

LOK SABHA DEBATES

(English Version)

Fifth Session
(Fourteenth Lok Sabha)



Gazettes & Debates Unit
Parliament Library Building
Room No. PB-025
Block 'G'

Acc. No. 10
Dated..... 14.9.2006

(Vol. XIII contains Nos. 21 to 24)

LOK SABHA SECRETARIAT
NEW DELHI

Price : Rs. 80.00

EDITORIAL BOARD

P.D.T. Achary
Secretary-General
Lok Sabha

Kiran Sahni
Principal Chief Editor

Harnam Dass Takker
Chief Editor

Parmesh Kumar Sharma
Senior Editor

Nalin Kumar
Assistant Editor

(ORIGINAL ENGLISH PROCEEDINGS INCLUDED IN ENGLISH VERSION AND ORIGINAL HINDI PROCEEDINGS INCLUDED IN HINDI VERSION WILL BE TREATED AS AUTHORITATIVE AND NOT THE TRANSLATION THEREOF)

CONTENTS

(Fourteenth Series, Vol. XIII, Fifth Session, 2005/1927 (Saka)

No. 23, Monday, August 29, 2005/Bhadra 7, 1927 (Saka)

SUBJECT	COLUMNS
PAPERS LAID ON THE TABLE	1-2
MESSAGE FROM RAJYA SABHA	2
COMMITTEE ON PUBLIC UNDERTAKINGS	
Statements	3
STANDING COMMITTEE ON AGRICULTURE	
Statements	3-4
STANDING COMMITTEE ON FINANCE	
Twenty-third and Twenty-fourth Reports	4
STANDING COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE	
(i) Twelfth Report	4
(ii) Evidence	4-5
RE: NOTICE OF QUESTION OF PRIVILEGE	5-6
CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE	
(i) Need to provide financial assistance to the displaced families of Kashmiri Pandits in Jammu and Kashmir and steps taken by the Government in regard thereto	6-22
Prof. Vijay Kumar Malhotra	6
Shri Shivraj V. Patil	6
Shri Madan Lal Sharma	13
(ii) Situation arising out of recurring accidents in Coal Mines in the country, particularly the accident at Saunda Colliery under the Central Coalfields Limited (CCL) resulting in death of fourteen coal workers and steps taken by the Government in regard thereto	22-32
Shri Bhuvaneshwar Prasad Mehta	22
Dr. Dasari Narayan Rao	23

Shri Suravaram Sudhakar Reddy	29
Shri Dharmendra Pradhan	30
Shri Basu Deb Acharia	30
MOTION RE: SEVENTEENTH REPORT OF THE BUSINESS ADVISORY COMMITTEE	33
MOTION RE: FIRST REPORT OF THE COMMITTEE OF PRIVILEGES	33
JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) AMENDMENT BILL, 2005	34
SUBMISSIONS BY MEMBERS	
(i) RE: ALLEGED MISBEHAVIOUR METED OUT TO FEMALE EMPLOYEES WORKING IN C.R.P.F.	34-46
(ii) RE: REPORTED SHIFTING OF PROPOSED NATIONAL INSTITUTE OF SCIENCE FROM BHUVANESHWAR TO KOLKATA.	46-50
MATTERS UNDER RULE 377	50-63
(i) Need to ensure early payment of Crop Insurance dues to the farmers in Amreli Parliamentary Constituency, Gujarat. Shri V.K. Thummar	50-51
(ii) Need to expedite completion of Basohli-Bani-Badharwah road in Jammu and Kashmir. Chaudhary Lal Singh	51
(iii) Need to expedite construction of a new railway line between Puntamba and Shirdi besides doubling of Daund-Bhigwan and Manmand-Daund railway lines in Maharashtra. Shri Balasaheb Vikhe Patil	51-52
(iv) Need to discontinue the practice of issuing Diplome of National Board Certificate by National Board of Examinations in order to maintain standard in medical education in the country. Shrimati D. Purandeswari	52
(v) Need to set up a modern science city and a planetarium in Chandigarh. Shri Pawan Kumar Bansal	52-53
(vi) Need to release more funds for early completion of Kottur-Harithara Railway line project. Shri G. Karunakara Reddy	53

(vii) Need to conduct investigations into the source of LPG found at Rahatgarh in Sagar Parliamentary Constituency, Madhya Pradesh.	Shri Virendra Kumar	53-54
(viii) Need to provide basic amenities in Sultanganj, Bihar and develop it as a place of religious and historical importance.	Shri Sushil Kumar Modi	54-55
(ix) Need for conversion of Jaipur-Loharu-Reengas-Seekar and Phulera-Reengas-Rewari meter gauge railway lines into broadgauge.	Shri Subhash Maharia	55
(x) Need to provide special package to Chhattisgarh for maintaining its forest based economy.	Shri Punnu Lal Mohale	56
(xi) Need to sanction Central Freedom Fighters Pension to those who participated in Goa freedom struggle.	Shri P. Karunakaran	56-57
(xii) Need to develop Alwara lake in Kushambi district, Uttar Pradesh as a tourist resort.	Shri Shailendra Kumar	57
(xiii) Need for a CBI inquiry into the alleged irregularities in disinvestment of Ashoka Hotel of ITDC at Bodhgaya in Bihar.	Shri Rajesh Kumar Manjhi	58
(xiv) Need to develop Gaya in Bihar as a place of tourist importance.	Shri Ram Kripal Yadav	58-59
(xv) Need to install good quality India Marka hand pumps in Unnao Parliamentary Constituency, Uttar Pradesh to solve acute drinking water problem in the region.	Shri Brajesh Pathak	59
(xvi) Need to construct a new airport at Sriperumbudur instead of evicting villages adjoining Meenambakam Airport for the purpose of its extension.	Shri A. Krishnaswamy	59-60
(xvii) Need to construct roads under PMGSY in Ferozepur Parliamentary Constituency, Punjab.	Shri Zora Singh Mann	60-61

- (xviii) Need to construct an over bridge at Jugsalai railway crossing in Jamshedpur Parliamentary Constituency, Jharkhand.

Shri Sunil Kumar Mahato 61

- (xix) Need to introduce a train from Bijnore to Lucknow and provide hydraulic gates at railway crossings in Bijnore Parliamentary Constituency, Uttar Pradesh.

Shri Munshi Ram 61-62

- (xx) Need for taking over of Bongaigaon Thermal Power Station by NTPC.

Shri Sansuma Khunggur Bwiswmuthiary 62-63

GOVERNMENT BILLS

HINDU SUCCESSION (AMENDMENT) BILL, 2005 83-113

Motion to Consider 63

Shri H.R. Bhardwaj 63-64

Shri Bachi Singh Rawat 'Bachda' 65-69

Shrimati D. Purandeswari 69-74

Shrimati Susmita Bauri 74-75

Shri Shailendra Kumar 75-77

Shri Rajaram Pal 77-79

Shrimati M.S.K. Bhavani Rajenthiran 79-80

Shri B. Mahtab 80-85

Shri Kinjarapu Yerrannaidu 85-87

Dr. Thokchom Meinya 87-88

Shri Kishan Singh Sangwan 88-92

Shri Bhuvneshwar Prasad Mehta 93-94

Shrimati C.S. Sujatha 94-95

Prof. M. Ramadass 96-100

Shri Suresh Prabhakar Prabhu 100-102

Shri P.S. Gadhavi 102-103

Shri Tufani Saroj 103-104

SUBJECT	COLUMNS
Shrimati Neeta Pateriya	104-106
Clauses 2 to 7 and 1	112-113
Motion to Pass	113
DISPLACED PERSONS CLAIMS AND OTHER LAWS REPEAL BILL, 2005	113-117
Motion to Consider	113
Shri Manikrao Hodlya Gavit	113
Shri Santosh Gangwar	114
Chaudhary Lal Singh	114
Clauses 2 and 1	117
Motion to Pass	117
IMMIGRATION (CARRIERS' LIABILITY) AMENDMENT BILL, 2005	117-124
Motion to Consider	117
Shri Shriprakash Jaiswal	118
Shri Santosh Gangwar	118
Shri K.S. Rao	119
Shri Varkala Radhakrishnan	120
Clauses 2 and 1	123-124
Motion to Pass	124
SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, TRIVANDRUM (AMENDMENT) BILL, 2005	124-140
Motion to Consider	124
Shri Kapil Sibal	124
Shri Santosh Gangwar	124
Dr. Ram Chandra Dome	125
Shri Varkala Radhakrishnan	128
Shri K.S. Rao	129
Shri C.K. Chandrappan	131

Shri Suresh Prabhakar Prabhu	132
Clauses 2 and 1	140
Motion to Pass	140
WAREHOUSING CORPORATIONS (AMENDMENT) BILL, 2005	140-161
Motion to Consider	140
Dr. Akhilesh Prasad Singh	140
Dr. Ramkrishna Kusmaria	141
Shri K.S. Rao	142
Shri Lakshman Seth	144
Shri Shailendra Kumar	147
Shri C.K. Chandrappan	148
Shri Bikram Keshari Deo	150
Shri Varkala Radhakrishnan	151
Shri Santosh Gangwar	153
Shri Braja Kishore Tripathy	154
Shrimati Jayaben B. Thakkar	155
Choudhary Lal Singh	155
Clauses 2 to 5 and 1	160-161
Motion to Pass	161
RESOLUTION RE: APPROVAL OF RECOMMENDATIONS IN THE SECOND REPORT OF RAILWAY CONVENTION COMMITTEE	
AND	
RAILWAYS (AMENDMENT) BILL, 2005	161-180
Motion to Consider	161
Shri R. Velu	161
Dr. Laxminarayan Pandey	162

OFFICERS OF LOK SABHA

THE SPEAKER

Shri Somnath Chatterjee

THE DEPUTY-SPEAKER

Shri Charnjit Singh Atwal

PANEL OF CHAIRMEN

Shri Pawan Kumar Bansal

Shri Giridhar Gamang

Shrimati Sumitra Mahajan

Shri Ajay Maken

Dr. Laxminarayan Pandey

Shri Balasaheb Vikhe Patil

Shri Varkala Radhakrishnan

Shri Arjun Sethi

Lt. Col. (Retd.) Manabendra Shah

Shri Devendra Prasad Yadav

SECRETARY-GENERAL

Shri P.D.T. Achary

LOK SABHA DEBATES

LOK SABHA

Monday, August 29, 2005/Bhadra 7, 1927 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

MR. SPEAKER: Papers to be laid.

PAPERS LAID ON THE TABLE

[English]

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI BIJOY HANDIQUE): Sir, on behalf of Shri Jaipal Reddy, I beg to lay on the Table:—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Nava Nalanda Mahavihara, Nalanda, for the year 2003-2004.
 - (ii) A copy of the Annual Accounts (Hindi and English versions) of the Nava Nalanda Mahavihara, Nalanda, for the year 2003-2004, together with Audit Report thereon.
 - (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Nava Nalanda Mahavihara, for the year 2003-2004.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT 2828/05]

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the National Council of Science Museums, Kolkata, for the year 2003-2004.
- (ii) A copy of the Annual Accounts (Hindi and English versions) of the National Council of

Science Museums, Kolkata, for the year 2003-2004, together with Audit Report thereon.

- (iii) A copy of Review (Hindi and English versions) by the Government of the working of the National Council of Science Museums, Kolkata, for the year 2003-2004.

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

[Placed in Library. See No. LT 2829/05]

11.02 hrs.

MESSAGE FROM RAJYA SABHA

[English]

SECRETARY-GENERAL: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:—

'I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on Monday the 22nd August, 2005 adopted the following Motion in regard to the Committee on Offices of Profit:—

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do elect one Member of Rajya Sabha to the Joint Committee on Offices of Profit in the vacancy caused by the retirement of Shri Eduardo Faleiro from the Rajya Sabha and resolves that the House do proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote, one Member from among the Members of the House to the said Joint Committee to fill the vacancy."

I am further to inform the Lok Sabha that in pursuance of the above Motion, Prof. Saif-ud-Din Soz, Member, Rajya Sabha has been duly elected to the said Committee'.

11.02½ hrs.

COMMITTEE ON PUBLIC UNDERTAKINGS**Statements***[English]*

SHRI RUPCHAND PAL (Hooghly): Sir, I beg to lay on the Table (Hindi and English versions) of the following Action Taken Statements of the Committee on Public Undertakings:—

- (1) Statement showing action taken by the Government on the recommendation contained in Chapter I and final replies contained in Chapter V of the 10th Action Taken Report (Thirteenth Lok Sabha) on IDBI; and
- (2) Statement showing action taken by the Government on the recommendation contained in Chapter I of the Fifth Action Taken Report of the Committee on Public Undertakings (Fourteenth Lok Sabha) on HPCL—Infructuous expenditure on creation of a pipeline.

11.02¾ hrs.

STANDING COMMITTEE ON AGRICULTURE**Statements***[English]*

PROF. RAM GOPAL YADAV (Sambhal): Sir, I beg to lay on the Table a copy each of the following Statements (Hindi and English versions) of the Standing Committee on Agriculture:—

- (1) Statement of the Standing Committee on Agriculture showing further Action Taken by the Government on the recommendations contained in the 5th Action Taken Report (14th Lok Sabha) of the Committee on Agriculture (2004-2005) based on the recommendations contained in their 1st Report (14th Lok Sabha) on 'Demands for Grants (2004-2005)' of the Ministry of Agriculture (Department of Agriculture and Cooperation); and

- (2) Statement of the Standing Committee on Agriculture showing further Action Taken by the Government on the recommendations contained in the 7th Action Taken Report (14th Lok Sabha) of the Committee on Agriculture (2004-2005) based on the recommendations contained in their 3rd Report (14th Lok Sabha) on 'Demands for Grants (2004-2005)' of the Ministry of Agriculture (Department of Animal Husbandry and Dairying).

11.03 hrs.

STANDING COMMITTEE ON FINANCE**Twenty-third and Twenty-fourth Reports***[English]*

MAJ. GEN. (RETD.) B.C. KHANDURI (Garhwal): Sir, I beg to present a copy of each of the following Reports (Hindi and English versions) of the Standing Committee on Finance:—

- (1) Twenty-Third Action Taken Report on the First Report on Demands for Grants (2004-05) of the Ministry of Finance (Departments of Economic Affairs, Expenditure and Disinvestment); and
- (2) Twenty-Fourth Report on the Actuaries Bill, 2005.

11.03½ hrs.

**STANDING COMMITTEE ON PERSONNEL,
PUBLIC GRIEVANCES, LAW AND JUSTICE****(I) Twelfth Report***[Translation]*

SHRI SHAILENDRA KUMAR (Chail): Sir, I beg to lay on the Table a copy of the Twelfth Report (Hindi and English versions) of the Standing Committee on Personnel, Public Grievances, Law and Justice on the Contempt of Courts (Amendment) Bill, 2004.

(II) Evidence*[Translation]*

SHRI SHAILENDRA KUMAR (Chail): Sir, I beg to

lay on the Table a copy of the Evidence tendered before the Standing Committee on Personnel, Public Grievances, Law and Justice on the Contempt of Courts (Amendment) Bill, 2004.

11.04 hrs.

RE: NOTICE OF QUESTION OF PRIVILEGE

[Translation]

PROF. VIJAY KUMAR MALHOTRA (South Delhi): Since I had given a Notice of Privilege, so please take up this item first. The Standing Committee headed by Shri Gurudas Kamath has submitted a unanimous report. The Chief Minister of Delhi...*(Interruptions)* The Chief Minister of Delhi has criticized and condemned it. Hon. Members of this House have also raised this issue, so, sir; my Privilege Motion may please be accepted.

[English]

MR. SPEAKER: I have received it and it is under my consideration.

SHRI MADHUSUDAN MISTRY (Sabarkantha): Sir, I also have given a privilege notice...*(Interruptions)*

[Translation]

PROF. VIJAY KUMAR MALHOTRA: The Chief Minister of Delhi has criticised and condemned it. Hon. Members of this House also have raised the issue' therefore, my Privilege Motion may please be accepted.

[English]

MR. SPEAKER: It is under my consideration and we shall follow the procedure. The only thing is that I came to know about this from the newspapers.

SHRI MADHUSUDAN MISTRY (Sabarkantha): Shri Malhotra has given advance publicity...*(Interruptions)*

MR. SPEAKER: I have already made my comment just now.

SHRI DHARMENDRA PRADHAN (Deogarh): Sir, I have also given a privilege notice...*(Interruptions)*

MR. SPEAKER: I have not received it. But I will look into it.

11.05 hrs.

CALLING ATTENTION TO MATTERS OF
URGENT PUBLIC IMPORTANCE

(i) **Need to provide financial assistance to the displaced families of Kashmiri Pandits in Jammu and Kashmir and steps taken by the Government in regard thereto**

[English]

PROF. VIJAY KUMAR MALHOTRA (South Delhi): I call the attention of the Minister of Home affairs to the following matter of urgent public importance and request that he may make a statement thereon:—

"The need to provide financial assistance to the displaced families of Kashmiri Pandits in Jammu and Kashmir and steps taken by the Government in this regard."

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Mr. Speaker Sir, terrorism in the State of Jammu and Kashmir during 1990's led to the migration of Kashmiris from the Valley to Jammu, Delhi and other States. There are 55,476 registered Kashmiri migrant families, out of which 34,088 families are residing in Jammu, 19,338 families in Delhi and 2050 families in other States. About 5778 families in Jammu and 230 families in Delhi are staying in Government managed camps which have been provided with facilities like water, electricity, sanitation, etc.

The Central and State Governments have taken all possible measures to ensure that the needy migrant families are provided with a reasonable level of sustenance and support. Monthly cash relief of Rs. 3000 per family and basic dry rations are being provided to 14,869 families in Jammu. In Delhi, 4100 families are being provided monthly cash relief of Rs. 3200 per family for non-camp migrants and Rs. 2400 per family alongwith basic dry rations for those living in camps. Other State Governments/UT Administrations, where the Kashmiri

[SHRI SHIVRAJ V. PATIL]

migrants have been staying, have been providing relief to migrants in accordance with the scales fixed by them.

An expenditure of about Rs. 50 crore is incurred annually towards providing cash assistance and rations to the migrants at Jammu. The total expenditure incurred for providing relief since 1990 is Rs. 586.37 crore. The expenditure is reimbursed to the State Government of Jammu and Kashmir by the Central Government under Security Related Expenditure. The expenditure for providing relief to the migrants at Delhi is borne by the Government of NCT of Delhi and is about Rs. 15 crore annually.

In addition to relief, the details of expenditure incurred since 1990 for providing infrastructural facilities in the migrant camps at Jammu are:—

(i) Civic amenities	Rs. 13.28 crore
(ii) Grant for camps/schools	Rs. 59.20 crore
(iii) Construction of One-room tenements	Rs. 20.15 crore
(iv) Improvement in infrastructure	Rs. 5.49 crore
Total	Rs. 98.12 crore

The Government have directed all universities and the All India Council for Technical Education to ensure that educational concessions including extension in date of admission by about 30 days, relaxation in cut-off percentage upto 10 per cent subject to minimum eligibility requirement, increase in intake capacity upto 5 per cent course-wise, reservation of at least one seat in merit quota in technical/professional institutions and waiving of domicile requirements are extended to Kashmiri migrant students during the academic session 2005-06.

In order to enable safe and honourable return of migrants to their native places in the Valley, Government of India have approved, on an experimental basis, a project for Rs. 20 crore for construction of 200 two-bed room flats at Sheikpora, District Budgam. A grant of Rs. 10 crore has been provided to the State Government for

the reconstruction and renovation of houses and shrines at Kheer Bhavani and Mattan.

The State Government have completed construction of 18 three-room flats at Mattan for temporary stay of Kashmiri migrants till they are able to return to their houses in the Valley, utilising an amount of Rs. 1.08 crore. At Kheer Bhavani, an expenditure of Rs. 7.70 crore has been incurred for construction of 100 one-room tenements and other facilities.

The hon. Prime Minister, Dr. Manmohan Singhji visited Jammu and Kashmir in November 2004 and announced a Reconstruction Plan of Rs. 24,000 crore for the State. The Plan includes initiatives for strengthening the economic and social infrastructure of the State with a thrust on employment and income generation in sectors like tourism, agriculture and food processing industries. The Plan also provides for the relief and rehabilitation of the migrant families by way of construction of two-room tenements for all families residing in the camps in the Jammu region and at Delhi. In accordance with the announcements of the hon. Prime Minister's Central Assistance of Rs. 32 crore and Rs. 30 crore under the State Plan have been provided during 2004-05 and 2005-06 respectively. In Delhi, 234 families have been allotted DDA flats at concessional rates.

The hon. Prime Minister also announced the constitution of an inter-ministerial team to prepare a rehabilitation plan for Kashmiri migrants, particularly to cover their developmental needs, especially those related to the living conditions in the camps, the means of livelihood, education, health and security of women. The team has recommended various measures *inter alia* construction of two-room tenements, creation of 1000 job opportunities, improvement/provision of infrastructure in Kashmir Valley for facilitating the return of migrants, health care, provision of soft loans, entrepreneurial development programmes and setting up of 1000 cottage/small scale industries. Necessary action has been initiated to implement the recommendations.

[Translation]

PROF. VIJAY KUMAR MALHOTRA: Mr. Speaker, Sir, migration of Kashmiri Pandits from the valley and

barbarous incidents that occurred during 2-3 nights between 1989-90, not only sent shivers down the spine but also made United Nations to comment that "what happened there was worst example of ethnic cleansing and genocide". During the last five thousand years Kashmir valley has never become bereft of Kashmiri Pandits. Even during the reign of Sikandar But Shikan (Idol Beaker) or Aurangzeb, these pandits were not forced to leave the valley in this manner. Barring a few people, almost all Kashmiri pandits have left the valley and they are running from pillar to post in Jammu, Delhi or other parts of the country to earn bread. I am greatly disappointed by the reply given by Shri Shivraj Patil. The figures provided by him prove that how serious the problem is and how the Government are trying to solve it out. He has stated that the state has been given a package of Rs. 24,000 crore and out of that each year Rs. 50 crore are spent on Kashmiri Pandits. I would urge hon. Patilji to make arrangement for their repatriation to the valley, and facilities being provided to them in transit camps here or in Jammu should be stopped gradually as they are to go back to the valley. All of us, including the pandits, want that they should go back. But, can they go back? What are the existing circumstances there? Recently, some Huriyat leaders had talks with the Government which paved the way for repatriation of some of the Kashmiri pandits to the valley.

Mr. Speaker, Sir, two days ago four terrorist outfits openly told that Kashmiri pandits should not come back. They have laid down four conditions for their return. These conditions are—firstly, they should support terrorist call for autonomy, secondly, Kashmiri pandits should denounce Kashmir as a part of India, thirdly, actions of soldiers in the valley should be treated as act of terrorism and fourthly, if they want to come back, they should resort to treason and embrace Islam. They can't come back without meeting these conditions. Under these conditions, will it be possible for the hon. Minister of Home Affairs to send them back just to face death? What the Government have planned? The Government have stated that 250 quarters are being constructed for Kashmiri pandits involving an expenditure of Rs. 16 crore. Will 250 quarters be adequate for 5 lakh Kashmiri's who have left their homes? Will the facilities being provided to them here come to an end? They

should have contemplated increase in facilities instead of stopping them.

Mr. Speaker, Sir, the Government have made a mention of Sushma Swaraj Committee report on upgradation of Kashmiri pandits. What are the recommendations made by the Committee and why have the Government not implemented those recommendations? My submission is that the Government should take action on this Report. ATR of said report should be laid on the Table of the House. The Government have assured that it would provide 1000 jobs to Kashmiris. During 1989-90, 30,000 Kashmiri's were employed when they left the valley, whereas, now this number is reduced to just 3,000. Large number of them have either died or retired. And now the Government plans to employ 1000 people, then, what remaining Kashmiri pandits would do? What would be done for their jobs? The Government intends to, give healing touch, but for whom it would be? Would it be for terrorists? The Government are spending Rs. 13,500 crore every year for providing healing touch to the terrorists, whereas, merely Rs. 50 crore would be spent for Kashmiri pandits and it wants to arrange 1000 jobs only. Whereas it would arrange 24000 jobs every year for terrorists, if they give up arms and join mainstream. The Government provide Rs. 3 lakh to a person in the name of denouncing terrorism whereas it spent only Rs. 50 crore annually on the victims of terrorism. The Government provide per family Rs. 2500-3000 per month, now increased to Rs. 3200. Are Rs. 3200 enough for sustenance of a family? My submission is that it should be Rs. 5000 at least.

Kashmiri Pandits are going to face another problem. There is no provision of medical claim or any medical facilities for those falling sick. My submission is that Government should provide medical insurance to them so that they can live properly. Besides this all of their properties, orchard lands have been usurped. Through you I would like to request the hon'ble Minister of Home Affairs to ascertain as to whether all the properties, houses, temples and orchards of Kashmiri Pandits have been usurped. Some of it has been usurped by the terrorists and some of it has come under the possession of the Government. I have the information that no compensation has been paid for the properties, acquired by the Government.

[Prof. Vijay Kumar Malhotra]

[English]

"So all encroachments on Pandits' land and properties should be removed forthwith. Their properties should be physically held by the Deputy Commissioners as evacuee properties and should be duly notified on the Internet."

[Translation]

Nobody knows, no compensation is being given and no one is in position to tell as to who have taken possession of their properties....(Interruptions)

[English]

SHRI MADHUSUDAN MISTRY: Sir, he is using the word 'ethnic cleansing'....(Interruptions)

[Translation]

MR. SPEAKER: Madhusudanji, it is not good.

[English]

Mr. Malhotra, I have allowed you.

...(Interruptions)

[Translation]

MR. SPEAKER: It is not good. Madhusudanji, this is not the proper way.

[English]

SHRI MADHUSUDAN MISTRY: Here, the same very people stopped us to use these words....(Interruptions)

MR. SPEAKER: You are not to conduct the proceedings.

[Translation]

PROF. VIJAY KUMAR MALHOTRA: They talk about Gujarat.

MR. SPEAKER: You please leave it.

PROF. VIJAY KUMAR MALHOTRA: Schools have been constructed on their land. At least compensation

should be paid to them by the government for doing so. They have not received any compensation there.

[English]

A Tribunal should be set up at Jammu to look into all unresolved cases of encroachments, loss of income and non-payment of legitimate income, share of crop and other dues. All transactions of sale of properties by Kashmiri Pandits should be declared null and void. All cases in which the State Government has wittingly or unwittingly taken over the evacuee property of Pandits for ostensibly public purposes should be revoked. A liberal compensation should be paid to all displaced persons, including agriculturists, traders and the self-employed for the physical, financial and mental suffering undergone by them. The healing touch policy should be extended to Pandits, with a scale of incentives much more liberal than what has been offered to the militants. The State Government should pass an Ordinance so that the Kashmiri Pandits hold and manage all their places of worship and their properties.

[Translation]

I would especially like to mention that presently at least two thousand temples and other structures in Kashmir are either in the possession of the terrorists or some different activities are being carried on there. All these temples....(Interruptions)

[English]

MR. SPEAKER: Your Calling Attention is only for financial assistance.

PROF. VIJAY KUMAR MALHOTRA: The Kashmiri Pandits should be declared as refugees or internally-displaced persons. Above all, the country should declare and it should be recognised that the Kashmiri Pandits have passed through a holocaust. The country should declare this genocide and ethnic cleansing—I am repeating it—to be an act of national shame. A White Paper should bring out the facts.

[Translation]

I would like to submit that the announcements that have been made here by the Government are not going

to solve even one per cent of their problems. More facilities are required to be given to the Kashmiri Pandits to solve the problem than those that are being offered to terrorist and other people. No solution of Kashmir problem is possible without taking into confidence the Kashmiri Pandits.

[English]

MR. SPEAKER: This is beyond the scope of your Calling Attention.

[Translation]

PROF. VIJAY KUMAR MALHOTRA: The Government are holding talks with Hurriyat Conference however, it is not talking to Kashmiri Pandits.

MR. SPEAKER: The Calling Attention is about the financial assistance.

SHRI MADAN LAL SHARMA (Jammu): Mr. Speaker, Sir, I would like to extend my thanks to you for allowing me to speak on Calling Attention.

MR. SPEAKER: You are not to deliver speech. You have not given notice.

SHRI MADAN LAL SHARMA: I would like to extend my thanks to Malhotra Saheb also....(Interruptions)

MR. SPEAKER: You have given notice at 11 'o clock.

SHRI MADAN LAL SHARMA: I extend my thanks to Malhotraji for bringing Calling Attention. If any discussion is held in the House and every one gets chance to speak in the House, the Members express their views, however, I would like to ask only supplementary question. First of all, I would like to clarity about two three things. When the Kashmiri Pandits migrated from Kashmir, most of them got settled in my parliamentary constituency. Instead of asking supplementary question, Malhotra Saheb started giving speech here and raised many baseless things in the House. I think it is essential to clarity those things....(Interruptions)

PROF. VIJAY KUMAR MALHOTRA: What is he talking about?...(Interruptions)

MR. SPEAKER: Malhotraji, your speech has been recorded. Your speech has not been expunged from the record.

(Interruptions)

MR. SPEAKER: I have not removed any thing from the record. His speech is also on record. He will not concede, he will express his view.

(Interruptions)

SHRI MADAN LAL SHARMA: I respect Malhotraji, he is a senior Member. He has right. Whenever excesses are committed it should be discussed in the House. However, whatever has been raised earlier by him in the House is not relevant. The Calling Attention was about the financial assistance; however, he wanted to communalise the Kashmir issue and said that hundreds of temples in Kashmir are under the possession of terrorists.

[English]

MR. SPEAKER: He has gone beyond the scope of the Calling Attention.

...(Interruptions)

MR. SPEAKER: I will stop this Calling Attention. In his turn, the hon. Minister will reply.

(Interruptions)

[Translation]

SHRI MADAN LAL SHARMA: If Malhotraji names such temples and proves his contention then I will resign from my Lok Sabha seat today itself. He should not say like this....(Interruptions)

PROF. VIJAY KUMAR MALHOTRA: 1200 temples have been demolished there, this is what the hon'ble Home Minister said in his reply....(Interruptions)

SHRI MADAN LAL SHARMA: During their tenure, when the state was under the President's Rule, the Kashmiri migrants had been facing problems. I would like to know what they have done for them.

[English]

MR. SPEAKER: I am standing and you are going on speaking. You should address the Chair.

...(Interruptions)

[Translation]

MR. SPEAKER: Do not pay any heed to them. This is a very important issue.

[English]

I know it is a very important issue. I have come to learn that they are mostly from your constituency. Therefore, put a Question that will help them. Hon'ble Minister is there, he will reply to it.

...(Interruptions)

[Translation]

MR. SPEAKER: Please sit down. Your assistance is not required.

...(Interruptions)

SHRI MADAN LAL SHARMA: Mr. Speaker, Sir, please excuse me but I would like to make it clear that there is not even a single temple in the valley which is under the occupation of terrorists. Secondly, he said that the present UPA Government has been in power for the last one year and four months and during this period the hon'ble Prime Minister visited Kashmir thrice and offered a package to Kashmir. He even mentioned as to what has been provided for Kashmiri migrants and quoted the figures also about which hon'ble Minister of Home Affairs has also mentioned. But I am thankful to the Government, the Prime Minister and the Home Minister....(Interruptions)

[English]

MR. SPEAKER: He has gone much beyond the Calling Attention. I have allowed because it is a sensitive matter.

[Translation]

Please have patience.

...(Interruptions)

SHRI MADAN LAL SHARMA: I am thankful to the hon'ble Prime Minister because he has not only promised to construct quarters to rehabilitate them but also promised to get repaired the migrant quarters which are in a dilapidated condition. Besides, he has also promised to provide additional accommodation to those who are living in camps in Jammu. I would like to know that prior to this when Malhotraji's party and NDA Government was in power, what steps had been taken for the betterment of Kashmiri migrants during those six years? Today, he is saying that their condition is very bad....(Interruptions)

I would like to know from the hon'ble Home Minister as to by when the additional accommodation for Kashmiri migrants, as promised by the Prime Minister, will be constructed and the time by which additional accommodation will be allotted to them? Alongwith this, he is expressing deep concern. People from bordering areas also migrated into state. They suffered devastation for seven years and now our Government has given them a package of Rs. 78 crore. You have no sympathy for them. You are misleading the House by giving wrong information....(Interruptions)

[English]

MR. SPEAKER: If we go beyond, then this happens. It is because it is a sensitive matter, I did not stop you Malhotraji but naturally these things are beyond the scope.

[Translation]

This was also beyond the scope.

SHRI SHIVRAJ V. PATIL: Sir, it is said that the questions which have been raised here, were also raised in 1989-90 therefore, it would be very appropriate to remember this date. Several questions have been raised by the hon'ble Member Shri Malhotraji. I do not know whether I would be able to give reply to all those Questions or not as it would become difficult for me to give reply of all those Questions after recalling the list which he has read out later on. If he gives that list to me I will send written replies of all those Questions. I feel it necessary to give reply of other important Questions which have been raised in the House.

