going for an administrative officer?

I would like to know as to why the Department of Revenue is included everywhere. The Income Tax Officer will run after the

persons. In our country, they are the most failed persons. Only three per cent people pay income tax in our country. The Income Tax Officer will run after those who are paying income tax. Those who are not paying tax, they will never touch them. If I have to pay advance tax and if I remain in Parliament continuously for three months, then I would get a notice as to why the advance tax is less. But those who are not paying taxes at all, they are never caught by the Income Tax Officers. This is the situation. I would say that instead of Revenue Officers, it should be somebody else because income tax is not the main question here. The question of property is here.

Under clause 30, you have created an appellate tribunal to hear such appeals. With great respect, I would like to ask where the provision for preferring an appeal is. First, there must be a provision to prefer an appeal. If an appeal is preferred, in how many days it should be preferred. The Bill is silent on that. This provision cannot be made in the rules but it has to be made in the statute itself. If an order is passed by the Adjudicating Authority, kindly consider giving power to the Appellate Tribunal to pass an interlocutory order. Otherwise, everything would be frustrated. Ultimately, when the final appeal would be heard by the High Court, then everything

would go. A person should be given justice. One can see that it is benami and one may not see that it is benami. One may suffer from victimisation also. Therefore, this power should be given and certain protection should be given against the order itself. Clause 30 says that the Central Government shall by notification establish an Appellate Tribunal to hear appeals but where is the provision that there is a right of appeal against an order of the Adjudicating Authority.

Then time limit is not there but in the case of the High Court appeal, there is a time limit of 60 days. I will request that in the Bill itself you give the power to the Appellate Authority to pass an interlocutory order.

Sir, the Parliamentary Standing Committee on Finance has submitted a Report in which they have highlighted a ground reality. The ground reality is that in the rural areas lands are purchased in cash and it is being done for decades together. In the rural areas and in case of illiterate persons it is very difficult to find the land deeds etc. So far as the rural areas are concerned, the poor people are concerned, those who have purchased the property, in their cases if the deeds are not available, then care should be taken to see that those properties are not brought within the scope and ambit of this Act.

Therefore, I would like to request the hon. Finance Minister to give thrust on the aspect whether the property is purchased or acquired by reason of any undisclosed money or tainted money. Apart from that, if the property is not bought by tainted money, or money from undisclosed sources, then those properties should not be brought within the scope and ambit of this Act.

Sir, I must say that a number of mechanisms have been created in this Bill. But I would like the hon. Finance Minister to have a re-think on this. I can make a request to him. The hon. Finance Minister has given a completely new thought which I appreciate excepting certain points which I have already pointed out. I appreciate the intention of this Bill. I appreciate the mechanisms that you have created through this Bill. I have no doubt that that. But since he has given a new thought over the entire thing, it is better to bring in a completely new code itself giving details of everything.

Sir, with these words, I conclude.

Thank you.

SHRI LADU KISHORE SWAIN (ASKA): Hon. Deputy-Speaker, Sir, I thank you for giving me this opportunity to speak on this Bill. I rise to speak on the Benami Transactions Prohibition (Amendment) Bill, 2015.

The Bill has been brought in to curb the nuisance of illegal transactions that have been plaguing our country. We are all aware that most of the black money generated domestically is due to property dealings and similar such real estate transactions. This Bill deals with it and adds the provision of penalizing those who indulge in such unlawful activities.

Culturally Indians accept what you term as “Benami” now as part of their normal lives. From the days of Zamindars, transactions concerning land holdings have always been executed in the names of different beneficiaries who may or may not be related to the primary money spender.

Sadly, this Bill does not take into account such different cultural compulsions existing in different parts of the country. For example, India has both Matriarchal and Patriarchal norms and fashion of land holdings and they greatly vary in such areas.

This Bill seems to be prepared hurriedly and by someone who does not have a thorough understanding about the culture relating to land ownership in the countryside. For instance, the Indian Judiciary is burdened with excessive number of civil cases which are way above 70 per cent of total litigations in courts that relate to land dispute and ownership. Similarly, a majority of convicts are sentenced to life imprisonment and probably all prisoners across India are implicated in crimes committed to possession of land.

There are a few observations that I have to make regarding this Bill.

I strongly object to Section 8 of the Bill. This Bill has the provision to seize benami property and hand it over to the Central Government. This is against the core spirit of federalism since land is a State subject.

Sir, I want to draw your attention that this Government has been making points in favour of cooperative federalism as *Mantra* for development. Hence, I want the hon. Minister to give a clarification to this august House. Why this provision has been put in and what is the rationale behind this provision?

Further Section 4, clause 9, changes the very definition of benami transactions. It now seeks to make property which is registered under the name of person 'A' but consideration paid by person 'B' as 'benami'. I would like to thank the Government for taking into consideration the suggestions of the Committee and adding 'family members' as exceptions.

However, there is a small flaw here. In exceptions, you have included spouse and children as exceptions for such illegal transactions. I would suggest adding 'daughter-in-law' and 'son-in-law' as well. This should be allowed.

The Standing Committee has given its Report and this Bill reflects a lot of changes that were suggested. But there are still questions regarding whether or not we need a new Bill for dealing with benami transactions.

I would like to have a clarification from the Minister on whether passing this Bill would lead to conflict with the Income Tax Act, 1961 and his thoughts on why these provisions cannot be simply included in the Income Tax Act itself.

Sir, I would like to conclude by reminding the assurance given by the Government in bringing back black money from abroad

and stop such benami transactions domestically as well. Just to cite one example, as of 20th August, 2016, under *Pradhan Mantri Jan Dhan Yojana*, more than Rs. 40,000 crore has been deposited. We feel proud of it. However, after cases like Malya, we are suspicious that these deposited money, as savings of the poor and sundry, may be cheated by these shrewd and fraudulent ones. Are we not giving scope to produce crores of benami transactors? It is because close to six crore accounts have zero balance out of 22.6 crore accounts opened so far.

Hence, my Party feels that this is an incomplete and haphazard Bill which needs to be relooked even though the Standing Committee has already scrutinized it. I believe that this is a delicate subject which needs further thought.

DR. RAVINDRA BABU (AMALAPURAM): Sir, I thank you very much for giving me an opportunity to speak on a very important and crucial financial piece of legislation which is to curb black money.

I congratulate the hon. Finance Minister especially for bringing about this Bill.

Sir, this Act has been in vogue since 1988, and since then the parent Act has been enacted. After that, this is the amendment to that Act in 2016. I would like to ask the hon. Finance Minister as to what has happened in between. Has the parent Act been able to hook any of the benami transactions? Could you catch hold of any of the benami transactions or benamdaries? Have any such people been caught? Particularly this year, one Income Declaration Scheme has been launched. Under that Scheme, 45 per cent of the property value can be declared and 45 per cent of the tax can be paid and the property can be re-transferred to the benamidar. So, that was the provision made in that Declaration Scheme. I feel that if the Bill is brought when that Declaration Scheme is in vogue, then it will contradict each other. It will create confusion whether that will gain precedence over this or this will prevail upon that. I have no idea about that. The Finance Minister may kindly like to clarify that.

They have, for the first time, appointed Initiating Officer, Approving Authority, Adjudicating Authority and Appellate Tribunal. These four officers are there. All of them are drawn from Income Tax Department. This Bill is talking about benami property. Benami property includes movable, immovable, tangible and intangible. We can understand immovable property. It is like land, etc. We can understand movable property, which are goods and other things. We can understand intangible, which are services, etc. How can the Income Tax officers catch hold of those hawala transactions? How will they have control over the black money which is going out of the country? I have a doubt over this.

Income Tax Department alone cannot deal with this. There may be so many Acts to deal with such actions, like hawala, etc. The NDPS Act is there; the Enforcement Directorate is there; and the PMLA is there to deal with such a situation. Actually there is a joke, India's benami is Switzerland, and Switzerland is a benami for India. All accumulated money, ill-gotten wealth, from India is being deposited in Switzerland.

[Translation]

Switzerland is, in effect, a benami destination for India. Shell companies are created; some companies are opened solely for the purpose of siphoning money out of the country and then recycling those funds through export–import channels. Hawala transactions too should have been brought within the ambit of this Bill. Both tangible and intangible assets ought to have been covered. The Enforcement Directorate undertakes confiscation in cases of hawala transactions; this Bill should have been aligned with that mechanism.

[English]

The Customs and Excise Department which is there to see the over invoicing of exports and under invoicing of imports, through which money gets circulated through various means, should also have been integrated so that the black money menace is tackled and the progenitor of the black money, from where the black money is generated can be curbed. We can curb it at the root level.

As our Prime Minister always says, for any country to progress economically or socially, character is more important. The national character is more important. The people who are embezzling the money, who do illegal transactions in a benami way –

pseudonymous, anonymous – are nothing but unpatriots. They are actually traitors of the country. They are anti-nationals and they should be hanged to death because they are causing a lot of damage to the country and they are causing damage to the country's reputation also.

Our Prime Minister, Shri Narendra Modi, always says a country cannot progress without character. These money transactions which are happening illegally reflects how much of bad characters we have. Just imagine the kind of money that is embezzled. It is estimated that every year almost Rs. 20 lakh crore, which we generate as direct taxes, indirect taxes, State taxes, etc., is being embezzled. These are unofficial estimates. The Finance Minister is better versed with all these things. He must be knowing about it better than me.

So, what I feel is that this Bill is well intended. But what I feel is that this should be integrated with the hawala, customs, drugs, etc. There is another Act, NDPS Act which deals with drugs. That is the root through which money comes out of illegal trading of drugs.

All these things put together, the Bill should have an integrated approach, an integrated law to deal with the menace of black money of the country, which is afflicting the country. We should take all

these Acts together, and make a comprehensive law to stop black money once and for all. *Jai Hindi* and *Jai Telugu Desam*, Sir.

SHRI SANKAR PRASAD DATTA (TRIPURA WEST): Hon. Deputy Speaker, Sir, I rise to speak on the Benami Transactions (Prohibition) Amendment Bill, 2015. The very name of the Bill is 'Benami Transactions'. On behalf of CPI (M), we want that benami transactions in the case of property should be totally stopped in our country. This type of law was there earlier. Now, our Government is interested to bring some amendments in the Act but still we are thinking that some loopholes are there in the Act. Hence, we strongly demand that benami transactions should be stopped in the real sense of the term in our country.

For that, the Standing Committee on Finance has recommended some amendments. Their thinking, suggestions and recommendations on the Bill to some extent is related to our thinking. If we go through the intention of the Bill, we can find firstly, the definition of 'benami transactions'; secondly, it is trying to establish adjudicating authorities and appellate tribunals to deal with benami transactions; and thirdly, specifying the penalties for entering into benami transactions. All these three intentions are good. If we look at the Income Tax Act, 1961, there are adequate provisions to deal with issues of tax evasion. Persons who are engaged in benami transactions are those who wanted to hide their

income, not to pay taxes to the Exchequer of the country. This has been provided in the Income Tax Act, 1961. Why should we have another law? These loopholes should be plugged. There is some problem in the amendment. Sometimes an individual can purchase the land for the sake of the family and he may sincerely, honestly gift it to other persons. In that case, what would happen has not described in the amendment? This loophole should be plugged.