The first Question asked to me was whether the Government propose to withdraw the facilities being given to people who have migrated from Kashmir to Jammu, Delhi or any other State? Here it has been said that the Government propose to withdraw those facilities. I would like to say that it is difficult to withdraw facilities in this manner. Today when they are living here we cannot compel them to go back to their place by withdrawing their facilities. Therefore the Question of withdrawing facility does not arise.

Hon'ble Speaker, Sir, we would be very happy if they could go back to their homes and return to their professions but the Question of compelling them to go does not arise and there is no such proposal. I would like to say that no such thing will be done. It has been said here that around three hundred people have come here after leaving their job but all of them are not demanding jobs. We know that many people become self-reliant by setting up their own industry, shops or running a profession. The Central Government and the Government of Jammu and Kashmir will always try to render every possible help to them. The Central Government and the State Government of Jammu and Kashmir will always try to help those people who have migrated to Jammu from Kashmir and are running a shop, an industry, or any profession or doing some other work.

PROF. VIJAY KUMAR MALHOTRA: Will they be given reservation in jobs?

SHRI SHIVRAJ V. PATIL: I am coming to that point. The Government has stated that it would provide Rs. 24,000 crore to strengthen Jammu and Kashmir state from economic point of view and to improve its condition. As far as the question of providing employment is concerned, they should be provided employment by formulating a special scheme. The other way of providing jobs to them is that the Government can start developmental activity. We accept that when we have to give jobs to one thousand people it means that we have to create one thousand jobs. This does not mean that they will be deprived of the job opportunity at other places. If an amount of Rs. 24,000 crore is being spent on developmental activity then it would definitely create employment potential. We should not forget that we have

to provide employment to those also who need it.

Just now it has been said that we are giving healing touch and giving three lakh rupees to terrorists. We do not want to make any comparison between terrorists and Kashmiri pandits. We do not want to say anything as to what we are giving to terrorists or Kashmiri pandits. It is not right. Terrorists and Kashmiri pandits are two different issues. Some people have turned terrorists following a particular set of ideology, some have taken to it due to lack of employment opportunities and some people have taken to violence out of their own will. Now when they intend to come back to the mainstream, the Government is contemplating to train them for a particular field so that they should not take resort to terrorism again and this amount of three lakhs or three and a half lakhs is being provided for this purpose only....(*Interruptions*)

MR. SPEAKER: Shri Malhotraji, please sit down. Please listen to the hon. Minister's reply first.

SHRI SHIVRAJ V. PATIL: It would not be right to say that help would be provided to those terrorists who are carrying a weapon or have got explosives and are going to deliver them. All these are different issues. Assistance cannot be provided on this ground. It has been said here that land and property of pandits is being given to others—this is not the factual position. I went there and met the representatives of Kashmiri pandits. Their representatives have met us here also. It is being circulated that we are ready to meet a particular party but not Kashmiri pandits—it is incorrect. I have met them several times and I met them in Kashmir as well. They keep communicating their difficulties to us and we endeavour to obviate them. It is the policy of our Government to lend ear to anyone who approaches us from Kashmir. We would like to help them out in every possible way. We never refuse to entertain anyone. It is wrong if somebody says that we are not willing to meet the Kashmiri pandits.

Mr. Speaker, Sir, I would like to submit that if any transaction relating to land or property of Kashmiri pandits has taken place or ownership or possession has been transferred, then it would not be considered valid. The Government of the state has made a law in this regard that the transfer of ownership of land and houses

[Shri Shivraj V. Patil]

belonging to people who have migrated to Jammu or Delhi would be considered illegal. It has been made clear in the law that such a transaction would not be considered legally valid until second notification is issued. The Government has made it clear that any piece of land belonging to any pandit or anybody else could be acquired under land acquisition act only and that too after payment of compensation. It could not be acquired without paying compensation.

Mr. Speaker, Sir, I am saying this in the House that I should be informed if anybody's land has been acquired by the Government of India or Jammu and Kashmir for some purpose and compensation has not been paid. I would see to it that it is done. It is a law and any Government, be it the Government of India or the Government of Jammu and Kashmir....*(Interruptions)*

PROF. VIJAY KUMAR MALHOTRA: Sir, how would he know that his land has been sold. All information in this regard should be made available on the internet. One does not even know that his land has been sold. He comes to know of it from others. *(Interruptions)*

[English]

MR. SPEAKER: Malhotraji, please allow him to complete.

Mr. Minister, you need not answer to everything. You go ahead.

[Translation]

SHRI SHIVRAJ V. PATIL: Sir, it is a calling attention motion. I have to reply to just one query on this issue which I am trying to do. I was just telling that it is our responsibility if any person's land has been acquired by the Government of Jammu-Kashmir or the Government of India. A person whose land has been acquired by any government without paying compensation can move the court for getting compensation. Not only this, penalty can be also slapped on the Government if the land has been acquired in violation of acquisition proceedings. We should keep this in mind. So it is wrong to say that land is being acquired without paying compensation.

Sir, you have asked about the contents of the report. I have got the action taken report. It would be very difficult for me to reply to all the issues raised in the report by Ms. Sushma Chaudhary. I can send them in writing if the hon. Member so desires....*(Interruptions)*

PROF. VIJAY KUMAR MALHOTRA: You may lay the report on the table of the House.

SHRI SHIVRAJ V. PATIL: This is not done ...*(Interruptions)* You are interrupting on every point ...*(Interruptions)*

[English]

MR. SPEAKER: Mr. Malhotra, since you raised it, he said, he will make it available.

...*(Interruptions)*

SHRI SHIVRAJ V. PATIL: Sir, this is very irregular.

PROF. VIJAY KUMAR MALHOTRA: No, it is not irregular.

SHRI SHIVRAJ V. PATIL: It is irregular. You cannot just ask it in one sentence.

MR. SPEAKER: Malhotraji, you know the rules very well. You are a senior Member. He has not read from it. Unless he reads from it, I cannot ask him to lay it on the Table of the House.

PROF. VIJAY KUMAR MALHOTRA: Sir, let him lay it on the Table of the House.

MR. SPEAKER: He has said 'no'.

Mr. Minister, you go on.

SHRI SHIVRAJ V. PATIL: Sir, I am disturbed by the hon. Member.

MR. SPEAKER: You address me.

SHRI SHIVRAJ V. PATIL: Sir, he has raised many questions. I am expected to reply to 'a query'. I am replying to all the points that he has raised and not only that, I am saying that in writing also I will give a reply to him.

MR. SPEAKER: What you are bound to reply is

with regard to the financial assistance being given to them.

SHRI SHIVRAJ V. PATIL: Now, he is asking me to lay it on the Table of the House. This is not correct.

PROF. VIJAY KUMAR MALHOTRA: What is confidential about it?

SHRI SHIVRAJ V. PATIL: There is nothing confidential about it. There is something called rules and procedures....(Interruptions)

MR. SPEAKER: Malhotraji, this cannot go on like this. I am sorry. You know the procedure very well. We are following the rules very strictly. I have allowed you to speak for a long time.

Mr. Minister, you address the Chair.

SHRI SHIVRAJ V. PATIL: Sir, one thing which has to be borne in mind by the hon. Member is that for six years they were in power.

When they were in power for six years, the people would like to know what did they do for them. When they sit on the Ruling Benches, they do not do anything, and when they go to the Opposition Benches, they start criticising. We would like to know what was done in six years' time. If this matter is raised with an intention to help the people, to help our brothers and sisters who are suffering in certain circumstances, we have no objection....(Interruptions)

MR. SPEAKER: Nothing else will be recorded, except the submission by the hon. Minister.

(Interruptions)*

SHRI SHIVRAJ V. PATIL: I am going to say that whatever reasonable suggestions they make, sitting there, we will certainly consider them with a view to help them. But if they are raising it as a political matter in order to malign the Government, sitting here, then they will get a political reply and the political reply is that this is what we have done up to this time. We would be entitled, if not we, others would be entitled, to ask them, what did they do for them in six years' time. Was six-year time not enough for them to do something for

them? Let us not play politics with the tragedy with which the people are suffering. Let us do something really to help them and we will certainly do something to help them.

PROF. VIJAY KUMAR MALHOTRA (South Delhi): Sir, we are not satisfied with his reply.

[Translation]

He has neither talked about increasing compensation nor has he given any assurance that is why are walking out.

11.41 hrs.

(At this stage, Prof. Vijay Kumar Malhotra and some other hon. Members left the House.)

[English]

SHRI SHIVRAJ V. PATIL: Sir, allow me to say that so many questions have been asked in the Calling Attention, and they say that so many temples were demolished. This is not a fact. I deny it.

11.42 hrs.

(ii) **Situation arising out of recurring accidents in Coal Mines in the country, particularly the accident at Saunda Colliery under the Central Coal Fields Limited (CCL) resulting in death of fourteen Coal workers and steps taken by the Government in regard thereto**

[English]

MR. SPEAKER: Now, the House shall take up next Calling Attention, Shri Bhubneshwar Prasad Mehta. We should finish all Calling Attentions within 20 minutes.

[Translation]

SHRI BHUVANESHWAR PRASAD MEHTA (Hazaribagh): Mr. Speaker, Sir, I would like to draw the attention of the hon. Minister of Coal towards the following matter of urgent public importance and request him to make a statement thereon:—

[Shri Bhuvaneshwar Prasad Mehta]

"Recurring accidents in Coal Mines in the country, particularly the accident at Saunda Colliery under the Central Coalfields Limited (CCL), resulting in death of fourteen coal workers and steps taken by the Government in regard thereto."

[English]

THE MINISTER OF STATE IN THE MINISTRY OF COAL AND MINISTER OF STATE IN THE MINISTRY OF MINES (DR. DASARI NARAYAN RAO): Sir, coal mining is...

MR. SPEAKER: Shri Mehta, you have got the statement. Have you not?

[Translation]

SHRI BHUVANESHWAR PRASAD MEHTA: Mr. Speaker, Sir, I have got the statement.

[English]

MR. SPEAKER: Then, we can treat it as laid on the Table.

*DR. DASARI NARAYAN RAO: Sir, coal mining is considered world over as a hazardous profession. However, with constant stress upon safety, there has been a steady improvement in safety performance over the years. The number of fatal accidents in coal mines in the country has come down from 222 in 1975 to 90 in 2004. Fatalities have come down from 664 to 99 during the same period. In case of Coal India, the fatality rate which was 2.62 per million tonne of coal production and 0.52 per three lakh man shifts in the year 1975 has been brought down to 0.22 and 0.20 respectively in the year 2004. Number of fatalities has come down from 105 in 2001 to 70 in 2004. In respect of Singareni Collieries Company Ltd., fatalities have come down from 25 in 2001 to 14 in 2004.

In the current year, 54 persons have been killed in accidents till the end of July in respect of Coal India and 9 in case of Singareni.

Partial drowning of underground workings of old Bangsara Incline, Central Saunda Colliery, Barka Sayal

*Treated as laid on the Table.

Area of Central Coalfields Limited (CCL) occurred on 15-6-05 i.e. at the end of night shift of 14th June 05. There had been a roof fall followed by flow of water from the upper seam to lower seam where depillaring operation was in progress. In the night shift of 14th June, 2005, 45 persons were working in this mine. While at the end of the night shift all other persons came out, 12 loaders and two supervisors still at work were trapped in the accident and lost their lives.

The Rescue and recovery operations along with action to dewater the drowned area were taken up immediately. Control Rooms were also set up at CCL HQ, CIL HQ and in the Ministry of Coal to monitor the progress of dewatering and recovery of trapped persons. The water level, which had risen to 252m (Reduced level) was brought down to 227.20m (Reduced Level) when all the bodies were recovered. Services of Naval divers for rescue of survivors were also utilized, but the precious lives of miners could not be saved.

Ministry of Coal had constituted a Committee headed by the Chairman-cum-Managing Director, Central Mine Planning and Design Institute Limited for holding a departmental enquiry. The Committee has since submitted its report. The main findings of the report are as under:—

- (i) The accident was caused by fall of a large area of standing roof in the decoaled area leading to air blast. The presence of weak zone of strata might have contributed to the fall of roof, which led to inrush of water through the caved area from the water logged old workings of overlying seam. Ineffective dewatering of the overlying seam before and during depillaring is the major cause for inundation.
- (ii) Act of negligence and dereliction of duty have taken place on the part of CCL officials.

The Directorate General of Mines Safety (DGMS) under the Ministry of Labour, which is the statutory body for enforcement of safety statutes in mines in the country has conducted an enquiry into the accident, under the Mines Act, 1952 and submitted its report to Ministry of Labour in this month.

Ministry of Labour has also ordered a Court of Inquiry under Section 24 of the Mines Act, 1952. A formal notification for this will be issued soon.

CCL has paid compensation to the affected families varying from Rs. 10.32 lakhs to Rs. 11.86 lakhs. Employment has also been given to one dependent of each deceased. The families of the deceased have also been allowed to certain the company quarters.

In addition, the Prime Minister has sanctioned an ex-gratia of Rs. 1.00 lakh to each family from the Prime Minister's National Relief Fund. CIL as sanctioned Rs. 1.00 lakh to each family as additional ex-gratia. Families of the deceased are entitled to payment of Provident Fund in the region of Rs. 3 to 4 lakhs and pension.

Safety has been integrated into process of coal mining itself. An institutional arrangement is in place to keep vigil and monitor all aspects of safety in coal mines at various levels. Participation of workers' representatives is ensured at all levels of safety monitoring.

Besides, the Government is promoting a number of other initiatives to promote safety awareness, such as:—

(i) Conference of Safety in Mines; (ii) Workers' Participation in safety management; (iii) Tripartite and bipartite reviews at various levels; (iv) Training of work force; (v) Observance of Safety Weeks and Safety Campaigns; and (vi) National Safety Awards.

To reduce accidents in under ground mines, modern technologies are being adopted. These include providing scientific roof support systems, increased use of roof bolting and roof stitching methods, introduction of modern mechanized drilling machines, mechanization of loading operations through introduction of Side Discharge Loaders (SDLs) and Load Haul Dumpers (LHDs) to reduce exposure of workers to mining hazards, introduction of highly capital intensive computerized continuous mine environment tele-monitoring system (ETMS) etc.

Sir, the unfortunate accident at Bansgara Incline was due to human element as was brought out by the departmental enquiry as well as DGMS. From my discussions with the workers when I visited the site the very next day the possibility of human failure was evident to me. I have immediately ordered a departmental enquiry and suspension of concerned officials. In all, 5

officials including the General Manager of the area a have been suspended. Appropriate punishment will be given to all the concerned in due course so as to enforce accountability at various levels and eliminate human factors leading to accidents.

Sir, the government is committed to ensure safety of coal miners who are serving the nation braving all odds. I would like to assure the august House that no effort will be spared in this regard. In the end, I would like to thank Shri Bhuvaneshwar Mehta and Shri S. Sudhakar Reddy for raising this important matter in the august House and also the Hon'ble Speaker for giving us an opportunity of reiterating our commitment our commitment to the safety of our coal miners.

[Translation]

SHRI BHUVANESHWAR PRASAD MEHTA (Hazaribagh): Mr. Speaker, Sir, I have gone through the statement of the hon'ble Minister. The Ministry of coal is not serious about the safety of the coal mines. When any accident takes place all the officers from bottom to top, whether it is manager, general manager, the chairman of the coal India, the Minister of coal or the secretary to the minister of coal, all rush to the spot and become active. There is frantic activities for fifteen-twenty days. However after the lapse of fifteen-twenty days, no safety measures are taken that should have been taken in such situation. The ministry of coal is not serious in this regard. Along with that I would also like to submit that the parliamentary standing Committee on Labour has submitted a report regarding measures to check recurrence of accidents in coal mines, however no action has been taken till now on the report of the Labour Committee....(Interruptions)

[English]

MR. SPEAKER: Quiet please. We are discussing an important matter.

[Translation]

SHRI BHUVANESHWAR PRASAD MEHTA: I would like to know from the hon'ble Minister as to what extent the recommendations of the Labour Committee have been implemented. It has been mentioned in the

[Shri Bhuvaneshwar Prasad Mehta]

statement that the number of accidents has declined. If the number of accidents has declined from 100 to 90 then it does not mean that the occurrence of accidents has been completely checked. I would like to submit to you and the august House that the colliery where the accident took place comes under my parliamentary constituency. I had also visited the spot along with the hon'ble Minister after the accident. Thousands of labourers there informed us about Kanthdari colliery which had been closed nine year back and Bansgara colliery of Central Sauda which was closed eight years back after an accident. The colliery was again made operational in 2004 after seeking instructions from Director General, safety. The Director General had said that the colliery should be made operational as per the guidelines. However no attention was paid on this as put. When the colliery was made operational coal mines were asked to resume their work. These workers kept on staging strikes and avoided entering into the mines however, the manager, the project officers and GM threatened and forced them to resume work inside the mines. In the month of May, Shri Suresh Mehta, mining Sardar had given in writing to the project officer about the apprehension of some accident and had requested to close the colliery.

MR. SPEAKER: You please ask the question.

...(Interruptions)

SHRI BHUVANESHWAR PRASAD MEHTA: Mr. Speaker, Sir, first let me finish then I will ask question. ...(Interruptions) The Minister of state in the ministry of coal had visited there after the accident. I along with several hon'ble Members had also gone there. One by one all the labourers told us about the accident. ...(Interruptions) One month before the accident Shri Suresh Mehta had given in writing to the manager and the project officers that the sounds are coming from the mines which in local parlance is called 'Chandani Garm hona' and the wall between closed down Hathi Dadi mine and the existing mines had become weak and so any time some accident could occur, but despite that the officers did not pay attention on that. Just three days before the accident all the labourers had told the manager regarding the impending danger....(Interruptions)

[English]

MR. SPEAKER: Five officials have been suspended. Inquiry is going on. What more do you want?

[Translation]

SHRI BHUVANESHWAR PRASAD MEHTA: Mr. Speaker, Sir, I am submitting....(Interruptions)

MR. SPEAKER: This is not the occasion to make speech, please ask your question.

...(Interruptions)

SHRI BHUVANESHWAR PRASAD MEHTA: The officers did not pay attention on it. All of a sudden the mishap took place and 14 labourers were killed. Under what circumstances the colliery which was closed down after the accident and remained closed for nine years was again made operational? The reasons behind the accident was that the sand filling was not done properly and the pillars are not installed properly....(Interruptions)

[English]

MR. SPEAKER: I will have to stop in future all Call Attentions, if it is not being used properly. Senior Members are also not using it properly. You are going much beyond that. It was done by Malhotraji also.

Shri Mehta, he has given an elaborate reply.

...(Interruptions)

[Translation]

SHRI BHUVANESHWAR PRASAD MEHTA: I am asking the question....(Interruptions)

I would like to know as to what steps have been taken by the Ministry of coal to check the recurrence of such accidents in which hundreds of workers are killed every year. It is fine that the persons who were responsible for such accident have been suspended and in the inquiry report also this has been accepted that they are responsible....(Interruptions) I would like to submit that the officers responsible for the accident should be suspended and they should be tried for the murder.

At the time of accident I had demanded that a court of enquiry should be held in this regard....*(Interruptions)* I would like to know as to by what time the proposed court of enquiry will be held and necessary action will be taken in this regard to check the recurrence of such accidents....*(Interruptions)*

MR. SPEAKER: Ten minutes have been given to you instead of one minute.

...*(Interruptions)*

[English]

SHRI SURAVARAM SUDHAKAR REDDY (Nalgonda): Mr. Speaker, Sir, the hon. Minister of Coal very rightly pointed out that coal mining is considered as a most hazardous profession in the world. In the last few years, undoubtedly, the accidents have come down but very serious and fatal accidents are still taking place. In Singareni Collieries and in other collieries, very large number of people are getting killed. It is not the question how many accidents were there in 2001, and how many were there in 2004. In the modern world, with the modern equipment, it is necessary that all the modern equipment should be there. I would like to know from the hon. Minister whether we have the modern machinery to tackle the rescue operations and dewatering of the coal mines when such an accident takes place.

Secondly, it is true that substantial compensation is being given, but compensation certainly cannot bring back a husband and a father to the families. We should see to it that no accident takes place.

I would like to know whether any steps have been taken by the Government in this regard.

As regards punishment, the Minister has said that punishment will be given. What is the punishment given to those officers who are held responsible till now?

The Parliamentary Standing Committee on Labour appointed a Sub-Committee in 2002 with Shri Gurudas Dasgupta as its Chairman, and certain recommendations for preventing accidents in mines had been made. I would like to know whether any steps have been taken on the recommendations of that Sub-Committee.

MR. SPEAKER: Shri Dharmendra Pradhan. Please put only one question.

[Translation]

SHRI DHARMENDRA PRADHAN (Deogarh): Mr. Speaker, Sir, through you I would like to ask a specific question. On one hand while old underground coal mines are operating and other such under ground activities are going on and on the other hand, the canal works are being simultaneous conducted on the surface at the state level. The Government is expressing its concern towards the security and safety of the mines. I would like to know whether the government have made any effort to discuss the master plan with the state governments. If not, whether the government will give details in this regard. Whether the safety departments of the state government and the central government together will ponder over the safety of the region.

[English]

MR. SPEAKER: Shri Basu Deb Acharia. Please put only one question and nothing more.

SHRI BASU DEB ACHARIA (Bankura): Sir, accidents in coal mines particularly in the underground mines rarely take place. It has taken place in one of the underground mines in the Central Coalfields Limited, where 14 miners have lost their lives. There is a shortage of safety category staff in different subsidiaries. I would like to know whether the Government has taken steps to fill up those vacancies of safety category staff. This is number one.

Secondly, sand stowing is not properly done. This happened because of de-pillaring in that particular coal mine. I would like to know from the Minister whether the Government is contemplating to take certain measures, which are required to be taken particularly in the underground mines like sand stowing, de-pillaring and enough protection of roof fall, in order to have a foolproof system particularly in the underground mines.

MR. SPEAKER: Now, the hon. Minister will reply.

DR. DASARI NARAYAN RAO: Sir, the hon. Member, Shri Bhuvaneshwar Prasad Mehta was very much there on the spot. The very next day, I visited the spot and I was completely in touch with him throughout the rescue efforts made. Immediately on the spot we suspended five officials and immediately the Ministry of Coal

[Dr. Dasari Narayan Rao]

constituted a Committee headed by CMPDI Chairman. That Report has also come. DGMS has also constituted a Committee. The Ministry of Labour has asked for a Court of Inquiry and the notification is going to come. These two Reports have come. Based on both the Reports, Whatever decision we are expected to take in the beginning, has been taken. Their findings are also with me.

The accident was caused by fall of a large area of standing roof in the decoaled area of Panel 11 in Bangsara, where de-pillaring with caving was in progress. This has happened—it is already mentioned in the Report itself—due to the negligence on the part of officers from CCL. DGMS Report has to be implemented by the Ministry of Labour. As soon as the Court of Inquiry is over, whatever punishment is going to be given, that will be considered.

He has said that it is a closed mine. But it is untrue. It is not a closed mine.

MR. SPEAKER: That is not correct.

DR. DASARI NARAYAN RAO: Yes. It is one Panel. It is one area because the de-pillaring of Panel A was done from 18th November, 2000 to August, 2004. In the same mine, de-pillaring of Panel B was done from September, 2002 to 2004. About Panel 11, they had taken stock of the dewatering situation, and in November, 2003 they had applied for permission to the DGMS and obtained the permission. They had started the work on 13th of December, 2004. But what happened is that while in the other sectors, in the other panels, the work was going on, it was interpreted that this is a closed mine. On detailed verification, they have said that the work is on in some areas of the same mine.

Regarding the second thing which our hon. Member said, they had predicted that some accident was going to take place. *Chandni garam hua* is the word they use. Whenever some collapse or some sound will come, that will be called *Chandini garam hua*. So, they had said that it was intimated to a Sardar but unfortunately that Sardar was also there among the people who were killed. So, I cannot find out that happened there.

Shri Suravaram Sudhakar Reddy has said about modernisation. He is right. You know very well that coalmine is especially an accident-prone area. If you go into the details, for three lakh man-shifts, in the forward countries, in the developed countries like the USA, 0.47 is the accident death rate. In France it is 0.32. In Australia, it is 0.44. In China, series of accidents are taking place. But so far as India is concerned, the accident rate is 0.29. It does not mean that we should not take care. Still we have taken all the measures.

SHRI BRAJA KISHORE TRIPATHY (Puri): Are you satisfied with the accident rate?

MR. SPEAKER: No, Mr. Braja Kishore Tripathy, then I will not give you a chance.

DR. DASARI NARAYAN RAO: How can you say that we are satisfied? Will anybody be satisfied with an accident? We are talking all the measures. It is an accident-prone area. There are 305 mines with the Coal India, out of which, 96 mines were mechanised and 80 mines have been taken up for mechanisation during the Tenth Plan at a cost of Rs. 455 crore. The remaining mines will be taken up for mechanisation in the next Plan. Check services are being implemented totally. This was not there earlier. After the accident, it has been implemented. I would like to discuss this matter with the union leaders to prevent recurrence of accidents. I have conducted a meeting on 4th of this month with all the union leaders and the management of Coal India. On 13th of September, I have called for a meeting of the Standing Committee to discuss all these things.

There is another thing. Both Shri Dharmendra Pradhan and Shri Basu Deb Acharia have asked for taking up safety measures, which I am taking. I am going to discuss safety measures in the Standing Committee meeting to be held on 13th of September. We are going to take care of the workers. You know how both myself and this Government are acting for the workers. We are more concerned about the safety of the workers.

MR. SPEAKER: What about the canal? He has asked about the canal. You consult the State Government before canals are dug. You look into it.

DR. DASARI NARAYAN RAO: All right, Sir.

11.59 hrs.

**MOTION RE: SEVENTEENTH REPORT OF
BUSINESS ADVISORY COMMITTEE**

[English]

MR. SPEAKER: Now, the House will take up Item No. 10. Shri Ghulam Nabi Azad. He is not here. Shri Santosh Gangwar.

SHRI SANTOSH GANGWAR (Bareilly): Sir, I beg to move:

"That this House do agree with the Seventeenth Report of the Business Advisory Committee presented to the House on the 25th August, 2005."

MR. SPEAKER: The question is:

"That this House do agree with the Seventeenth Report of the Business Advisory Committee presented to the House on the 25th August, 2005."

The motion was adopted.

11.59½ hrs.

**MOTION RE: THE FIRST REPORT OF THE
COMMITTEE OF PRIVILEGES**

[English]

SHRI PAWAN KUMAR BANSAL (Chandigarh): Sir, I beg to move:

"That this House do agree with the First Report of the Committee of Privileges laid on the Table of the House on 25th August, 2005."

MR. SPEAKER: The question is:

"That this House do agree with the First Report of the Committee of Privileges laid on the Table of the House on 25th August, 2005."

The motion was adopted.

12.00 hrs.

**JUVENILE JUSTICE (CARE AND PROTECTION
OF CHILDREN) AMENDMENT BILL, 2005***

[English]

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI SUBBULAKSHMI JEGADEESAN): I beg to move for leave to introduce a Bill to amend the Juvenile Justice (Care and Protection of Children) Act, 2000.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to amend the Juvenile Justice (Care and Protection of Children) Act, 2000."

The motion was adopted.

SHRIMATI SUBBULAKSHMI JEGADEESAN: I introduce the Bill.*

12.01 hrs.

SUBMISSION BY MEMBERS

**(I) Alleged misbehaviour meted out to female
employees working in C.R.P.F.**

[English]

MR. SPEAKER: Now, Shrimati Sumitra Mahajan. I will allow six or seven matters because there is no Question Hour today. Thereafter, at the end of the day, others will be allowed.

[Translation]

SHRIMATI SUMITRA MAHAJAN (Indore): Mr. Speaker, Sir, the Central Reserve Police Force is one of our main police forces which is deployed across the country in hour of need, be it security purposes there any natural calamity, and cooperation of Central Reserve Police Force is sought and they give their best to help us out. Since 1985 onwards they have started recruiting

*Published in the Gazette of India (Extraordinary), Part II, Section 2, dated 29-08-05.

[Shrimati Sumitra Mahajan]

women in this force and today approximately 3500 women personnel are employed in this police force. More than 40 women are working as Class-I officers in this force. This police force has boosted the morale of the entire country but because of certain officers and some elements this police force is getting defamed. There some class-I women officers had complained*... the harassment of women takes place there; there are certain incidents of abuses against women.

[English]

MR. SPEAKER: Names should be avoided. Please avoid the names.

[Translation]

SHRIMATI SUMITRA MAHAJAN: All right, I will not take any name, but women officers of 82 and 99 Battalion complained of misconduct, abuse, and Indescent behaviour against women. Thereafter, a complaint committee was formed which should have been constituted way back. Though a Complaint Committee has been set up, however, the women personells have yet to get justice. The Compliant Committee in its report have found the charges against the officers to be true and correct. But even after the report of the committee, no action has been taken against the officers, rather they have been given promotions also. The women have even approached the Press and the Women Commission. There were certain women who said that their names may not be cited as they feared more harassment and abuse in routine work, on condition of anonymity; they revealed that the harassment of women does take place there. Mr. Speaker, Sir, we passed the Domestic Violence Bill, we talked of sensitization therein and the atrocity on women in police stations in general. Even now we have said that Delhi Police will deploy women police in beat posts. Mr. Speaker Sir, we are all aware that a woman police officer sacrificed even her life during the course of attack on Parliament.

[English]

MR. SPEAKER: I am sure that everyone will agree

*Expunged as ordered by the Chair.

with the issue that you have risen. It is a very important issue. I am sure the Government should pay proper attention to the matter that you have raised. You have properly raised it in the House.

[Translation]

SHRIMATI SUMITRA MAHAJAN: It's been a year since the Women Commission and Compliant Committee submitted its report holding the officers to be guilty, but no action has been taken against the guilty officers.

Mr. Speaker, Sir, I would only like to submit that this practice continues in the CRPF which is looked upon by the women as saviours if this kind of misbehaviour is meted out to the woman folk then whatever number of bills for the protection of common women we may pass or empower them to any possible extent even through the Hindu Succession Act, no benefits will accrue from it.

[English]

MR. SPEAKER: I have already asked the Government to look into it.

[Translation]

SHRIMATI SUMITRA MAHAJAN: Sir, it should be time-bound.

[English]

MR. SPEAKER: Mr. Minister, I think, you want to respond.

[Translation]

SHRIMATI SUMITRA MAHAJAN: It's been a year, but no action has been taken.

[English]

MR. SPEAKER: You wanted him to rise. I have made him to rise.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SHRIPRAKASH JAISWAL): The Government is very sensitive and serious to the matter

raised by the Hon'ble Member and I request the hon'ble Member that very soon she will come to know that some serious steps have been taken in this regard.

[English]

MR. SPEAKER: You have not given any notice, Shrimati Maneka Gandhi. Let us not create a new procedure. You can give a notice tomorrow and raise it.

SHRIMATI MANEKA GANDHI (Pilibhit): All right, Sir.

SHRI KHAGEN DAS (Tripura-West): Thank you, Sir. I would like to draw the attention of the Government to the Report of the Human Rights Law Network. ...*(Interruptions)*

[Translation]

MR. SPEAKER: You have got the reply.

SHRIMATI SUMITRA MAHAJAN: Mr. Speaker, Sir, he did assure of the action but the persons involved therein have even been given extension.

[English]

This is also something very important.

MR. SPEAKER: He would look into that also.

[Translation]

SHRIMATI SUMITRA MAHAJAN: What action will be taken, if this would be the mindset....*(Interruptions)*

SHRI SHRIPRAKASH JAISWAL: I will definitely look into it.

MR. SPEAKER: He has given you a word.

[English]

He has agreed to look into it. He cannot, sitting here, nullify something. He has to look into it.

SHRI KHAGEN DAS: Sir, I would like to draw the attention of the Government to the Report of the Human Rights Law Network that after eight months of the tsunami tragedy, the rehabilitation of the victims of the islands is still a distant dream. The survivors are still

languishing in temporary tin shed houses. There are no textbooks or notebooks for the children. Contaminated drinking water is being supplied. It is reported that the people wanted to build their houses with timber lying around because it was reported that not a single traditional house collapsed under tsunami. Now, the officials are pushing for RCC construction in the islands. According to the tribal captains, building of RCC construction or structures is an ecological disaster. It is also revealed that there is no electricity in the villages. There is shortage of fuel and shortage of boats to transport people and food from the islands. The victims of the islands are still cut off from the rest of the world. It is gathered that the Government had decided to discontinue the supply of free rations to the tribals by October, 2005. If it were so, it would have serious implications to the Nicobarese. So, I would request the Government to look into these issues immediately and take appropriate action.