Sir, it is stated here that the confiscated properties will be vested with the Central Government. But in our Constitution, land is a State subject. So, the property which will be confiscated should not go to the Centre, but that should go to the concerned State Government. This should be included in the amendment.

Then, for initiating and completion of the cases, there should be a fixed time limit. Otherwise, the relation between the authority and the person who does the benami transaction would not serve the purpose of this Bill, but it would serve the purpose of the person who does the benami transaction. So, a specific time limit should be there by which time the case should be concluded.

Sir, for furnishing information about land, only 30 days' time has been given. I think this time for furnishing information can be extended so that it would help the people who are inclined to do this.

Then, in the era of digitalisation, it should be integrated with *Aadhaar* or PAN Card and through this, we can stop benami transactions. So, digitalisation should be included in the amendment.

Sir, why are benami transactions going on in our country? It is stated that Rs. 8.5 lakh crore of black money is there both inside and outside our country. Benami transactions are taking place only to create black money, to keep the black money, for political purposes and also for creating election fund of political parties. These days, our political leaders are also involved in benami transactions in our country. If the political parties and political leaders keep away from benami transactions and not use black money for political purposes, then only benami transactions can be stopped in this country. We hope that this Bill becomes a very strong law which can stop benami transactions in the true sense of the term.

With these words, I conclude.

16.00 hours

SHRI KONDA VISHWESHWAR REDDY (CHEVELLA): Mr. Deputy Speaker, Sir, I thank you for the opportunity.

Sir, the amendment proposed brings about comprehensive changes in the Benami Transaction (Prohibition) Act, 1988. Essentially, I think, it expands the definition of benami transactions, establishes an Adjudicating Authority and an Appellate Tribunal. It also increases the penalty for those indulging in benami transactions. So, effectively it casts a larger net, it creates an Appellate Authority and has a bigger sword hanging on the heads of those indulging in benami transactions. So, we welcome this step and, on behalf of the *Telangana Rashtra Samiti* we support this Bill.

However, I think this is one subject in which I and my fellow MPs from the *Telangana Rashtra Samiti* can proudly say that we are not experts in this subject.

Last evening, when we were discussing this subject, we were trying to find out what is the English equivalent of this benami transaction. We could not find an English equivalent. So, we concluded, may be this is something unique and prevalent more in India than in any other country.

I was wondering why the benami transactions are so prevalent. I think, it is obvious that one is to hide wealth earned from undisclosed sources or to circumvent certain land ceiling laws. I have exhausted my ceiling, so I will buy in a benami name.

In Karnataka, especially, hon. MP, Shri Muddahanume Gowda mentioned that certain agricultural lands can only be bought by farmers. So, if I am a trader and not a farmer, I circumvented by buying on a poor farmer's name. It is also to bypass some conflict of interest cases. For example, a State Government land allocated for an industry, if I am the allocating officer, I will allocate it to my family members through a benami name. It is also to hide our previous defaults and previous criminal transactions. We hear about chit fund frauds and others. He does a chit fund fraud in this city. He changes his name and the name of his company and does a chit fund fraud in some other city.

We were also curious what aids or what facilitates benami transactions. I think, Ravindra Babu *garu* had mentioned this, the hon. MP from Andhra Pradesh, it is not just benami, it is facilitated by something else. Of course, it is the black money, it is hawala and yes, certain loopholes in Stamps and Registration Act wherein we can actually buy an expensive property without actually paying the

consideration. The buyer will write a cheque, the seller will take the cheque and it will be in sale deed but the cheque will never be encashed. It would not be submitted and never be encashed.

There is also a big difference between the actual value and the Government official prices. But most importantly, I think, some of the ID standards – it is very good that for persons we do have Aadhaar Card – but how do we identify properties? We do not have good identification and valuation of properties and entities. They are not only bought by individuals but they are also bought by benami companies. I think, these are very essential things.

So, by this Act alone, however well it is implemented, I do not think, we can eliminate benami transactions. We need a gamut of reforms and we need those that will eliminate these factors that will aid and facilitate benami transactions. I am glad the Finance Minister and the Government has taken this into cognizance and the Government is simultaneously taking a series of systematic steps and reforms. What are these steps? It is not just this Bill in isolation. It is so many other Bills, the Black Money (Undisclosed Foreign Income and Assets) Act, the Aadhaar Bill, amendments to the Prevention of Money Laundering Act and the Income Declaration Scheme which is recently launched. All these, in conjunction with this, I think, can

be a tough measure against prevention of benami transactions. I wish the Government well in this endeavour.

I discovered one unique thing. Everywhere benami transactions are defined as predicate offences, which proceeds from other criminal activities, is used for benami transactions. So, benami transactions are usually the result of other larger criminal offences like smuggling, trafficking or may be corruption and racketeering and so on. But not all benami transactions are predicate offences. There is a whole class of benami transactions where the benami transaction itself is a primary crime. For example, the Government allocates a land to a particular industry and the allocating authority gives it to his own family through a benami name. So, benami transaction is used to hide black money generally but in this case it is used to create illegal wealth. So, we have to distinguish these benami transactions as predicate offences and benami transactions as primary crimes.

This also brings us to a yet another very important issue. I think the Standing Committee also mentioned this. If a State Government land is allotted to an ineligible beneficiary through a benami transaction, as in many cases, then can it be confiscated by the Central Government or should it go back to the State Government?

To complicate the matters further, if the benami transaction is under investigation and it is being heard by the appellate authority and, at the same time, a GO allocating this land is cancelled, by cancelling the GO, it will go to the State Government. But the verdict of the appellate authority would be that it will go to the Central Government. It creates a legal ambiguity and a potential Centre-State conflict.

The Standing Committee report also touches on this subject without mentioning what land. I submitted an amendment. In benami transactions, where it is predicate offence, the land should go to the Central Government. Benami transactions where the State Government land was illegally allocated to somebody, to favour somebody, then it should go back to the State Government. I think that is fair because in the first case I agree with the Finance Minister because a lot of time it is an income tax evasion. If it is an income tax evasion and the benami transaction is caught, then it should go to the Central Government. If it is corruption at the Central Government, then, I think, the land in the benami transaction should go back to the Central Government.

As in the case of IMG-Barath – that is in Hyderabad in my constituency – 850 acres of land was allocated at Rs. 50,000 at

throwaway price to some beneficiary. I think, there is a stay order; I do not know the current State. But, should this land be declared as a benami transaction? Why should the State of Telangana land go to the Central Government? It should go back to the State of Telangana.

There are so many such cases. It affects not only the State of Telangana, it affects all the States. But, here, it is much more because in Hyderabad there are much more Government lands. There are seven lakh acres of Government lands much more than Mumbai, Delhi, Kolkata and Chennai put together. This is because of historic reason. The district surrounding Hyderabad city is called the *Atraf-I-Balda* district. It is also called *Sarf-e-Khas* land which is the private property of the Nizam. After Independence, this land vested with the then State of Hyderabad and later it was vesting with the State of Andhra Pradesh and now with the State of Telangana. What started as seven lakh acres, now when the State of Telangana is formed, we hardly have less than one lakh acres. Where did the six lakh acres go? We believe, it is through benami transactions and wrongly allocations by the previous Governments to ineligible people. If this land is declared benami land, it should come back. I think, this is one of the reasons. There is another reason. We are having protest by the lawyers for a separate High Court. I think, they are attributing this

reason as to why Andhra Government does not want a separate High Court. It is because, which Government will want a High Court in the neighbour State? Will it benefit the poor people to cross the border and go to the neighbouring State? Everybody would want the High Court in the same State. This is one of the reasons that Andhra Pradesh Government probably does not want it. Only a few rich people want the High Court in Andhra Pradesh to protect their illegal and benami lands. The Government needs to look into this.

One more area which is very susceptible to benami transactions is repatriated land. Another area is directors of infrastructure companies and directors of steel plants. The real owners are somebody. The director is his cook and his driver. They have taken huge loans from the banks and the defaulters are not the real owners. It is the cooks and the drivers. So, I think, this is one more area we need to look into. Some of these are not predicate crimes. So, we need to distinguish them separately and take actions against the real owners; 90 per cent of the shareholding belongs to the families.

We also need to take cognizance of the Standing Committee Report saying that the investigation by the initiating officer should be completed within a specific time frame. It is better if time frame is mentioned.

Then, how do we detect benami transactions? The Income Tax Department is doing a great job. Income tax collections have gone up this year and year after year. They are using information technology. However, information technology has some problems when applied to detecting benami transactions.

We have Aadhar card and PAN card. That is good. The computers can detect it but the computers do not know that in survey number so and so, the land is Rs. 50,000 or Rs. 50 crore per acre. So, land identification, land valuation and location codes should be there. Many countries have location codes. Our country does not have this code. So, standardisation of information relating to land deeds is to be done. Many members have also mentioned about the digitization of land records. Thank you for the opportunity. I have given an amendment. I would request the hon. Minister to consider my amendment.

SHRI Y.V. SUBBA REDDY (ONGOLE): Sir, I thank you for permitting me to speak on this Bill which is one of the series of Bills the Government is bringing to clean black money which is pumped into illegal wealth of the country. I welcome this Bill. The Bill, in short, has three main areas. One is the definition of ‘benami transactions’, the second one is setting up of Appellate Tribunal and other adjudicating authorities and the third one deals with penal provisions.

It is good that the Bill has clearly mentioned as to who constitutes Benami transaction and which property is a Benami property. It is also good that the hon. Minister is bringing this legislation to effectively prohibit benami transactions. But the hon. Minister is equally aware that ground reality is entirely different. In spite of having so many legislations, people with malign intention are finding loopholes and elbowroom in circumventing laws through unfair practices. There is no doubt that you have Inquiry Authority, adjudicating authority, Appellate Tribunal, High Court, etc. But, are you not making, by giving them too many opportunities going from one authority to another and ultimately helping them to prolong dispute. So, I feel that whoever finds guilty of benami transactions be given one or two opportunities, or, at the most they be allowed up

to Appellate Authority. It is only then the outcome will be quick and disputes will be resolved early.

The second point I wish to make is this. Now, the Government has opened income declaration scheme and it is likely to be open up to September this year. So, if a person declares his benami properties and transactions under Income Declaration Scheme, will he get immunity under this Bill? It is a big question which is lingering in the minds of many people. So, I request the hon. Minister to give a clarification on this point.

I wish to draw the attention of the hon. Minister to a very important and negative impact of the Benami Act which is causing great harm and injustice to those members of the Indian families, particularly the elderly ones, be it father or mother or elder brother or sister who *bona fide* provide funds while buying an immovable property in the name of a close blood relation, be it son or daughter or younger brother but lost all rights in them after sometime. It is a normal practice in the Indian families, particularly Hindu families, which may not be technically HUFs, where elders contribute substantial funds out of their PF, gratuity, lifelong savings even if the immovable property is purchased in the name of a younger member of the family under a genuine impression that they will also

have a right in the property as well as a right to live in them. But, legally, they will not have any right. So, here, they are not only losing their right to live in such property but also their hard-earned money in the absence of their name as joint owners. The present Bill under clause 2(9) (iv) partially addresses this issue. The clause says:

“any person in the name of his brother or sister or lineal ascendant or descendant, where the names of brother or sister or lineal ascendant or descendent and the individual appear as joint-owners in any document, and the consideration for such property has been provided or paid out of the known sources of income of the individual. ”

I want the hon. Minister to show some way out to this problem and ensure that justice is done to those members of family who provided funds while buying an immovable property. So, I request the hon. Minister to bring an official amendment in such genuine transactions even in case of non-HUF families where name of elder member of the family, who has partly or fully paid for the property, does not occur as joint owner.