[Translation]

SHRI RAMJI LAL SUMAN (Firozabad): Mr. Speaker, Sir, I would like to extend my thanks to you that you gave me permission to draw the attention of the House towards a very serious issue. The incidents of death of tribal children due to malnutrition in Vidarbha region of Maharashtra are being reported continuously and it is on account of this that the Beg Committee was constituted in 2003 to ensure that the tribal children in Maharashtra do not die of malnutrition. It is the responsibility of the government to ensure such arrangement. However I am very sorry to inform that no necessary action has been taken by the government in this regard. Vinay Patkar of Amarawati has filed a public interest litigation in the Mumbai High Court. It was mentioned in the public interest litigation thousands die of hunger. Sir, the High Court had asked the state government in this regard and the state government itself had accepted, the state admits thousands die. The state government itself admitted that thousands of children have died. The children in tribal areas have become victim of malnutrition and they have died.

Mr. Speaker, Sir, it is a very serious matter.

MR. SPEAKER: All matters are serious.

SHRI RAMJI LAL SUMAN: Despite attracting the attention of the government, necessary action has not been taken in this regard. The High Court has also give instructions to the Government of India and the state government that the Integrated Child Development Scheme (ICDS) should be implemented in the entire Maharashtra.

MR. SPEAKER: The matter related to the state government is not raised here.

SHRI RAMJI LAL SUMAN: Mr. Speaker, Sir, it is a very serious issue. The state government is admitting.
...(Interruptions)

MR. SPEAKER: Please do not criticise the state government in this manner. You please tell us as to what should be done by the Central Government. You are a very senior Member.

SHRI RAMJI LAL SUMAN: The High Court has instructed the Central Government to implement the integrated Child Development Scheme all over the country....(Interruptions)

SHRI ANANT GUDHE (Amrawati): Mr. Speaker, Sir, number of children in Maharashtra are falling prey to the disease. I should also be allowed to raise this issue in the House....(Interruptions)

[English]

MR. SPEAKER: Nothing else will be recorded except the speech of Shri Ramji Lal Suman.

...(Interruptions)*

[Translation]

SHRI RAMJI LAL SUMAN: Mr. Speaker, Sir, thousands of children are falling prey to the malnutrition.
...(Interruptions) From April to July thousands of children have died. The Government did not take any cognizance of it. The High Court has given instructions to the State Government that the Child Development Scheme should be implemented....(Interruptions)

*Not recorded.

[English]

MR. SPEAKER: Please sit down.

...(Interruptions)

MR. SPEAKER: Otherwise I will discontinue the 'Zero hour'. It will not go on record.

Nothing else will be recorded.

...(Interruptions)*

[Translation]

MR. SPEAKER: Gudheji, it is not good. You have not taken pain even to give notice.

...(Interruptions)

[English]

MR. SPEAKER: You are taking advantage of some other hon. Member raising the issue.

...(Interruptions)

MR. SPEAKER: It is not being recorded. I will not allow it. It will not be recorded. You have not give notice. Only what Shri Ramakant Yadav says will be recorded.

...(Interruptions)*

[Translation]

MR. SPEAKER: It is not proper. I will adjourn the House and will go out.

...(Interruptions)

[English]

MR. SPEAKER: I will not allow this.

...(Interruptions)

MR. SPEAKER: You are deliberately defying the Chair.

...(Interruptions)

[Translation]

MR. SPEAKER: You have not given notice.

...(Interruptions)

*Not recorded.

[English]

MR. SPEAKER: All issues are important. This hon. Member is raising an important issue.

...(Interruptions)

[Translation]

MR. SPEAKER: You are thinking about it now. Had you thought about it when he had raised this question.

...(Interruptions)

MR. SPEAKER: One has to give notice for associating himself or herself. I will not give you opportunity for this.

...(Interruptions)

[English]

MR. SPEAKER: Nothing is being recorded.

...(Interruptions)

MR. SPEAKER: This is very unfortunate. After all the chances, if you misuse this, then I will discontinue all this.

...(Interruptions)

[Translation]

MR. SPEAKER: Did you never get an opportunity to speak like that prior to it.

...(Interruptions)

SHRI RAMAKANT YADAV (Azamgarh): Mr. Speaker, Sir, I would like to extend my thanks to you that you gave me opportunity to raise the problem of my constituency. My parliamentary constituency, Azamgarh, Uttar Pradesh has been completely devastated by flood. More than fifty persons have died. Thousands of cattles have been killed and the houses of thousands of farmers and poor people have collapsed. The entire crops have been destroyed. More than 15 lakh people have got affected from the floods. All the rivers of the area i.e. Ghaghara, Tamsa, Majhuie, Magai, Vesav, and Kunwar had devastating flood. The livelihood of the farmers has been ruined. The situation had deteriorated to the extent that the military

forces had to be called. The life of the people have got disturbed. The people are not getting any type of assistance from the government. In this miserable situation large scale financial assistance, foodgrains reconstruction of the broken houses and compensation for the destroyed crops are required to be provided by the Government. I would like to request the hon'ble Prime Minister to ensure that the Government release at least one hundred crores rupees from the National Calamity Relief Fund the earlier and one Central Inquiry Committee should be sent by the Government of India to Azamgarh to assess the damage due to flood and the full assistance should be provided to the people of my area and the district at the earliest after seeking the report of the Committee.

[English]

MR. SPEAKER: Shri Sushil Kumar Modi—You have given notice for two matters. Only one matter is allowed. You can raise the issue of floods.

[Translation]

SHRI SUSHIL KUMAR MODI (Bhagalpur): Mr. Speaker, Sir, one part of Bihar is affected by the flood while the remaining part of the state is affected by drought. 70 per cent of the population and farmers are affected either by flood or by drought. The crops in thousands of acres of land have got ruined. The embankments at more than two dozen places have got damaged. Seven districts are affected by the flood. 36 persons have died during the last 24 hours. In Telaghat block in Kishanganj alone 25 persons were drowned in severe flood. The boat capsized and those persons were drowned.

Similarly it was on account of capsizing of the boat on 27 August, at Bhaluaha village at Jamalpur police station seven persons were drowned and two children were washed away in flood water in Sitamarhi. The flood water of Budhi Gandak river entered in Motihari city. The left embankment in Sitamarhi got breached and on Sunday at seven places the embankment in Orai got breached. As a result of it flood water entered Sitamarhi city. The flood situation in Shivhar is very serious and the embankments of more than two dozen places have got damaged. Bhutahi Balan embankment in Madhubani got

[Shri Sushil Kumar Modi]

washed away near Madhopur in Phulparash. Kamalabalan west embankment have got damaged at four places and eastern embankment at one place. In all, seven districts of Bihar are affected by the floods. However, as yet no centre team has visited Bihar and nor his excellency the Governor of Bihar has surveyed the flood affected areas. Through you, I would like to request that the Central Government should send a central team at the earliest to assess the extent of damage due to flood and drought. There is no arrangement of boats in the flood affected areas. The boats should be provided and the relief work should be taken up at the earliest as the Government and promised to provide one quintal of wheat and Rs. 200 in cash. However no relief work is being conducted anywhere. So, though you I would like to request the Central Government to send a centre team there and to declare the remaining part of Bihar as drought affected area. Alongwith that the relief works should be Started on war footing in the flood affected area.

[English]

MR. SPEAKER: Dr. Arun Kumar Sarma—not present.

*SHRI P. MOHAN (Madurai): Sir, I would like to highlight in the august House the plight of youth in the Tsunami affected coastal regions of the counry including Tamil Nadu, Pondicherry, Kerala, Andaman and Nicobar Islands among others. The educated youth who had applied for jobs and preparing to appear for recruitment examination to be conducted by the Union Public Service Commission were greatly affected by the sudden loss of their dwelling units and huge loss of life and property in their localities. The Tsunami disaster that devastated the southern coastal areas in the morning of 26th of December, 2004 caused so much of havoc that people lost their livelihood and loved ones. There were death and deadly losses all over. The Union Government and the State Government, the local bodies and many voluntary organisations rushed in help but still the sufferings continue.

*Translation of speech originally delivered in Tamil.

Considering the enormity of the situation on the eve of the public examinations, both secondary and higher secondary, the State Government postponed the examinations as the students were yet to come out of the shock, mental agony and the stress and strain due to tension caused by panic. When school final examinations were postponed, Union Public Service Examinations slated during that period were not postpond. People lost their houses, documents, certificates, books, livestock, livelihood tools all of them lock stock and barrel. Some localities were even washed away completely. So there is a need for the Union Government to give two years of age relaxation exemption to such of the youth affected by Tsunami disaster. It must be considered that the affected people are mostly from the depressed classes of the society like Dalits and fishermen folk and other backward classes. Though these youth are well educated they have lost an opportunity to find Government jobs as they could not sit for UPSC exams at the hour of grief and loss. Some of them have also become overaged now. Some of them were about to take last chance to appear for UPSC exams but missed out due to loss of materials related to UPSC exams apart from the shock and agony they had gone through. Hence, there is a need for UPSC to give two years of age relaxation issuing a special notification.

I have gathered from sources liked 'Employment News' that candidates from Jammu and Kashmir have got this age relaxation up to five years. So, I urge upon the Union Government to take it up with UPSC to give at least two years of age relaxation to youth from Tsunami affected areas in the counry in the pattern of Jammu and Kashmir. As some of the youth have lost their last opportunity and have become overaged and not able to apply for subsequent examinations. Hence, UPSC must give two year age relaxation to youth from Tsunami affected areas.

MR. SPEAKER: Hon. Member, Shri Singh, you should not do this. You cannot walk between the speaker and the Chair. This should not be done. You should learn all these things. This is not the place to move about.

Please do not misuse these opportunities that I have given in the name of what you call 'Zero Hour'. It is not the time for making speeches. You can raise an important matter in three, four, five or six sentences.

[Translation]

SHRI MUNSHI RAM (Bijnor): Mr. Speaker, Sir, on 25 August, 2005 it was published in newspapers that as per the verdict of the Allahabad High Court the Uttar Pradesh sugarcane Commissioner will not allocate sugarcane to the new sugar mills which are being set up and this has created a serious crisis for the farmers of Western Uttar Pradesh, which holds first place in the sugar production in the country. The farmers may prosper only when the market price of their produce is more than the cost of production. Till now the sugarcane farmers have been exploited by a handful of mill owners and the industrialists. They paid arbitrarily the price of the sugarcane to the farmers. In 1998, the Government of India issued an order to delicense the sugar industry. However, the High Court, Allahabad, Uttar Pradesh overruling the order of the government of India issued the order that sugar mills can be established only after getting the licence under the IDR Act. The High Court, Allahabad also observed that the sugar delicensing policy of 1998 is in violation of section 29-B of the Industrial Regulation Act. It is a serious blow to the prospective investment of Rs. 5 thousand crore in Uttar Pradesh. During the current financial year, 16 sugar mills are being set up in Uttar Pradesh for the production of sugar. The farmers of this area could have got remunerative price of sugarcane. It is on account of the court order that the farmers will be deprived of this benefit. The verdict of the Allahabad High Court, Uttar Pradesh is anti people and anti farmers. The major responsibility lies with the sugarcane commissioner, Uttar Pradesh who did not provide detailed and correct information that was in the interest of the farmers, to the Court.

Mr. Speaker, Sir, I would like to request the Uttar Pradesh Government and the Government of India that they should provide correct information in this regard to the High Court and request the Court to quash its earlier order or to formulate laws for the protection of the interests of the farmers and should also seek clarification from the sugarcane Commissioner for his reticence in the interest of the few mill owners and not pleading in the court in favour of farmers. The crushing of sugarcane is going to be started after one month. The order should be issued by the court and the Government at the

earliest to serve the interest of the farmers so that the sugarcane farmers of western Uttar Pradesh may be protected.

[English]

MR. SPEAKER: Thank you very much. Please let us be specific in the future while raising the matters of urgent importance, and we can dispose of many more matters.

Shri Braja Kishore Tripathy. Hon. Member, you know the sensitivity of the matter. As a senior and experienced Member you will keep that in mind while raising it in the House.

12.23 hrs.

(II) Re: Reported shifting of proposed National Institute of Science from Bhubaneswar to Kolkata

SHRI BRAJA KISHORE TRIPATHY (Puri): Hon. Speaker, Sir, I would like to draw the attention of the Government through you to the issue of proposed National Institute of Science. It was decided to be set up, by the previous NDA Government, Ministry of Human Resource Development at Bhubaneswar, Orissa on the pattern of the Indian Institute of Science, Bangalore. But now, it is under consideration to be shifted to Kolkata. It has shattered the aspirations and sentiments of the people of Orissa. It has created an agitational situation in the State. The entire State is completely agitated.

Sir, you know that the previous Government has decided about it, and the State Government has already earmarked land for the proposed National Institute of Science at Bhubaneswar. It will give some incentive in the Eastern Zone. Orissa is a very neglected State even though it has quite good amount of natural resources. It is being neglected because the Government of India is perennially neglecting the State of Orissa. The State of Orissa is neglected whenever the Congress Government is there in centre, and this is another instance of it. The previous NDA Government has given this prestigious National Institute of Science to Orissa. We are not against any State, and we want all the States to be improved and developed.

MR. SPEAKER: Okay, Mr. Tripathy, you have made your point.

SHRI BRAJA KISHORE TRIPATHY: We are also having very good feelings and good relations with West Bengal. But this Government is creating problem for both the States. It is creating ill feeling between the two States that have very good relations with each other. Therefore, the Government of India should withdraw its present decision. The order for the National Institute of Science that was previously decided to be set up in Orissa should be carried out. The Government should initiate all necessary steps to provide funds for construction, etc. for this specific National Institute of Science at Bhubaneswar....*(Interruptions)*

MR. SPEAKER: Now, I am allowing Shri Girdhari Lal Bhargava and nobody else.

...*(Interruptions)*

SHRI BRAJA KISHORE TRIPATHY: We want a reaction from the Government....*(Interruptions)*

[Translation]

MR. SPEAKER: Please sit down, you also please be seated.

[English]

DR. PRASANNA KUMAR PATASANI (Bhubaneswar): I would like to associate myself with what the hon. Member has stated....*(Interruptions)*

SHRI BRAJA KISHORE TRIPATHY: I have not yet completed my submission.

MR. SPEAKER: Since the matter is a sensitive one, Shri Braja Kishore Tripathy wanted to raise it. I have allowed him to raise it. Let us not evolve every day a new procedure. Only those hon. Members who give notices are allowed to associate. Your sentiments are fully recorded and recognised and, therefore, I have allowed you to speak.

SHRI BRAJA KISHORE TRIPATHY: We are not opposing the benefits given by the Government to any State....*(Interruptions)*

MR. SPEAKER: Without a notice, nobody can participate.

SHRI BRAJA KISHORE TRIPATHY: But why should it be done at the cost of Orissa?

MR. SPEAKER: You have made your point very clearly.

SHRI BRAJA KISHORE TRIPATHY: At the cost of Orissa, why should some States be benefited? That is my point. There are so many institutions in Kolkata, and we do not want any of them to be shifted from Kolkata. ...*(Interruptions)*

MR. SPEAKER: Shri Basu Deb Acharia, you can make your submission on a different point, but not on this.

...*(Interruptions)*

SHRI BRAJA KISHORE TRIPATHY: Sir, the Government should react immediately because the entire State is agitated. The Chief Minister of Orissa had earlier written a letter to the hon. Prime Minister on this issue. We want a reaction from the Government that they will consider it. These are the sentiments of the entire State.

MR. SPEAKER: You have made your statement.

...*(Interruptions)*

SHRI BRAJA KISHORE TRIPATHY: Sir, the Government should give its reaction on this.

MR. SPEAKER: On every matter, I cannot compel them to react. The Minister is also not here.

SHRI BRAJA KISHORE TRIPATHY: The entire State is agitated. The Minister is there, Sir.

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI BIJOY HANDIQUE): I would say only this much that I would bring the matter to the notice of the Minister concerned.

MR. SPEAKER: Shri Basu Deb Acharia, please be very brief.

SHRI BASU DEB ACHARIA (Bankura): Sir, for the last 15 years, royalty on coal in respect of the State of

West Bengal has not been revised. The argument was that as the Government of West Bengal imposed a Cess on coal, the royalty has not been revised. However, in case of other coal-producing States, royalty has been revised three times. As a result of non-revision of royalty, the loss for the Government of West Bengal is more than Rs. 2,000 crore.

...(Interruptions)*

MR. SPEAKER: That interruption should not be recorded.

SHRI BASU DEB ACHARIA: In case of West Bengal, the royalty has not been revised for the last 15 years, whereas it was done in respect of other States.

MR. SPEAKER: Please address the Chair and not the hon. Member.

SHRI BASU DEB ACHARIA: Very recently, the Supreme Court of India have upheld the decision of the Government of West Bengal to impose a Cess on coal.

Sir, I urge upon the Government that the royalty on coal in respect of West Bengal should be revised, and the State of West Bengal should be compensated for non-revision of royalty on coal for the last 15 years.

MR. SPEAKER: You have made your point very clearly.

I am calling now Shri Girdhari Lal Bhargava because he is an ideal member.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Sir, with your permission I am speaking in brief.

MR. SPEAKER: Every time I will give you the opportunity. They should learn from you and I should also learn from you.

SHRI GIRDHARI LAL BHARGAVA: Sir, I am not raising any issue related to Jaipur, but I am bringing to your notice the grievances of the Central Government employees. Special pay hike was given to Technical and Programmer employees of Prasar Bharati, Doordarshan

*Not recorded.

and Akashwani many years back. But no pay hike has been given to other employees of the Prasar Bharati so far. Therefore, I request the Government to remove this kind of discrimination and take immediate action in this regard.

Similarly, sixth pay commission was to be constituted in the year 2003 but it has not been constituted so far. Before that, fifth pay commission was constituted in the year 1993, just after 10 year, that is in 2003 sixth pay commission was to be constituted but it has not been done so far. Therefore, I request the Union Government to constitute the sixth pay commission immediately.

I would like to bring one more fact to your notice that the provision of pension has not been made for the employees, who have been recruited in Central Government since April, 2004. Therefore, I demand from the Union Government to give serious thought to the issues that I have raised namely, special pay hike to employees of Aakashwani and Doordarshan, constitution of sixth pay commission and provision of pension to employees who have been recruited in the Central Government after the 2004. I am grateful to you for giving me an opportunity to speak.

MR. SPEAKER: Till I am holding this post, you will always get opportunity to speak.

12.30 hrs.

MATTERS UNDER RULE 377

[English]

MR. SPEAKER: Now, Matters under Rule 377, I am allowing them to be raised today.

(I) Need to Ensure Early Payment of Crop Insurance Dues to the Farmers in Amreli Parliamentary Constituency, Gujarat

[Translation]

SHRI V.K. THUMMAR (Amreli): Sir, the farmers are not getting the benefits of Crops Insurance Scheme as desired by the Government. Payment of the insurance for the year 2004 has not been made so far to the

[Shri V.K. Thummar]

farmers of my parliamentary constituency Amreli due to which they are facing financial problems. They have to make many rounds to Crop Insurance Office to get their payment. It has been observed, that various kinds of formalities have to complete to draw the benefit of Crop Insurance Scheme but poor and illiterate farmers are unable to complete them, hence corrupt officers of Crop Insurance Scheme take undue advantage of it.

Through the House, I request the Central Government to make immediate payment pending under crop insurance to the farmers of Amreli parliamentary constituency, to simplify the crop insurance scheme and to fix the time limit for payment of the insurance on the lines of time limit fixed for payment of insurance premium.

(ii) Need to Expedite Completion of Basohli-Bani-Badharwah Road in Jammu and Kashmir

[English]

CHAUDHARY LAL SINGH (Udhampur): Sir, there is need for early completion of Basohli-Bani-Badharwah road in the State of Jammu and Kashmir.

This road was inaugurated by the Late Indira Gandhi, the then Prime Minister of India, in the year 1984 with the objective that people of this area will be connected with other States like Punjab, Himachal Pradesh and then with other parts of our country. People of this area were eager to see the road completed but the dream of completion of this road still remains unfulfilled. Though some construction has been made, it is not yet completed, which is causing a lot of difficulties to the people of this area. I, therefore, urge the Government of India for speedy completion of this road.

(iii) Need to Expedite Construction of New Railway Line between Puntamba and Shirdi besides Doubling of Daund-Bhigwan and Manmad-Daund Railway Line in Maharashtra

MR. SPEAKER: Shri Balasaheb Vikhe Patil. Since he has already given the notice, it may be treated as laid on the Table.

*SHRI BALASAHEB VIKHE PATIL (Kopergaon): I request the Minister of Railways for expediting the following projects:—

- (1) The project regarding construction of a new railway line between Puntamba-Shirdi (16.40 km).

There is need to speed up the project so that it can be completed at an early date.

- (2) Daund-Bhigwan doubling project, and

- (3) Manmad-Daund doubling and electrification project. This is an important section. Due to increase in traffic, both passenger and goods and also for running of super-fast trains, early completion of the project is necessary.

(iv) Need to Discontinue Practice of Issuing Diplomate of National Board Certificate by National Board of Examinations in Order to Maintain Standard in Medical Education in the Country

SHRIMATI D. PURANDESWARI (Bapatla): Sir, the National Board of Examination was established by the Government to evaluate wide disparities in standards of medical education in various universities and to standardise the same. Subsequently, NBE started issuing DNB (Diplomate of National Board) Certificates and directed that the same be treated equivalent to post-graduate and post-doctoral degrees conferred by medical colleges and institutions like AIIMS. This is highly irregular as NBE is neither affiliated to any university created by an Act of Parliament nor affiliated to UGC. The courts have also held that DNB certificates cannot be at par with certificates and degrees conferred by medical colleges and institutions which hold affiliation to appropriate bodies. The Government should immediately discontinue the practice as it is diluting the quality of medical education. I request the Minister to act immediately in this matter.

(v) Need to Set Up a Modern Science City and a Planetarium in Chandigarh

SHRI PAWAN KUMAR BANSAL (Chandigarh): Chandigarh is fast emerging as a city of excellence in education. The Punjab University, the Post Graduate

*Treated as laid on the Table.

Institute of Medical Education and Research, the Punjab Engineering College, the College of Architecture, the Institute of Microbial Technology, and various other institutes have lent Chandigarh an important place in the field of higher education. CSIO there has also registered path-breaking success in fields of the future like nanotechnology. However, despite all this, much needs to be done to promote science at the school level and to develop the scientific temper amongst the students. In this regard, I urge the Government to set up a modern Science City covering all sciences and a planetarium in Chandigarh.

(vi) Need to release more funds for early completion of Kottur-Harihara Railway line project

SHRI G. KARUNAKARA REDDY (Bellary): Sir, Kottur-Harihara railway line forms an important link between two coasts, East and West. The line, on completion, would enable movement of iron ore to all the three ports, Mangalore, Chennai and Vizag ports, and on return journey, goods train can carry fertilizers, coal, cement and other products. The foundation stone was laid nearly 10 years back and work is going on in a very slow pace. The line which is economically viable should be given priority. The Centre has allocated Rs. 3 crore only for this project in the current Budget. A sum of Rs. 20 crore should be allocated immediately for the speeding up of this project.

The foundation stone was laid by the then Minister of State for Railways for construction of Road Over Bridge in Satyanarayanpet Railway Gate, i.e. L.C. No. 114 of Bellary City in early 2004, but no work has started till now.

I urge upon the Centre to allocate more funds for these projects for speedy/early completion of these projects, as these two are the most important proposals.

(vii) Need to conduct investigation into the source of LPG found at Rahatgarh in Sagar Parliamentary Constituency, Madhya Pradesh

[Translation]

SHRI VIRENDRA KUMAR (Sagar): Sir, while boring the earth in search of water at one of the places named

Rahatgarh in my parliamentary constituency Sagar (M.P.), seven years ago, reservoirs of LPG were found and the natural gas has been emanating from it for the last four years. This natural gas is being used for commercial purposes other than domestic work continuously. Three years back some officers from the Department of Mines had visited the site and opined that there is only a trace of gas which would exhaust automatically after some time. However, the gas is still emanating out with the same intensity. Such gas is emanating from two-three other bores of the area also.

It is worth mentioning that earthquake which struck Jabalpur 7-9 years back had affected the area from Jabalpur to Damoh Sagar. Gas which has been emanating for the last four years is in news not for being a strange phenomenon, but for negligence on part of Department of Petroleum. No attention has been paid towards finding its source and likely dangers arising thereby. There are two petrol pumps and one LPG godown in this area. It may be an indication of a big accident or tragedy like earthquake. There may be a possibility of a tragedy from this kind of sources.

Therefore, I request the Central Government to direct the Geological survey of India and the Department of Petroleum to get this matter investigated thoroughly.

[English]

MR. SPEAKER: It is an important issues. It should be looked into.

(viii) Need to provide basic amenities in Sultanganj, Bihar and developing it as a place of religious and historical importance

[Translation]

SHRI SUSHIL KUMAR MODI (Bhagalpur): Sir, during the month of Shravana every year lakhs of people carry 'Kanwar' from Sultanganj to offer holy water at Baijnath Dham, Devghar in Bihar. This fair lasts for one month. Around 25 lakh people from country and abroad travel 80 miles from Sultanganj to Deogarh to offer holy water. There are no basic amenities on the way, due to which pilgrims face lots of difficulties. Therefore, keeping in view religious and historical importance of Sultanganj,

[Shri Sushil Kumar Modi]

Central Government should include it in the list of tourist place of national importance and provide financial assistance for making available basic amenities there and also the said fair as national fair.

(ix) Need for conversion of Jaipur-Loharu-Reengas-Sikar and Phulera-Reengas-Rewari meter gauge railway lines into broad gauge

[English]

MR. SPEAKER: Shri Subhash Maharia—laid on the Table.

[Translation]

*SHRI SUBHASH MAHARIA (Sikar): Sir, while drawing the attention of hon'ble Minister of Railways towards the Shekhawati region of Rajasthan I would like to submit that even now, Phulera-Reengas-Rewari and Jaipur-Reengas-Sikar-Loharu rail line is meter gauge. I would like to inform that as per the report of survey conducted by the Ministry of Railways in 1970, its rate of return was above 15 per cent and again in 1998, the Ministry of Railways prepared another report in which gauge conversion of this line was termed justified. Therefore, I would like to submit that the conversion of Jaipur-Reengas-Sikar-Loharu and Phulera-Reengas-Rewari meter gauge railway lines into broad gauge should be carried out without any delay.

Sir, it will be economically beneficial for the Ministry of Railways and would also provide relief to the brave Defence Personnel from Sikar and Jhunjhunu districts. I hail from Sikar Parliamentary constituency of Shekhawati region and the people of this area are known for their entrepreneurship throughout the country. They will also get relief. Crores of pilgrims from all part of the country come for pilgrimage of Khatushyamji, Salasarji Dham, Shakumbhari Mata and Jeenmata and face many difficulties during travel and as far as minerals are concerned, exploration at large scale takes place in Shekhawati region. Therefore, the all round development of Shekhawati region is possible by conversion of these meter gauge lines into broad gauge.

*Treated as laid on the Table.

(x) Need to provide special package to Chhattisgarh for maintaining its forest-based economy

SHRI PUNNU LAL MOHALE (Bilaspur): Sir, it is a well known fact that ecological balance is quite necessary for the country where even today a large number of people are earning their livelihood from natural wealth.

Mr. Speaker, Sir, I hail from Chhattisgarh. My State is predominantly inhabited by people belonging to scheduled castes and scheduled tribes. 42 per cent area of my state is under forest cover through as per the National Forest Policy a minimum of 33 per cent area of a state should be under forest cover. Undoubtedly this 42 per cent forest cover is quite important and it is essential to protect the said area. However, it has also to be seen that will the lack of development works owing to the said constraint are going to be compensated, particularly in regard to the 32 per cent population of scheduled tribes living in the region. The development work in Chhattisgarh, Jharkhand, Orissa, Madhya Pradesh and North Eastern States is being affected.

The hon. Supreme Court has ordered to give special package in lieu of forest conservation to states having forest cover. The hon'ble Supreme Court in its order of 2003 stated that the developed states have disturbed their ecological balance. The States where forest cover is much more must be given a special package, so that they may continue with forest conservation and alongwith it such states may carry out development works for persons living in forests and other citizens, by the funds given to them through special package.

Therefore, I request the Central Government to get the orders of the Supreme Court complied with by giving special package to Chhattisgarh and other States having large forest cover.

(xi) Need to sanction Central Freedom Fighters Pension to those who participated in Goa Freedom Struggle

[English]

MR. SPEAKER: Shri P. Karunakaran—Laid on the Table.

*SHRI P. KARUNAKARAN (Kasargod): Sir, Goa

*Treated as laid on the Table.

Freedom Fighters Struggle was in the year 1955. Hundreds of people from various parts of India participated in this Struggle. In Kerala more than hundred people participated, out of which 62 are alive. This struggle was considered as a Freedom Struggle to free Goa from the regin of the Portuguese. Kerala Government has already been giving Freedom Fighters Pension to the participants of this Struggle. All other States, except Kerala are receiving Central Pension, are in receipt of State Pension. A High Court judgement also made it clear that 'those who receive State Pension are eligible to get Central Freedom Fighters Pension'. They have given a number of representations to the Government but the same were rejected with a simple reason that there is no certificate proving their hiding and Imprisonment. Since the Struggle was in the year 1955, there was no need of hiding or imprisonment and the Government of India itself has supported this Struggle. They are getting the State Pension and that will be the irrefutable evidence of their involvement in this struggle.

So I request the Government to sanction Central SSS Pension to those who have participated in the Goa Freedom Struggle.

(xii) Need to develop Alwara lake in Kushambi district, Uttar Pradesh as a tourist resort

[Translation]

SHRI SHAILENDRA KUMAR (Chail): Mr. Speaker, Sir, the desired development of Alwara lake located in Kaushambi district of Uttar Pradesh has not yet taken place. Migratory birds come here in winters. The crops in thousands of acres of land have been affected due to water logging. The Union Government should recognize the historical importance of Kaushambi. Gautam Budha stayed at this place for nine years. Today, the Fort located here is in a dilapidated condition. This is the place which is visited by the Budhist pilgrims and other tourists from abroad.

Therefore, I urge the Central Government to take necessary steps to develop Alwara lake and to bring Kaushambi and this lake on tourist map of the country.

(xiii) Need to a CBI Inquiry into the alleged irregularities in disinvestment of Ashoka Hotel, ITDC in Bhodhgaya in Bihar

SHRI RAJESH KUMAR MANJHI (Gaya): Mr. Speaker, Sir, Hotel Ashoka of ITDC in Bodhgaya in Gaya Parliamentary Constituency was earning a revenue of Rs. 1,98,00,000/- (two crore ninety eight lakh rupees) per annum. This Hotel was disinvested against a tender of Rs. 2,01,00,000/- (one crore one lakh rupees) tender was floated to benefit a particular person and that person disinvested the Hotel by flouting all rules for personal benefit and got the hotel registered in his name.

The area of that hotel is 7 acre. The price of entire land is approximately 17 crore 92 lakh. This tender was opened at 3 p.m. and the decision in this regard was taken by 8 p.m. The person who purchased the hotel has retrenched all the employees of hotel by flouting all labour laws of the Government of India. As a result of it those employees and their families are on the verge of starvation and many have died.

Therefore, through this House, I demand from the Union Government an enquiry by CBI into the irregularities of disinvestment.

(xiv) Need to develop Gaya in Bihar as a place of tourist importance

MR. SPEAKER: Shri Ram Kripal Yadav—not present.

[English]

Since he has already given notice, this may be treated as laid on the Table of the House.

[Translation]

*SHRI RAM KIRPAL YADAV (Patna): Mr. Speaker, Sir, Bodh Gaya in Bihar is one of the most ancient and important tourist centres. Everyday thousands of foreign tourists visit this place. If the Central Government undertakes allround development of Bodh Gaya it can be turned into a major source of foreign exchange earning. Also, it would lead to development of the area. If the Infrastructure such as airports at Gaya and Patna

**Treated as laid on the Table.*

[Shri Ram Kirpal Yadav]

are upgraded to international level and roads are improved it would not only attract domestic but foreign tourists as well.

Therefore, I urge the Central Government to pay attention to allround development of Gaya and implementation of schemes should be ensured with central assistance.

(xv) Need to install good quality India Marka hand pumps in Unnao Parliamentary constituency, Uttar Pradesh to solve acute drinking water problem in the region

SHRI BRAJESH PATHAK (Unnao): Mr. Speaker, Sir, there is an acute shortage of drinking water in Uttar Pradesh, especially rural areas of district Unnao. The people of this area are forced to drink contaminated water and consequently they are falling prey to number of diseases. Unnao is a very backward area. Though the Government have made efforts to install India Marka handpumps in Unnao parliamentary constituency, yet their number is negligible in view of the acute shortage of water and more over hand pumps of inferior quality are being installed. These do not confirm to the prescribed norms.

Therefore, in view of acute shortage of drinking water in Unnao parliamentary constituency I urge the Union Government to take effective measures for installing good quality India Marka handpumps through central assistance over there.