Sir, clause 19 of the Bill deals with powers given to authorities. This clause 19(1) clearly says that authorities shall, for the purposes of this Act, have the same powers as are vested in a civil court. Sir, if powers are given to the executive, we know what will happen. The corruption will go up and inspector raj will be back.

So, I request the hon. Minister to look into this clause once again and remove the power given to the authorities.

Finally, penalties prescribed are strong enough, and I welcome them.

With these submissions, I support the Bill and request the hon. Minister to look into the points raised by me and address them to a logical conclusion.

[Translation]

SHRI PRAHLAD SINGH PATEL (DAMOH): Hon. Deputy Speaker, Sir, I would like to express my gratitude to you for giving me an opportunity to speak on this important subject.

First of all, I would like to personally congratulate Prime Minister Narendra Modi Ji and the Hon. Finance Minister for bringing forward a significant Bill. Indeed, any Bill placed before this House carries great importance in itself. In the life of any individual who becomes a political or social worker, the foremost objective is to decide the causes for which he wishes to work. I became a Member of the 9th Lok Sabha during the time of Atal Ji. I was very young then. We come from villages, we are sons of farmers, and we have no other source of income; therefore, it is extremely important for people like us to be concerned about black money and benami property.

I often say openly in my speeches that unless the web of black money and benami property is dismantled, an honest and middle-class person cannot contest electoral politics. People may certainly engage in politics, organisational politics, or collective political activities, but they cannot participate in electoral politics. It is for this very reason that I am congratulating the Government. I consider it my privilege to speak on such occasions. As to what constitutes

benami property, I do not believe that any Member of this House is unaware of it. I congratulate the Government also because its title has been changed. Some of our friends were saying that changing the name does not matter. It is through the name that the intention becomes evident; what we intend to do. I have congratulated the Prime Minister not because I am a Member of Parliament from the Bharatiya Janata Party; I have expressed my sincere feelings before you. I wish to congratulate him because this will be the most significant step towards the development of the nation. This is not an ordinary step. I would like to quote Atal Ji's speech here. In 1989 he was not a Member of this House; he was a Member of the Rajya Sabha. At that time, Chandra Shekhar Ji was the Prime Minister. Someone had labelled Atal Ji as anti-national. I believe that all Members of Parliament should read the speech he delivered then, I have personally heard that speech. He had said that if the country's future is to be changed, certain decisive steps must be taken. He said that our currency must be changed, and black money would thereby be eliminated. He said that even if the world imposes restrictions on us, we should auction the cantonment lands, after retaining whatever may be required for strategic importance for the next thirty years

ensuring that only the people of our country buy that land. He urged that capital be raised and that efforts be made to safeguard the nation.

The third point he had made was that instead of stretching our hands before the World Bank, we should request our NRIs, who live in different countries of the world, to help the nation. When he became Prime Minister, he fulfilled two of those tasks. This task is more challenging even than changing the currency; is one that political parties usually never wish to touch. I would like to say to my friends from the Congress, because they were just speaking, that although you certainly brought this Bill, you were unable to use it. This, in fact, is the greatest example of political will.

Sir, the question is not merely what the law says. Amendments will take place in the law. Times will change and some shortcomings may emerge. I too have certain doubts in my mind which I will bring to the attention of the Government. But today is a day to congratulate the Government, and all those who stand for honest politics. I am not talking about any particular party. If they believe that a change of Government makes a difference, then there must be some indicators of that change and such laws are indeed those indicators. Otherwise, there is no reason for any change; only one individual will be replaced by another, and that will make no difference. What matters

is: what steps does a person take? These are decisions capable of shaking Governments, because those who hold such properties are not ordinary individuals; they are powerful people. The references to benami properties mentioned here, I would like to read them out. If a transaction is carried out in a fictitious name, it is benami. If the owner does not know, or denies knowledge of ownership of the property, it is benami. If the person who has paid for the property cannot be traced, it is benami. These are three categories, but there are other kinds of benami properties as well. I have served as the Member of Parliament from Seoni. It came to our notice that 3,200 acres of land had been registered seven times on paper, but the land did not exist at all; in total, only about 300 acres existed. People sitting in Delhi, people from Maharashtra, had taken loans on the basis of such papers, though the land itself did not exist. I am a Member of the Standing Committee on Rural Development. At one point, the work of computerising land registries in Delhi had begun. This is a good step, but enacting only one law will not suffice. Two or three additional measures will need to be added. Once Aadhaar numbers are linked to registries, if I have ten properties, they will all be tagged to my Aadhaar number, and if I have any benami properties, they will inevitably be exposed sooner or later. I believe

three measures must move together; linking Aadhaar numbers with property registries will be an effective means of exposing benami property.

The second measure is that the procedures relating to income tax and the declaration of properties must also be strengthened. When the Lokpal system comes fully into force, whether we are public representatives or officers, we shall all have to declare our properties within a stipulated period. If not today, then perhaps within a year or so, we shall reach that stage which every Member sitting in this House genuinely desires that the honest person should be valued, not the dishonest. Today, the opposite is happening. Even now, those who possess ill-gotten wealth wield greater power. I wish to submit another point: I understand legal matters, but will those who practise law state in this House that those who earn money through wrongful means purchase benami properties? A person like me, whose family has been farmers for three or four generations, has not been able to add even a single dismal of land. I possess no vice, yet those who earn through crime, multiply it and buy benami properties whether through corruption or any other illegal trade prosper. One of our friends said something which I would like to quote and thank him for: he said, "I cultivate twenty-five acres of

land, yet I cannot even afford two proper meals a day. I cannot send my children to good schools, but the man who runs gambling rackets is not just ten times but a hundred times ahead of me.” Is this not the truth? I believe such things had to be stopped sooner or later. You may say this is a matter under the CrPC. No, Sir. This is not a matter under the CrPC; this is not merely a case of income-tax evasion. This amounts to an offence against the nation. It is more serious than many other crimes. Therefore, I congratulate the Government. But even now, many issues can be raised. The properties of maths and temples have not been mentioned here.

Through you, Sir, I would like to bring two matters to the attention of the Hon. Minister. Just as you have provided for the Hindu Undivided Family, similarly there are ancient trusts that have existed for centuries. Many of them do not even have proper papers. Kings donated lands to them, and they have existed in the same manner since then. These properties belong in the name of the deity. I believe that a mechanism should be provided to ensure that trusts that have been functioning for thousands of years, where no individual's name is attached also receive protection. Otherwise, there may be a risk that trustees could lose their legitimate rights because of others' actions. This must be taken into consideration.

There is also a shortage of employees and officers. Reference was made to the Enforcement Directorate; even they face staff shortages. A large workforce is required to implement this law. This shortage must not hinder its enforcement. These concerns too must be addressed.

The third point I would like to submit is that when a property is confiscated, the authority concerned may, within ninety days, if it believes the property to be benami, confirm the attachment. The affected person has the right to appeal. However, in most attachment cases whether under income-tax proceedings or banks, we have often seen that by the time the final decision is taken, scarcely one-fourth of the value of the attached property remains. Will it be ensured that a list or memorandum is prepared beforehand so that the property can be protected from being plundered? Will any provision be made to ensure this? Fourthly, I wish to ask: in cases involving more than one State, for example, if someone is apprehended in Delhi but his benami property is in Karnataka, which authority will have the right over that property, the State Government or the Union Government? You must have considered these matters while framing the rules. There are many such nuances.

Our friend Shri Kalyan Banerjee, who spoke before me, is himself an advocate and understands these matters better than I do. He asked why revenue officers or income-tax officers should be involved. Unless a revenue officer is present, such nuances cannot be understood. If an income-tax officer is not involved, these transactions cannot be easily comprehended. That is why the authority's Chairperson has been entrusted with discretionary powers, he is not merely a functionary bound within rigid rules.

While congratulating the Government, I would like to say that all provisions from appeals to appointments, merit appreciation. But what I feel even greater pride in is the political will of the head of this Government and the Government itself. Without worrying that many powerful people would oppose it, they have brought this Bill to strengthen the country.

I congratulate the Government and extend my support to this Bill. I believe there is no need to bring a new Act repeatedly; amending the existing one was the right step. For future generations, this will be part of history, that although we began in 1882, it is only in 2016 that we were able to arrive at a workable solution. And history will record this fact somewhere. Thank you.

[English]

SHRI N.K. PREMACHANDRAN (KOLLAM): Mr. Deputy-Speaker, Sir, thank you for affording this opportunity to participate in the discussion on this very important Bill. I rise to support this Bill with certain reservations. The main reservation is the Standing Committee on Finance headed by Veerappa Moily Ji had submitted very detailed recommendations for getting the Bill in a better way, but unfortunately, most of the major recommendations of the Standing Committee have not been taken into consideration. They would have improved the Bill in a better way. That is the main reservation which I have and this is my first observation.

Sir, as everybody knows, black money is a menace to the Indian economy and one of the main sources for generation of black money is the benami transaction or benami deal. So, benami deals are one of the major reasons for the proliferation of black money in a big way. So, generation of black money should be restricted. If we want to restrict and prohibit the generation of black money, definitely, the benami transactions should be dealt with seriously and in a very strict manner.

Sir, our country is facing acute poverty, unemployment and inequity. On one side, there is poverty, inequity and unemployment;

and on the other, unaccounted wealth is accumulating like anything because of these benami transactions. If we are able to contain and restrict the benami transaction, definitely, the revenue tax which will be going to the exchequer can be very well utilized for development, for poverty eradication and for other purposes, and thus the country can be served in a better way. So, my first submission to this august House is, at any cost, we have to restrict the generation of black money by way of prohibiting these benami transactions or benami deals.

Coming to the background of this Bill, what is the real background of this Bill? The United Nations Convention Against Corruption was a very important Convention, in order to deal with the issue of corruption. It was also the recommendation of the Second Administrative Reforms Commission. These were the two factors because of which this Bill has been brought before this House. According to the United Nations Convention Against Corruption, India has ratified the Convention in the year 2011.

The United Nations Convention against Corruption is primarily to promote and strengthen measures to prevent and combat corruption more effectively and efficiently. These are the two terms that are used in the Convention document that the issue has to be

dealt with and it should be implemented effectively and efficiently. This is the letter and spirit of the Convention document. Article 23 and Article 30 of the said Convention are specific on the benami transactions and also proceeds of crime derived from offences. The detailed examination of this benami transaction, transfer of property and all these issues are well addressed in the UN Convention document. Article 23 and Article 31 are specific on these issues.

This Amendment Bill of 2015, to some extent, helps in achieving the directions of the UN Convention against Corruption and also the fourth Report of the Second Administrative Reforms Commission which was submitted in 2007 also deals with the benami transaction. That also has been taken into consideration in drafting that Bill. Therefore, I would congratulate the Government at least at this time on bringing such a Bill before this House.