(xvi) Need to construct a new airport at Sriperumbudur instead of evicting villages adjoining Meenambakam Airport, Chennai for the purpose of its extension

[English]

SHRI A. KRISHNASWAMY (Sriperumbudur): Sir, domestic and international airports in Chennai are to be extended, for which the Authority has issued notices to evict a few villages which are situated in my Sriperambudur Constituency. These villages are well settled with infrastructure and fertile lands. These villages

are inhabited for more than 50 years. Instead of evicting these villages nearby airports, I suggest that thousands of acres of vacant land available at Sriperambudur which is a fast growing town due to presence of many FCI companies like Hundai, Saint Gobain, may be used for construction of a domestic airport there.

Therefore, I request the Civil Aviation Ministry to start domestic airport at Sriperumbudur and protect the villages nearby Meenambakam airport from eviction.

(xvii) Need to construct road under PMGSY in Ferozpur Parliamentary Constituency, Punjab

*SHRI ZORA SINGH MANN (Ferozpur): Mr. Speaker, Sir, I would like to bring certain facts relating to works being undertaken under Pradhan Mantri Gram Sarak Yojna by the Ministry of Rural Development, Government of India in my parliamentary constituency, Ferozpur, (Punjab).

Sir, PMGSY is a very good scheme, launched during the regime of the former Prime Minister Shri Atal Bihari Vajpayee in 2000. Under the said scheme, initially roads were constructed in villages with population over 1000 and then in villages with population over 500 and now a list of village with population over 250 has been sought. My Constituency Ferozpur is backward because of situating on Indo-Pak border and along river Sutlej. Several villages with population of over 1000 have not been provided with road connectivity and as such there is no metalled road to such areas. Though there was an urgent need to construct roads in such areas, yet I do not know why the administration has over looked this requirement. The Central Government should immediately release funds for roads which have been approved. Proposals for widening of certain roads have been sent by the Deputy Commissioner, Ferozpur to the Ministry of Rural Development, Government of India. Funds for said roads may also be released expeditiously.

The population figures of census-1991 have been considered for identifying villages, whereas, during last 15 years, the population has increased three-fold. Therefore, the present population should be considered as a basis.

*Translation of speech originally delivered in Punjab.

[English]

MR. SPEAKER: Shri Sunil Kumar Mahato—not present.

It may be treated as laid on the Table.

(xviii) Need to construct an over bridge at Jugsalai railway crossing in Jamshedpur Parliamentary Constituency, Jharkhand

[Translation]

*SHRI SUNIL KUMAR MAHATO (Jamshedpur): Every other day the traffic at Jugsalai railway crossing in my Parliamentary Constituency Jamshedpur gets jammed which causes serious accidents. The railway line under this crossing is one of the major rail lines and people of adjoining rural areas daily cross these lines going to work in factories located in Jamshedpur. The traffic ply on this road till eleven in the night. If an over bridge is provided at Jugsalai railway crossing then it would provide respite to the people and would also facilitate smooth flow to traffic.

Therefore, I urge the Government to take immediate steps for construction of an over bridge at Tata and Jugsalai under Chakradhar railway division.

(xix) Need to introduce a train from Bijnor to Lucknow and provide hydraulic gates at railway crossing in Bijnor Parliamentary Constituency, Uttar Pradesh

SHRI MUNSHI RAM (Bijnor): Mr. Speaker, Sir, I would like to draw the attention of the hon'ble Minister of Railways towards the Western Uttar Pradesh of North India region. I have written several letters to the hon'ble Minister of Railways in this regard. The main demands are diversion from Maujpur-Narayan junction to Maujampur-Gajraula on east Jammu Tawi-Howda main line under my parliamentary constituency Bijnor. The manned gates of the railway crossing in the east and west direction of Bijnor-Chandpur railway station are required to be replaced by the hydraulic gates as presently there is heavy traffic jam on the crossings. There is need to introduce a new train from the district

*Treated as laid on the Table.

headquarter Bijnor to Lucknow, the state capital of Uttar Pradesh. It will benefit not only the people of Bijnor but also the people of the nearby areas.

Through the House, I would like to request the hon'ble Minister of Railway that the above mentioned demands should be fulfilled on priority basis.

[English]

MR. SPEAKER: Shri S.K. Biswamuthiary—not present.

It may be treated as laid on the Table of the House.

(xx) Need for taking over of Bongaigaon Thermal Power Station by NTPC

*SHRI SANSUMA KHUNGGUR BISWAMUTHIARY (Kokrajhar): Bongaigaon Thermal Power Station (BTPS), Salakati in Kokrajhar District within Bodoland territory (Assam) is a Rs. 1,200 crore worth national Capital Asset—like power generating industrial unit. It was set up in the 1980s with a power generating capacity of $4 \times 60 = 240$ megawatts at a tribal-dominated place called Salakati in Kokrajhar District with the noble objective target of catalysing the pace of development in all spheres within the most backward and deprived tribal area in lower Assam. The respective units of the project were commissioned at different points of time.

Unit-I was commissioned in March, 1981; Unit-II was commissioned in April, 1982; Unit-III was commissioned in May, 1985 and Unit-IV was commissioned in June, 1986. Since the inception, all the four Units were running very smoothly until their closure in the 1990s.

Despite various appeals and demands made by the local people repeatedly over the past few years asking both the State Government of Assam and the ASEB to take appropriate steps for the revival and running of the same power generating project, nothing tangible has been done so far in this regard.

I urge upon the Union Government of India to take appropriate steps and effective follow-up actions to help issue necessary official order directing both the Ministry of Power and the NTPC to take over the BTPS at the

*Treated as laid on the Table.

[Shri Sansuma Khunggur Bwiswmuthiary]

earliest possible and thereby save Rs. 1,200 crore worth national capital asset without any further delay in the greater public interest.

[English]

MR. SPEAKER: The House shall now take up Legislative Business, Item No. 14.

12.48 hrs.

HINDU SUCCESSION (AMENDMENT) BILL, 2005

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): Sir, I beg to move:

"That the Bill further to amend the Hindu Succession Act, 1956, as passed by Rajya Sabha, be taken into consideration."

Hon. Speaker, Sir, the Hindu Succession Act (Amendment) Bill, 2004 was passed by the Rajya Sabha and I commend that this House considers this Bill. We have incorporated a substantial number of amendments recommended by the Parliamentary Standing Committee, and the Rajya Sabha has unanimously adopted them.

As you are aware, Sir, articles 14 and 15 of our Constitution guarantee equality before law and gender equality. Article 15 of the Convention on the Elimination of all forms of Discrimination Against Women, adopted by the United Nations General Assembly on 18th December, 1979, clearly mandates that the State parties shall accord to women equality with men before law and in all civil matters. The Universal Declaration of Human Rights also guarantees substantial equal justice to women.

The National Common Minimum Programme of our Government, among other things, seeks to give complete legal equality for women in all spheres, a practical reality, especially by removing discriminative legislation and by enacting a new legislation that gives equal rights of ownership of assets like house and land. The Bill is a part of our endeavour in this direction.

Section 6 of the Hindu Succession Act deals with the devolution of interest in coparcenary property. This provision clearly discriminates daughters as they are not coparceners like sons. This provision has been identified by the Law Commission of India as one of the discriminative provisions violating articles 14 and 15 of the Constitution. The Commission made a *suo motu* study of the discriminative provisions of the Hindu Succession Act and presented its 174th Report on "Property Rights of Women: Proposed reform under the Hindu Law" to the Central Government in May, 2000. The Government considered the said Report in consultation with the State Governments and decided to give equal right to daughter in joint Hindu family property governed by the *Mitakshara* law.

In this connection, I would like to bring to the notice of this House that certain States have already made local amendments to the Act. They are: the Hindu Succession (Andhra Pradesh Amendment) Act, 1986, the Hindu Succession (Tamil Nadu Amendment) Act, 1990, the Hindu Succession (Karnataka Amendment) Act, 1994 and the Hindu Succession (Maharashtra Amendment) Act, 1994.

By enacting the Kerala Joint Hindu Family System (Abolition) Act, 1975, the State of Kerala has totally abolished the right by birth of males and put an end to the joint Hindu family system instead of tinkering with coparcenary.

By this Bill, we are amending Section 6 to enable devolution of interest in coparcenary property to daughters, both married and unmarried. We are also classifying their children as class-I heirs in this property. We are omitting Section 4 (2) from the Act and also Sections 23 and 24, to give effect to removal of gender bias.

This Bill is a very progressive measure and I would commend to this House that it may be passed unanimously.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Hindu Succession Act, 1956, as passed by Rajya Sabha, be taken into consideration."

[*Translation*]

SHRI BACHI SINGH RAWAT 'BACHDA' (Almora):
Mr. Speaker, Sir, I would like to extend my thanks to you for giving me the opportunity to speak on this subject on behalf of the NDA. First of all I would like to clarify that I fully support the Hindu Succession (Amendment) Bill that has been moved for consideration in the House and I can say without any hesitation or apprehension that it is a reformative measure. While submitting some suggestions and apprehensions, I would like to request the hon'ble Minister that he should ponder over them as an Act *per se* cannot be termed as foolproof and it also needs sinodification with the passage of time. My suggestions may be taken into consideration at later point of time and if the hon'ble Minister pays his attention to them, several other things may come out of it.

I feel that the entire House will be unanimous on it. The problems arises only when discussions are held by us in the House. However, it hurts me when reported by the Credit for reforms goes to either a specific person on a specific political party as if there is no participation of the other Members of the House in it. It aggrieves me. So the credit should be given to the entire House. I would like to extend my congratulation to the hon'ble Minister that he has moved the Bill in record time. The Bill was referred to the Standing Committee and the Committee gave its recommendations on it. After that the Bill has been moved and there is not much scope of discussion on this bill as the main subject matter of the Bill is to provide coparcenary berth to women in the ancestral property. The Bill revolves round the provisions to provide equal desolation right to daughter in the ancestral property as a coparceners like sons since their birth....(*Interruptions*)

12.54 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Speaker, Sir, I was submitting that the Bill was moved in Rajya Sabha on 20 November, 2004. On 16 August, 2005 the discussion was held in Rajya Sabha on this Bill and the hon'ble Members expressed their views on it. Thereafter the bill was passed by the Rajya Sabha with some suggestions that were incorporated in

the Bill. The hon'ble Minister has submitted that the State Governments were consulted before moving the Bill.

The Bill was drafted accordingly and was moved. The section 4(2) of the Bill that deals with the landed property ensures that there will be no fragmentation of land. It is originally incorporated in the Bill. At the time when the Bill was introduced, the proposed amendments in Section 2 and Section 6 have been accepted and they have been incorporated in Sub-section (2) of Section 4 by the hon'ble Minister on 16th August. The House has also passed it. However, the matter of concern in this regard is that the various states of the country, expecially, the states of north India like Uttar Pradesh, Uttaranchal and Bihar have formulated laws to check the fragmentation of holdings. Besides this every state, especially the states of North India had formulated their own laws regarding the ownership of the land holding i.e. who will be the tenure holders of holding. According to the rule in the absence of the tiller of the land his son will be the owner of the land. So, I feel that the state governments are required to be consulted in this regard as till now it has not been done because today we are holding discussion on it after 16 August. So I would like to request that this point should be taken into consideration as even today the succession of land is being governed under the Jamindari Abolition and Land Reforms Act in Uttar Pradesh. I would like to request the hon'ble Minister that he should convey to the State Government as to what amendments are required in the state laws so that there may be uniformity in land related laws.

The second issue about which the concerns have also been expressed in the House will come later in the discussion and the several hon'ble Minister will also participate in it. The Standing Committee has also mentioned at several places about 'Mitakshara' and Daya Bhaga, the two main traditional school of thought prevalent in Hindu society for so many years. Mitakshara system was prevalent in major parts of the country. Over a period of time one social evil called dowry system came into existence. At the time of the marriage of a girl their parents used to give presents to the groom family. According to their capability. However at several places the girls were tortured by the groom family for more dowry though it was not universal and when the incident of murder of the brides for the sake of dowry

[Shri Bachi Singh Rawat 'Bachda']

came to light several acts were passed and were included in Section 304(B) of the Indian Penal Code. The Dowry Provision Act was passed by the same august House so that such practices may be banned and the torturing of women for dowry may be checked. The CrPC has also been amended for this. However, despite formulation of so many restrictive laws the situation has not changed much. Today itself, when I came to Delhi from my constituency, I found two new items published on page number 10 in Delhi edition of 'Amar Ujala' dated 29 August about the burning alive of a woman by her husband and mother-in-law. The caption is 'Dahej ka Danav' that I am quoting from Amar Ujala. I have mentioned only its heading. Besides this, there is another news item captioned 'Policewali ko Satane Wale Maa-Bete Giraftar'. This news is from Hodal Tehsil from Faridabad district. The woman is a police constable. Despite that her husband and mother-in-law are torturing her and they have been arrested. This case is of Faridabad. Thus, we find two dowry related cases on the same page. I am referring this to the hon'ble Minister that the torturing and killing of women for the sake of dowry is a reality and in view of the same this Dowry Prohibition Act was formulated and CrPC was amended. Despite that all such things are present in the society. The House is going to amend the Hindu Succession Act to provide coparcenary right to women in the ancestral property. It will certainly be welcomed by the people with progressive ideology.

13.00 hrs.

However, in remote and rural areas people are not much aware or are informed. So, the Government will have to act on both the fronts i.e. while on the one hand it will have to give the property right to women as per the act that is going to be formulated by the House after the discussion of the hon'ble Members and on the other hand the Government will have to publicise the act and make the people aware about such rights. I am submitting this because common people do not have information regarding the existing laws of the country. Even today several acts are passed by the House that give legal rights to the common people whether it is right to get compensation in motor accident cases or

other rights but they do not have information regarding all these things and it is on account of this that several times they have to face difficulties. Secondly, if the hon'ble Minister feels it necessary to amend the IPC or Criminal Procedure Code, he should move the required amendment bill in the House and the entire House will unanimously welcome it as it will certainly provide teeth to the Hindu Succession Act which is going to empower women.

Sir, several times I think as to what extent the scope of the Act will be extended as in the very beginning I have submitted that earlier land was not covered under it. However, when the law was formulated, the land was also included in it but so far the right of the will which is contained in section 30 is concerned, it was recommended that the Government should also ponder over fixing a certain period for the will. The women have coparcenary right only in ancestral property and any person or the head of the House hold have every right to make will for the self acquired properties. However, the women are also included in the ancestral property of which we are coparceners since our birth. As per our present Hindu Succession Act the women enjoy such right only in intestated property and where there is provision of will, they will not have coparcenary right. If there is any ambiguity in my submission, the hon'ble Minister should clarify in his reply and tell us as to what is the difference between these two and to what extent we are benefiting them in real terms. I am apprehensive that in coming times the society will be flooded with the wills and daughters will be deprived of their right by execution of wills. The hon'ble Minister should also ponder as to how much can be done towards the empowerment of daughter and providing them right that is our objective.

It has been mentioned that till now we have not been able to rectify the obligation and fundamental right contained in Article 14 and Article 15 of the Constitution of India. We are proceeding in that direction and the present Bill has been prepared keeping in view the Resolution of UNO for the year 1979. It has not been mentioned anywhere in the Bill that it is meant for Hindu Women only. Our country is multireligious and multilingual and there are many sects in the society. The purpose of the Bill will be served only when the principle of equality before law is applicable for every woman of the

country whether she is Muslim, Christian, Parses or Jews. All of them are the citizens of the country and so they should also be covered under the Bill. I do not say that this task will be accomplished in a single day as in several traditional Hindu source of law and school of thought like Mitakshara, Dayabhag or Manusamriti etc. are in vogue. The Government of India always gets instructions from the hon'ble Supreme Court and the Directive Principles of State Policy contained in Article 44 of the Constitution of India also make it obligatory as it is a Civil Law.

Prior to this, the Employment Guarantee Bill or the Protection of Women from Domestic Violence Bill, which were passed by the House, are all civil laws. So, there should be uniform law and for which we talk about the Common Civil Code. We should adopt broader viewpoint and should think about the entire society and should also ponder over to formulate uniform civil laws for the entire society. It has also been said that consensus will be formed on this issues. A counter affidavit has also been filed in the Supreme Court in this regard. It has been mentioned in that also that the consensus is being made for this. In the very beginning of my speech, I have said about the nature of the consensus. I hope that the hon'ble Members will make demand for this in future as well. Thus, a progressive mindset will evolve in the House. There is need to do more in this direction so as to make congenial environment for discussion and debate on it in the country.

The Standing Committee have also extended some recommendations regarding the Bill. I feel that the hon'ble Minister should also ponder over those recommendations. Though most of the recommendations of the Standing Committee have been incorporated in this Bill, however, the remaining recommendations can also be considered by the Government for future amendments in the Bill. In this way the suggestions of the Standing Committee will also be complied with.

Today, on this occasion, on behalf of NDA and the Bhartiya Janta Party, I strongly support this Bill. For this the entire House deserves commendation and I also congratulate the hon'ble Minister for this.

[English]

SHRIMATI D. PURANDESWARI (Bapatla): Mr.

Deputy-Speaker, Sir, thank you for giving me this opportunity. I must candidly confess that even as I rise to support this Bill, I not only stand tall and proud here but also engulfed in emotion. Emotional, because even as way back as in 1986, a similar amended legislation was enforced in the State of Andhra Pradesh by a very progressive thinking Chief Minister, the late N.T. Rama Rao who introduced this Bill to better the lot of women by realising and recognising that such a legislation would relieve women from the domestic violence and the dowry harassment that they were being subjected to. I am proud even as the daughter of that great leader who very progressively had implemented and enforced this legislation at the regional level. Today, I am part of this UPA Government headed by Dr. Manmohan Singh and under the stewardship of Shrimati Sonia Gandhi a similar piece of legislation is being implemented at the national level. This is keeping the betterment of the women in mind.

Sir, speaking on the Bill, we are all aware that the principle of gender equality has been enshrined in the Preamble to our Constitution. Rightly, as we all know, there are various articles in the Constitution that stress and advocates very strongly about gender equality and advocates that both men and women should be given equal access to opportunities. In spite of these statutory measures being in place, gender disparity has been very deep-rooted and has manifested itself in various forms and it is also reflected in the laws that govern any inheritance and succession of property belonging to the Hindu joint families.

This deep-rooted gender disparity is not something that has arisen today, but this is something that dates back to the ancient days because our laws, the Hindu laws governing succession have their birth in our *Dharmashastras* which are our ancient scriptures. Even the *Mitakshara* and the *Daya Bagha* school of legal doctrines have their birth in the 12th century AD. They have governed most of our Hindu succession laws.

Other than these two Schools, there are other schools prevalent in various parts of the country. If *Daya Bagha* was present in Eastern India, we all know that *Mitakshara* was prevalent in Western and Northern India. In certain pockets of Western India, we also had the

[Shrimati D. Purandeswari]

Mayukha School of Inheritance prevalent, while down in the South, we had the Marumakkataya, Aliyasantana and Nambudri systems prevalent. In certain parts, we also had the Mitakshara School present. But in spite of the prevalence of so many multiple laws of succession which are so varied in nature, women continue to be discriminated against when it came to property laws.

The first law that recognises women's rights to inheritance was the Hindu Law of Inheritance Act, 1929. Close to its heels making slight changes in the law of partition, alienation of property, inheritance and adoption was the Womens' Right to Property Act of 1937. Later, the Hindu Law Committee set up under the chairmanship of Shri B.N. Rao framed and introduced the Hindu Code Bill, 1947. But this Hindu Code Bill, as we all know, faced very stiff resistance from various orthodox sections of the society. It was shelved in 1951 and finally, with much concerted efforts, the Hindu Succession Act was introduced in of 1956. Sir, not questioning the integrity of the makers of the law, this Act did not completely do away with gender discrimination which was prevalent in our society in its entirety. Today, the Hindu Succession Amendment Act of 2005 is being introduced to amend Clause 6 of the Hindu Succession Act of 1956. It is not only a welcome measure but a progressive piece of legislation also.

But as I support the Amendment Bill, there are certain lacunae to which I would like to draw the attention of the hon. Minister. The amended Bill excludes married women from becoming equal claimants to ancestral property. This is about women married before enforcement of the law. Still, I would like to stress that this is a very startling example of gender discrimination. When a former Chief Justice of Delhi High Court who was also a Member of the Law Commission was contacted, he said: "...The Commission felt that women received quite a lot as dowry at the time of their marriage." But if we look at the marriages of both the daughters and sons, we can find that both the weddings are conducted on an equally lavish scale and gifts received by boys or sons are equal to that of girls. Sometimes, in some parts of India, we also give gifts to daughters-in-law. So, you cannot discriminate and say that the daughters' weddings are

conducted in a lavish scale than those of the sons. However, a one-time dowry settlement does not outweigh the daughters rights to the property. If we remember right, most of the girls are not given immovable property. So, I think this disparity must be and should be addressed.

The next is, the position of adopted daughters is not made clear in the Bill. When we adopt and bring a child into a home, we are not only giving the child a shelter but we are also giving emotional anchorage to the child. The child grows up believing that the house is her own and the occupants of the house are her own. But at a later stage, to tell the child that she does not get a share in the property because she is an adopted child shatters the child emotionally and psychologically. Adopted children should also be treated on par with the biological children. This should be specifically provided in the law.

The Bill covers only ancestral property and self-acquired properties are left out. This again is not justified because ancestral property are fast dwindling today as nuclear families are becoming more and more the order of the day. Therefore, by not giving access to self-acquired property, the gender equality that we are talking about remains a concept and does not become a reality. This also needs to be addressed.

One great disparity with the laws in Andhra Pradesh or Tamil Nadu or Karnataka is, by making daughters coparceners to the property, the share of the women who are dependent on the deceased, the female heirs who are dependent on the deceased like the mothers and wife, is getting reduced. It is because the daughters and the sons, alongwith the father get a share to the property. When the man dies, then his share of the property further is distributed against the sons and daughters. So, it is dwindling the share of the wife who is dependant upon the deceased. Instead of that, if some measure could be provided within the Bill wherein a woman can totally enjoy the rights of the property or the income, that she gets over the property until she dies, then it would be good. That should definitely be addressed too.

The person's unshifted testamentary rights are left untouched. In principle, this right is supposed to be gender neutral but ground reality is different. Women

are definitely discriminated against and especially used to divest the female heirs in States where they do not stand a share to the property. When the Hindu Law Commission circulated a questionnaire to elicit public opinion on this issue, it was found that 63 per cent of the public felt that there should be some restrictions on the testation powers in case of devolution of property so that the girl also get a share in the property. This point also needs to be addressed to.

Most of us have apprehensions about agricultural land. We all know that it is the most important form of rural property in rural India and, by keeping women out of reach from getting a share in the property of agricultural land, we would not be achieving gender equality that we are striving for and neither we would be achieving social and economical advancement. By providing a girl a share in the property of agricultural land, we are not only reducing her risk to poverty but also her family's risk to poverty. Alongwith this, we would also be working for her empowerment and we would be giving her wide livelihood options and protecting her from domestic violence.

The Hindu Succession Amendment Bill of 2005 has not undertaken any measures to correct the imbalance in the Hindu Succession Act. This needs to be answered. Land Fragmentation would be a good excuse for keeping away women from inheriting a part of agricultural land. But here also, we should remember that land fragmentation can and does occur even with male heirs. This problem was addressed by providing land consolidation and joint/cooperative cultivation farming. So, by keeping girls out from inheriting agricultural land, we would not be addressing gender equality that we are talking about. This aspect needs to be attended to.

It is easy for the Central Government to say that transfer of land or alienation of property is a State subject and the Central Government does not have a say in this. But Sir, even if the parliament passes a law to that extent, it would be very difficult for this law to pass the litmus test of the scrutiny of the judiciary. If Parliament can debate on this issue, if this law is impressed upon, if the States are impressed upon and if they could pass a law to this extent wherein agricultural land can be given to the daughters as part of the share of property, it would be a welcome measure.

Finally, in our social norms, male dominance and bias exist and, under duress, women could be forced into signing away her part of the property to their male heirs like brothers, husbands or any other male relative of the family. Many women's organizations and social activists have already raised their voice against this. They have requested that this should be duly addressed. If some specific measures can be provided within the law wherein the signature acquired from a women under pressure and duress will not be considered as valid, then it will come to the rescue of women.

Once again I thank you for giving me this opportunity. I must admit that this is a great emotional moment for me because as you know and as I had stated Andhra Pradesh was the first State to implement this law. With all emphasis I would like to say that it was the first State to have brought in such an amended law. I thank you once again for giving me the opportunity to participate in the discussion.

SHRIMATI SUSMITA BAURI (Vishnupur): Hon. Deputy-Speaker, Sir, first of all I want to convey my gratitude to the hon. Minister of Law, Shri H.R. Bhardwaj, for having brought before the House the Hindu Succession (Amendment) Bill, 2005 for consideration and passing by this august House. I would like to thank the hon. Deputy-Speaker also for permitting me to speak on the subject.

I want to speak in favour of the Bill. The Bill is regarding enacting a new legislation that gives equal rights to ownership of property, that is in assets like houses and land. So, I welcome this Bill and support it heartily. But this is not the end. Only a very very minimum quantity of relief may be given to them. Women, in our country, are the worst sufferers in various matters. They are not at all independent in their lives. They are always dependent on and subservient to men. When she is a child on her father; as a wife, her husband; and in the old age the son for everything. We, the women of India, who are fifty per cent of the population of our country, are passing through this kind of life. Then, how can we think and say that our country is going towards development? But there is no need to be disappointed. It is because many organisations are working for the welfare and development of women in our country. The Union Government and the State Governments are also

[Shrimati Susmita Bauri]

thinking and devising more and more programmes for the upliftment of women of our country.

This Bill which is called the Hindu Succession (Amendment) Bill, is one of the progressive steps being taken by the UPA Government on the basis of the Common Minimum Programme. The proposed Bill is, of course, important and it is a step towards attaining gender equality and abolition of the patrilineal system of inheritance prevailing among Hindus. I feel that it is not enough to make the daughter or the girl child of the family a coparcener in the *Mitakshara* joint family system. The abolition of the *Mitakshara* joint family system is very necessary now because it is an ancient Hindu treatise on the law of rules of inheritance which is unfavourable to the upliftment of women.

The proposed changes in the Bill do not address the crucial issue of women's equal rights to the agricultural land. So, I would request that an amendment be brought which states clearly that this Bill's provision of equal rights to property will also apply to the agricultural land and will override any law to the contrary.

In my long experience, I have found that wills and gift deeds are often the instruments to disinherit daughters whether in the Hindu Undivided Families or self-acquired property. There should be a clause that ensures that female members of the family are not deprived of their equal rights.

I feel that this Bill is a necessary step towards attaining gender justice and to undo the subjugation of women within the existing legislation.

I, therefore, am supporting the Bill on behalf of my Party, The CPI(M).

[Translation]

SHRI SHAILENDRA KUMAR (Chall): Mr. Deputy Speaker, Sir, I am thankful to you for giving me an opportunity to speak on the Hindu Succession (Amendment) Bill, 2005. Before starting my speech, I would like to submit that I am uncertain whether to support or oppose this Bill, however, when the Bill has been unanimously passed by the Rajya Sabha, I am sure that

it will also be passed by the Lok Sabha. The Bill to provide coparcenary right to women in ancestral property has been moved in the House. The hon'ble Minister has moved the Bill to amend the Hindu Succession Act, 1956.

As far as the said Bill is concerned, the various States have different laws in this regard. For example, in Uttar Pradesh, Haryana and Punjab only sons have right in the agricultural land. The women have no share in that land. Similarly, there are different laws in Tamil Nadu and other States. However, I would not like to go into detail in this regard. I would like to submit to the hon'ble Minister that whether it is matter of reservation of women in Lok Sabha and the State Assemblies or the crime against women or Hindu Succession Bill, to me it seems that UPA Government is playing women's plank as vote bank politics. Sometimes, I feel quite apprehensive about the intent of such Bills. When we actually go to the society, we find that the situation there is quite different. The House may unanimously pass this Bill, however, when it comes to the division of property in rural or urban areas, there is serious dispute particularly in rural areas, be it for agricultural land or the houses, and sometimes the dispute becomes so acrimonious that it takes a violent form. Son kills his father and one brother kills the other. Such types of anomalies are prevalent in our society. The wrong practices and social evils are also prevalent in society. Whether it is law against Sati Pratha System, Dowry System or Widow Marriage and Child Marriage, we have formulated many laws, however, today the need of the hour is to ponder as to how can we make the laws more effective. I had submitted in the House earlier also that today the need of the hour is to educate the women who are our daughter-in-laws, daughters and sisters. The education to women should be made mandatory and they should be made self-reliant. Once employment is provided to them, there will be no relevance of such Bills and our women will become self-dependent and strong same day and will be able to support themselves. Regarding the Bill, there is a perception in society that once a girl is married and goes to her in-laws house, she becomes the part of that family and becomes the daughter-in-law of that family and there she enjoys full right. Woman gets property right after the death of her husband and then she transfers movable and immovable properties to her son. There are several apprehensions regarding the Bill

that it may lead to the division and fragmentation of the families and disputes in the family, especially between brothers and sisters, father and sons and between brothers. I would like to submit in this regard that if this act is formulated, such right should be given to only unmarried women because if such right is given to the married women there will be several complications. I have submitted earlier also that there is saying in the society that once the daughter is married, she becomes the daughter-in-law in her in-laws family. Keeping in view all such apprehensions regarding the Bill, it should be ensured that no such anomaly may arise and disturb the fabrics of the families.

The Government have moved Bill regarding the domestic violence. It clearly indicates that we are heading towards the western culture. We have seen that the marriages have no relevance in the west. It starts with affairs and is finished once the children are born. Then parents desert their offsprings and they become orphans.

So, there is need to create social awareness through such Bills and then it should be implemented after removing such social evils and anomalies prevalent in the society. I feel that such Bill will be more fruitful if it is moved in the House with great understandings and after creating awareness in the society.

With these words, I conclude.

SHRI RAJARAM PAL (Bilhaur): Mr. Deputy Speaker, Sir, I am thankful to you for giving me an opportunity to speak in support of the Hindu Succession (Amendment) Bill, 2005. The hon'ble Minister has moved this Bill with the purpose to amend the Hindu Succession Act 1956. As per the existing Act, the women already enjoy property right in urban land and house but they have no such right in the agricultural land. India is an agricultural country and witnessing an exponential growth in its population. The size of the land holdings are getting smaller and the holdings have become so small due to the division of the land among the tillers that now it has become difficult even to plough it properly. In this situation will we not further decrease the size of the land holdings by way of providing such property right to the women in agricultural land as well?

As far the question of empowerment of women is concerned, they can not be empowered by way of moving any Bill. As far the right of the women in the ancestral property is concerned, India is a country where sentiment holds prominence and the history is witness to the relationship between the sisters and brothers. Few days back 'Rakshabandhan' festival was celebrated. In this festival, sisters tie sacred thread to their brothers and the brothers take vow to protect them. Lest the Bill may create bitter chasm between brother and sister over the distribution of ancestral property, the opinion of the society about the complications arising out of the Bill should be sought before passing the Bill.

India is a country of villages and it is matter of fact that the people of various religion live here. The uniform civil code should be applied for all as apart from Uttar Pradesh, Haryana and Punjab, the women in north eastern States already enjoy the full right on the ancestral property while the men do not have such rights. So, the meeting of the Chief Ministers of the various states should be held to seek their opinion on this issue before moving this Bill. As far the giving of property right to daughters is concerned, it is not a new thing. A man who does not have son and wanted to give his property to his daughter, had right to give it to his daughter without this Bill. I am apprehensive about the Bill because I feel that the formulation of such law will certainly create acrimony among brothers and sisters over the distribution of property in family. So there is need to think over such possibilities.

Mr. Deputy-Speaker, Sir, there is a need to amend the provision contained in the Bill regarding the adopted son. The system that was already there in the Act is required to be made more simple. I would like to submit that this Bill must not face the same fate and remain locked in paper like the Right to Equality or the Women Reservation Bill. The present Bill is required to be implemented properly on the ground. Even after the lapse of 58 years of independence of the country, the State Governments and the Central Government do not appear to act honestly to implement the provisions of the Acts.

Mr. Deputy-Speaker, Sir, while supporting the Bill, I would certainly like to submit that there is need to

[Shri Rajaram Pal]

make consensus among the various sections and religious groups of the country before passing the said Bill.

[English]

SHRIMATI M.S.K. BHAVANI RAJENTHIRAN
(Ramanathapuram): Thank you hon. Deputy-Speaker, Sir.

"Aduppoodum pengalukku padippedarku,
Pattangal aalvadum sattangal seivadam,
Paarinil inge nadatha vandhom,
Ettum ariviniil aanukku pen,
Ilaippillai kaan endru kummiyadi."

MR. DEPUTY-SPEAKER: You are speaking in Tamil. You have not given the notice prior to speaking.

SHRIMATI M.S.K. BHAVANI RAJENTHIRAN: Sir, I will translate it in English.