Coming to the Bill, I would say that the original Bill is the Benami Transaction (Prohibition) Act of 1988. This Bill was to prohibit the benami transaction and recover the property held by the *benamidar*. This was the intention of the Bill. It may kindly be seen that prior to the enactment of this Bill by this House in the year 1988, an Ordinance was promulgated on 19th May, 1988. What is meant by the promulgation of an Ordinance? Promulgation of an Ordinance

means that it is highly essential and there is no time till the House is being summoned. So, an Ordinance had been promulgated called the Benami Transaction (Prohibition) Ordinance, on 19th May, 1988. Subsequent to that Ordinance, it was replaced by the Act of 1988. This is the background. This is the situation. So, it was done in a very urgent way in 1988 and the Bill was enacted.

What happened after passing of the Act in the year 1988? Nothing has happened during these 28 years of our experience. It is quite unfortunate to note this because the Parliament passed an enactment in the year 1988. After 28 years of experience, we could not frame any rules. Nothing has happened on the Benami Transaction (Prohibition) Act. This is the situation. Subsequently, in the year 2011, the then UPA Government started bringing a new comprehensive Bill. That Bill also lapsed because of the dissolution of the 15th Lok Sabha. My point is, what is the *bona fide* behind this Bill? Why is this Bill delayed? No rule is framed; no action is taken on the basis of the provisions of this Act. This Act is actually put in the cold storage. It shows that the Governments were not sincere in the operationalization of the benami law. Therefore, I congratulate the hon. Finance Minister Shri Arun Jaitleyji, because at least, this time this Bill has come before the House for consideration. It is better

late than never. At least, we are getting a chance to deliberate on this issue and we are going to pass this Bill also.

Coming to the provisions of this Bill, the Act of 1988 has the provision to prohibit benami transaction and right to recover benami property. But there was no specific provision for vesting the property with the Central Government. There was no appellate mechanism and no powers have been conferred upon the authorities as that of civil courts. There is no rule making provision. These were the four deficiencies noted by the Government during the 28 years of our experience. My simple question to the Government is this because the Government is in continuity. Why are we not able to frame rules? Why are we not able to overcome the deficiencies all these 28 years? The Government has to answer. I apprehend about it because the Government is not interested in executing or implementing the provisions of the benami law. There is no political will power. That is the main reason that I would like to point out.

Almost all the deficiencies have been addressed in the recent Bill. Still, there are some lacunas. Here, the definition of benami transaction is given as the property which is transferred to, or held by a person, and the consideration for such property has been given by some other person for his immediate or future benefit, direct or

indirect. Why should we make it immediate or future? It should be mentioned whether it is immediate or future. I have moved such an amendment also.

Secondly, a person denies the knowledge of ownership. Thirdly, the real beneficiary is not traceable or is a fictitious person, and fourthly, what will happen if the property has been transferred in a fictitious name? This definition of benami transaction has to be reviewed once again so that further exemption shall never be made. Exemption has been given for the property held in the name of children or spouse etc. and some other exceptions are given. There is still some discussion going on to have more exemptions because the hon. Minister of Finance also said in his opening remarks that some complaints have been coming from various corners regarding the power of attorney holders and all these things. Please don't enhance the exemptions or expand the scope of exemptions which are available to the benami law.

Coming to mechanism and due procedure, a good mechanism is put in place, that is Initiating Officer, Approving Authority, Administrator, Adjudicating Authority, Appellate Tribunal, appeal to the High Court and Special Court to try the offences are also there.

A very good mechanism is put in place and a well-established procedure is also there.

But there are some clarifications which I would like to seek. The first clarification is regarding the application of Code of Civil Procedure. Regarding the application of Code of Civil Procedure, Section 11 and Section 19 are totally contradictory. Section 11 says that Adjudicating Authority shall not be bound by the procedure laid by the Code of Civil Procedure but shall be guided by the principles of natural justice subject to the other provisions of the Act. The Authority shall have powers to regulate its own procedure. Now kindly go through Section 19. Section 19 is totally reverse to this Section. It says that the Authority shall, for the purpose of this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure 1908 while trying a suit in respect of the following matters namely, discovery and inspection, enforcing the attendance of a person, compelling the production of books etc. Therefore, the Adjudicating Authority, Administrator etc. are having all these powers. So, the Adjudicating Authority and authorities under the Act are not bound by the CPC as far as the procedure is concerned. But as far as the powers are concerned, they are entitled

to all the powers but are not bound by the procedure which is being laid down in the Code of Civil Procedure.

Similarly, in Section 40 clause 1 and clause 2, that is regarding the Appellate Tribunal, the same situation is there. There is total contradiction in clause 1 and clause 2. As per Section 40 clause 1, the Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure 1908 but shall be guided by the principles of natural justice. Section 40 clause 2 says that the Appellate Tribunal shall, for the purpose of discharging its functions under this Act, have the same powers as were vested in a civil court under the Code of Civil Procedure 1908 while trying a suit in respect of the following matters, namely summoning and enforcing the attendance of a person and examining him. All powers which are vested with the civil court are also applicable for the Appellate Tribunal. Therefore, they are not bound by the procedure which is being laid.

Further, coming to clause 4 of Section 40, there is a specific provision that notwithstanding anything contained in sub-section 3, the Appellate Tribunal may transmit any order made by it to a civil court having jurisdiction and the civil court shall execute the order as if it were a decree made by the court.

The powers are of the civil court and the execution is by a civil court; the CPC is applicable as far as the powers is concerned for the adjudicating authority and the appellate tribunal but the procedure of CPC is not applicable. This means, there has to be a clarification by the hon. Minister.

The second clarification is regarding the appeal before the High Court. Against the order of the appellate tribunal, either the Central Government or any party to the *benami* transaction can approach the High Court and seek remedy as the appellate mechanism. That is under clause 49(3), (4), and (5). It is very interesting. This is a very important point on which I would like to seek a clarification from the Government. It says that if the High Court is satisfied that a substantial question of law is involved in that case it shall formulate that question. I think, for the first time in the history of Indian legislation we are restricting the powers of the High Court. Subsequently, the appeal shall be heard only on the question so formulated by the High Court. That question only will be argued and decided and the respondent of the hearing of the appeal shall be allowed to argue only on that question. What is this procedure? The High Court is having inherent powers and discretionary powers.

How can we restrict the High Court that it should adjudicate only on the question of law?

In the civil or mofussil courts or lower courts after the written statement and everything the issues will be framed by the lower courts. Similarly, we are giving a direction to the High Court to see what the question of law is. It is an admitted fact that the High Court will entertain an appeal only if there is a question of law. It is an accepted fact. Why are we restricting the right and discretionary powers of the High Court that it should only see the question of law and that should be framed as an issue and only on that question there can be arguments? This is absolutely unnecessary. I think, this is not according to the established provisions of our Constitution on judicial powers.

Another clarification which I would like to seek is regarding section 58. You kindly see clause 58. An exemption is given here again to the definition of *benami* transaction. What is a *benami* transaction? What are the exemptions to the *benami* transactions? These are well explained in section 18. Another provision is there in clause 58 (1) which says, “The Central Government may by notification exempt any property relating to charitable or religious trusts from the operation of this Act.” What does this mean? This

means, the Central Government is taking the discretionary authority to see that by means of a notification it can very well say that though a property is a *benami* property, this Act is not operational as far as the religious trusts and charitable trusts are concerned. What is a *benami* transaction? Almost all the *benami* transactions are in the name of religious and charitable trusts.

Today in the morning also we have passed a legislation. I am not going into the merits of that legislation. It was regarding the Lokpal Bill. There also the point is a little bit controversial. This provision here means that in the name of charitable or religious trusts, this Act itself is not operational. That is the provision in clause 58. They are totally excluded from the purview of the *Benami* Transactions (Prohibition) Amendment Act of 2015. This has to be clarified.

The fourth point on which I would like to seek clarification is section 59. The power of the Central Government to issue instructions, directions and orders to the Authority is very interesting. Kindly see section 59 (1). I am seeing this for the first time. We have passed a number of legislation. This is a new phraseology or a new provision which has come. “The Central Government may, from time to time, issue such orders, instructions

or directions to the Authorities or require any person to furnish information as it may deem fit.”

What are the areas where the directions are given? Section 59 (d) says: “Any other criterion that may be specified by the Central Government in this behalf.” Sir, an adjudicating authority is a quasi-judicial authority. As per section 59 (1) the Central Government has the power to give instructions, directions in order to adjudicate a matter. Is a judicious mind applied in this provision?

Finally, section 59 (3) says: “No orders, instructions or directions under sub-section (1) shall be issued to (a) require any authority to decide a particular case in a particular manner, or (b) interfere with the discretion of the Adjudicating Authority in the discharge of its functions.”

This is a very strange provision. In the first provision it is being said that the Central Government is having ample power to issue direction, instruction to the Adjudicating Authority. Why should the Central Government have such a power? The Adjudicating Authority should be independent. Why should the Central Government issue direction and instruction? It is being said that they have to observe and follow the orders, instructions and directions of the Central Government. The Adjudicating Authority is bound to

obey the orders, instructions and directions of the Central Government, which mean the judicial capacity of this Authority is being lost. I am only seeking clarifications on section 59.

These are the clarifications which I am seeking from the Government. Operationalisation of this Act definitely depends on the political will of the Government to curb benami transactions and black money. We have lapsed 27 years and during these 27 years we were sleeping over the Act of 1988. I hope that even after 27 years the Bill will be implemented as the document of UN Convention against corruption specifies. This Bill will be implemented more efficiently and I hope that this will be done.

With these words, I once again support this Bill with these reservations and clarifications. Thank you very much.

DR. UDIT RAJ (NORTH WEST DELHI): Thank you Deputy Speaker, Sir, for giving me this opportunity. I will start by saying that Shri Kalyan Banerjee said as to why the income tax authority at all be involved in the implementation of the Act. I would like to tell him that to train an officer or to create a department it takes years and years. It is not very easy to create an organization exclusively other than the income tax to cater to this new law which is going to be implemented.

Shri N.K. Premachandran said that except only where the issue of law is involved, the case cannot be heard in the High Court. I think he is very correct. On the basis of the facts if one goes to the High Court, it goes on un-ending. If there would not be any stoppage, then the purpose of the Act will be defeated.

[Translation]

I have seen this myself during my service as an Income Tax Officer. We used to detect a few benami transactions as well. A comprehensive Bill is now going to come. What generally happens is this: if someone wishes to carry out a benami transaction, he creates so many conduits that money is moved from one bank to another, from the second to the third, from the third to the fourth, and from the fourth to the fifth. In this manner, even if an Income

Tax Officer, the Initiating Officer or the Adjudicating Authority wishes to detect such a transaction, they have no proper mechanism to do so. There is severe understaffing in the Income Tax Department. For this reason, we have a serious apprehension as to whether this Act can truly succeed. The Hon. Finance Minister is also present here. I would like to appeal to him that recruitment must be increased. Without adequate staff, this cannot be implemented. I have seen the workload in the Income Tax Department. They are already burdened. They have so much work that if they are additionally tasked with implementing and managing this Act, there will be a severe shortage of officers and staff; therefore, recruitment is essential.

If digitisation takes place, it will become much easier to prevent benami transactions. Hence, attention must be paid to this as well. Hon. Prime Minister and Hon. Finance Minister have rightly placed emphasis on digitisation, and therefore I have great confidence that this will increase revenue to the Government's exchequer, which will contribute to the development of the country. At present, multiple accounts are opened at different places, and various transactions take place, making it difficult to track whose name is being used. Due to digitisation, tracking will now become easier. For

this, I express my thanks. In particular, I thank my learned friend Shri N. K. Premachandran. He need not fear that granting civil powers to the Adjudicating Authority is unprecedented; this is already in practice. There are already three crore ten lakh related cases pending in the High Courts and the Supreme Court. If we send even more cases there and increase litigation, the very purpose behind addressing benami transactions will be defeated.