These are the words from Mahakavi Bharathi's poem. That is a Tamil saying. It means that once there was a custom that the women who did all household and domestic works were not permitted to be educated. They were treated as slaves in the society. Great poet like Mahakavi Bharathi, who wrote many poems to create enthusiasm among the people in freedom movement, also gave voice for the freedom of women from their slavery stage. After that only, women were given respect and they were educated and now we feel proud to say that we can see no field without women experts. Our former Prime Minister Shrimati Indira Gandhi, former Prime Minister of United Kingdom, Mrs. Thatcher, hon. Madam Soniaji, IPS Officer, Kiran Bedi and Space Scientist Kalpana Chawla and like that the list is endless now. At this stage, giving equal share in property is necessary and hats off to the UPA Government. Only the Government under the leadership of Madam Soniaji can have this type of an achievement. Earlier the Hindu Succession Act came into force in 1925. This Act was amended 26 times. Then this Act was brought in 1956. Before that, only the customary laws were followed among the Hindus and no shares were allowed to Hindu women in ancestral properties. In 1929, the founder of our great Dravidian Movement Thanthai E. V. R.

Periyar in a meeting convened at Chengalpattu in Tamil Nadu declared that the ladies should be given equal share in property.

After that our hon. beloved Dr. Kalam in 1990 brought in this Act by giving equal share in properties to women, and the people of Tamil Nadu are happily following that Act. After that, the Act was enacted in many States. Having known the ability and sacrificing nature of ladies, Madam Soniaji has brought in amendments, and we are surely going to pass this Bill in the hon. House. No doubt, I hope, we are going to get 50 per cent property. At the same time, we ask for 33 per cent and not 50 per cent reservation in State Legislatures. Our hon. Dr. Kalam also insists upon this, and I hope, the hon. House pass the Women's Reservation Bill by giving 33 per cent reservation to women. This will surely help the womenfolk in doing all the social works.

Our hon. Dr. Kalam is very particular about bringing in a Bill on Self-Respect Marriages. The self-respect marriages are of simple type without mantras, and all unnecessary expenses are avoided in this type of marriages. It will surely help the poor families. It will also help the womenfolk to escape from the evil of dowry system.

By giving equal share in property to women will surely help the womenfolk from the evil of dowry and all that. So, on behalf of our DMK Party, we support this Bill. I am sure the hon. House will also pass the Women's Reservation Bill by giving 33 per cent reservation to women....(Interruptions)

MR. DEPUTY-SPEAKER: Please conclude.

SHRIMATI M.S.K. BHAVANI RAJENTHIRAN: If we respect women, then we should bring in all the Amendments in the Bill in the hon. House. I, once again, on behalf of our Party, support this Bill.

SHRI B. MAHTAB (Cuttack): Thank you, Sir, for allowing me to participate in this Bill which has been put forth by the hon. Minister for Law and Justice. The amendment in the Hindu Succession Act, 1956 relates basically to three aspects. The first is, by birth, the daughter becomes the coparcener in her own right in the same manner as a son. The second is, she will

have the same right in the coparcenary property as she would have had if she had been a son, and thirdly be subject to the same liability in respect of the said coparcenary property as that of a son. All these devolution of interest in a Joint Hindu Family is governed by Mitakshara law. The hon. Minister has come out with a statement—we have been told that he is withdrawing Section 4 (2), Section 23, Section 24—and he has mentioned that Section 6 is also being amended.

At the outset, I would like to categorically mention that the Government's intent of amending the Hindu Succession Act, 1956 towards gender equality is heartening but the proposed amendments are inadequate. I would like to come to the reasons thereto. The Hindu Succession Amendment Bill, 2005, if enacted, will leave untouched a major source of inequality, that is, right in agricultural land. Secondly, while enhancing a daughter's share in a man's joint family property, it will reduce the share of other Class-I heirs such as his widow and mother. Thirdly, it will also leave intact the man's right to will away his share and disinherit female heirs. Therefore, I would say that this is a lost opportunity for comprehensive amendment.

For gender equality, as has been told, we need to bring agriculture land on par with other property, abolish joint family property and partially restrict testation. These are the three suggestions which I would like to make.

Sir, of course, the hon. Minister has mentioned about the amendment to Section 4 (2) of the Hindu Succession Act, 1956. But I would say that by removing this clause, it does not automatically give a right over the agriculture land to the womenfolk of this country. The unamended Hindu Succession Act, 1956 contains two explicit sources of gender inequality and one implicit one. The first one is, Section 4 (2) exempts significant interest in agriculture land. It leaves untouched the provisions of tenural laws concerning the fixation of inheritance, fragmentation of agricultural holdings or devolution of tenancy rights in such holdings, which means interests in tenancy land devolving according to the order of devolution specified in the tenural laws. I hope I am clear because I am referring to the Northern States of this country where the tenural law still exists. The tenural law varies from State to State. In the

Southern and most of the Central and Eastern States, these laws are silent on devolution. So, inheritance can be assumed to follow Hindu Succession Act. In a few States, the tenural law specified with the Hindu Succession Act or the Personal law will apply. But in North-Western States of Haryana, Punjab, Himachal Pradesh, Delhi, Uttar Pradesh and even Jammu and Kashmir, the tenural laws do specify the order of devolution and these are high gender unequal. Here, the primacy is given as in the ancient Mitakshara system of male lineal descendents in the male line of descent and women come very low in the order of heirs and also a woman gets only a limited estate and loses the land if she remarries, which, of course, the hon. Minister has amended in this Bill. But the other clause is still there that she has to till the land. If the land remains fallow for at least one or two years, she forfeits her right over that land. So, this amendment is not there. I would request the hon. Minister to consider this. In Uttar Pradesh, especially and also in Delhi, 'tenant' is defined so broadly that this unequal order of devolution covers all agricultural land.

Sir, I now come to the second point. Females have a right to smaller property shares than males. Under the Hindu Succession Act, the separate property of a Hindu male dying intestate devolves equally on his sons, daughters, widow and mothers. If previously governed under the *Dayabhaga* system, this rule also applies to ancestral property. But if previously governed by Mitakshara system, the concept of joint family or property is retained. Though sons, daughters, widow and mothers are entitled to equal shares, the son, a coparcener has a direct right to an independent share in the joint family property in addition to the shares in the father's property and female heirs have a right only in the deceased man's notional portion. The son can demand partition under the Mitakshara coparcener right while the daughter cannot do that.

Here the coparcenary property is the ancestral property of the family that currently devolves on the son in case of death of the father. Now the daughter, with this amendment, becomes a coparcener and at the same time, she can also demand for partition.

In India, we have a very peculiar system. We have

[Shri B. Mahtab]

a number of different succession laws. The Hindu Succession Act, which came into force in 1956, evolved a large number of other inheritance laws, other succession laws, like Marriage Act. But at that point of time, the Hindu Succession Act was thought to be the best law of the land. But we are again discussing it after 49 years of development, after 49 years of empowerment of women, empowerment of the large section of the weaker sections of the society. Even to get that part for the girl child or for the female, the notional share, women have to await the partition earlier. Now that will be amended according to this Bill.

Since, the Hindu Succession Act of 1956 was passed, five States have already amended the law, which the hon. Minister has just mentioned. Here, I am reminded of the year 1975 in Kerala, where the amendment has come to the greatest interest of the womenfolk. Of course, Andhra Pradesh was the first State, later on in 1986, it has amended the law. Karnataka, Maharashtra, Tamil Nadu and Andhra Pradesh have included daughters as coparceners in joint family property. While Kerala has abolished joint family property altogether, but no State has amended the provisions on agricultural land.

This Bill, which is under consideration today in this House, follows the route of the Maharashtra amendment. It does not address the Hindu Succession Act gender inequalities. First, it does not redress inequality in agricultural land, the most important form of rural property. Second, this Bill favours some women than others. Though the amendment will increase the share of daughters who are unmarried, when the amendments come into effect and in the long run increase the shares of the daughters and it will give daughters direct right in some property, which the father cannot will away, it will decrease the shares of other Class I female heirs, such as man's widow and other mother, since, coparcenary deceased male from whom they inherit will decline.

In other words, while the amendment will reduce inequalities between sons and daughters, it will increase inequality between daughters and other women who stay in that house. In a sense, the proposed amendments are flawed, to my opinion, and more egalitarian step would be to abolish joint family property altogether, as it has been done in Kerala.

Third is that the Bill retains unrestricted rights to testation. This should be restricted to half or two-thirds of the property as is found in some jural system in our country and also in Europe and that would be a step in the right direction.

The Bill is based, of course, on the recommendations of the Law Commission. The 174th Report of 2000 reproduces its shortcomings. As coparcenary property is the ancestral property of the family that currently devolves on son in case of death of the father, now the daughter is being given an entry into the coparcenary of a family. This means, the daughter will be counted among those members who are entitled to seek partition and get equal share in the ancestral property.

Where would it lead to? Will it lead to more number of litigation? She may become the *karta* of the family, after this amendment is passed. She can become a *karta* of the family as a son is, but at the same time, the apprehension is more number of litigation may follow, more frictions in the Joint Hindu Family may occur. These would be trivial in nature. Though many menfolk are apprehending, I would consider that this would be trivial in nature, when we consider the amount of female foeticide that would take place, taking advantage of all modern equipment, instruments that are available in all nooks and corners of this country about the determination of sex.

Now, no law can restrict the society unless it rises up to protect the female foetus and this reminds me when we talk of the scriptures, when we talk of old law that is prevalent not only in this country, but in different parts of the world. Manu had no daughters, nor Shri Rama, nor Shri Krishna. Kauravas had only one sister, Pandavas had none. Jesus was the only son of Joseph and Mary. Most of the scriptures have been written by male members. This society, this human race has been male dominated for last many thousand years.

Changes are taking place in a very slow pace, but at the same when changes are taking place, especially when you are talking of the 21st Century, changes should take place at a rapid pace. My apprehension is that this Bill may create a situation as I had said, which will encourage female foeticide in large number. This Bill, once come into force, will make a daughter even

the *karta* of the family, which I have also mentioned. Major impact of this move will be felt in the northern part of this country because repeated Census figures have demonstrated how the number of girl child is coming down in different parts of Northern India.

I would also like to draw the attention of the Government whether they have sensitised the State about this aspect. What major changes are required not necessarily in the law, but also to sensitise them, to educate the society at large so that the female foetus is protected?

I would come to my last aspect. The Hindu Succession Act of 1956 is largely, as the hon. Minister said, a reflection of the British law.

14.00 hrs.

It was invoked at that time. Now the time has changed. Keeping pace with the time, our law should be changed, so also the society. When we are thinking of making a progressive law, and empowerment of women is the call of the day, call of the hour, we should take all precautions to avoid all types of fallout which would endanger the society in general and women folk in particular.

As we all know, Articles 14 and 15 of our Constitution guarantee equality before law, as has been mentioned by the hon. Minister. I would conclude by saying that it was Shri N.T. Ramarao who, in his wisdom, during his tenure in 1986, promulgated this Act. He was the first Chief Minister of Andhra Pradesh who promulgated this Act. It was Shri K. Karunanidhi, who was the second Chief Minister, who gave equal rights to the girl child. It was effected in 1990. Subsequently, of course, Karnataka and Maharashtra also enacted that law. Kerala had it earlier. Thus, I would again say that we should not make it a lost opportunity. There are certain little amendments which need to be done. I would request the hon. Minister to make the present amendment flawless. I would urge the Government to abolish the joint family property as it has been done in Kerala in 1975. With these words, I conclude.

SHRI KINJARAPU YERRANNAIDU (Srikakulam): Mr. Deputy-Speaker, Sir, I rise to support the Hindu Succession (Amendment) Bill, 2005. I am very happy

today because the law was enacted in Andhra Pradesh by late Shri N.T. Ramarao, the founder president of Telugu Desam, and the former Chief Minister of Andhra Pradesh. I was also a Member of Legislative Assembly at that time. Today, I feel very happy that it will apply to the whole country. So, I would like to appreciate the hon. Law Minister for introducing this Amendment Bill to the Hindu Succession Act, 1956.

Articles 14 and 15 of our Constitution guarantee equality before law and gender equality. The United Nation's Assembly on 18th December, 1979 clearly mandated that the State shall accord to women equality with men before law in all civil matters. Universal Declaration of Human Rights also guarantees substantial equal justice to women....(Interruptions)

SHRI VARKALA RADHAKRISHNAN (Chirayinkil): I do not take up your credit, but it is a fact that the joint family system was totally abolished in Kerala in 1975, four years before N.T. Ramarao legislated it. I took part in that discussion....(Interruptions)

MR. DEPUTY-SPEAKER: Shri Radhakrishnan, when your turn will come, you can say whatever you like. Please do not interrupt.

SHRI KINJARAPU YERRANNAIDU: The Kerala Government abolished the joint family system and everything. We enacted it. Nobody had thought at that time. So, we have to appreciate Shri N.T. Ramarao not only for bringing the amendment of the Hindu Succession Act but also for introducing reservation for women in the local bodies; in the country we have given nine per cent reservation to women before the 73rd and 74th Constitutional Amendment. Shri N.T. Ramarao introduced reservation for women in local bodies. Then the former Chief Minister, and the former Prime Minister, Shri H.D. Devegowda, introduced it in Karnataka. We have to appreciate it. We have started family courts, women police stations, and separate *mahila* universities for women. I think, its implementation is most important. We amended the Hindu Succession Act, 1956 in the year 1986 in Andhra Pradesh, in the year 1990 in Tamil Nadu, and in the year 1994 in Karnataka and Maharashtra. What is the implementation in these States? Wherever the Act has been implemented, women are very happy there. If it has not been implemented in some States, then what

[Shri Kinjarapu Yerrannaidu]

are the reasons behind it, and why have they not been able to implement it?

We have to give good education to all women. Suppose we are able to give 100 per cent literacy to women, then they can fight for their rights. This legislation is a progressive legislation. Once full education is given to women, then they can demand their rights through this legislation. We have to appreciate it. There is a point, what will happen tomorrow if there is any discrepancy in the Joint Hindu family. I do not agree with all these things. It is a progressive legislation. If there is any deficiency or any shortfall, we have to amend the Hindu Succession Act in future.

In this scenario, I would like to inform the hon. Minister, through you, Sir, that the implementation part is the most important part. Further, the Government of India should take necessary steps to provide hundred per cent literacy to the womenfolk in this country. Then only, they will become knowledgeable and then only they will be able to fight for their rights. In Andhra Pradesh we have done it. We have given free education up to post-graduation level. We are not mere spectators after amending the Hindu Succession Act in the year 1986. We have given a lot of facilities to women, like 100 per cent literacy. Like that we have given priority to women. So, the Government of India should also take similar steps to provide good education to all the women in the country.

DR. THOKCHOM MEINYA (Inner Manipur): Mr. Deputy-Speaker, Sir, I rise to support the Hindu Succession (Amendment) Bill, 2005, as passed by Rajya Sabha on the 16th August, 2005. May I now join my other hon. Members of the Treasury benches to express my respectful sense of gratitude to the hon. Minister of Law and Justice for having come out with such an admirable piece of legislation in the form of the present amendment? We all do understand that this is possible under the able leadership of the hon. Chairperson of the United Progressive Alliance and the hon. Prime Minister.

At the very outset, I would like to place on record the fact that this amendment has been a sincere desire

of both the races of the mankind on this planet, Earth, that is, men and women. To me, as a student of Mathematics, and also Astronomy and Astrophysics, the planet, Earth is just a point in the Universe and there are only two races in the Universe of the mankind dwelling on this planet, that is, men and women. There is absolutely no denying the fact that both men and women should have equal rights and responsibilities in every respect. One cannot go without the other. Very interestingly, this happens to be the rule of law.

Sir, the current Bill proposes to effect the omission of sub-section (2) of Section 4, and complete omission of Sections 23 and 24 of the Hindu Succession Act, 1956, and the substitution of Section 6 of the Act by the proposed amendment in the current Bill along with amendments in the Schedule to the Act under the sub-heading 'Clause 1' are very well welcomed by all sections of people in the country.

Sir, I would very respectfully state that this is the gain rather the fruit of a democratic country where the will and wisdom of the people reign supreme. Please remember those old days when we had to face the menace of *Sati* and many other unwanted excesses on women. Today, we are very proud to tell the world, "Please look here. Here is a land where women of the like Rani Jhansi, Rani Padmini, Sarojini Naidu, Shrimati Indira Gandhi and Mother Teresa, to mention a few, lived, and of course, Madam Soniaji is leading the nation from the front."

Sir, with the National Common Minimum Programme of the United Progressive Alliance being implemented in the right earnest, days are not very far when our mothers and sisters will have the same status, in every sense of the term, as our fathers and brothers, and for that matter, all of us will have the same status in terms of rights and responsibilities.

Lastly, I propose to thank you for allowing me to participate in the discussion for consideration and passing of this Bill, and I wholeheartedly support the Hindu Succession (Amendment) Bill, 2005 as passed by the Rajya Sabha.

[Translation]

SHRI KISHAN SINGH SANGWAN (Sonapat): Mr.

Deputy-Speaker, Sir, like other hon'ble Members who expressed their views on the Hindu Succession Bill, my party also support this Bill.

14.11 hrs.

[SHRI VARKALA RADHAKRISHNAN *in the Chair*]

Shri Bhardwajji who hails from my state is very efficient Minister and also belongs to a joint Hindu family, so he is aware of the ground reality of the joint family. So, I would not like to say much in this regard. The Hindu Act of 1925 was replaced by the Hindu Succession Act 1956. After 1956, the said Act is going to be amended in 2005. In between some minor amendments were made. There is no division in opinion that the women should be given educational, social, political and economic rights as they deserve to be treated at par with men. However, in the name of formulation of laws to empower the women, the vote politics is being done. It is a hard fact that when the said act was passed in 1956, the property right should have been given to the daughters, widows, however, lakhs of litigation cases regarding the division of property are pending in the courts for fifty years. It was on account of the formulation of the laws that there were frictions and litigations among sisters and brothers in joint family that led to the fragmentation in family structure. Some families, who were bound by the social tradition, the sisters voluntarily gave their share of land to their brothers however, when some women after marriage came to claim their share of land at the insistence of their greedy husbands, tussle started that led to litigation in the courts. I would like to submit to Shri Bhardwajji that it is rarest of the rare case where any woman would have gone to their paternal village to till their share of land. She lives in her husband's house and take care of her children and does not go to her paternal village and do cultivation like her brother. The result is that her brother's themselves purchase her land and give her the cost of the land. The woman does not get anything out of that amount as her husband takes everything. In fact, after 1956, the social friction started and now women enjoy property right since her birth itself. It is good thing. I do not oppose it. They should get such right. However, there is need to look into the ground reality as well. The impact of the Mitakshra

system which is in Practice in Hindu family will be visible all over the country except three four states. Except west Bengal, Assam and Orissa this law will be implemented in almost all parts of the country. We are formulating laws for the betterment and emancipation of women for hundreds of years. We are formulated laws to impose ban on Sati Pratha. Similarly we have also made laws regarding the widow marriage, child marriage and anti-dowry laws. Thus several laws have been formulated for the empowerment of women. However, all these laws have almost become obsolete and are not effective. Unless there is awareness among people and the laws are implemented in letter and spirit, no one will get justice or rights from the mere formulation of the laws by the Government. The laws become effective only when people are aware and them and find acceptance. Otherwise, the entire social structure would be disturbed. I have apprehension that the law which are being formulated will draw strong reaction from the society and will lead to friction and litigation in the family and it is certain that its adverse consequences will also come before us. I would like to submit to hon'ble Bhardwajji that I agree with the Bill and the entire nation agree with him, however, I would like to submit that if any law is formulated that disturbs our social structure, then it will not be effective and its adverse consequences will come before us. So, all these aspects should be taken into consideration before passing the Bill.

Mr. Chairman, Sir, I would like to bring it to your notice that the Hindu Code Bill and the Hindu Law have been amended several times. Are there not Muslim women? Are there not Christian women? Why is not anything done for them? Why is it done for only Hindu women. I would like to request hon'ble Bhardwajji to give clarification regarding all these things which are being done. Whether this law is going to benefit to our women so long the provision of will of the properties exist? As per the Hindu Succession Act, the people have right to make will of their property. The moment it is disclosed, people will start making their will in favour of their sons and wives and eventually daughters will be deprived of their right. Only in Muslim families they have right to make will for only one third of the property and not for the entire property. But the Muslim women already do not have any property right. We should ponder over all these things.

[Shri Kishan Singh Sangwan]

I would like to say that in our Hindu Society, right to succession belongs to the children born out of marriage recognised under the law but he will does not cover the children born out of wedlock not covered under the confuses of law. There is no clarification in regard to adopted children. No clarification has been made in regard to widows. The legal children are considered to be legal heirs of man and whereas illegal children are that of woman. They have right to property from their mother. Illegitimate son and daughters have got right to get compensation only from father, not right to property. We want clarification in this regard. What will happen to step-children? No mention has been made in this regard. Whether legislation would be enacted in regard to adopted children? At ground level, common families face this kind of problem, the clarification in this regard should be made. As I have mentioned about will, now such legislation would be passed because social structure is not such....*(Interruptions)*

SHRI H.R. BHARDWAJ: Mr. Chairman, Sir, I would like to tell the hon'ble Member that a person can make will of only self-earned property, but no will is made of coparcenary property. These two are different issues. Nobody else is entitled to claim the self-earned property without the will of owner. We have left it on the owner to whom he wants to give his property in old age. The hon. Members should not remain in confusion unnecessarily in this regard. This Bill has been presented to remove gender bias and effort has been made to give equal share of property to son and daughters and nothing else. And beyond that, Will and Adoption has nothing to do with this Bill. It should be seen that parents may not discriminate between son and daughter. He shall consider that only. Adoption has nothing to do with it.

SHRI KISHAN SINGH SANGWAN: I am talking about that only. The provision in regard to residential house and provision was made in Succession Act of 1956, but it has not been mentioned in this amendment. There are many shortcomings in regard to coparcenary property; I want clarification in this regard.

SHRI H.R. BHARDWAJ: Both land and properties are included in it.

SHRI KISHAN SINGH SANGWAN: I am demanding clarification in this regard only. This Succession Law has been amended many times—sometimes to give property right to daughter in father's property, sometimes to give property right to wife in husband's property and sometimes to give property right to mother in son's property. But if it is amended after reaching a consensus, it will become a mental frame of the society. In 1956, this legislation was enacted, but till today disputes are going on. Now, the legislation which you are going to pass would run for centuries and along with it disputes related to it will also go on. The dispute in families, among brothers and sisters will take place. Therefore, I would like to say that a legislation should be passed at once after taking everybody's consent, so that our social structure may not get disturbed daily. These days' legislations are enacted to take political mileage, as was the case in regard to the legislation which was enacted with a view to garner Muslim votes in Shah Bano case. The result of it is before you. Till today, the Muslim women are deprived of their rights.

I would like to make one more submission about the dowry. I agree that the practice of dowry could be checked up to some extent after bringing this Bill, but the most serious issue is female foeticide and the entire country is worried about it. Today, the sex ratio is declining. The enactment of this law would further add to the adverse sex ratio because of our inherent bias. Presently, it is not hard to identify the sex of foetus and it will further increase the practice of female foeticide. I warn you. Keeping all these issues in mind, you should enact this law, the entire country is with you.

SHRI BRAJESH PATHAK (Unnao): Sir, I am on point of order. At this time, a discussion on important subject is being held in the house, but the House is lacking quorum. I am raising a question of quorum. First, quorum of the House should be completed, then discussion should be held because this is an important Bill. It is not appropriate to pass this Bill in this way. ...*(Interruptions)*

Sir, I am raising the question of quorum, at this time. There is no quorum in the House. You can see it, you may get counting done. The House is lacking quorum....*(Interruptions)*

MR. CHAIRMAN: Now, let the quorum bell be rung.

...(Interruptions)*

MR. CHAIRMAN: I would make one point perfectly clear. When the quorum bell is being rung, there should be no voice, no discussion and no opinion. Till the matter is decided, nobody can speak anything. Nobody is entitled to talk anything. Now, the quorum bell is on.

...(Interruptions)

MR. CHAIRMAN: Nothing will go on record.

(Interruptions)*...

MR. CHAIRMAN: Now there is a quorum in the House. Shri Bhuvaneshwar Prasad Mehta to speak.

[Translation]

SHRI BHUVANESHWAR PRASAD MEHTA (Hazaribagh): Mr. Chairman, Sir, I congratulate Hon. Minister of Law, Shri Bhardwajji for presenting Hindu Succession (Amendment) Bill, 2005. Alongwith it, I support this Bill on behalf of my party, CPI. This Bill is a commendable step towards Women empowerment. As our Constitution has given equal rights to men and women, therefore both of them should get equal rights; this Bill is an effort in this direction.

Some days back, we have passed a Bill to check domestic violence in regard to women. Before that many Bills related to women have been passed, like Dowry Prohibition Bill, a Bill to check child marriage. But all these Bills have not been implemented in letter and spirit. In spite of enactment of Dowry Prohibition Act, every now and then we get to read about dowry deaths in the newspapers. There might not be a single day in which news about dowry death is not published in the newspaper. According to me, the Bill presented by the Government will help in checking the dowry deaths and women will get their right. In section 42 of the Bill presented by the Government it has been said that the women will get property rights. I would like to tell the Minister of Law that women should also get their share in agricultural land, because if they are deprived of it, it would be injustice.

In spite of continuous efforts of the former NDA government and current UPA Government, which is also supported by our Left Parties, the Bill regarding giving 33 per cent reservation to women in Lok Sabha and Vidhan Sabha has not been presented and passed. The consensus in this regard has not been reached, due to which the Bill is not presented in the House. I would like to submit to the Government if it really wants to empower the women, then it should present the pending Bill in regard to giving 33 per cent reservation to the women in Parliament at the earliest and get it passed. It will provide appropriate representation to women in Lok Sabha and Rajya Sabha and they will get their right. They constitute 50 per cent of total population of the country. Therefore, the Government should bring Women Reservation Bill as early as possible after removing all hurdles in its way.

Some hon'ble Members have expressed their views in regard to coparcenary property. According to some Members, it will lead to disputes. According to me, this is not a plausible argument. If you want to bring women on equal platform, then this right has to be given to them. Therefore, this Bill has been presented, but this Bill should be implemented in letter and spirit. My suggestion in this regard is that after prorogation of this Session, the Government should conduct a seminar of Chief Ministers of all the States and should take necessary action to implement this legislation in letter and spirit. While supporting this Bill on my and my parties' behalf, conclude my speech.

[English]

SHRIMATI C.S. SUJATHA (Mavelikara): Mr. Chairman, Sir, I welcome this Bill. It proposes to do away with some of the blackened inequalities in the present Hindu Succession Act. Even then, it does not deal comprehensively with other unjust and discriminatory provisions of the Hindu Succession Act against women. In this connection, All India Democratic Women's Association, the organisation which I represent, along with other women's organisations has already presented a joint-memorandum to the Law Minister urging abolition of the Joint Hindu Family, bringing about equal inheritance laws on agricultural lands and some other changes in the existing Hindu Succession Act.

[Shrimati C.S. Sujatha]

One important lacuna is that the Hindu Succession Act granting women equal right in property does not apply to agricultural land. At present, large areas of agricultural land are outside the purview of the Hindu Succession Act. Sir, you are aware that section 4 (2) of the Hindu Succession Act allows for special State laws to address the issue of fragmentation of agricultural holdings, fixation of ceiling and devolution of tenancy rights in these holdings, with the result that State laws on these issues can overrule any provisions of the Hindu Succession Act. In States like Delhi, U.P., Haryana, Punjab and Kashmir, the relevant laws deny women equal rights of succession to tenancy rights. As you know, in many instances, tenancy rights amount to ownership rights. Courts have upheld the State Land Reforms Act relating to evolution of tenancy rights, even though these do not allow women to inherit these rights. Thus, even laws meant for land reforms have resulted in denying women equal rights over land and a chance to improve her subordinate status.

I, therefore, demand that an amendment should be included which states clearly that the Hindu Succession Act granting women equal rights in property will apply to agricultural land and will override any laws to the contrary. My amendment is related to this point. I hope that the overwhelming demand of the women's organisations of this country will be taken note of by the Government and also the hon. Minister.

There is another lacuna. Section 15 of the Hindu Succession Act, which specifies how the property of a female Hindu will devolve, also contains certain discriminatory provisions. It states that in the absence of primary heirs, the property of a female Hindu will go to her husband's heirs, and only if these heirs are not there, then the property will devolve upon her mother and father. However, in the absence of the mother and father, the property will again devolve upon the heirs of the father, and only if there are no heirs of the father will the property devolve upon the heirs of the mother. This order of devolution is not just and equitable.

I urge upon the Government to take note of this deficiency in the Act and take appropriate measures to rectify this point also.

With these words, I conclude.

PROF. M. RAMADASS (Pondicherry): Hon. Chairman, Sir, I am extremely delighted to participate in the discussion on the Hindu Succession (Amendment) Bill, 2005. My party, PMK, which believes in the empowerment and economic development of women, wholeheartedly supports this Bill. Our founder President has always been giving a clarion call that women, who form the bulwark of the society and form half of the population, should have equal rights, equal share, equal justice, equal pay and equality in all spheres. This Bill tries to achieve the equality of women with men.

The UPA Government is adding one more feather to its cap in the history of social legislation by passing this amendment Bill. In the past one week, the UPA Government has passed the Prevention of Domestic Violence against Women Bill and only on Thursday we have passed a historic and profound legislation, namely, the National Rural Employment Guarantee Bill. Now, we are also seriously debating over the Reservation for Women Bill. Therefore, this Government is making milestones in the history of the country, especially, in the area of social legislation that has been given a go-by in the past. In that respect, my Party and I feel that this Bill, although cosmetic in nature, provides a way for the betterment of women. No society, whether it is developed or developing, can claim to be a civilised society or a developed society unless half of its women population develops. If there is any sign of discrimination or if there is any sign of weakness against women, then we cannot claim to be a civilised society or a developed society.

The Hindu Succession Act of 1956 contains a number of discriminative provisions. Therefore, the UPA partners before formulating the Common Minimum Programme (CMP) said that: "If we want to work for the betterment of this country, then we must be able to remove all the discriminative legislations that are existing in the Statute Book of the country. This is rightly finding an expression in the CMP, which says:

"Complete legal equality for women in all spheres will be made a practical reality, especially, by removing discriminatory legislations and by enacting new legislations that gives women, for instance, equal rights of ownership of assets like house, land, etc."

Therefore, in conformity with this CMP, the hon. Law Minister is today implementing one of the commitments that we have made to this nation. One of the promises that we have made to the women of this country is that we will bring a semblance of equality between son and daughter in the Hindu family by passing this Bill.

This Bill tries to bring two important amendments, namely, to Section 6 and Section 23. Section 6 denies the right to property to the daughter, while it provides a guarantee of property to the son. We cannot ensure the so-called equality as long as this kind of discrimination exists, that is, a favourable treatment to the son and an unfavourable treatment to the daughter. The principle of Indian Constitution, which talks about equality of men and women, cannot be ensured as long as this inequality or as long as this discrimination persists. Let us take the example of a family. A parent bequeaths to a son as well as a daughter. But if you say that the son is entitled to the property and the daughter is not, when both of them are born to the same parent. Does this not constitute discrimination of the worst kind. Can it be allowed? Therefore, Section 6 is now being amended by the Government by inserting Section 2 in the Act, which provides for the right to property for the daughter also.

A question was asked here whether the property will devolve only on the married daughter or on the unmarried daughter also. Another point was raised that this provision should be extended to the married daughter also. I feel that it would be possible to extend this provision to the married women also if it is not going to bring a large number of litigations. But the Hindu society, as we know, cannot tolerate this as we cannot fix the cut-off date for it. If the Government can have a cut-off date, say for example, daughter married before 10 years or from such and such date, then I would be happy that this provision of the right to property is extended to married women also.

SHRI H.R. BHARDWAJ: Actually, we have provided it for married women also. I have moved an amendment in the Rajya Sabha for it, and it has been carried.

PROF. M. RAMADASS: Then it is all right. I am very happy that you have taken note of our view also.

MR. CHAIRMAN: The Standing Committee has also recommended it.

PROF. M. RAMADASS: Section 23 of the Principal Act dealt with 'dwelling houses' in a joint family. Under that Section, women were not entitled for any share in a joint family. Now, it has been done away with by this amendment. This Amendment states that a coparcener's property shall be deemed to have been divided as if a partition had taken place, and the daughter is allotted the same share as is allotted to a son.

By removing these two discriminatory clauses in the Hindu Succession Act, this Bill tries to provide, as I said, a kind of equality between a daughter and a son. At the same time, there are two more provisions which need to have been taken care of by the government. Please look at Section 24. I think, the Standing Committee has also recommended that this Section must be omitted. Now, what does this Section say?

MR. CHAIRMAN: Now, the Government has accepted most of the recommendations of the Standing Committee.

SHRI H.R. BHARDWAJ: That Section has already been omitted.

PROF. M. RAMADASS: If that Section has already been omitted, then it is all right.