Sir, I would like to draw the attention of the Hon. Finance Minister to the fact that when the VDIS Scheme came, I was then serving as an Assistant Commissioner of Income Tax. At that time, people did declare their undisclosed income, but later cases began to be reopened against them. The immunity that had been granted was, in one way or another, violated. I have spoken to several Chartered Accountants as well. Ever since this Bill has been introduced, a certain atmosphere has emerged. I believe that by 30 September, which is the last date by which benami transactions may be brought under the name of the real owner and tax paid at the rate of 45 per cent, there will be a substantial increase in revenue. However, the immunity being granted now must not be violated, because people have apprehensions that if they disclose their benami transactions, though they may be safe at this stage, at some later stage Income Tax

Officers may issue notices and reopen their cases. I would therefore like to draw the attention of the Hon. Finance Minister to this matter.

Sir, I thank you for giving me an opportunity to speak on this subject. There are many provisos in this Bill. I am not speaking about the provisos, but about its practical aspects. I would also like to submit that we, as members of the general public, often blame authorities, whether Income Tax authorities or others, quite easily. This is not proper. This tradition is not appropriate. We must recognise the conditions under which officers work and encourage them. It is also said that our Income Tax authorities or Revenue authorities are, in a sense, liabilities. Someone even said that had they performed their duties properly, there would have been no benami transactions. If black money is not generated, there will be no benami transactions.

Another point that has emerged is that only eight per cent of the revenue is generated through officers or the Department. I would like to submit that ours is a society where people earn not merely for themselves but for four generations, for themselves, their children, their grandchildren and for the future in a way, a self-centred, self-interested society. If the Income Tax Authority did not exist, there would be no deterrent measure. Even now, only eight per cent of the

revenue is generated through the Income Tax Authority, and ninety to ninety-two per cent comes voluntarily; but even that ninety per cent would not come. There is a certain fear, a deterrent measure, which brings revenue; otherwise, even that would not come. This must be kept in mind. Such remarks demoralise the authorities. They feel that no matter how much work they do, they will still be blamed by politicians and by others. Just as we come from society, they too come from society. This must also be remembered. Facilities must also be increased. The existing facilities, whether infrastructural or otherwise are not adequate for the proper implementation of this Act, nor sufficient to enhance the country's revenue.

We often do not speak about revenue; we only speak about expenditure. Some people hesitate to speak about revenue. This Act will increase revenue, and through it the development of our nation will be achieved. Thank you.

SHRI JAI PRAKASH NARAYAN YADAV (BANKA): Hon. Deputy Speaker, Sir, I have risen to speak on the Benami Transactions (Prohibition) Amendment Bill, 2015 which has been brought before the House.

The Hon. Finance Minister has introduced this Bill in the House. It is indeed a small attempt to curb benami property, but fundamentally a comprehensive legislation should also come. Whether the black money is within the country or has gone abroad, there must be a complete mechanism to stop it, and to ensure that the black money lying abroad returns to our country. How can black money within the country be curbed? How can black money be brought before the nation and reach the people? A clear thought-process must be developed on this. Strict provisions have been made to tighten the noose around offenders. Punitive arrangements have also been provided. This is necessary.

Benami property and benami money enter the system like a cancer, eating away at the nation and its prosperity. In the real estate sector, big businessmen cleverly invest such money. The person is someone else, and the resources belong to someone else entirely. In real estate, it is commonly heard that large sums of money are quietly invested. These businessmen employ great cunning and shrewdness

in such transactions. In malls, the owner of the property is someone, but the money belongs to someone else. In large cinema halls, in the film industry as well, businessmen invest sizeable amounts of wealth. Farmers and labourers, on the other hand, fight even for a single room and get entangled in litigation. They remain caught over a single house or a single small plot of land.

Today, zamindari has been abolished. Yet, even after that, benami land lies in the hands of influential people.

17.00 hours

Even today such people have created property through numerous means. Big industrial houses have thousands of ways. They are laden with benami wealth. It is not appropriate to take anyone's name at this moment because the Bill is before us. When the debate on black money takes place and it has been repeatedly discussed that black money will return, our country will become prosperous and employment opportunities will increase when that day comes, there will be extensive discussion on it. Big industrialists conduct transactions in such a manner that they loot the nation's prosperity, peace and the wealth of the poor. There must be a limit prescribed on the amount of property one can possess. Some people possess immeasurable property; some die eating to excess while

others die without food. Therefore, there should be a ceiling on assets as well.

Even today large-scale land purchases are taking place in forest areas, hilly regions, plateau regions where thousands of acres, five thousand, ten thousand acres are purchased. After twenty years, its price increases fifty-fold. Industries come up there, national highways pass through, railway lines are laid. In this way, much cunning is employed. The Government must remain alert; the Hon. Finance Minister must also exercise caution, because people carry out major acts in broad daylight. Attention must be paid to how much black money has entered the country, what benefits have accrued, and how much employment has been generated. That is a separate matter. I would say that land mafias, sand mafias, forest mafias, even today, in many parts, thousands of acres of land stand in someone's name or the other.

I expect the Hon. Finance Minister to pay attention to this. Through the Benami Bill that has been brought, there will be a curb on purchasing benami property through black income. This is certainly a small effort. I appreciate the Hon. Finance Minister and conclude my submission.

SHRI VINAYAK BHURAO RAUT (RATNAGIRI-SINDHUDURG): Sir, I have risen to express my approval of the Benami Transactions (Prohibition) Amendment Bill, 2015. I would like to congratulate and commend our party's leader, Prime Minister Narendra Modi Ji, and the Hon. Finance Minister Shri Arun Jaitley. After twenty-eight years, they have introduced an important Bill on this subject in the Lok Sabha. They have taken a major step. Many statements have been made till today, many announcements were made about curbing corruption, and many declarations were made about enacting laws. Yet, in reality, the work of legislating in this regard is happening now through this Bill. Once again, I would like to express my appreciation to the Hon. Finance Minister.

Today, the most frequently used word in our country is "corruption". Corruption has become so deeply connected with us that people place rightful conduct aside and choose to act through improper means. Why do people choose the wrong route? The result is that, in this country, with different forms of taxation, earning money honestly and running one's household through hard work has become extremely difficult.

Everyone knows well about Swiss banks. Those who amass black money in India keep their funds in Swiss banks. Fortunately,

in the last election campaign, Prime Minister Narendra Modi Ji explained this matter clearly to the people of India. After placing the figures of black money before the nation, it became fully clear that if the Government earnestly attempts to curb black money using proper legal measures, then one day India can advance in the right direction and make real progress. Unfortunately, this has still not happened.

Even today, there are numerous ways to earn black money. But over the years, one thing has become evident, whether we look at today's newspapers or media reports, politicians working in high offices are frequently accused of accumulating black money. However, what has also been proven whether in Maharashtra or any other State, is that those who have been caught in traps taking bribes, those arrested for corruption, are most often Government employees working in the revenue departments, followed by police personnel.

Hon. Deputy Speaker, Sir, in our country the maximum generation of black money takes place through real estate, through land. Many people purchase land at prices far higher than the prevailing market rate, thereby trapping others and the Government as well. The money accumulated through such transactions is never disclosed to the Government. If people attempt to show the correct

value, they are afraid; they fear that taxation keeps increasing by fifteen per cent, twenty per cent, fifty per cent and if an honest person conducts business, he has to pay at least 55 per cent of his profit as tax. People say that if earning money honestly means giving 55 per cent of it to the Government, then why should they disclose their transactions openly? Therefore, there is a need to reform the taxation system. Those who work with honesty must receive protection.

This Bill has one very good provision, the definition relating to the Hindu family has been framed well, and this will give people relief. The manner in which Income Tax officials intimidate people also needs to be controlled. In this Bill, only the Income Tax Department has been involved, but there are several other channels through which black money circulates the film industry, the rail industry, the hawala racket. During elections, the maximum money flows through hawala, and there is no restriction on that. Many laws are good, but they are not implemented properly, and therefore the country is unable to reap their benefits.

Hon. Deputy Speaker, Sir, neither the nation nor its people are receiving the rightful benefit. While approving this Bill, I once again congratulate the Hon. Prime Minister and the Hon. Finance Minister. I submit that through this Bill, there must indeed be restrictions on

black money, but honest individuals must also be given protection. This is my earnest request. Thank you.

Hon. Deputy Speaker, Sir, neither the nation nor its people are receiving the rightful benefit. While approving this Bill, I would once again like to congratulate the Hon. Prime Minister and the Hon. Finance Minister, and I submit that through this legislation there must certainly be a restriction on black money; however, those who work with honesty must also be accorded protection. This is my humble request to you. Thank you.

[English]

KUMARI SUSHMITA DEV (SILCHAR): Mr. Deputy Speaker, Sir, I have been listening very carefully to all the Members of this august House who have taken time to make certain submissions by way of a debate on an important Bill, the Benami Transactions (Prohibition) Amendment Bill, 2015.

Each and every Member in this House has supported this Bill. In supporting this Bill, the reason they have given for it is that we are all unanimous that black money is one of the greatest menaces in this country. We all have to fight it together. The hon. Finance Minister when he addressed the House before the debate started that this Bill had been brought earlier by the UPA Government. But because it lapsed, it has to be reintroduced both in Rajya Sabha and in Lok Sabha.

Today the question arises as to why we are supporting this Bill. The earlier 1988 Act had a blanket prohibition that a 'benami transaction' defined hereunder, cannot be allowed, and it is banned. But there was no detailed legislation. We did not know who is going to investigate? Who is going to go after a benami transaction? Most of the cases that have developed in the past, whether by way of the Supreme Court or various High Court orders are always between two

individuals; two individuals accusing each other. So, I appreciate the move of the Government. Now, we have proper authorities, proper investigating officers in initiating officers, the approving authority, an administrator and the adjudicating authority.

Few issues that I feel have created some confusion in my mind is that in Section 53(1) which says that any person who is in violation of provisions of this law, shall be prosecuted with rigorous punishment, etc. When you say any persons, the question that arises is - who do we put the *mens rea* on? Are we talking about the person who has transferred the property but indirectly kept it for his benefit? Or are we talking about the person in whose name this property has been parked? That is not clear. I hope the hon. Finance Minister would elaborate on that.

Secondly, and more significantly, where this Government is consistently talked about cooperative federalism, I do not somehow understand why once the property is confiscated, why should it vest in the Central Government and not in the respective State Governments where those properties are today situated? Apart from that, we welcome this Bill. I hope it goes in creating an atmosphere, a legislative atmosphere in the country where not just creation of

black money but transacting in black money, parking of black money is seen as a liability and not a windfall profit. Thank you, Sir.

17.14 hours

(Hon. Speaker *in the Chair*)

[Translation]

SHRI PREM SINGH CHANDUMAJRA (ANANDPUR SAHIB): Hon. Madam Speaker, a Benami Prohibition Transaction Act was enacted in 1988 to curb benami transactions across the country. However, it is a fact that the objective of the Union Government could not be achieved because the Act contained several shortcomings. So many deficiencies existed that even rules and regulations could not be framed, and the system of imposing punishment could also not function properly. Whatever purpose is intended to be served through an Act was not fulfilled even after the passage of this Act. Therefore, during the UPA–II Government, a Bill was introduced in 2011, and amendments were proposed to remove the shortcomings of the earlier Act. But due to the lack of political will, that Government could not get it passed. I would like to congratulate the Government, particularly Hon. Arun Jaitley Ji, for bringing the Benami Transactions (Prohibition) Amendment Bill, 2015 today.

I believe that the expectations the people of this country had from the Government, people wondering why, despite everything, the country remains poor are relevant. According to the Economic Survey, leading economists have stated that seventy per cent of the country's wealth has gone into the hands of only ten to fifteen per cent of the population. This has resulted in the rich becoming richer and the poor becoming poorer over seventy years. A major reason for this was that large amounts of black money accumulated in the country were either sent abroad or used to purchase benami properties here. I believe that once this Bill is passed and becomes an Act, this trend will end. The gulf between the rich and the poor will narrow. The economic model of the country will prove beneficial for the poor. There can be many advantages.

I would like to seek certain clarifications from the Hon. Finance Minister. Some amendments in the Income Tax Act may also be necessary alongside this. While a definition of the Hindu Undivided Family has been provided, the Hon. Finance Minister must also consider practical situations prevailing in society. There are people who, when they grow old, out of emotion, wish to give money to their sister, or to a cousin. Suppose a person has no children, and a cousin or relative takes care of him, what will be the status if he gives

money to such a person? There should be a clarification on this matter.

It is indeed true that in our country some lands stand in the name of the deity, some lands of Gurdwaras stand in the name of Shri Guru Granth Sahib. It is correct that the Hon. Supreme Court has ordered and held that Shri Guru Granth Sahib is to be regarded as a person, as a Guru. There should certainly be a clarification in this Bill so that no confusion remains. Earlier, during land reforms, some people had even registered land in the names of cats, dogs and other such entities. How income ceiling, land ceiling and land reforms are to be implemented practically is a matter on which, I submit, comprehensive clarification should be provided in this Bill. Thank you.

SHRI KAUSHALENDRA KUMAR (NALANDA): Hon. Speaker, I thank you very much for giving me an opportunity to speak on the Benami Transactions (Prohibition) Amendment Bill, 2015. Purchasing property, conducting business, transacting in shares, or buying vehicles in benami names has become common practice in our country. The money belongs to one person, but the ownership of the property stands in the name of an unknown individual. In some cases, property bought with one's own money is immediately transferred to a family member. This is nothing but an attempt to mislead the law.

I would like to thank the Hon. Minister for attempting to make comprehensive changes to the Benami Transactions (Prohibition) Act, 1988 and for making it stringent and administratively robust. Today, the lords of black money are deeply engaged in the racket of purchasing benami properties with their illegal earnings.

Madam Speaker, even after the enactment of this law, whether this practice will stop entirely remains doubtful, because these people are extremely cunning. Therefore, the Union Government must incorporate the finest details and the most meticulous provisions in the law; only then can some control be achieved. The maximum amount of black money in the country has been flowing

into the real estate sector. This entire sector stands upon black money. If strictness is applied here, an adverse impact on the real estate sector may be witnessed.

Madam Speaker, I would also like to bring one more matter to the notice of the Government. This law empowers the Union Government to confiscate all kinds of property; however, land and immovable property fall under the jurisdiction of the States. Therefore, State Governments must also be involved in this process; otherwise, legal complications may arise. In this proposal, the time limits are not clear. It is not specified until when a person has the right to appeal before the Appellate Authority, nor is it specified by when the Appellate Authority will dispose of the appeal. For approaching the High Court, at least three months' time should be given.

Madam Speaker, this will give rise to another problem, especially in rural areas where people do not possess proper land documents. Even State Governments do not have complete land records, making it difficult to identify the rightful owner. There are contradictions between old title deeds and new title deeds. There will also be complications concerning land belonging to Scheduled

Castes and Scheduled Tribes, because they too often lack proper titles.

Madam Speaker, there is yet another issue that a person residing abroad may acquire property here in benami names. We must also take these difficulties into account. I believe that once this law comes into force, civil disputes are likely to increase considerably, because when any benamidar comes to know that a property stands in his name somewhere, he too will resort to every possible legal avenue to claim it. This will lead to increased litigation.

Therefore, legal complexities must be resolved. I believe that imposing six months' imprisonment and a fine of up to 25 per cent will not, by itself, make this law stringent. You must take complete authority to confiscate the property. Time and again, we see newspaper reports stating that raids were conducted at the premises of certain officers and enormous assets were found. Even among employees appointed to minor posts, huge amounts of undisclosed property are now surfacing in raids. If the Union Government investigates complaints relating to senior officers and junior employees who retired ten or fifteen years ago, their black-money-derived assets can also come to light. My suggestion is that action should be taken in such cases as well.

Madam Speaker, I hope for a strong and effective law, and I congratulate the Hon. Minister on this Bill. Thank you.

[English]

SHRI C.N. JAYADEVAN (THRISSUR): Thank you Madam Speaker. The Benami Transactions (Prohibition) Amendment Bill, 2015 is brought to bring comprehensive amendments to the Benami Transactions (Prohibition) Act, 1988 and to deal with benami transactions effectively.

We know that many of the politicians and bureaucrats in the country are amassing property worth more than their legal income in benami names. The detail of so many such transactions has come to light during the recent search for black money in the country as well as abroad. I think, this Bill will help to check this menace to a great extent if implemented properly.

The Standing Committee had noted that the Income Tax, 1961 has adequate provisions to deal with issues of tax evasion and unaccounted wealth. Certain amendments to this Act, to account for unexplained investments made under benami names, will achieve the objectives of the Bill instead of creating a separate law.

The Committee had also noted that benami transactions could be pre-empted and eliminated by digitalisation of land records. Further, the Bill provides for confiscation of properties which are

adjudged as Benami properties. Rights over these properties are vested with the Central Government. The Committee stated that since land is a State subject under the Constitution, rights over confiscated properties should vest with the State Governments instead of the Central Government. So, I would like to know what is the Government's reaction to these issues. I support the Bill. Thank you, Madam.

SHRI C.K. SANGMA (TURA): Thank you, Madam, for giving this opportunity to be a part of this debate. I would, first of all, like to congratulate the Finance Minister and the hon. Prime Minister for bringing this Bill today which was dormant for so many years. Having said that, I would like to add just two points to this.

The first point that I would like to say is that it is so critical that in this particular Bill, or this particular Act that it is going to be, coordination with States must be done. Since land is a State subject, unless and until there is proper coordination between the Centre and the State, it will be very difficult for this Act to be actually implemented at the grass root level.

Let me just give an example of my State. I am sure there are many other States that will have the same kind of situation. My State has an Act called the Land Transfer Act which prohibits outside people, people from outside the State, to buy land. In situations like this, it complicates the entire situation. That is just one of the Acts.

Second, we are a Sixth Schedule area. Being a Sixth Schedule area, the land belongs to the clan; the land belongs to the headman. The land does not belong to any individual. In this particular Act, there is no provision to allow the clan to be exempted from this law. I think, first of all, I would like to say that the local laws and the local

land Acts must be taken into consideration when this law is being passed and coordination with the States must be done; otherwise this Act will never be implemented properly at the grass root level.

Another issue about the black money that is coming up is this. This whole law has been brought up for the black money. I think, our hon. Finance Minister is much more aware than us that in North East, most of the tribals are exempted from income tax. When there is an exemption from income tax, at the same time, there are laws like the Land Transfer Act. It is a wonderful scenario for anybody who wants to do benami. It is because, if you want to buy land there, you have to do it through benami; there is no other way. If a company wants to come and set up a business out there, they have to get it and they have to tie up with local people. Only then can they do it. The income tax not being applicable, there is lot of inflow of cash that is coming in. Therefore, these kinds of situations need to be considered when we pass this Bill.

Another important issue is this. Since we are talking of black money, I want to add, which again the hon. Finance Minister is aware, that North East is a very vulnerable location. There is a lot of fake money that comes in through the borders. We have porous borders with Bangladesh. A lot of counterfeit money is coming in.

At the same time, we have got income tax exemptions, and there are land transfer issues. I think, it is a very serious situation. I think the Central Government must make Acts and policies that are very much tailored to the situation at the grass root level. But, having said that, I would not like to say anything against the tribals out here. But, all I am saying is that the Central Government must respect the sentiments of the tribal people and, at the same time, ensure that the Act is implemented in true spirit.

The last point which I would like to mention is this. Multiple laws are there to act against black money. I think the way GST has come to streamline all the taxes, if laws can come to streamline the black money, I think, it would make more sense. Here, you are giving more teeth and more power, of course, to the income tax officers which is a good thing. But, at the same time, it could be misused by them. I think, that is very critical and there the Government must make some provisions to ensure that they are not misutilized. The talk about black money was that when the Government is taking steps to abolish the benami transactions, I think black money comes because of the high registration. So, if the registration is cut down, then I think people will come in and give

the real value of the land. So, I think black money could be targeted more through registration being lowered.

DR. BOORA NARSAIAH GOUD (BHONGIR): I would congratulate the Finance Minister and also the Government. The Bill, which has been lying dormant for the last 27 years, has been brought today for the introduction and also to pass. This shows the will of the Government. Actually, I wanted to speak much on this subject but because of the constraint of time, I would like to stress only on two or three points.

Benami transactions are mostly [*Translation*] acts of dishonesty, as you are also aware. This Bill has been brought to curb them, yet everyone is speaking only about property. There are many other assets that can be created through benami transactions. For instance, in the case of shares, a person may invest in someone else's name. Nothing specific has been stated on that subject yet; perhaps the Hon. Finance Minister will speak about it. Secondly, the person who executes is also the one who adjudicates. Our submission is that the same person should not be both the executor and the judge. You are well aware of how Income Tax Officers function. Prima facie, if someone alleges a property to be benami and you undertake a transaction, the case then proceeds to the Appellate Tribunal, thereafter to the High Court, and finally to the Supreme Court. By then, thirty to forty years pass. What becomes of the property by

then? Whether it is a house, land or any other property, my request is that there must be a time-limit.

HON. SPEAKER: How many points do you have?

DR. BOORA NARSAIAH GOUD: Madam, only three or four points. There should be whistle-blower provision. Very often, the person in whose name the property is re-sold has no knowledge whether he is a driver or a servant, he is unaware that a property stands in his name. If a whistle-blower provision is included, and if we give them a small incentive, for example, if a property worth Rs. 100 crore is involved and if we provide at least ten or twenty per cent to such a person, it would be very effective.

Fourth, this issue arises frequently in real estate. I have seen individuals purchasing three or four apartments. I do not wish to take names, but those who genuinely need them cannot purchase them. Therefore, there should be zero tagging of property.

In conclusion, I would like to commend our Hon. Finance Minister. Our colleagues were saying that the Hon. Finance Minister is such an able lawyer that he can not only pronounce a sentence of death upon a culprit but can also convince him why the sentence has been awarded.

In the end, I would like to submit only this: protect the honest; educate the dishonest.

[English]

HON. SPEAKER: Saugata Ji, I think you cannot complete in two minutes.