MR. CHAIRMAN: The point, Prof. Ramadass, is that there are different systems of inheritance. Mitakshara, Coparcenery, Dayabhaga, Aliyasantana, Marumakkattayam, all these systems are prevalent in India. We want a uniform inheritance law and also gender equality. That is the crux of the matter.

PROF. M. RAMADASS: I endorse your elder statesman view.

The earlier speaker spoke about Section 15 of the Hindu Succession Act, and I would like the hon. Minister to consider that also because there again, we find a kind of discrimination, that is, in the absence of Class I heirs—son, daughter and husband—a female's property will be going to the heirs of the husband and not to her own heirs. If it is her own or acquired property, why should we discriminate between her husband's heirs and

[Prof. M. Ramadass]

her own heirs? There should be some kind of an Act on this.

Amendment of Section 30 brings out a small modification but without a limitation. It says that anybody can bequeath his property at will without a limitation. If this will is exercised, it may lead to some kind of a misuse. Of course, a person can bequeath his own property to anybody to any extent, but as in the case of Muslim Law, if it is possible, a limitation should be put that one-third of it will be given to the heirs. That will solve the problem of inequality in this case also.

14.42 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

I also endorse the views of many other Members on the issue of landed property. As you know, land is the principal factor of production and land gives exclusive social status to women as well as men. If on the ground of fragmentation or on the ground of ceiling on land, this right is denied to women, it would not be possible for women to enjoy these rights. Not only that, now, a large number of women are coming forward to undertake agricultural operations. If a piece of land is not given to them from their ancestral property, then it would deny an opportunity to women to come up in the area of agricultural operations. Therefore, this point must be taken into consideration because the Common Minimum Programme clearly says that women will be entitled to not only houses but also to the land. As long as Section 4(a) of the Hindu Succession Act remains in the Statute Book, it will not provide for the distribution of land, tenancy rights or a piece of land to women to take up their agricultural operations. Therefore, I urge upon the hon. Law Minister to take this also into consideration.

Finally, the solution to many of the problems in the Hindu society today requires the abolition of the Hindu joint family system. Kerala has done it; in our country, Kerala has taken the progressive step in this matter. I think, this issue needs to be examined and considered at the national level. We should be able to pass a legislation to eradicate the evils of the joint family system. That would be an important day for the progressive Hindu society in this country.

While leaving these thoughts for consideration and examination by the Law Minister, our Party fully supports this Bill, although it is cosmetic in character.

SHRI SURESH PRABHAKAR PRABHU (Rajapur):

Sir, for a long time, personal law of any community was considered to be an issue which should not be dabbled in by the State. As a consequence, some sections of the society had to suffer in the hands of those who actually made such rules. Therefore, we have seen for a pretty long time that women have not been getting the right in the parental property on the ground that personal law of a particular community did not allow them to enjoy the benefit of that right.

Hindu religion and Hindu society have got several personal laws. There is the *Mitakshara* school of thought by which people live, there is the *Dayawada* school and there are many other such schools of thought, and each school of thought in each society is governed by its own personal law. This is one step forward in ensuring that despite conforming to different systems, women are going to enjoy an equal right to the property of a particular person who dies intestate. My friend was just now saying that probably we should also bring an amendment to the Hindu Succession Act. However, there is a major difference between the Hindu Succession Act and the personal law. Under the Hindu Succession Act, if a person makes a will before his death, he has a right to dispose of his properties in the manner in which he does it. Of course, if it is ancestral property, he will be governed by what my friend was saying.

There is a very interesting concept in the Hindu law which defines partition as not something which has to be physically carried out. You do not have to say that such and such is my property and such and such is his property; or this particular room belongs to me and this belongs to somebody else. The concept of partition essentially bears the fruits in mind. Even if I think that this is not a Hindu hotchpotch property or common property but this belongs to me, the very thought that this idea comes into my mind is actually recognised as a partition under the Hindu law. The very thought itself gives rise to that. Having got such enlightened ideas into our Personal Law, I think it was probably improper and an aberration not to confer right to property on those

who actually are born in the society only because they are not born of a particular gender, and that they should be discriminated against. Therefore, such noble and laudable ideas should not probably be subjected to such aberrations which are now being created.

I would like to remind the hon. Minister that in India there is a State in the country—it is a part of the Union—called the State of Goa. That State has a very unique system. There are people living in that State who are Muslims, there are people living in that State who are Christians, and there are people living in that State who are Hindus. They may be belonging to any school of thought—*Mitakshara* or *Dayawada* or any other—despite that, division of property takes place according to a common law. I am sure the hon. Minister is aware of this.

SHRI H.R. BHARDWAJ: That is a Portugal legacy.

SHRI SURESH PRABHAKAR PRABHU: That is right. Therefore, I think we should move towards that one State which has taken such a progressive step. We should see that the law which says that women get an inherent right in the property if they were citizens of Goa should be conferred on all the citizens of the country. This is something which should be debated upon. I am sure the hon. Minister, while bringing about the recommendation of the Law Commission as also in bringing uniformity in such application, would make sure and see as to why the others should not follow in this matter the State which is so progressive. I am conscious of the fact that Shri Bhardwaj is a very forward-looking Law Minister despite being born into a very traditional family. So, I am sure that he will certainly look into it, make a break from the past and take a very forward step in ensuring that this really happens.

I would like to just add one final point. This is a general point that always agitates my mind. We think now that we have given enough right to women by making a law here. However, on the ground the reality is totally different. The Minister would know that a law is a statute which is passed by the Parliament but implemented and executed in various courts. However, in the courts, how much time normally a woman would take to get justice? I am sure the hon. Minister would really know. So, I would suggest a reform of the judicial

administration system whereby such laws which are made, the well-intended legislations which are actually put on the Statute Book, will finally reach the target groups and they will get their right.

Therefore, they will really get the right. Otherwise, there are various States which are now saying that if you want to probate will or even if you want to challenge the property, the amount of stamp duty that one has to pay to bequeath it is so exorbitant that I am sure you would also think about bringing about a legislation in such area wherein actually claiming the right in the property should not be subjected to such inhibition which will not allow people to claim the property. Also while doing that, the land records of the State are in such a messy state that probably even to confer right would be very difficult because we will not be able to get the right of the person whose right is actually established. These are relevant points in which major decisions really need to be taken. I hope the hon. Minister would be able to do it.

In the only dwelling place wherein a family resides and if the daughter is already married, what type of right that daughter should get in the dwelling house? Can she demand partition or family has to sell the property? There should be some methodology. We should really be able to develop some methodology whereby the value of that property can be given. Property need not be sold. Otherwise, you are displacing the family which is already living there. It is concerning the persons who are dwelling in that property. This is the issue which should be included in the Bill.

SHRI P.S. GADHAVI (Kutch): Mr. Deputy-Speaker, Sir, thank you very much for giving me an opportunity to express my views on this Bill. First of all, I submit that our Party is going to support this Bill. The only thing is that I do not want to repeat the things which have already been mentioned by the hon. Members. I would like to have some clarifications from the hon. Minister.

By amendment of Section 6 of the Hindu Succession Act, 1956, daughter is going to be coparcenar in her own right. In the same way and in the same manner as the son on the either to before enjoying the rights in succession of coparcenary property. I would only like to

[Shri P.S. Gadhavi]

know from the hon. Minister whether abolition of Section 23 of the Act which disentitles a female heir to ask for partition in respect of a dwelling house wholly occupied by a joint family until the male heirs choose to divide their respective shares therein. If you look into the vastness of our country—different societies and the sizes of the properties also varies from person to person—this Section has been abolished. This is a good thing because daughter or female would get the right. But will it not open the ground for litigation? If the property is small and if the family wants to have a partition of the dwelling house, she can. Now, the daughter, after marriage, as we all know, goes to reside in her husband's family, which may not be in the same village or in the same locality. If she goes there and insists on partition of dwelling house, under pressure or otherwise, will it not open ground for litigation? We do not know many things in this regard. What precautions is the Government going to take in this regard? I think that it would open a Pandora's box for litigation. It is a very good thing that right to a female is given and gender discrimination should not be there. But at the same time, in our country, there are a large number of other societies also—about which various Members have already spoken—as in the case of Muslim. What is this government going to do, as is being envisaged in our Constitution or has been mandated by U.N.O. the Government should come forward in this regard.

I welcome this amendment and support this amendment. But at the same time, I think that credit for this goes to the august House, and not to any particular Party.

MR. DEPUTY-SPEAKER: This Bill belongs to all Parties.

SHRI P.S. GADHAVI (Kutch): So, I welcome this Bill.

[Translation]

SHRI TUFANI SAROJ (Saldpur): Mr. Deputy-Speaker, Sir, I thank you for giving me an opportunity to speak on this important Bill. The social structure of our society, which we call culture of our country, will get damaged after passing of this Bill. The family disputes

will increase. The courts of our country are unable to dispose off cases on time. Cases are lying pending before the various courts for many years. The number of cases in courts will increase after this. After the passing of this Bill, the unbearable relation between brother and sister will become strained. At present sisters wait for Raksha Bandhan to tie rakhi on their brother's wrist. After passing of this Bill, the sisters will wait for court's date, instead of date of raksha bandhan. Therefore, it is very necessary to amend this Bill. This Bill should not be passed in the form, in which it has been presented.

Mr. Deputy-Speaker, Sir, in our society father take loans from all sources and arrange finance to get his daughters married. And people also get ready for marriage. But after passing of this Bill, the grooms will see whether the bride's side is having property or not. If the bride's father is having property and money, then only the groom will get ready for marriage, otherwise not. Earlier fathers used to get their daughters married by his hard-earned money and taking loans from other sources, but after this it will become very difficult to get daughters married. In these circumstances, female foeticide will increase and the society will start neglecting girls. Therefore, I want that this Bill should be amended. The handicapped girls, who could not be married should get share in property. With this, I conclude my statement.

SHRIMATI NEETA PATERIYA (Seoni): Sir, can I speak from this seat?

[English]

MR. DEPUTY-SPEAKER: I have given you the permission to speak from this seat.

[Translation]

SHRIMATI NEETA PATERIYA: Mr. Deputy-Speaker, while supporting the Hindu Succession (Amendment) Bill, 2005, I welcome it. As everybody is aware, the policy decision in this regard was taken by the NDA Government and it is being taken up by the present Government. This Government is going to complete the incomplete work of the NDA Government; therefore, I thank the Government. My party has always stood for the self-dignity, rights and freedom of expression for

women. Since Ancient time, what father says to daughter at the time of her marriage has become the rule. At that day, when discussion on domestic violence was going on in the House, then also I quoted what father says to daughter at the time of her marriage, that now she is departing from her maternal house, therefore her husband's house is her house. As she leaves her maternal house only after her marriage, she should leave her husband's house only after her death. In between so many troubles comes, father says go to your husband's house and husband says go to father's house. In such circumstances where the women, deprived of her rights, should go. She has no other option then to bear violence and lead miserable life. We lead our whole life without any rights.

Mr. Deputy-Speaker, Sir, women are economically weak and in case a woman becomes widow and go to her father's house, he do not give her share in property for leading respectable life and in-laws too kick her out of home, as her husband is dead. In these circumstances where should the women go? Today, the estranged and divorced women face the same situation. Today, the divorced wife does not get shelter at husband's house, because she does not have any share in his property.

15.00 hrs.

She does not own any property. In such circumstances, how she should lead her life, nobody rise in support of her. If any girl does not get married due to any reason, she too faces the same problem, because brothers divide property among themselves, but do not give property share to sister for leading her life. If a woman is handicapped, and there is no one to look after her, then also she leads miserable life.

Mr. Deputy-Speaker, Sir, the right provided to the daughter in the Hindu Succession Act will definitely strengthen their financial position and enhance their respect in the society. There are 50 per cent women in our society who shoulder the responsibility of the entire household. They bear all pains and feed their family even if they themselves do not get two square meals a day; they take care of the family all day and night. The daily routine of each woman begins with the sunrise and when all other family members are fast asleep she goes to bed in the thick of the night after finishing all her

domestic chores. Even then her contribution is questioned, we attach no value to her existence, she is looked down upon as a housewife and all her tasks, her entire day's works, her duties are negated. Today when the woman becomes self-reliant, has rightful share in the property then she will be able to take decisions concerning her life on her own. These days, quarrels brew up very often in the family and the situation becomes very embarrassing for a woman when she is driven out of the house by her husband and she does not even have a shelter where she could go.

I would like to extend my felicitations to the Government again since it would provide protection to the daughters in the society. But as an hon. Member was saying that earlier, sister used to visit their brothers on Rakhi once a year. She was seen off with a gift of saree and everyone used to be content including the brothers that they had fulfilled their responsibility but nobody used to share her tribulations. When she gets a share in the property her future will be safe and she will be able to take her own decisions. Today, we will have to put a firm check on foeticide taking place these days since it reflects an anti-women mindset. It holds no relevance that a father would get his female child killed in the womb only because he will have to give her a share in property. Daughters and sons are equal in the eyes of parents. The daughters were not given a share in the property since they were married away as per the social practice, but today the need of the hour is to give them a share in the property for their security and respect so that they could become self-reliant.

With these words I thank you all and extend my support to this Bill.

[English]

SHRI H.R. BHARDWAJ: Thank you Mr. Deputy-Speaker, Sir. At the outset, I must express my deep gratitude to all the hon. Members for making this debate very meaningful. I have noted down their points. Before I meet their points, I would like to again inform this august House that this is only a beginning in the vast work ahead of us. The basic amendments, which are being sought in this Bill, are that we are removing the gender bias by amending Section 6 and omitting Sections 4(2), 23 and 24 from the statute, that is, the Hindu Succession Act, 1956.

[Shri H.R. Bhardwaj]

Now, what are the implications? Sir, as you know, before the Hindu Code Bill came in late 1950s, Pt. Nehru had a great difficulty in enacting the law because of a set mind of the Hindu society; it was not prepared to accept the changes. But, as a progressive Prime Minister, he stood his ground and enacted the Hindu Code Bill, which governs Hindu Marriage Act, Hindu Succession Act and also a few set of laws enacted during his time. But even at that time, the pressure of the orthodox society was so much that the daughter was denied the right in the Hindu coparcenary property, because they thought that the son must succeed.

Some hon. Members have also pointed out that males are the authors of all the major scriptures. But they forget that it is Mother Sharada who gives knowledge to everybody. First of all, we worship Mother Sharada, even if we go by our own scriptures. If there is no blessing of Mother Sharada, this *bhuddi* would not be purified. So, you cannot forget Mother Sharada. If you want the blessings of Lord Vishnu, for money, you will have to go to Mother Lakshmi and if you want to have the blessings of Lord Shiva, you have to go to Mother Parvathi.

This *Mahila Sakthi*, as we call it, indeed gives birth to everything—our resources, our strength, our faculty, etc. So, you cannot deny equality to this very great power, the *Mahila Sakthi*. So, I am grateful that the entire House agrees on removing this gender bias. This bias is not only a very cruel treatment, but is also uncivilised.

From your own experience, you will find that this type of a feeling, about the scriptures, about the *smritis*, is there. We have divine revolution in the 'srutis' but *smritis* are also adaptable to the changes. After Vedas, we have got Upanishads; we have got Puranas and then, we have got Ramayan and Mahabharat. These *smritis* have changed and the principles also have changed. Nowhere in Hindu society, you will find that a consort was denied her right. Even the King used to keep his consort by the side, when he would administer justice. So, our society is not that retrograde as you might try to portray it, for the sake of money or wealth.

I am very grateful that this House has unanimously supported it and there is no party-bias also, which I

acknowledge. I agree that it was started in 2000, when the NDA Government was there. They had discussed this matter with the States; but for their work, we would not have been able to pass this today.

But as I said, reforms—social or economic—must continue; and the Governments do not matter because the interest of the country is involved and the interest of the society is involved. This is the spirit in which this House functions. So, on matters of this kind, there is no division of this House and we carry on the work left by previous Government; the subsequent Government carries on the work of the previous Government. The feeling expressed by this House is that there is a unanimous support to this House. This feeling I got from the Rajya Sabha, and now I am getting it here.

As I said, this is not the end of reforms. This will not lead to the emancipation of womanhood in full. We have to do a lot of work to see that she enjoys the status which she deserves in the society. I shudder to think that one can ill-treat his daughter. Can any father ever imagine that he would not give his daughter equality compared to his son, on any excuse, whatsoever. There was a time when people were property-minded. But now after so much of light having come to society, we must acknowledge that the daughters are very dear to us than the sons, because, whether they are young or old, they care for the parents.

I have experienced it in my own life. When a son gets married, he has a separate family and has little time to care for the old and infirm parents. But the daughter, wherever she is, she may be in US or England, she will definitely make a trip to India to see now her parents are. So, how can you deny equality to such an institution?

This is the experience which all of you might have got—daughters care for both sides. When she is in her in-law's home, she would not like to hear any ill about her parental home; and when she is in her parental home, she would not like to hear any ill about her in-law's home. She brings harmony and makes the life worth living. How will the society exist if women are discriminated or for any reasons denied their due? I am very happy that we have reached a stage when this is being acknowledged by the society. This is a small

measure. Many Members have tried to put in several ideas. This is a small beginning that we are making. We have to continue with this zeal and see that this is carried to the logical conclusion so that the women are given their due place in the society. I wish such a unanimous view could also be formed about Women Reservation Bill, which seeks to give 33 per cent reservation to women. This will give more strength to the women. We are trying to reach a consensus even for that. Consensus is the way by which we can achieve the result. Therefore, I am again expressing my gratitude to the House. I do not subscribe to the philosophy, as somebody said,

[Translation]

Once the marriage is solemnized, the father tells his daughter that her parental home is no longer her's. This will have to be changed and he should rather tell her that the house where she was born is always her's, now she will have another home that is of her in-laws, where she is going. She has two homes. She will have two homes from the day of her marriage. When we will start telling like this, only then we will be extending co-operation and support to our daughters.

Mr. Deputy-Speaker, Sir, after solemnizing the marriage if we tell her that her parental home is no longer hers then how will she go back to her parental home. That is why we will have to drive home to her that even her parental home is hers, marriage is a ritual without which the world cannot go on but this does not mean that she has no right in her parental home, she has all the rights in her parental home, land and property till her death and she may come to her parents whenever she feels so and her room is reserved for her and whatever may be the profits from land the same shall be shared equally by her siblings. If we take our country and society ahead with this kind of sentiment, it will be beneficial for us.

Mr. Deputy-Speaker Sir, several Members raise petty issues and express their apprehension, but do not speak their mind clearly that they do not want to give anything to their daughters. If this is the case, they should say clearly that they do not wish to give anything to the daughter but to the son. However, we will know how much happiness is brought to the family by a son. If we

make a comparison between a girl and a boy, girls outstand their brothers. We will have to recognize it. The sister visits her brother for tying rakhee and does not ask for anything in return. She ties rakhee, puts tilak and even brings sweets. She visits her brother no matter how far he lives and prays for his happy and prosperous life. And we deny her share in the piece of land. I fail to understand the mindset of this society....*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER: Silence please. Nothing, except the hon. Minister's speech, will go on record.

(Interruptions)...*

[Translation]

SHRI H.R. BHARDWAJ: See, we are not discussing this issue here right now. First, they should know that I belong to a village which stretches upto 100 bhigas which is 40 kos away from this place. I do not belong to Delhi and Secondly, I have passed B.A.L.L.B. after covering the distance on foot. Please listen to me....*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER: Please do not give a running commentary. I had given you the time and you had taken enough time.

...(Interruptions)

[Translation]

SHRI H.R. BHARDWAJ: Please listen to me. The Hon. Member have spoken. Therefore, it is my right to give a reply to the Hon. Members. If they do not agree they may express their disapproval. They should express categorically what they feel. Today, the question is that if we do not bridge the gap between a girl and a boy things would not improve. Every man makes property for his children. I want to put this idea across to the Members that daughters and sons are equal. Why should we discriminate one against the other? Members apprehend that if we bring this amendment people will move the court, we go through the entire Parliamentary debate of

[Shri H.R. Bhardwaj]

the time when Hindu Code Bill was passed. We will find that these kinds of arguments were given that this would create differences amongst brothers and sisters, families would be divided, so would be the society but nothing of the sort has happened. Nobody has changed, brother-sister relation, is still the same. We should be generous and kind. Gender bias is vanishing from the world, how can we nurture it? Thus, it would be wrong to say that people will move the court. We must pass this law, irrespective of such apprehensions. I cannot discriminate between the two. These were some of the points to which I had to give a reply.

Mr. Deputy-Speaker Sir, now I come to the second issue. Some of my women colleagues said that in regard to agricultural, land laws are enacted in the States. The States are entitled to make such laws. Several State Governments have passed laws in this regard. Law to this effect was passed by the Kerala Government but it was first passed by Shri N.T. Ramarao Government in Andhra Pradesh. Thereafter, it was passed by the Karnataka Government followed by the Maharashtra Government. The people of those States are also citizens of India. We should follow their precedence. The people of northern states are more attached to their lands than to the relations like brother-sister or daughter-son. Land is very important for them. I also understand this fact that people attach more importance to land, but even the womenfolk have a right in the land and she should also get a right therein. Thus, I would like to say, ...*(Interruptions)* We will talk about it later on. I am not legally empowered. This entry 18 in List II is under the jurisdiction of State Governments. That is why we have abolished section 4(2). We will correspond with them and request them. Such kind of legal provision should be made which may entitle the daughters to their share in land and property. We will write to the State Governments for making these two provisions. Thus, I would request the Members to extend their support. Therefore, we shall request the State Governments that they may agree to it and ensure full entitlement in future also.

I would thank all the Members once again and request them to allow the Bill to be passed and be ready to provide 33 per cent reservation.

[English]

SHRI B. MEHTAB (Cuttack): Are you going to endeavour to abolish the joint family property right as it has been abolished in Kerala?

SHRI H.R. BHARDWAJ: Sir, I started by saying that this is only a beginning. We will take all steps which are physically and mentally possible to remove all bias. The abolition of joint family right has been undertaken by the State. I have told you that my problems will be regarding the tenure of land holdings and tenancy. They are in List II. So, some States have done it. I will take up this matter with the States to see whether they agree or not. You cannot encroach upon the rights of the States in the matter because that would be unconstitutional. Therefore, if you support this Bill unanimously, I will be encouraged by your support. I will try to see that the States also agree on this and if necessary, I will call a meeting on this issue.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Hindu Succession Act, 1956, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

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

Clause 2 Amendment of section 4(2)

I have received a notice of amendment to Clause 2 from Shrimati Susmita Bauri and Shrimati C.S. Sujatha. Are you moving your amendment?

SHRIMATI SUSMITA BAURI (Vishnupur): I beg to move:

Page 1.

for lines 5 and 6, *substitute—*

'2. In section 4 of the Hindu Succession Act, 1956 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) For the removal of doubts it is hereby declared that any law providing for the prevention

of fragmentation of agricultural holdings or for the fixation of ceilings or for the devolution of tenancy rights in respect of such holdings shall give equal and same rights of inheritance to the daughter and wife as are given to the son.".' (1)

SHRI H.R. BHARDWAJ: Sir, I would request her to withdraw her amendment because I am going to take up this matter with the States. I have omitted Section 4(2) from this Bill.

SHRIMATI SUSMITA BAURI (Vishnupur): All right. I withdraw the amendment.

MR. DEPUTY-SPEAKER: Is it the pleasure of the House that leave be granted to withdraw the amendment?

The amendment was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 7 were added to the Bill.

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

SHRI H.R. BHARDWAJ: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

15.20 hrs.

DISPLACED PERSONS CLAIMS AND OTHER LAWS REPEAL BILL, 2005

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO HODLYA GAVIT): Mr. Deputy Speaker Sir, on behalf of Shri Shivraj V. Patil, I propose.

"That the Bill to repeal the Displaced Persons (claims) Act, 1950 and certain other enactments, as passed by Rajya Sabha, be taken into consideration."

[English]

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to repeal the Displaced Persons (claims) Act, 1950 and certain other enactments, as passed by Rajya Sabha, be taken into consideration."

[Translation]

SHRI SANTOSH GANGWAR (Bareilly): Mr. Deputy-Speaker, Sir, it is a repeal bill, so there is nothing much to say. But through you, I would request the Government that there are so many bills which date back to the independence era and even earlier than it, which are no longer of use and relevance. It has been stated several times on earlier occasions that all the repeal bills may be taken up together and withdrawn since these have lost their relevance and have not been put into practice for several years.

I would request the Government to give it a consideration and all the Bills may be repealed in the next session. There is nothing much to say therein. It was passed by Rajya Sabha without any discussion.

MR. DEPUTY-SPEAKER: Shri Lal Singh, would you like to say something?

CHAUDHARY LAL SINGH (Udhampur): Yes Sir.

MR. DEPUTY-SPEAKER: NDA has extended its support and said that they do not wish to comment on it.

CHAUDHARY LAL SINGH: Mr. Deputy-Speaker, Sir, I must speak on it.

MR. DEPUTY-SPEAKER: All right, you may speak. I told so because you belong to the ruling party.

CHAUDHARY LAL SINGH: Mr. Deputy-Speaker, Sir, I hail from the State of Jammu and Kashmir. Acts which were enacted in the past are being repealed. Ten Pakistanis had come to my State from Pakistan. They

[Chaudhary Lal Singh]

have not been given any right under the said Act and now the Act is being repealed. Jammu and Kashmir border touches Pakistan near Sialkot. People went to their respective places during migration. Acts was made in 1950 in India which have been amended several times. The people who were termed refugees were allotted free land, were given interest free loan and also free education. But, the 80,000 people who are still in Jammu and Kashmir got nothing. I want to know—what the Government propose to do for them? The said Act was implemented throughout the country except Jammu and Kashmir. Even today, they want to go elsewhere. They cannot vote in the Assembly election, they cannot get employment in the Central Government, they cannot get ration and houses under IAY and nor can they demand pension as certificate is required everywhere which they do not have. They can't become Sarpanch or Nambardar. They are not listed as voters, so they can't become MLA. Such is their predicament. He should visit our area to see their plight.

I would like to tell the hon. Minister that the minority communities, the Sikhs, Hindus etc., who migrated from POK to Jammu and Kashmir, have left their properties in Pakistan. It was stated that the UNO would settle this issue. They can't be the rightful owner of their properties. 24 seats meant for them in the assembly are vacant as they have no right, they cannot contest election. Muslim displaced because of Mangla Dam in Mirpur have been compensated for but the Sikhs and Hindus have not got any compensation. Similarly, people who had deposited their money in Pakistan based Jammu and Kashmir Bank are running from pillar to post to withdraw their money but they are not getting it. I would like to tell that people there have been displaced upto three times. Take the case of Kashmiri Pandits who have migrated to several places in India. My submission is that the said Act may be repealed but something should be done for the people of Jammu and Kashmir. After all, they are also human-beings. Their children have remained illiterate. They have neither land nor any employment. A few of them took up transportation but, still a large number of them are in camps. They are known as refugees. I want to know as to by when the displaced persons will be rehabilitated. I have no

intention to oppose the said Bill, but I want to say that the people who have come and settled in Jammu and Kashmir have not got any benefit under the said Act. What benefits does the Government propose to give them?

MR. DEPUTY-SPEAKER: Dr. Sujan Chakraborty—
Absent.

SHRI MANIKRAO HODLYA GAVIT: Mr. Deputy Speaker, Sir, I would like to apprise the House about certain reservations I have about the Bill. As the hon. Members are aware, the said bill has been introduced to repeal five Acts, namely, Displaced persons (Claims) Act, 1950; Displaced Persons (Claim) Supplementary Act, 1954; Displaced Persons (Compensation and Rehabilitation) Act, 1954; Administration of Evacuee Property 1950 and Evacuee interest (Separation) Act, 1951 and the rules framed thereunder. The Bill intends to repeal the said Act which have become irrelevant and it won't be misused now. Departmental Standing Committee of the Ministry of Home Affairs deliberated upon the said Bill and presented its report in the House on 27 July, 2005. The Standing Committee has accepted the Bill in its present form and recommended the Bill be passed in its present format. Rajya Sabha considered the Bill on 12 August, 2005 and passed it. I hope hon. Members would support it.

Just now, hon. Member Chaudhary Lal Singhji spoke on Kashmir. State Governments have also been consulted in this regard. The said Act is applicable only in 17 states. 8 of them have agreed to repeal it and the Government had asked those 8 State Governments to submit their comments by 31 January, 2003, but their comments were not received. Therefore, it has been assumed that they have agreed to repeal it. The core Group, including the Ministry of Law has vetted it. As I have already told that the said Bill is meant for 17 states and it was not applicable to Jammu and Kashmir....(Interruptions)

CHAUDHARY LAL SINGH: Mr. Deputy-Speaker, Sir, it is very good, but what does the Government intend to do further?

[English]

MR. DEPUTY-SPEAKER: Chaudhary Lal Singh, you have said everything.

[Translation]

SHRI MANIKRAO HODLYA GAVIT: I request that the Bill be passed with amendments. On page one, line 4 'year 2004' may be substituted by 'year 2005'.

[English]

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to repeal the Displaced Persons (Claims) Act, 1950 and certain other enactments, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, the House will 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.

The Schedule was added to the Bill.

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

SHRI MANIKRAO HODLYA GAVIT: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

15.34 hrs.

IMMIGRATION (CARRIERS' LIABILITY) AMENDMENT BILL, 2005

[English]

MR. DEPUTY-SPEAKER: Now, the House will take up item no. 16. Hon. Minister please.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SHRIPRAKASH JAISWAL): Sir, I beg to move:

"That the Bill to amend the Immigration (Carriers' Liability) Act, 2000, as passed by Rajya Sabha, be taken into consideration."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to amend the Immigration (Carriers' Liability) Act, 2000, as passed by Rajya Sabha, be taken into consideration."

[Translation]

SHRI SANTOSH GANGWAR (Bareilly): Mr. Deputy-Speaker, Sir, in Rajya Sabha, no doubt, the Bill was passed without any debate but so far as its objects and reasons are concerned, I would like to say that the Government enacted a law in 2000 which provided for punishment to illegal immigrants. The punishment included a fine of upto Rs. one lakh. And now, the Government is stating that in conformity with international rules the amendment is being carried out in it and a relaxation may be provided under the amended provisions of law. Even a waiver may also be allowed. It is also provided therein that whatever decision is taken in this regard would be laid on the Table of both the Houses. I would like to add that it is a very sensitive issue. We have been unable to check unabated terrorist activities in our country. People are coming here with illegal or invalid passports and now the Government have permitted NRIs to come here without VISA.

It has been observed that many a times people are sent abroad without passport. Therefore, my submission is that though they are getting relaxation, it should be ensured that criminals don't misuse it against our national interest. In view of international obligations I support the Bill. But the Bill has bestowed more responsibility on the Government on to in which manner the Government would further enforce it.

[English]

MR. DEPUTY-SPEAKER: Now, Shri K.S. Rao. Please be brief.

[Translation]

Since we have so much business today, you please be brief otherwise we may have to sit till 12 o'clock in the night.

[English]

SHRI K.S. RAO (Eluru): Sir, as the hon. Member from Opposition, Shri Gangwar, himself has finished it in 3-4 minutes, naturally I will not take much time.

Sir, in fact, the amendment is an obligation, particularly keeping in view the international obligation that we have accepted. The days have changed and the air travel has increased so much unimaginable due to globalisation and privatisation. Earlier, it was not the case. A lot of us, particularly from the middle class and all that, never used to think that we would travel to foreign countries, and more by aircraft or even by ship. Now, with the increased number of people, travelling outside the country is more. At the same time, with openness and globalisation, we are entering into agreements globally with several countries, which are to be kept up....(Interruptions)

MR. DEPUTY-SPEAKER: Please do not disturb. Listen to the hon. Member.

SHRI K.S. RAO: But the original Act brought in 2000 did not have that provision of exempting all those people, which are agreed by the international obligations.

Sir, I do agree that here in this case, the reputation of the nation is involved. Many of the people outside the country, particularly the developed nations, are of the opinion that our immigration laws are very stiff; they are being detained for hours together at the airport Immigration counters. That is why, this Act has to come. But to keep us those obligations, where we have accepted some five categories of people who are exempted from that, we cannot detain or delay in permitting them to come in. One of them is with regard to the passenger who has arrived on a flight or a ship following departure, who is diverted back to India. That is a genuine case. He cannot be denied and cannot be delayed in coming out of the Immigration counter at the airport. Similarly, where a foreigner has been exempted from the requirement of passport or visa by the Central Government, he must also be permitted. The third one is with regard to passengers who are stowed away back once again. They are to be sympathised and then, taken in. The fourth one is that where a group of foreign tourists are permitted as a group permit, they cannot be insisted on individual visa or permit.

Now, finally, it is about the foreigners holding diplomatic or official passport who are exempted. That is by MoU between country to country. So, if there were to be delay or penalty levied on the carrier on these counts, they will not be able to keep up the international obligations. So, there is the immediate necessity to amend this Act to enable the authorities not to levy the penalty on the carrier, as this power was not there in the original Act.