PROF. SAUGATA ROY (DUM DUM): Madam, today I am overwhelmed with gratefulness towards you that you allowed me again. I agree with you that the House should end at proper time at 6 'o' clock. Your effort in this regard is very much appreciated. Hence, I will be super short.

Already Kalyan Banerjee Ji on our side has made all the points. He is an eminent lawyer. All that I wanted to say is that as a Member of the Standing Committee on Finance, we had eight meetings on the Benami Transaction Bill and we gave an unanimous report in which we said that a fresh law should be brought. I want to ask this to the hon. Minister why is it that you chose to over-ride the unanimous recommendation of the Finance Committee in which your party colleague Shri Nishikant Dubey was also a part, and went ahead with the Bill?

My second question is this. The purpose and the intention of the Minister is good. He wants to end black money. But he very often said that the path to hell is paved with good intentions, and actually by bringing this Act, he is opening the path to hell because in the Statement of Objects and Reasons, the Bill does not state that the purpose is to eradicate black money. Nowhere is it mentioned. Suddenly, he says it is to eradicate black money. That is all.

Here in this Act there is a provision for confiscation under 27(1) and it will vest in the Central Government. But if somebody evades income tax and the money comes or the money comes from smuggling, human trafficking or drug offences, it is all right. Let it vest in the Central Government. But the State Government allocates land like it is done in many townships for residential purpose or for setting up of a factory. Then, why should it not vest in the State Government? It is because it should go back to the State Government which had originally allocated the land.

Lastly, I think this will open a serious problem in rural areas where there are no proper land records and there are cash transactions. Lakhs of people will become homeless. We have said that this will open the road to tax terrorism. The Bill should not become another coercive instrument in the hands of the Revenue Department to forcibly collect or mobilise taxes as the existing Income Tax Act has adequate provisions and teeth to deal with issues such as tax evasion and unaccounted income.

So, my last appeal to the hon. Finance Minister is this. He is a person with a large heart. He is magnanimous. Maybe, he has brought the Bill but if everybody has said that we support the intention of the Bill, you bring a proper new Bill. We will all support

it unanimously. Let him take back the Bill today and come with a new Bill.

HON. SPEAKER: Thank you very much.

SHRI ARUN JAITLEY: Madam, I am extremely grateful to a very large number of hon. Members who have spoken on this Bill.

Of course, Mr. Gowda opened the discussion and made some very valid points but one point which has been made across by several Members--Mr. Kalyan Banerjee made this point and Mr. Saugata Roy again raised it—is that the Standing Committee had said that we need a new Bill. The reason why the Standing Committee said that we need a new Bill is that the original 1988 Bill was a small Bill with nine Sections. It provided for acquisition of a property. Now when you acquire, you pay compensation. In any acquisition law, compensation is to be payable. There was no vesting of that property in the Government. It was an acquisition in favour of the Government. Then, the entire procedure, the principles of compensation, the authorities for acquisition and implementing—all was absent in that Bill.

The Law Ministry took a view that the basic principles of the Bill, if all this to be done by the rules, would be *ultra vires* because this would be a case of excessive delegation, and therefore, the rules cannot be framed. From 1988 till today 2016, the rules have not been framed. One of the hon. Members wanted to know whether any properties have been actually acquired. The answer is ‘no’ because

the machinery for enforcement itself was not created, though there are two judgements of the Supreme Court which interprets this Act in order to tell us as to what is Benami and what is not Benami.

The 1988 Act also has a provision for prosecution. The provision for prosecution, prohibition and acquisition remained in that Act. So, the prosecution provision under section 3(3) says that whoever enters into any benami transaction shall be punishable with imprisonment for a term which may extend to three years or with fine or both. So, whoever subsequent to 1988 entered into a transaction which was a benami transaction, either of the two parties would be liable for prosecution.

So, if we had accepted the recommendation of the Standing Committee – repealed the 1988 Act and recreated a new law in 2016 – that would have been granting immunity to all people who acquired properties benami between 1988 and 2016. Obviously, the acquisition now cannot take place, but the penal provisions of the 1988 Act also would have stood repealed. When a new Act with a similar provision would have come, it could only apply for a penal provision to properties which are benami and entered into after 2016.

Anybody will know that a law can be made retrospective, but under Article 20 of the Constitution of India, penal laws cannot be

made retrospective. The simple answer to the question why we did not bring a new law is that a new law would have meant giving immunity to everybody from the penal provisions during the period 1988 to 2016 and giving a 28-year immunity would not have been in larger public interest, particularly if large amounts of unaccounted and black money have been used to transact those transactions. That was the principal object. Therefore, *prima facie* the argument looks attractive that ‘there is a 9-section law and you are inserting 71 sections into it. So, you bring a new law.’, but a new law would have had consequences which would have been detrimental to public interest.

DR. M. THAMBIDURAI (KARUR): Since you want to penalise those people, how many cases were registered from 1988 to till date using the Benami Transactions (Prohibition) Act? There have passed so many years since that Act was enacted. Without that, how are you going to do it?

SHRI ARUN JAITLEY: That is precisely the argument because the machinery for enforcing that Act from 1988 was never created. Today, that machinery is being made operative under the present amendment.

One of the questions which Mr. Gowda raised was: What is the protection being granted to the whistleblowers under this Act? I will deal with each one of the substantial questions which the hon. Members have raised. Under this Act, whistleblowers need not get any protection because we have a specific law for whistleblowers which applies across laws to all whistleblowers irrespective of the whistleblowing that they do. So, a whistleblower can give you information about violation of moneylaundering laws or of FEMA or of Income Tax or of benami transaction. When a whistleblower gives that information, he gets protection under the Whistleblowers Act. So, each of the legislations in relation to which he gives information need not be made specific as far as he is concerned.

Then, Mr. Gowda asked: When offences under this Act are punishable with imprisonment up to seven years - it is a serious offence - why have we made it non-cognizable? This is a violation of a tax law and a violation of a tax law is punishable. It is made non-cognizable because we do not want multiple agencies to come and start harassing people. Immediately the police would also come in and start harassing people. The object is not to harass them; the object is that there must be prosecution if he has violated this particular law.

Now, one of the questions which you raised was that the Standing Committee has made a very valid suggestion that the property or the asset acquired should be out of 'known sources' as against the original phrase 'known sources of income'. You are absolutely right. The Standing Committee suggested that the word should be 'known sources' and not 'known sources of income' because if a person is accused of having acquired a benami property, he can legitimately say, 'that this is not my income, I have borrowed this money from a bank, or I have taken this money from another family member'. If he is able to show that, then that is a legitimate defense. So, the sources would be known, though it would not be sources of his income. It was a correct suggestion which has been made. If you see the list of amendments which the Government has circulated, in accordance with the recommendations of the Standing Committee, in amendment Nos. 3, 4 and 5, I have proposed to the hon. House that the phrase 'of income' in all the three clauses, wherever it is mentioned, should be deleted, and the word in the amended clause would be 'known sources' and not 'known sources of income'. That suggestion has already been incorporated in the amendments that I have suggested.

You also raised a question, which is a valid question, that at the appellate stage, there is a provision with regard to the right of representation through an authorised representative. Now, there are serious consequences. One of the serious consequences before the adjudicating authority is that a person is liable to lose his property. Since the consequences are severe, we have provided in the original Act a provision for right of representation before the appellate authority, but the original Bill did not provide for a right of representation before the adjudicating authority. Therefore, amendment No. 9 that I have proposed, in accordance with the suggestion that you have said, provides that “the benamidar or any person who claims to be the owner of the property may appear either in person or take the assistance of an authorised representative.” So, the exact suggestion which you have made is already there in the amendment that I have proposed.

You then raised this whole issue of why we have these four stages, that is, the initiating officer, the acting officer, the adjudicating officer, etc. The entire object of this is that you must have this case of confiscation of his asset, the vesting, in the Government. Different people must apply themselves; it must go in stages so that there is no misuse of power by any one individual.

After all, when there are different authorities at different grades which go and apply their mind, then, obviously, the matter has been seriously gone into. It is a protection in favour of the citizen that there is no unfair action – one person may be vindictive; and with one person, there is a possibility of going wrong. Therefore, if you do it in various stages, obviously, the possibility of error gets significantly reduced.

The hon. Member from the AIADMK raised a question as to why the High Court has been given the power to decide and adjudicate upon issues on which the adjudicating authority or the first appellate authority may not have decided. I think giving the High Court the power is important because if some issue is of significant importance and, in the entire proceedings, has been left out, then it is obvious that before some higher authority, before a property is acquired because a valuable right is being lost, all issues are thrashed out and, therefore, there is no possibility of any issue having been left unattended, which would have otherwise been a defense which is available. This is the same reason why the power to record evidence is additionally being given to the appellate authority.

It is because if before the adjudicating authority, some evidence is left out and before the appellate authority which is headed by a Judge, a person who is about to lose his property says, “I have a defence to make. Maybe, this document was not considered. So, I want to place this additional document which goes to my defence. In all fairness, it should be allowed to be considered.” This is in accordance with the general principles of hearing appeals. Even in the Code of Civil Procedure, Order 41, Rule 27 is very clear that at the appellate stage, the power to introduce new evidence which has been ignored or left out by mistake before the original authority, is always there. That is a part of the justice process itself.

One important question which has been raised by several Members is, as to why should the property vest in the Central Government, why not in the State Government? Under all acquisition laws, there are acquisition laws or vesting laws which are in the States also – the benami transaction law wherein a property is registered in the name of a person who has not made the payment for it or the income-tax law, these are central legislations. For example, we have the PMLA, which is the central legislation; we have the FEMA, it is a central legislation; we have the NDPS, it is a central legislation. Similarly, we have several State legislations where State

Governments are empowered. Under all central legislations where vesting of property takes place, it vests in the Central Government. In the case of State legislations, when the vesting takes place, it vests in the State Government. At least, I am not aware of any law which is a central law under which vesting or acquisition takes place but the property rights then go to some other authority. They vest in the Central Government itself.

Shri Kalyan Banerjee wanted to know and that is a legitimate point that he raised, as to the appellate authority not having been given a specific power of staying the order. When an appeal is pending, obviously vesting should not take place. As he knows, being an eminent lawyer himself, when an appellate authority has a power to pass a final order, the authority to pass a lesser order is inherently in that appellate authority. Since you have a power to allow the appeal and release the property from acquisition, inherently an appellate authority, in several legislations, where there is a power of appeal, there is always a power of interim suspension of the order which is inherent in that power of appeal, irrespective of whether it is specifically mentioned or not. There are pronouncements of courts to this effect.

Which is the power and in how many days appeal could be filed? I think, the Act is very clear. There are two provisions in the Act. He wanted to know about the power to file an appeal and in how many days. He has said that it is not mentioned. If he looks at the legislation itself, clause 30 says:

“The Central Government, by notification, may establish an appellate authority to hear appeals against the order of the adjudicating authority.”

So, obviously, the appellate authority will hear appeals. The power to appeal lies to that authority. In how many days will an appeal has to be filed? I think, Section 46 is absolutely clear. It says:

“Any person, including the initiative officer, aggrieved by an order of the adjudicating authority, may prefer an appeal in such form and with such fees as may be prescribed, to the appellate authority against the order passed by the adjudicating authority within a period of 45 days.”

So, even the limitation period is also mentioned in the Act itself.

One of the Members wanted to know about this power under Section 59 to issue directions by the Central Government. Will it interfere in the adjudicating power? The answer is 'no'. Section 59(3) says that there are certain kinds of directions for administrative functioning, which can be issued. It very clearly says that no order, instruction or direction under sub-section 1 shall be issued which require the authority to decide a particular case in a particular manner. So, the directions issued have to be in relation to administrative matters and not in relation to other matters.

Is this law in conflict with the Income Tax Act in any way? The answer is 'no'. The Income Tax deals with various provisions of taxation, the powers to levy the procedures etc. This particular law deals with any benami property which is acquired by a person in somebody else's name to be vested in the Central Government. So the two Acts are supplementary to each other as far as this Act is concerned.

A question has been raised with regard to the non-applicability of the Civil Procedure Code under Section 11. But under Section 19 some of the powers which are similar to the Civil Procedure Code have been vested; this is there in all adjudicating Acts. *Ipsa facto*, the whole CPC is not applicable but since you have to hear matters,

record evidence etc., there is a defined procedure which has been defined in Section 19 of the Act itself.

[Translation]

You you had raised a question regarding properties standing in the names of religious deities or holy books, who would be considered the owner of such property, and whether those properties might be regarded as benami. That is precisely why Section 58 has been included. It clearly states that the Union Government has the authority to exempt properties belonging to charitable and religious organisations.

[English]

SHRI N.K. PREMACHANDRAN: As per Section 58, operation of the Act is exempted for the religious institutions as well as charitable institutions. That means, I can very well have this benami property and I can enjoy the property also by having an understanding.

SHRI ARUN JAITLEY: If there is a genuine property which belongs to a church, mosque, gurdwara or a temple, Section 58 says the Government has power to exempt it. But if you make an illegal business out of it, as you are suggesting us now that the property is your benami property and you create a fake religious sect and start

keeping benami properties, then the Government would not exempt it.

SHRI N.K. PREMACHANDRAN: Section 58 is very clear as far as the religious institutions and charitable institutions are concerned.

SHRI ARUN JAITLEY: But obviously if somebody plays a fraud, the Government has a power not to exempt such a property on which a fraud is played. ... (*Interruptions*)

HON. SPEAKER: Shri Jaitley, you are not supposed to answer something. Shri Premachandran, please take your seat.

... (*Interruptions*)

SHRI ARUN JAITLEY: Shri Premachandran, it is very clear that Section 53 is meant for *bona fide* religious properties, not for religious properties only being used as a pretext of tax evasion.

A question has been raised that under Section 53 who would be liable? Is it the person who acquires the property or the person who sells the property? The language is very clear; whoever enters into benami transaction, and obviously both these people have entered into a benami transaction itself.

Two very important questions have been raised. Several Members have raised a question with regard to power of attorneys

and so on or agreements, under which because of some peculiar reasons an arrangement has been entered into, consideration has been paid, property's transfer of possession has taken place but finally the title deeds have not been registered. In the original Bill, they were not covered. But the Committee, which was headed by Shri Moily, who is fortunately here with us, strongly recommended that in accordance with the provisions of Section 53A of the Transfer of Property Act, all these properties which are covered under these arrangements, should also be included in this. The Government has accepted that and introduced an official amendment in accordance with the recommendations of the Standing Committee.

The last question which was raised by the hon. Member Shri Sangma from Meghalaya was with regard to properties in several Schedule areas which are covered by the Fifth Schedule itself. This Act does not exempt those properties. But that exemption would be available in the Article 244 of the Constitution. Article 244 provides for a Fifth Schedule to the Constitution itself.

18.00 hours

The Fifth Schedule, Clause 5 clearly says that wherever those scheduled properties are, the Governor of that State has the power to exempt the operation of any Central legislation to those areas. So, if

any such contingency arises, the Governor of the State where the property is located, under clause 5 of the Fifth Schedule prepared under Article 244 has the power to exempt those properties. ...
(Interruptions)

HON. SPEAKER: It is six o'clock. If all of you agree, the time of the House is extended up to this Bill getting passed.

SEVERAL HON. MEMBERS: Yes.

HON. SPEAKER: Thank you.

SHRI ARUN JAITLEY: These were the various queries which were raised. Since it is a technical kind of a Bill, I have attempted to answer some of them. Most of the Members having supported this Bill as an important measure, I commend to this House this Bill for its acceptance.

HON. SPEAKER: The question is:

“That the Bill further to amend the Benami Transactions (Prohibition) Act, 1988, be taken into consideration.”

The motion was adopted.

Clause 2 Insertion of new heading before Section 1

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

The question is:

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 Amendment of Section 1

HON. SPEAKER: Amendment No. 11 – Shri Bhartruhari Mahtab is 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 Substitution of new Section for Section 2*Amendments made:*

Page 2, line 41, *omit* “of income” (3)

Page 3, line 3, *omit* “of income” (4)

Page 3, line 9, *omit* “of income” (5)

Page 3, *after* line 16, insert –

“Explanation. – For the removal of doubts, it is hereby declared that benami transaction shall not include any transaction involving the allowing of possession of any property to be taken or retained in part performance of a contract referred to in section 53A of the Transfer of Property Act, 1881, if, under any law for the time being in force, --

(i) Consideration for such property has been provided by the person to whom possession of property has been allowed but the person who has granted possession thereof continues to hold ownership of such property;

(ii) Stamp duty on such transaction or arrangement has been paid; and

(iii) the contract has been registered.”. (6)

(Shri Arun Jaitley)

HON. SPEAKER: Shri N.K. Premachandran, are you moving your Amendments?

SHRI N.K. PREMACHANDRAN: Yes Madam, I am moving Amendment No. 12.

HON. SPEAKER: These are Amendment Nos. 12 to 17. Are you moving all of them together?

SHRI N.K. PREMACHANDRAN: I beg to move:

“Page 2, line 35,

for “immediate or future benefit, direct or indirect” *substitute* “direct or indirect benefit.” ” (12)

“Page 3, line 13, --

after “property is not”

insert “traceable or not”.”

(13)

“Page 3, line 17, --

after “fictitious person”

insert “or a person not traceable”.” (14)

“Page 3, line 32, --

after “open market”

insert “or the fair value fixed by the Government”.” (15)

“Page 4, line 37, --

after “transfer of”

add “ownership”. ” (16)

“Page 4, line 45, --

after “Partnership Act, 2008”

insert “the Negotiable Instruments Act, 1881, the
Transfer of Property Act, 1882.”” (17)

HON. SPEAKER: I shall put Amendment Nos. 12 to 17 to clause 4 moved by Shri N.K. Premachandran to the vote of the House.

The amendments were put and negatived.

HON. SPEAKER: The question is:

“That clause 4, as amended, stand part of the Bill.”

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 to 7 were added to the Bill.

Clause 8 Substitution of new Sections for Section 5 and 6

Amendment made:

Page 5, after line 23, insert –

“(3) The provisions of sub-sections (1) and (2) shall not apply to a transfer made in accordance with the provisions of section 190 of the Finance Act, 2016.” (7)

(Shri Arun Jaitley)

- (i) a person related to the *benamidar* or such other person in any manner, or a person regularly employed by the *benamidar* or such other person as the case may be; or
- (ii) any officer of a scheduled bank with which the *benamidar* or such other person maintains an account or has other regular dealings; or
- (iii) any legal practitioner who is entitled to practice in any civil court in India; or
- (iv) any person who has passed any accountancy examination recognised in this behalf by the Board; or
- (v) any person who has acquired such educational qualifications as the Board may prescribe for this purpose.”. (9)

Page 13, line 4,

for “he is, or has been a Judge of a High Court”

substitute “he is a sitting or retired Judge of a High Court, who has completed not less than five years’ of service”.” (10)

(Shri Arun Jatiley)

HON. SPEAKER: Shri Premachandran, are you moving Amendment Nos. 18 to 27?

SHRI N.K. PREMACHANDRAN: Madam, Amendment No. 17 is regarding many negotiable instruments. ... (*Interruptions*)

HON. SPEAKER: This is about Amendment Nos. 18 to 27. I am not asking you to say anything.

SHRI N.K. PREMACHANDRAN: Yes, I am moving.

HON. SPEAKER: You may move Amendments No. 18 to 27 together now.

SHRI N.K. PREMACHANDRAN: I am moving Amendment No. 17.

HON. SPEAKER: Is it only Amendment No. 17. What to do about all the other Amendments, from 18 to 27?

SHRI N.K. PREMACHANDRAN: They are subject of some other sections.

HON. SPEAKER: Now, you may move Amendment Nos. 18 to 27.

SHRI N.K. PREMACHANDRAN: I beg to move:

“Page 5, line 36, --

for “the Indian Legal Service”

substitute “the Law Department in the Central
Government or a State
Government”.” (18)

“Page 5, line 37, --

for “equivalent”

substitute “higher”.” (19)

“Page 5, *omit* lines 40 and 41. ” (20)

“Page 6, *for* lines 14 to 17, --

substitute “The Adjudicating Authority shall be bound
by the procedure laid down by the Code of
Civil Procedure, 1908”.” (21)

“Page 9, line 4, --

after “extending the same”

add “for a maximum period of another
three months”.” (22)

“Page 13, lines 6 and 7, --

for “the Indian Legal Service”

substitute “the Law Department in the
Central Government or a State Government”.”

(23)

“Page 13, line 7, --

for “equivalent”

substitute “higher”.”

(24)

“Page 16, *omit* lines 46 and 47.”

(25)

“Page 17, line 9, --

for “formulate that question”

substitute “admit the case”.” (26)

“Page 17, *for* lines 10 to 12, --

substitute “(4) The appeal shall be heard on the question of law,

and the respondents shall, at the hearing of the appeal,

be allowed to argue the case.” ” (27)

HON. SPEAKER: I shall put Amendment Nos. 18 to 27 to clause 9 moved by Shri N.K. Premachandran to the vote of the House.

The amendments were put and negatived.

HON. SPEAKER: The question is:

“That clause 9, as amended, stand part of the Bill.”

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clauses 10 and 11 were added to the Bill.

Clause 1 Short Title and Commencement

HON. SPEAKER: The Minister may now move Amendment No.2 to Clause 1.

Amendment made:

Page 1, line 3, *for* “2015”, *substitute* “2016”. (2)

(Shri Arun

Jaitley)

HON. SPEAKER: The question is:

“That clause 1, as amended, stand part of the Bill.”

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

HON. SPEAKER: The Minister may now move Amendment No.1 to the Enacting Formula.

Amendment made:

Page 1, line 1, *for* “Sixty-sixth”,

substitute “Sixty-seventh”. (1)

(Shri Arun Jaitley)

HON. SPEAKER: The question is:

“That the Enacting Formula, as amended, stand part of the Bill.”

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Long Title was added to the Bill.

HON. SPEAKER: The Minister may now move that the Bill, as amended, be passed.

SHRI ARUN JAITLEY: I beg to move:

“That the Bill, as amended, be passed.”

HON. SPEAKER: The question is:

“That the Bill, as amended, be passed.”

The motion was adopted.

HON. SPEAKER: The House stands adjourned to meet again tomorrow, the 28th July, 2016, at 11.00 a.m.

18.06 hours

*The Lok Sabha then adjourned till Eleven of the Clock
on Thursday, July 28, 2016/Shravana 6, 1938 (Saka)*

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