As my friend was telling, the problem of terrorism is always there. But that does not mean that we must get a bad name from the international sector where we have agreed to do so. One of the reasons why all these things are happening is poverty, disparities and unemployment. Ultimately, if we were to rationalise these things, then eliminate poverty, reduce the disparities and increase the employment potential. There will not be an occasion where somebody will try to cheat or come without a passport. So, ultimately, I request the hon. the Minister and the Government to see that these things are corrected and, at the same time, internationally, the country's reputation is upheld.

I support this amendment, particularly keeping in view our reputation the world over.

SHRI VARKALA RADHAKRISHNAN (Chirayinkil): Sir, while supporting this Bill, I have to draw the attention of the hon. Minister to some vital issues regarding the immigration law in our country.

The immigration procedure is so elusive and is with so much of loopholes that many people are cheated. Cheating is the order of the day. In matters of immigration, whenever there is a sponsor, that sponsor will get the golden opportunity of cheating Indians because our immigration law is lacking in certain respects. So, we see that a number of persons charged with criminal offences under Section 420 of the Indian Penal Code are being let off because the immigration law is lacking in certain respects. So, it is overdue or long overdue that the Government should have come forward to close all the loopholes in the present law.

There are many loopholes. I do not want to go into the details because we cannot praise the culprits. The liability can never be fixed upon a person because of the

indefiniteness or the weaknesses in our immigration law. A man from outside can come easily to India and ask for a visa. In the foreign land, our citizens are cheated. Nothing can be done because of the weakness in our immigration law.

The people of Kerala are going to some Gulf countries seeking employment. They are being cheated every day. The persons who cheat could never be arrested and no criminal proceedings could be launched against them because of the weakness in our immigration law. So, amendment is the urgent necessity of the time. I would, once again, request the Government that it should think over this matter and come forward with a suitable amendment. This is not an amendment at all. This is only to empower the authorities to issue some orders and regulations. That is all. There is nothing more to it. It is true that empowering the authorities to issue notification and order is necessary because there are people of India who were born here but due to reasons they have got foreign citizenship. They are being detained. They are not allowed to proceed. Such persons can be saved by the use of this amendment. By issuing an order under the provisions of the amended Section, they can be saved. That is all right. But the question is this. How can we prevent cheating? How can we prevent impersonation? How can we prevent harassment of Indian citizens abroad? Cheating, impersonation and harassment could be done for which there is no effective mechanism or liability of fixing a person under the provisions of the law. The Government of Kerala as well as many travel organisations have demanded that the law should be amended. So, I would request the hon. Minister to take the initiative of protecting Indians from being cheated. Visa is the most important thing. That is being misused because of the deficiency in our law.

This is, after all, a small amendment but the major amendment will have to be made to the immigration law. I think that the Government will not be lagging behind in bringing forward such an amendment.

With these words, I support the Bill.

MR. DEPUTY-SPEAKER: Shri Suresh Prabhu—not present.

Now, the hon. Minister has to reply.

[Translation]

SHRI SHRIPRAKASH JAISWAL: I feel the hon. Members will be fully satisfied with my reply.

[English]

Sir, the Immigration (Carriers' Liability) Act, 2000 was notified by the Ministry of Law on 11th December, 2000 after the approval of both the Houses and after getting President's assent.

This Act places the Carriers (Airlines etc.) liable in respect of foreigners brought by them in contravention of the Passport (Entry into India) Act, 1920 and the rules made thereunder. The necessity of the new legislation was felt because a large number of passengers at the major International Airports were found to be coming without valid travel documents creating problems for the immigration authorities.

It was observed that the Carriers (Airlines etc.) did not exercise proper checks of the travel documents before allowing the passengers to board the plane in places outside India. It was, therefore, considered necessary to cast statutory responsibility on the carriers bringing passengers not in possession of valid travel documents by imposing financial liability on them to the sum of Rs. One lakh per passenger brought by them without valid travel documents.

Sir, under Section 8 of this Act, Home Ministry was required to draft Rules to set the implementation modalities for execution of the provisions of the Act. While drafting the Rules, a provision was made for exemption to the carriers for bringing following category of passengers entering into India without valid travel documents:—

1. where the passengers had arrived on a flight or ship which following departure, had been diverted to India for reasons beyond the control of the carriers;
2. where the foreigner has been exempted from the requirement of the passport or visa by the Central Government;
3. where the passengers are stow-aways and the carrier is ready to take such passengers back;

[Shri Shri Prakash Jaiswal]

4. foreign tourist groups consisting of four or more persons sponsored by recognised Indian travel agencies arriving without visa, who are authorised to travel on collective visa (Landing Permit) issued to the whole group; and
5. foreigners holding diplomatic or Official passports who are exempted from the requirement of visa.

The rationale behind proposing such provisions in the Rules was to conform to the Protocols set by the International Civil Aviation Organisation (ICAO). Besides, as per reciprocal arrangements between the Government of India and foreign countries, foreigners holding diplomatic or official passports are exempt from the requirement of visa.

The Ministry of Law, when consulted, felt that no such Rule providing exemptions can be provided in the absence of any enabling provision in the Act itself to make such exemptions. Accordingly, the Ministry of Home Affairs undertook a fresh exercise in consultation with the Ministry of Law and prepared Immigration (Carriers' Liability) Amendment Bill, 2005 which is primarily intended to empower the Central Government to exempt any carriers or class of carriers from the operation of all or any of the provision of the said Act. Any orders made under this proviso will be placed on the Table of both the Houses of Parliament.

I would therefore, request this august House to pass this Bill as passed by Rajya Sabha on 12-08-2005.

MR. DEPUTY-SPEAKER: Now, the question is:

"That the Bill to amend the Immigration (Carrier's Liability) Act, 2000, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-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 1, the Enacting Formula and the Title were added to the Bill.

MR. DEPUTY-SPEAKER: The Minister may now move that the Bill be passed.

SHRI SHRIPRAKASH JAISWAL: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

15.50 hrs.

**SREE CHITRA TIRUNAL INSTITUTE FOR
MEDICAL SCIENCES AND TECHNOLOGY,
TRIVANDRUM (AMENDMENT) BILL, 2005**

MR. DEPUTY-SPEAKER: Now, we will take up Item No. 17. Shri Kapil Sibal.

THE MINISTER OF STATE OF THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE OF THE DEPARTMENT OF OCEAN DEVELOPMENT (SHRI KAPIL SIBAL): I beg to move:

"That the Bill to amend the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Act, 1980, as passed by Rajya Sabha, be taken into consideration."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to amend the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Act, 1980, as passed by Rajya Sabha, be taken into consideration."

[Translation]

SHRI SANTOSH GANGWAR (Bareilly): Mr. Deputy-Speaker, Sir, I express my thanks to you. This Bill was passed without any discussion even by Rajya Sabha because at the time when this Bill was drafted it could

not be understood as to how the Members on Board would cease to be its Members. It became clear only when this Bill was introduced. I would like to request Shri Kapil Sibal that this Institute is of national importance and currently holds great relevance. The way our country is being reckoned for its achievements in the field of Medical Sciences and Technology, I would appreciate if the Members are apprised of all other achievements of this Institute. I feel that there is nothing else in this Bill. Earlier, there were certain lacunae.

With these words I conclude.

[English]

DR. RAM CHANDRA DOME (Birbhum): Thank you, Sir, for allowing me this opportunity to speak on this Bill. Sir, I rise to support this Bill, that is, Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum (Amendment) Bill, 2005.

I may be very brief. While supporting the Bill, I am asked to raise some of the relevant points on this occasion. Please allow me to highlight some of the important issues related to the present-day medical education, training and research, and use of the latest medical and technological devices for the medicare services in our country. Though it is a very small Amendment, yet it is very much necessary, and the hon. Minister has very appropriately proposed to amend that section.

My submission is, in a country like ours, which is a very developing country, a vast number of poorer sections of people are there. They are facing many problems and diseases. New diseases are coming up. So far as my knowledge in the field of research is concerned, there are so many institutions who have been doing pioneer research and development work in our country to improve the medical services. One of the pioneer institutes is Sree Chitra Tirunal Institute for Medical Sciences and Technology which is situated at Trivandrum. Sir, so far as my knowledge as a medical practitioner is concerned, they have invented indigenous medical devices which are very much befitting for our conditions. The rheumatic heart disease, which is a very dreaded disease, causes damages to heart valves. The present-day medical science can replace that valve, that

is, valve prosthesis. Earlier, a single-valve prosthesis operation costs lakhs of rupees. But thanks to invention of an indigenous valve which is called Chitra Valve invented by that particular institute is very much suitable for our condition and suitable for our people.

In this system, the cost is very less as compared to the earlier system. We are making this kind of innovations. But even today, people are being exploited by both the private sector and public sector in spite of latest medical technology being available in our country and only a few people have access to the latest treatment methods. Modern medical treatment is beyond the reach of the poor and middle class people. This is the situation prevailing in the Third World countries and also in our country. This is due to the WTO regime being implemented. Every new device or technology that is coming up in the field of medical science is being controlled by big business houses, especially by multinational companies. Life-saving drugs, live-saving treatment methods for heart surgery, brain surgery, kidney transplantation, plastic surgery etc., are beyond the reach of the common people of this country.

Sir, life expectancy has risen in our country and simultaneously aspirations of getting modern medical treatment to expand the life have also grown among the people of our country. That is why, I would like to submit that our institutions and our Government should mobilise adequate resources for indigenous research and development work in medical field. The institutes like the All India Institute of Medical Sciences and Sree Chitra Tirunal Institute for Medical Sciences and Technology are doing pioneering work, but many times their research and development works are being hampered due to constraint of adequate resources. So, adequate resources should be provided to such institutes. The UPA Government is committed to extend health services and modern medical care facilities to the common people and they are also committed to make the cost of live-saving drugs affordable to the poorer sections of this country. So, I would request that the Government should try to allocate more funds to indigenous research and development work.

Sir, I would like to make another point here though this is not directly related to this Bill. I would like to submit that institutes like AIIMS should be decentralised

[Dr. Ram Chandra Dome]

in a country like India and this sort of centres of excellence should be set up in various regions of our country. I know that the Government is already committed for this. They may set up six or eight such institutes in various regions of our country. My submission is that every region should have access to such type of institutes like the All India Institute of Medical Sciences where people can get super-specialised treatment at an affordable cost and where poor people can get free treatment also. This is very much necessary because corporatisation of modern medical care services is rampant in our country.

16.00 hrs.

On many occasions, the Government is helpless. That is why, the Government should take note of this part.

I must point out one more thing that these days private medical institutions are coming up, private hospitals are coming up. Though it is necessary in many areas for the development of medical education...

MR. DEPUTY-SPEAKER: Is it concerned with this amendment?

DR. RAM CHANDRA DOME: Sir, though it is not directly concerned with this amendment, I must say something on this occasion.

MR. DEPUTY-SPEAKER: The Rajya Sabha has already passed the Bill and this is just an amendment. Please conclude now.

DR. RAM CHANDRA DOME: Sir, it is not just one department, it is an integrated department. I must put my submission that setting up of AIIMS—like institutions should be expedited in different States in our country and one legislation should be brought to control rampant privatisation and commercialisation of medical education and medi-care services in this country.

I hope, the Government is committed to the Common Minimum Programme for the benefit of common people of our country and will come forward with a comprehensive legislation in future to regulate standardisation and control of rampant privatisation and commercialisation of medi-care education and hospitals.

With these words, I conclude.

SHRI VARKALA RADHAKRISHNAN (Chirayinkil):

Sir, this institute is functioning in my place. I have direct knowledge about this Sree Chitra Tirunal Institute for Medical Sciences and Technology. Nobody in the House is so much connected with the Institute, except me because I have to pass through this Institute everyday. I am quite acquainted with the functioning of the Sree Chitra Tirunal Medical Institute and Research Centre. My friends can speak about general things, but I will confine myself to the Institute in particular.

This Institute was established by the erstwhile Travancore Ruler, Sree Chitra Tirunal Maharajah. He was the last ruler of Travancore State. He is no more, but he was a benevolent King and had noble ideas of service to humanity. With this background, he started this Sree Chitra Institute of Research and Technology. It was funded and financed and started by him. The Central Government did not do anything in those matters. They had not spent a pie for this purpose.

It is true that it was taken over by the Central Government by an Act of Parliament in 1980. Subsequently, they have done many things. I do not forget that. Before that, the entire edifice was constructed by this king's own funds. A big hospital was also there where treatment were available for almost all diseases, including cardiovascular treatment. You can get best treatment in this Institute. The doctors are very serviceable. They are very good doctors unlike the doctors of AIIMS. These doctors can do a lot of service to the people of India. You can take it from me. They are available for service at any time and they are doing service to humanity. Their approach to patients is quite welcome. Shri Sibal, you must come over there. I invite you to the Institute, to visit that place.

SHRI KAPIL SIBAL: I would like to inform Shri Radhakrishnan that I am visiting the Institute on the 2nd. So, I will be there.

SHRI VARKALA RADHAKRISHNAN: Please come.

The Central Government is not discharging its duty.
...(Interruptions)

MR. DEPUTY-SPEAKER: Shri Radhakrishnan, he has said that he is going to visit the Institute.

...(Interruptions)

MR. DEPUTY-SPEAKER: He has assured the House that he is personally going there.

...(Interruptions)

SHRI VARKALA RADHAKRISHNAN: The amendment is nothing but to substitute a Member who dies or who vacates or who becomes a Minister or who becomes a Deputy Minister whatever it may be, and in his place there will be an election. I do agree, but I must let you know—you must understand—that you are not discharging your duty. Now you bring an amendment. When you are bringing this amendment, I simply request you to discharge your duty and do the service to the Institute. It is a national Institute. Some research work should be conducted there. It was this purpose for which the Institute was founded, but because of the paucity of funds they could not proceed. There are good doctors. They are capable of doing any research work, but there are no funds, and there is no development. So, Shri Sibal, my learned friend, you should take it as your own duty to see that funds are made available for the proper development of this national Institute. Any research work can be conducted there. They are capable of doing it. The only difficulty is that the Central Government is giving a deaf ear to all their demands. So, I think, you will give a patient hearing and do all that is possible. Before I speak in the next Session, you do something so that I will applaud you when I speak next time. Otherwise, I will again criticise you in strong words. So, I would again like to request you to do something towards the development of this national Institute for the benefit of humanity, and in the memory of that great Ruler who is no more. He is capable of understanding all these difficulties.
...(Interruptions)

MR. DEPUTY-SPEAKER: He has assured the House that he is personally going there.

SHRI VARKALA RADHAKRISHNAN: I think he will rise to the occasion and see that something is done for the development of this national Institute. With these words I wholeheartedly support this Bill.

SHRI K.S. RAO (Eluru): Mr. Deputy-Speaker, Sir, this Act was made in 1980. Possibly, at that time, the people who made the Act were aware that the Parliament and the Legislatures will not last for full five years. So, they

could imagine to that extent and said that the Members of Parliament or the Members of Legislative Assembly who are on Board will continue to be the Members till they are members of Parliament or the Members of the Legislature. The moment they cease to be so, they also cease to be the Members. But, unfortunately they might not have imagined the deterioration in values in public life. They might not have known that the Ministers, the Deputy-Speakers, and the Speakers also will be changed frequently in both Parliament as well as the State Legislatures. So, they must not have thought of these classes of Speakers, Deputy-Speakers, Ministers, or Deputy-Chairman etc. That is why they did not specify it. Here he brought a legislation that this will be applicable the moment a Member becomes a Deputy-Speaker or a Speaker or a Deputy-Chairman or a Minister, he ceases to be a Member. They could have incorporated it at that time itself but they might not have imagined that deterioration of values will be so much so that there will be frequent changes; there will be changes every day and every month. I am happy that they are taking into account the deteriorating standards. In this context, I would just like to bring to the notice of the hon. Minister—as Shri Radhakrishnan was telling—the pious intention of starting this institution is having more research and development.

Today, we hear that enormous research and development is going on in bio-medical engineering and technology. We read in scriptures that Lord Hanuman and lived for thousands of years and we would not believe those *vedas* or scriptures. Today, scientists are telling the people that they can live even up to 130 years. A couple of months back, one scientist said in a Seminar in Hyderabad that research in genes is going on so much that people can put an end to aging. People will be able to put an end to aging if not today but maybe after 50 years or 100 years. That means, research is going on very intensively outside the country. But in this country, research is not going on so much because R and D are fully neglected in this country. Our people are very eminent, very knowledgeable and are doing all these researches outside the country when they go abroad.

Several Non Resident Indians are doing extensive research. They brought names to those countries and

[SHRI K.S. RAO]

made those countries very rich. They are prepared to come and do that research in our country. All of us are aware that research will be initially done on the animals. The scientists will check these things on the animals first, find out the results and then apply on the human beings. Here, the opportunity for doing research on the animals is extensive. We have got all the facilities. Not only the scientists in India but also the scientists outside India and who belong to India are prepared to come, invest their money, knowledge and technology. They are prepared not only to do it by them but also prepared to associate with the Government. The proposal is lying. It should not be delayed anymore. I would like to make a humble request to the hon. Minister, through this House, to take a decision quickly and not to leave it to the bureaucrats, who will take years. The biggest shame in this country is 'indecision'. When it comes to taking a decision, we are not taking the decision across the table as the Chinese are doing, and that is why, that nation is prospering very well.

My humble request to the hon. Minister is that a decision is taken to start a Research Centre on Bio-medical Engineering through research on the animals in a big way with the help of forming a joint venture with Non-Resident Indians immediately. However, I support the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum (Amendment) Bill, which is taking into account the actual today.

MR. DEPUTY-SPEAKER: Now, Shri C.K. Chandrappan. Please give your suggestions in two minutes.

SHRI C.K. CHANDRAPPAN (Trichur): Mr. Deputy-Speaker, Sir, I support this Bill. I do not want to repeat all those suggestions put forward by the hon. Member, Shri Varkala Radhakrishnan.

As the hon. Minister is going there, I would like him to know that this Institute needs expansion. It is a very fine institute. People want to get heart surgery done there but the waiting list is such that the patient may have to wait for six or more months and by that time, the patient may die. So, if you could provide more facilities and more expansion is done, then it will be a very good thing for the entire country.

Another aspect is that Kerala, like any other part of the country, is now infested with a lot of virus diseases. For example, if a disease like Encephalitis or Japanese fever comes in Kerala, then they have to send the samples outside the State for getting the test and examination done. If the Virology Research section is added to the Sree Chitra Institute, it will be a great service to the people and especially to Kerala.

The last point is that already the Government has taken a decision and so many times it has also been announced that an institute like AIIMS would be set up in Kerala.

The Kerala Government has already offered the medical college itself, which is adjoining or in the precincts of Sree Chitra Tirunal Institute for Medical Sciences to be converted into such an institute. If you need another place, that is also available. So, when you are there, if you think about it, make some decision and let the people know about it, then probably the effort that we made in Parliament will have some result. I hope you will take an appropriate decision, and with that hope, I support this Bill.

SHRI SURESH PRABHAKAR PRABHU (Rajapur): Sir, this Bill has been introduced by the Minister who is also a very eminent lawyer. I was just wondering that without passage of a Bill by this Parliament, can we not prevent a member of Parliament who becomes a Deputy-Chairperson of the Rajya Sabha or Deputy-Speaker or Speaker of Lok Sabha or Minister, as he himself has become, from holding that office? Will it be really required that we have to pass a law to prevent him from holding that office? Or, is it a measure of abundant precaution that he is trying to take? Are there any instances in the past, which have really taken place, which actually compel the Government to bring a legislation like this? I would really like to know this. Of course, this is not an occasion to talk about the need and the urgency with which we should try to promote various sciences that Mr. K.S. Rao has already talked about but I really wish to know about it.

MR. DEPUTY-SPEAKER: Now, I would request the hon. Minister to reply.

SHRI KHARABELA SWAIN (Balasore): Sir, this Bill is coming from the Ministry of Science and Technology.

We think, probably, it should come under the Ministry of Health. Hon. Minister, you kindly explain why this Sree Chitra Medical College comes under your Ministry. We are unable to understand this.

SHRI KAPIL SIBAL: Mr. Deputy-Speaker, Sir, thank you very much for giving me this opportunity.

Mr. Deputy-Speaker, Sir, first of all I would like to thank the hon. Members of Parliament, who have unanimously supported the amendment to the Sree Chitra Tirunal Institute of Medical Sciences and Technology, Trivandrum Act, 1980. Mr. Deputy-Speaker, Sir, before I deal with some of the issues that have been raised by hon. Members in this House, I would like to state that this amendment is really a very innocuous amendment. My good friend, Mr. Suresh Prabhu has asked me if the amendment is at all necessary. I want to mention to him that he may become a Minister or a Deputy Minister or hold the office of Speaker or Deputy-Speaker and yet he may continue to be a member of a management body without drawing any perks, and therefore, under the law, he could continue to be there. But this brings in uniformity because many other institutes in this country, take for example the Medical Institute, have similar laws by which if an hon. Member of Parliament ceases to be a Member of Parliament, then he automatically ceases to hold the office of the ~~management~~ or to be on the Board. But if he becomes a Minister, then under the laws of those institutes, under the laws prevailing there, he also has to cease to hold that particular office that he is holding on the Board.

So, this is to bring uniformity into the law because all other institutes of similar nature have this particular clause. Therefore, we thought that it was better to bring this in even though somebody may argue that once a person has become a Speaker, he should automatically resign or voluntarily resign. But instead of putting the burden on the individual, it is better to have a uniform law so that the issue is above controversy and beyond controversy. That is really the reason why we have brought forward this law.

Let me just explain what broadly the law is. As per the law, under Section 5J of the original 1980 Act, through a process of election, three Members of

Parliament—two from Lok Sabha and one from Rajya Sabha—can be appointed to the Institute as part of the management, as part of the composition of the Institute. Then under clause 6(2), it is stated that all those Members, who are Members of Parliament, as soon as they cease to be Members of Parliament, shall cease to be part of the Institute. But it did not provide for the contingency of Members of Parliament who become Ministers or Deputy Ministers or Speaker or Deputy-Speaker or Deputy-Chairman of Rajya Sabha.

Though that contingency was not provided in Section 6(2), all that we have done is to provide that Particular contingency, that in the event of an hon. Member, apart from ceasing to be a Member of Parliament, who holds an office of profit, becomes a Minister or Deputy-Speaker or Speaker then he automatically ceases to be part of the Management or part of the Institute, which is the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum. That is the limited purpose of the Amendment, and I am happy to note that everybody across the board have supported it.

Some hon. Members have raised certain issues in respect of this Institute. Let me just tell you that this is one of our finest institutes in the country, and it has done us proud. If you notice the name of the Institute, it is called the Institute for Medical Sciences and Technology. There are a very few institutes in this country that are institutes of both sciences and of technology. The AIIMS is an Institute of Science, and not of Technology. This is one of those unique institutes, and this particular Institute has indigenously invented a replacement, what is called, the heart valve. It is the first of its kind, and the one in this country. In fact a lot of surgeries are taking place with the replacement of the heart valve by this Institute. It is certified to be of international standards by the French Health Agency, and hopefully very soon, it will be certified to be used even by the Food and Drug Administration in the United States. This particular heart valve is available at one-fourth the price that is otherwise available at the international price. So, here is now an example of the great talent in this country that results in affordable technologies for ordinary people in this country. Therefore, we, in the Department of Science and Technology, do

[Shri Kapil Sibal]

support this Institute in a very big way, and it comes within our jurisdiction. We have provided a lot of funding, and that is why you were complaining about the Central Government. It is the Ministry of Science and Technology that provides a lot of funding for this particularly wonderful work that is going on this particular Institute. We have in this Institute testing laboratories of Bio-Medical Technology Wing that is also accredited to ISO 17025, which is again world class.

We have, what is called, the commercial production of Membrane-Oxygenator, the first industry sponsored project, and now, we have also started some speciality courses along with IIT Mumbai, especially in the area of Bio-Medical Technology. We have a dedicated Congenital Cardiac Surgery Unit that was recently inaugurated. Let me tell you a one other thing that is happening. Shri Radhakrishnanji, I was very heartened today that somebody from the Left acknowledged the fact that there can be a benevolent ruler. Therefore, it gives me a great heart that you are moving in the right direction....(Interruptions)

SHRI LAKSHMAN SETH (Tamluk): You are the centre of the Left....(Interruptions)

SHRI KAPIL SIBAL: I do hope that you recognize the benevolence of some other institutions in this country that want to take the country forward rather than to pull it back. I am sure that that will happen in times to come.

The point that I was mentioning was that this particular Institute has a cure for epilepsy which is a very difficult thing. We have performed more than 500 operations in this Institute without any after effects; no after effects at all, no deformities and no epileptic effects. This is through, what is called, the process of microsurgery. Let me tell you another thing which is a futuristic thing, that is, that the concept of nano particles based on oral insulin delivery has been successfully tested in this Institute on animals. So, soon, in times to come, this particular Institute will proudly give you oral medicine for insulin for diabetic's patients; the first ever of its kind.

I agree with you, Sir, that this is an institution which

must be supported in every possible way. I, in the Ministry of Science and Technology, am doing my very best to in fact support it in every possible way. This is indeed a centre of excellence.

An hon. doctor member talked about technological devices and mentioned that a lot of these technological devices are extremely expensive in India. I agree with him entirely. As you might know, in India, we do not even have a regulator for technological devices. We have all kinds of devices that are manufactured indigenously but there is no standardisation. So, I am in the process in fact of trying to set up procedures and standards for the purposes of regulation of medical devices that are being manufactured in India so that any doctor or any hospital using these devices knows that they are of a particular quality, of a particular ISO standard. So, in fact, what you have mentioned is something that is already being done.

I must request hon. Members not to blame the lack of inventiveness every time to the WTO regime. I would assume, there was no WTO regime; yet, we do not have the medical devices and we would have had to import them whether there was a WTO regime or not. So, the trick is and the policy framework is to give the freedom to the academic community in this country and allow public-private partnerships because the State does not have the capacity to spend enormous amounts of money on R and D in this country.

I would give you a small example. You would probably surprised to know the figures. The total expenditure on R and D in this country is \$ 3 billion. The US spends \$ 244 billion on R and D. Japan spends \$ 109 billion on R and D. Canada spends \$ 10 billion on R and D. South Korea spends \$ 8.9 billion on R and D. Israel spends \$ 2 billion on R and D. The pharmaceutical company, Pfizer spends \$ 6 billion; and Microsoft Corporation spends more than \$ 8 billion on R and D. The R and D expenditure of multinational companies is more than the total expenditure of India. So, do not blame us....(Interruptions)

People do not know many things. So, it is important for us to bring all of them to the notice of hon. Members of Parliament. It is time for all of us to get together and decide unanimously across party lines. It is time for us

to invest in R and D. It is time for us to invest in science and technology. It is time for us to invest in human resources. It is all very well to set up physical resources like North-South and East-West highways. You may have North-South and East-West highways. You may have wonderful institutes but you may have no manpower.

Today, the work is being done on nanotechnology and biotechnology and on interaction nanotechnology and biotechnology; work is being done on nano particles and nano materials at an advanced stage. Where is the research going on in this country? Where are the institutions? This is precisely the point. Therefore, we need more investments. We cannot get all the investments from the States because the State ultimately has to earn to invest. So, we have to develop public-private partnerships. We have to put confidence in the academia. We have to set up institutions of academic excellence, which this UPA Government is doing, but nobody had thought about this.

The United Front Government was in power for two years. What increase did they give to the Citra Tirunal Institute, I may ask. In fact, this UPA Government is doing much more to this institution than any other Government in the past. I am proud of that fact and we would do even more. That is not the question. We would not balk in our responsibility.

As far as life saving drugs is concerned, I must tell you this. The other day, I was in Hyderabad. It is heartening to note the kind of things that are happening in our country. In Hyderabad, Shanta Biotech has now discovered a combination vaccine, which is a 4-in-1 combination. It treats diphtheria, tetanus, whooping cough and Hepatitis, all in one, the second of its kind in the world and at one-tenth the cost of what is available in the international markets. The babies, instead of getting six pricks, would now get only three pricks. This is not the subject to be discussed now because we are talking about an amendment but if any hon. Member were to bring a Motion to discuss science and technology in this House, we can discuss all these things.

We talk about investment. Why does any Member of Parliament not move: "Let us discuss science and technology, where this country has gone and where it should go"?

I will certainly do what I have to do when I go to Trivandrum. I will certainly help them in whatever way I can. If I do not, you can certainly, in the next Session, criticise me. But I will criticise you if you do not, in the next Session, move that the issue of science and technology should be discussed in this House.
...(Interruptions)

DR. RAM CHANDRA DOME (Birbhum): We are supporting you....(Interruptions)

SHRI KAPIL SIBAL: Good. But I will wait for the next Session....(Interruptions)

DR. SUJAN CHAKRABORTY (Jadavpur): Our investment in R and D is much less....(Interruptions)

MR. DEPUTY-SPEAKER: Please sit down. Nothing else is to be recorded except the speech of the hon. Minister.

(Interruptions)*...

SHRI KAPIL SIBAL: Sir, hon. Member Shri Varkala Radhakrishnan talked about this wonderful hospital and the many important things that it can do. As I have already demonstrated to you, there are many cutting edge technologies that we are going to bring forth for the benefit of the common man of this country. I can assure you, as the Minister of Science and Technology, that I have special place for this Institute in my heart and I shall do even more and to the extent possible within the budgetary constraints for the support of this Institute. I will discharge my duty without fear or favour.

Hon. Member, Shri K.S. Rao mentioned about animal research. I am grateful to him to have mentioned that. In fact, I might just mention to him that one of the things that we have almost decided is to set up an animal research facility in the State of Andhra Pradesh.

SHRI K.S. RAO (Eluru): Thank you.

SHRI KAPIL SIBAL: In fact, we are in the process of formulating the scheme under which that animal research will be conducted. I hope some Members of the BJP, including some who support the BJP, do not put spokes in the wheels while we do that because this has happened in the past.

*Not recorded.

[Shri Kapil Sibal]

Therefore, Mr. Deputy-Speaker, Sir, I am greatly obliged to each Member in this House for having supported this Bill. I wish that more such institutes of excellence of this nature are created in this country. I wish this House recognises that if this country is to have a trajectory growth of 7 to 8 per cent of GDP, it cannot be done without investment in science and technology. The quicker we realise this as a nation, the better it is for the common man in this country.

Thank you very much Mr. Deputy-Speaker, Sir.

SHRI KHARABELA SWAIN (Balasore): Sir, the hon. Minister had given an assurance through the newspapers that his Department has developed a laptop computer which could be given for Rs. 10,000. He also gave the message through the newspapers that it will be given to all the MPs also. I would just like to know whether that type of laptop computer has been developed or not. Is it there?

SHRI KAPIL SIBAL: Now that you have referred the issue of salaries of MPs to an autonomous body, as and when the salaries increase, then I shall request you to buy it instead of taking it....(*Interruptions*)

SHRI KHARABELA SWAIN: Has it already been marketed or not?....(*Interruptions*) has it been developed?

[*Translation*]

SHRI KAPIL SIBAL: I would like to tell for the information of the Members that I had spoken to the Sofcom people 15-20 days back and asked them about the time by which its production would start. They told me that they had already received order for one lakh pieces from America. There is a leading company of the world which has a large presence in China. They have made inquiries about it and shown their interest in it. We also want the Government Department to place order for such computers. Those computers will be marketed in September or Mid-October, then the Members will be able to purchase it. I will try that as soon as their salaries increase, I will ask those people to approach the Members.

SHRI KHARABELA SWAIN: We will buy it for Rs. Ten thousand....(*Interruptions*)

MR. DEPUTY-SPEAKER: Swainji, please take your seat. I have get a lot of listed business today. I have to get four more bills passed.

[*English*]

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to amend the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Act, 1980, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: The House will take up clause-by-clause consideration of the Bill.

MR. DEPUTY-SPEAKER: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

SHRI KAPIL SIBAL: Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

16.35 hrs.

WAREHOUSING CORPORATIONS (AMENDMENT) BILL, 2005

[*English*]

MR. DEPUTY-SPEAKER: Now, we will take item no. 18—Warehousing Corporations (Amendment) Bill, 2005.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (DR. AKHILESH PRASAD SINGH): Sir, I beg to move:

"That the Bill further to amend the Warehousing Corporations Act, 1962, as passed by Rajya Sabha, be taken into consideration."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Warehousing Corporations Act, 1962, as passed by Rajya Sabha, be taken into consideration."

[Translation]

DR. RAMKRISHNA KUSMARIA (Khajuraho): Mr. Deputy-Speaker, Sir, everyone knows that India is predominantly an agricultural country. The condition of farmers is very poor. It is seen that owing to shortage of storage facilities, the farmers have to sell their crops at cheaper rates. If proper storage facilities are made available, then they can sell their crops at remunerative prices and earn profits.

16.37 hrs.

[SHRIMATI SUMITRA MAHAJAN *in the Chair*]

The Bill introduced by the hon. Minister is old and need to be updated, since long. This Bill will be in the favour of farmers. The most important factor is that the farmer's money is guaranteed. If he deposits his foodgrain in the warehouses and gets at least 80 per cent price for his crops then he can use that money to spend on agriculture and fulfill his other needs. There is a need to make such a provision in this Bill.

Storage facilities are greatly required in rural areas as farmers have to face lot of difficulties to reach urban areas. Several times during monsoon, they face problems due to improper roads and lack of transportation facilities. If storage facilities are provided in rural areas then farmers can make proper use of it. I make an appeal to extend these facilities in rural areas through this Bill.

A scheme was launched in regard to rural warehousing. Several farmers have constructed their private warehouses. It is proving useful to the people. There is a need to extend that scheme so that farmers could build their own warehouses. This would facilitate them. If their subsidy is increased it would prove beneficial for farmers.

It has been seen recently that several states were hit by flood and the farmer's stock of foodgrain got putrefied in their houses. They were in trouble and starving. Today, they do not have enough money to purchase seeds. If they had warehousing facility they would not have faced such a bad plight. Thus, there is a need to extend this facility more in rural areas so that it may facilitate the farmer to tide over the situation of national calamity. The hon'ble Minister has made a provision in this Bill to set up a network with the nationalized and scheduled banks and if he extends it with the help of maximum amount of funds, it would be a commendable step. It is a suitable provision since it synchronizes with today's need of maximum funds to compete in this era of liberalization and globalization.

Madam Chairman, there is a need to pay more attention to the provision of Board of Directors and Vice-Chairman lest there should be discrimination against the farmers since most of the time, warehouses are used by the traders and farmers do not get a chance to make use of this facility. They are deprived of it. The provision made by him to appoint a salaried official or officer should also provide for the measure to check any kind of maltreatment the farmer. They should not be discriminated against and they should be allowed to store their foodgrains in justified manner. Alongwith this subsidy should be provided for constructing warehouses.

Lastly, I would like to submit that this Bill has been brought in the interest of farmers I would like to congratulate the Hon. Minister for the amendments which are likely to be made in the Bill would benefit the farmers. The rural people are likely to be benefited most. Alongwith this the Hon. Minister is requested to extend the scheme of private warehousing and increase the subsidy for farmers.

[English]

SHRI K.S. RAO (Eluru): Madam Chairman, the amendment that has been brought out by the hon. Minister is definitely a very minor one. I, particularly, support this because it increases the number of non-official Directors, and reduces the number of Government Directors. Earlier, the case was different. The policy of the Government has also totally changed now. Earlier, it was dependent entirely on the Government, and we

[Shri K.S. Rao]

wanted everything to be done by the Government including the business, trade, manufacturing, etc. Today, the concept has totally changed and we are now permitting and encouraging privatisation, globalisation, etc.

Actually, the need for increasing the non-official Directors is more and reducing the Government Directors is less, and it has been brought out by the hon. Minister. This is the reason for me supporting it. The other amendments are also on the same lines, namely, very minor in nature. In this context, I want to bring to a point to the notice of the hon. Minister. Earlier, the need for storing food grains—when there was shortage of food in this country and we were importing it from other countries—on a large scale was necessary. But, today, we have reached a level where we have become self-sufficient, and we have got enough food grains in the entire country. As I was telling the other day that the need to stock food would provide food security, particularly, to the poor. It is necessary and it cannot be totally avoided, but its role can be scaled down.

I have also observed that a lot of people complain to me in the constituency that in the recent past, the Government has encouraged a lot of private people to construct godowns in the villages. As a result, a large number of godowns have come up with prior contract with the Government. I am given to understand that most of the commodities that are to be stored in it like food grains, vegetables, fruits, etc. are being stored in private godowns rather than in CWC godowns or in Food Corporation of India godowns.

As a result of that, a lot of godowns built by the CWC are lying idle without earning any income, whereas the Government is paying rent to the owners of private godowns which is not in the national interest. They say that since they have already entered into an agreement with the private parties for four, five or six years, whether they utilise the private godowns or not, they have to pay rent to them. Therefore, they say that they are sending foodgrains and vegetables to private godowns keeping the Government property idle, and thereby keeping the Government employees of CWC and the Food Corporation idle. I think, the Minister has to take

the precaution to ensure that the Government godowns are filled up first, and if there is no sufficient space with them, then only they should utilise the private godowns; otherwise, they should not use them. The Minister should also caution the respective officers who are working either in CWC or in the State Warehousing Corporations that they should not enter into long-term contracts with the private corporations or individuals for filling up their godowns. Where is the need for it? Let there be a clause in the agreement that as and when the necessity arises to fill their godowns, only then they will do it. It should not be done under any compulsion. What is the use of filling up godowns owned by private parties leaving the Government godowns vacant, and also paying crores and crores of money to them?

I request the hon. Minister to please get the statistics from various parts of our country as to how much space in Government godowns is lying idle and how much they are paying to the private parties. Please make an amendment and pass on the necessary instructions to the concerned; if necessary, even scrap those agreements with the existing private parties.

With these few words, I support this Bill. At the same time, I want the Minister to save the interest of the nation and our people by filling the Government godowns first, and to provide work to the Government staff who are drawing salaries. The Minister should also provide work to the porters/*malis* who are working in CWC and Food Corporation. These poor people do not have any work and, therefore, they are idle. The Minister must look after all these things.

SHRI LAKSHMAN SETH (Tamluk): Madam Chairman, the Bill is a very simple one and not a major Bill. I have no objection to the passing of this Bill. Through this Bill, the Government has decided to give more autonomy to CWC. That is why, in the Bill, it has been proposed that three functional directors will be inducted, and certainly, the directors will be experts, who will really gear up this Corporation so that it can make more profit. This Corporation is now making profit. That is why, the Government has declared this Corporation as a '*mini-ratna*'. It has a vast potentiality for expansion and growth. In a country where economic growth is taking place, storage facilities are very much important. Storage-cum-marketing infrastructure is very much important to cope

up with the needs of industrial growth and economic growth. That is why, we want more and more specialised storage systems. In our country, millions and millions of tonnes of foodgrains are either being spoiled or getting contaminated, which is very unfortunate. That is why, we want more expansion of the warehousing facilities throughout the country. My proposal is that in every block of the rural areas, in every municipality, there should be warehousing facilities. That is why, with a view to give more autonomy to the Corporation, the Government has introduced this Bill.

There is an apprehension in the minds of the employees who are really rendering good service to make this Corporation profitable. It is because during the NDA regime, about 4,000 employees were given VRS. There is also a plan to make more people opt for VRS. Eleven thousand employees are working in this Corporation. With their untiring effort, this Corporation has been making profit. Therefore, when you are giving autonomy by inducting functional directors, I would request you to protect the interests of the employees. You have to take the employees into confidence so that they can give good service to the nation. We are not objecting to it by saying that storage facilities should be developed by the Government only. What the hon. Member Shri K.S. Rao said a little while ago is true. There are many CWC warehouses in various parts of the country—there are two in my Constituency—but they do not have enough work to do. Private godowns are coming up on a large scale. Some of the private godowns are not maintaining the systems properly. Contamination, adulteration and other malpractices are taking place in these private godowns.

Warehouses should be built in a proper way with facilities like cold storage. Irradiation facilities can also be provided in the warehouses so that we can really combat contamination and increase the life of the produce as a result of which our farmers can be highly benefited. We want the CWC warehouses to be modernised in order that they are able to cope up with the needs of the present day. The Government should certainly provide more and more funds for this purpose. This is a welcome proposal. This Corporation should be able to borrow money not only from the nationalised banks, but also from the scheduled banks for its capital.

Otherwise, these warehouses cannot be developed and strengthened.

There are only about 490 warehouses in the country and I do not think that sufficient. That number is totally inadequate. If we want more and more benefits to accrue to our farmers in the rural areas, the network of warehouses should be expanded. The farmers are producing in large quantities but they are not getting a good price for their produce because adequate storage facilities are not available to them. This is a very important thing. That is why I say that warehousing facilities in rural areas should be expanded with all modern systems like irradiation system, cold storage system, etc. Science has brought for us many new techniques for protecting and prolonging the life of various commodities. However, these systems are not being introduced in our warehouses.

I congratulate the hon. Minister and the Ministry for having brought this Bill in order to give autonomy to CWC. At the same time, I think that they will certainly dispel my apprehension that this autonomy would not be converted into privatisation. This is a *mini-ratna* organisation which is making a profit. The organisation should be strengthened. In the name of giving autonomy if this company is privatised, it will be bad for the nation. The employees who are giving their sweat and toil for the development of the Corporation would be deprived of their livelihood if it were privatised.

Therefore, while I support the Bill, I hope that the Minister will take note of the apprehensions that I expressed and ensure that the interests of employees are protected. At the same time, after the passage of this Bill, the Ministry should evolve a mechanism to see that warehousing facilities are expanded and developed with modern systems everywhere in the country, especially in the rural areas. This will be of immense help to the nation.

Storage is a very serious problem being faced in the country. Due to lack of storage facilities, millions and millions of tonnes of various commodities are getting spoiled. After the passing of this Bill, the Minister should take serious note of this and lay more and more emphasis on improvement and development of warehousing infrastructure throughout the country.

With these words, I give my support to this Bill.

[Translation]

SHRI SHAILENDRA KUMAR (Chail): Madam Chairman, I would like to express my gratitude to you for providing me an opportunity to speak on the Warehousing Corporations (Amendment) Bill, 2005. I would like to give certain suggestions to the Hon. Minister. As our hon. Members have stated just now, it is true that we have become self reliant as far as foodgrains, fruits and vegetables are concerned. There are several such areas where vegetables and fruits are either thrown away or fed to the animals owing to surplus production. In Farrukhabad we have very high production of potato. It gets putrefied lying in the sacks itself due to shortage of cold storage facility. Our leader Prof. is sitting here, his area is leading in tomato production. Several times it is fed to the animals. Thus, the Government should make some arrangement for the storage of such fruits and vegetables.

An amendment has been made in this Bill by substituting the word "Board of Director" for "Vice Chairman". A provision has been made to increase the number of non-Government Directors and reduce the number of Government Directors in the Board of Directors. My suggestion is that such people should be appointed in the Board of Directors, who are experts and belong to rural areas and have more knowledge about farmers and farming. If we appoint such members then they will be able to handle the issues relating to warehouses and would be able to manage in a better and proper manner.

There are approximately 500 warehousing corporations in the country. There are some in my constituency as well. Some of them are in the private sector and some are in public sector. But I have seen that their condition is pitiable. There is no gate and anybody can trespass. Besides, the walls are cracked, there is seepage through those and these warehouses are frequented by rats and at some places foodgrains are rotting in the sacks. As submitted by several members adulteration has become the order of the day. People replace the fine quality foodgrains with the rotten ones and officials get rid of it by declaring it 'damaged' or 'scrap'. It has been causing heavy losses to the Government exchequer. I would like to submit that warehouses should be managed properly.

Several hon. Members have submitted that in the event of flood, the foodgrains stored by the farmers in their houses either get washed away or left unfit for consumption.

The reason behind this is that the sufficient numbers of warehouses are not available there. In Uttar Pradesh the marketing councils provide marketing facility in the villages. The farmers sell their grains, fruits and vegetables. They can send their products to other places. The Government should make such arrangement at other places also. If it is not possible to provide such facilities in the villages, it should be done at least at the block level, so that the products of the farmers can be stored properly. It will also help to increase in our revenue earning.

If it is essential, the Government should provide loans at subsidized rate for setting up warehouses in rural areas for the storage of agricultural products so that the farmers may store their products at one place in the villages itself. The storage facilities are also available in paddy mills at various places in the villages. The farmers store their rice, where it is also polished. Similarly, potatoes can also be stored there for many days. Similar facility should be provided for the storage of grains.

The hon'ble Members have given several suggestions on this amendment Bill. The provision of pay and allowances for the board of directors made in the Bill is a commendable thing.

17.00 hrs.

The people take interest in works if they get profit, otherwise they do not take interest. The provision of pay and allowance for them is a commendable step as the board of directors will take interest in work and also give suggestions in this regard. The board of directors should be set up as per the provisions contained in the Bill as it is in the interest of the farmers and the employees.

I conclude by supporting the present amendment Bill.

[English]

SHRI C.K. CHANDRAPPA (Trichur): Madam,

Chairman, this Warehousing Corporation (Amendment) Bill, 2005 is a very small Bill, and I rise here to support it.

The objectives of the Bill, as it is stated, are professionalisation and the rationalisation of the Central Warehousing Corporation, for which they want to make three more directors. They also want to raise the resources from public financial institutions. The objectives are good, but the question is that in the name of professionalisation, why officials are made Directors? I could not understand this. Is it part of the bureaucratisation?

Actually, if they want to professionally manage this institution, it would have been better to provide experts to be drawn to the Board of Directors so that their expertise could be used for professionalising this institution. It does not mean that no official is an expert. If they are, it is okay. But otherwise, what would happen is that probably, the officials would find another grazing ground where they can go.

Madam, they are providing Rs. 15 lakh annually for three directors, which would attract many to spend time there. That could not be. That is why I say, experts should be given preference and some officials, who are experts, can also be included.

Madam, I am afraid, my friend was pointing out 'always rationalisation would mean—at least, up to now, it was meant—retrenchment of workers, to make it efficient in the name of rationalisation. The previous Government had done their job : 4,000 employees were kicked out of it. So, what is their idea of rationalisation? I hope, while replying to the debate, the Minister would make it clear and explain about whether more VRS, morere trenchment no waiting for making it a rationalise institution.

There is a new theory—growth without employment. I think, the UPA has abandoned that theory of growth without employment. If that is so, that should be made clear. Otherwise, there is a fear that they may also retrench the workers in the name of rationalisation.

Madam, it is good that the Government is going in for more resources from financial institutions. There is nothing wrong in it to run this institution to make it professionally and commercially viable. It will be very

necessary. But at the same time, one should be careful that it should not lead to extravaganza. Now, if these things are taken care of, we are happy to support this Bill. But these fears should be taken note of. I hope, the hon. Minister while replying, will dispel these fears.

SHRI BIKRAM KESHARI DEO (Kalahandi): Madam, Chairman, I rise to support this Warehousing Corporations (Amendment) Bill, 2005 because the idea of the Bill is to strengthen the procurement sector and the storage facilities in the country, which predominantly deals with of the products of the farmers.

In this Bill, there are provisions to make the Warehousing Corporation, which is already running pretty well, more flexible and more acceptable to get and store the produce of the farmers on time.

Madam Chairman, as you know, and the House already knows it, after the crop is put in the field, there are three vital stages in the entire agricultural operations in the country—procurement, storage and distribution. These three stages are the most important factors which determine the economy of the agriculturists. It is sad to say that today, in a country like India, contribution of agriculture to the GDP is only one per cent. What is the reason for this? The reason is that the farmers do not have proper storage facilities. They do not get the right price for their produce. We have achieved Green Revolution—I agree that we have achieved full success in Green Revolution—but does achieving Green Revolution mean that the only aim of the farmer is achieving self-sufficiency in the production of rice and wheat? No, Madam Chairperson. At the same time, this country is importing pulses worth nearly Rs. 50,000 crore and edible oils and oilseeds workth Rs. 49,000 crore. We do not have any proper storage facilities for them.

Madam, I would like to congratulate the last Government—The NDA Government—and my colleague Shri Jual Oram, who was the Minister for Tribal Affairs. He initiated a very innovative scheme of making grain banks in tribal areas. It was very beneficial for the farmers. If this Warehousing Corporation really wants to do justice to the farmers, it has to go to the village, it has to go to the panchayats, it must have collection facilities at the panchayat level. The *mandi* system still exists because there is no other system for the farmers

[Shri Bikram Keshari Deo]

to sell their produce. But, Madam, with the new WTO agreements, trade-related policies and patent laws, we should see that the farmer gets the best price at his doorstep. That could be possible only if the Central Warehousing Corporation becomes proactive. I think that the UPA Government has taken a right step in this matter and I congratulate the Minister for bringing in a Bill of this nature. I feel that the Warehousing Corporation should be more flexible and autonomous. I agree with Shri Chandrapan's view that, instead of making it an official body, it should get more autonomy. Madam, in the last Government, we amended the Cooperative Societies Act as per the Braham Prakash Committee's Report and gave more autonomy to the cooperatives—the cooperatives which work at the rural or ground level. Then why can we not make it for a public undertaking? We should involve experts in this field and create more grain banks at the panchayat level. We should develop warehousing in the backward areas like—kalahandi and KBK areas or regions of the country so that the farmers living there get due price for their produce and do not go in for distress sales.

Besides this—it has been seen in the FCI also—foodgrains worth crore of rupees are being destroyed. This thing should be avoided in the Central Warehousing Corporation. I believe the Food Corporation of India also takes Central warehouses on lease basis and store its procurement in the godowns.

It is a welcome Bill. Though it is a small Bill, it has got a lot of ramifications for the farmers. These are very vital for a country because we, the farmers, constitute 60-70 per cent of the population, and we are based in rural India.

Considering these views, I support the Bill.

SHRI VARKALA RADHAKRISHNAN (Chirayinkil): Madam Chairman, while supporting the Warehousing Corporations (Amendment) Bill, 2005, I have to point out the ground realities that are existing in the country.

Some of the godowns maintained by the Warehousing Corporation have been closed down and the workers who are engaged there for decades are thrown out of employment. The public distribution system largely

depends on the warehousing of the stocks. The Food Corporation of India also is playing a very vital role in the distribution system. Now, the materials are stored in the warehouse. In most of the cities, there are one or two warehouses now available and some of them have been closed down.

Though my friends here in the House were demanding opening of warehouses in the rural areas—that is a good proposal—I say that the existing ones could not be maintained and are being closed down. Closure notices are pasted on the walls, inviting agitation by the workers who are employed there. The poor workers are doing manual labour and their livelihood depends on the work that is available at the godowns.

When this is closed down, some 100-200 families in the neighbourhood are put to starvation. These poor people are thrown out of employment. This is the ground reality. So, I request the hon. Minister to consider this. When we are discussing this Amendment Bill, these are the ground realities now available in the country.

We are discussing about the Board of Directors, the Chairman and others; that is good and I support it. But the question is how to maintain them? They will have to take the matter very seriously because not only the workers are thrown out of employment, the farmers do not get sufficient space to store their harvested produce.

As was pointed out by Shri K.S. Rao, private godowns are coming up. The godowns of the Corporation are being closed down; the net result is that there is undeclared privatisation in this field, which will ultimately lead to closing down of all godowns of the Corporation; and even the Corporation will be wound up. That is the situation gradually coming up in the country. So, I request that the Government should see the ground realities and the first step that the Government should take is to discourage the setting up of private godowns.

As far as possible, the Warehousing Corporation's godowns that are now existing should be utilised for storing foodstuffs and strict direction should be given to the FCI to have the foodstuffs stored there. Otherwise, the situation will become very grave. So, I think, the Government will give a serious thought on these matters

and do the needful without any delay so that we can prevent the proposed workers' agitation etc. creating unrest in the country.

With these words, I support the Bill.

[Translation]

SHRI SANTOSH GANGWAR (Bareilly): Madam, Chairman, there are few provisions in the Bill. The Government have decided to appoint functional directors to make the Central Warehousing Corporation more responsive. I would not like to say more. I would certainly like to have two three explanations from the hon'ble Minister in this regard. What was the target fixed in regard to storage in the Tenth Five Year Plan? Whenever we passed through roads, we find bags of foodgrains beside roads covered by tarpaulin. The production of food grains is continuously increasing after the Green Revolution. However, unfortunately, we fail to make proper arrangements for its storage. If the farmers want to sell their crops it is purchased by middle men and traders instead of Government and it is on account of this that the farmers do not get remunerative prices of their produce. Now the Government want to play a proactive role in the storage of agricultural produce in a scientific way so that the farmers may get remunerative price of their products and their products may earn profit for them. If the target is for ten metric tonne, then, I would only like to know as to what is the target in the Tenth Five Year Plan and the extent to which the target is likely to be achieved.

I would like to tell the Government about the situation in Uttar Pradesh. In Uttar Pradesh levy paddy is procured from the food department of the State Government and not directly from the farmers. Such arrangement results in many problems. The farmers also face problems while the traders and middlemen take advantage of the situation. In other States the Government directly purchase grains from the farmers. I would like to request that levy rice should be directly procured from the farmers and not through the States. In other States like Punjab, Haryana and at other places the crops are purchased by corporation. If the grains are purchased directly by the Government, it will be stored properly and the farmers will also get remunerative price for their produce. The present Bill is very short. I want that the corporation

should function efficiently, so that, it may earn recognition for their commendable works. The corporation should function as per the facilities proposed to be provided to its Financial Directors in the present Bill. With this hope, I support the Bill.

SHRI BRAJA KISHORE TRIPATHY (Puri): Madam Chairman, I welcome and support the Warehousing Corporation (Amendment) Bill, 2005. It is a short Bill. The Government had announced in the House that it would bring a comprehensive amendment bill for streamlining the performance of Food Corporation and the Central Warehousing Corporation and would expand the activities of the said organizations. However, the Government are not incorporating the relevant amendment. I would like to ask the Government as to by when the said comprehensive bill is likely to be moved. There is need of promoting the Warehousing Corporation in the country. The food grains are being produced in the country. How can we store maximum quantity of food? There is a need to introduce a comprehensive bill for increasing the capacity and activities of the Warehousing Corporation and to provide facilities to the farmers, however, the hon'ble Minister has not brought such bill. I would like to know as to by what time the said bill is likely to be moved.

It is affecting the cultivation of grains. While replying in the Rajya Sabha on 29 July, 2005 the hon'ble Minister had informed that the grains got spoiled in the year 2002-03 in the absence of proper storage facilities. A total of 1.135 lakh tones of food grains worth Rs. 49.9 crores got perished. In 2003-04 0.76 lakh tonne of grains worth Rs. 29.19 crore were perished and in 2004-05 the loss was to the tune of 0.97 lakh tonne worth Rs. 48.2 crore. There is a need to provide proper storage facility for grains which are getting spoiled in the absence of sufficient storage capacity. The Government in its reply have informed about huge loss. I would like to know about the measures proposed to be taken by the Government to preserve the grains. It is in the absence of sufficient storage capacity that 10 per cent of the total food-grain produced is wasted. So it is essential that the proper storage facility should be provided.

Madam Chairman, I support the Bill that has been moved by the hon'ble Minister, however, the provision

[Shri Braja Kishore Tripathy]

that has been incorporated in the Bill is not sufficient. So, I would like to request the hon'ble Minister that he should bring a comprehensive Bill in this regard.

SHRIMATI JAYABEN B. THAKKAR (Vadodara): Madam Chairman, I rise to speak in favour of Bill introduced by hon. Minister for carrying out amendments in Central Warehousing Corporation Act. I would like to bring two important points to the notice of hon. Minister. In absence of storage facilities in the areas having bumper crop of fruits or vegetables, the prices of these items crash in the market during peak season. It deprives the farmers of remunerative prices for their produce. My area produces potatoes in abundance and Shri Rathwaji's area, who is sitting here, produces tomatoes in abundance. Large heaps of tomatoes can be seen on road side during peak season. In absence of proper storage arrangements, farmers do not get fair price. My submission is that be it a tribal area or a seasonal crop, a renowned public sector unit should be entrusted with the responsibility of storage of commodities. The farmers should invariably be made stake-holders in said unit. Though, food processing units do not fall under it, the issue is related to the arrangements being made by the Government. For example, Ketch-up made from tomatoes needs storage. If farmers are made stake-holders then a bank branch may also be opened. If our GDP is below average, our farmers work very hard but they hardly get any benefit. Therefore, my submission is that they should get subsidy.

CHAUDHARY LAL SINGH (Udhampur): Madam Chairman, I support the Bill introduced by hon. Minister.

Two-three things are practically necessary for my State Jammu and Kashmir. There is a need to enhance the storage capacity or establishment of some cold storages in the State. R.S. Pura, Kathua and Hira Nagar in Jammu region produce bumper paddy crop. The farmers in my State requested the Government to procure paddy so that farmers may get remunerative price for it and supply of paddy to the State from other States should be stopped. Our farmers produce thousands of tones of paddy whereas the touts make hey. My submission is that FCI should make arrangements for its procurement. So far as rural areas

are concerned, previous Government had constructed some stores. But these have been constructed in the non-paddy, non-wheat producing areas. Such areas are concerned only with the carriage of said commodities. Therefore, I urge the Government to procure wheat and paddy in my State. I am sure hon. Minister in his reply, would give an assurance regarding procurement.

DR. AKHILESH PRASAD SINGH: Madam Chairman, I am thankful to all hon. Members, including those who did not speak on the said Bill, I mean, I am thankful to the entire House as everyone has supported the said Bill. Last week, when the Bill was passed by Rajya Sabha, I had told that CWC is a renowned undertaking of the Government of India and it has been earning profit since its establishment. Except initial nine years, it has been paying dividend to the Government of India every year.

Madam Chairman, CWC was set up under Sec. 17 of Agriculture Produce Development and Warehousing Act, 1956 in the year 1956. Said Act was replaced by repealing it in 1962 and enacting Warehousing Corporation Act, 1962. After a gap of almost 43 years, the Government have brought an Amendment Bill, whereas it should have been brought earlier by the previous Government. The objective of setting up of said corporation was to provide scientific storage for agro-produces, later on extending such facility to the agriculture sector at subsidized rates and increasing the bottom-line. CWC has no doubt expanded its activities and has also diversified. In our country, we have 501 warehouses with installed capacity of 104.35 lakh metric tonne. Last year, when we formed the Government, I remember having made first presentation of said corporation. That time, the decline in its profit to Rs. 22 crore from Rs. 90 crore in 2001 was most disturbing issue before Shri Sharad Pawar. Then the Government reviewed its working and also monitored it. Madam, I would like to tell the House that during last one year its profit has increased by 50 per cent. It has increased to Rs. 37 crore from Rs. 22 crore.

Hon. Tripathyji and the Government as well were concerned about proper storage of farm-produce. I would like to tell that my Government improved capacity utilization of Central Warehousing Corporation to 67 per

cent which was 60 per cent in 2004. We have been able to bring down the storage loss from 0.38 per cent to 0.02 per cent. CWC is an ISO 9001 and ISO 14000 certified Organisation which has been placed in the Schedule B Mini Ratna Category-I Public Sector Enterprise Category. This enterprise is not getting the facilities of Mini Ratna which it should get until this amendment is passed. With this objective the Government has brought the amendment Bill in the House. The Department of Public Enterprises has given suggestions to this effect particularly in 1992 that full time functional Directors for areas like Personnel, Finance and other fields like production, marketing, projects and planning etc. may be inducted in the Board. The provision of such three functional directors in the Board-Director Finance, Director Personnel and Director Marketing and Corporate Planning is being made. Another important suggestion made by the Department of Public Enterprises was that the number of Government nominated Directors should be 1/6 or 2, or whichever is less of the total strength of the Board. The third suggestion was in regard to the non official Directors. Their number should be at least one third of the total strength of the board. They will be selected through Department of Public Enterprises by creating a panel. With a view to provide more autonomy, to public sector enterprises Mini Ratna and bring more professionalism in their functioning, the Department of Public Enterprises in 1997 took this decision that more autonomy will be provided to the Public Sector Enterprises which are earning profit and these will be made more competitive and efficient. Further, more autonomy would be provided to a PSE earning profit more than Rs. 30 crore and whose net worth is positive in any year during the last three years. Under this provision such OSEs will be allowed to go in for expenditure upto Rs. 300 crore or their net worth whichever is less for new projects like Capital Expenditure, modernisation etc. without the approval of the Government. These PSEs will be able to set up joint ventures and subsidiaries in the country. The investment by PSEs will be restricted upto Rs. 100 crore or 5 per cent of the Net worth whichever is less. The total share capital of PSE for all such joint ventures will not be more than 15 per cent of net worth.

Moreover, autonomy will be provided in other cases but subject to certain preconditions, like restructuring the

Board of these PSEs and appointing at least three non official directors. The Government is bringing this amendment Bill in the House with a view to provide more autonomy to CWC and make the PSEs more professionally managed and competitive after fulfilling all these pre conditions. There is a provision for relevant amendment under section 7-8 in the Bill. Another amendment is being forward for seeking loans from all the banks. According to the provision contained in the earlier Act the Ware Housing Corporation could only seek loans from RBI, SBI and nationalized banks or Insurance Investment Trust of financial institutions approved by the Central Government. A proposal is being made after making amendments therein that Ware Housing Corporation may be authorized to seek loans from all scheduled banks. For this purpose, a meeting of RBI and Finance Banking Division of the Ministry was convened on 25th April, 2005 in which a unanimous decision was taken so that loans could be made available to the Warehousing Corporation at competitive rates of interest.

In regard to a question put forth by Shri Seth regarding Voluntary Retirement Scheme, I would like to state that reduction in the profit of corporation after the year 2001-02 was definitely a cause of concern for the Government. We had to find a way out to check this fall and to reduce the expenditure in order to increase the profitability of the corporation. Voluntary Retirement Scheme was launched in the year 2002 to reduce the establishment cost which was a major component of the total cost. It did not imply that the Government deliberately made a move for retrenchment. After the implementation of Voluntary Retirement Scheme in the year 2002, 1301 employees opted for VRS whereby the establishment cost which was 65.39 per cent in the year 2002-03 plummeted to 56.71 per cent. As it is VRS was launched in the sectors with surplus staff. As far as opting for VRS is concerned, it is the decision of the officials. They have neither been compelled nor will be compelled. They may opt for this scheme if they find VRS more attractive than continuing in service.

Madam Chairman, Shri Ramkrishnaji has left but in response to the question put forth by him, I would like to state that currently the warehousing facility is adequate. We wanted to bring a Bill in this session to

[Dr. Akhilesh Prasad Singh]

facilitate loans to farmers for storage and protection of their produce but owing to some technical difficulties we have not been able to bring the Bill in this session. However, through you, I would like to assure the House that the Bill will be brought definitely in the next session of Parliament. At present, 30 per cent subsidy is being given to the farmers. This will not only help the farmers in storing their goods in the warehouse but whatever be the price of their produce, they will be able to obtain 80 per cent loans from the institutions with the help of the receipt given to them by the Ware House.

Madam Chairman, I would like to inform
...(Interruptions)

SHRI LAKSHMAN SETH (Tamluk): When that Bill will be brought?...(Interruptions)

DR. AKHILESH PRASAD SINGH: Whenever the next session begins.

Madam Chairman, in regard to the question asked by the Hon. Members Shri K.S. Rao, I would like to state that the Government has constructed godowns during the year 2001-02 under seven year guarantee scheme for storing approximately six lakh tons foodgrain, owing to surplus production of food grains. However, now occupancy of godowns has reduced marginally owing to reduction in stock. The hon. Member, Shri Lal Singh, hailing from Jammu and Kashmir, has also made inquiries relating to his constituency. The seven year guarantee scheme is not being implemented in the country. However, this scheme is being implemented even now in his state and the business guarantee scheme is being implemented even now in North Eastern States. Godowns can be constructed there under this scheme
...(Interruptions)

CHAUDHARY LAL SINGH: Madam Chairman, I would like to bring it to the notice of the Hon. Minister that I had not raised the issue of construction of godowns. I had asked about procurement. He may get it implemented. We will get the godowns constructed.

DR. AKHILESH PRASAD SINGH: OK, that too would be done.

Madam, Chairman, Shri Santosh Gangwar wanted to know the target of storage capacity construction under 10th Five Year Plan. I would like to inform that a target of 9.37 lakh metric tonne was set for the 10th Five Year Plan, which would definitely be achieved by 31-06-2006. I hope that this target would be achieved one year before the set target....(Interruptions)

SHRI SANTOSH GANGWAR (Bareilly): Madam, Chairman, I would like to draw the attention of the hon'ble Minister towards the fact that I had demanded that the Union Government should purchase the levy rice. Presently, purchasing is done by the State Government. I would like to submit that it should be done by the Union Government.

DR. AKHILESH PRASAD SINGH: This phenomenon restricted to your state alone. FCI and State Governments made procurements. Last year, we decentralized the procurement policy, and conveyed it to all the state. 11 States have opted this scheme. I request other States also to opt this. The Government will definitely extend desired facility to Uttar Pradesh with regard to the procurement.

Madam Chairman, I once again thank all the hon'ble Members for giving their consent to this amendment Bill.

[English]

MADAM CHAIRMAN: Now, the question is:

"That the Bill further to amend the Warehousing Corporations Act, 1962, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MADAM CHAIRMAN: The House will now take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 to 5 stand part of the Bill."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

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

MADAM CHAIRMAN: The Minister may now move that the Bill be passed.

DR. AKHILESH PRASAD SINGH: I beg to move:

"That the Bill be passed."

MADAM CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

MADAM CHAIRMAN: Item Nos. 19 and 20 will be taken up together. So, I think the House agrees to it.

SEVERAL HON. MEMBERS: Yes.

MADAM CHAIRMAN: Now, the hon. Minister has to move the Government Resolution.

17.45 hrs.

RESOLUTION APPROVAL OF RECOMMENDATIONS IN THE SECOND REPORT OF RAILWAY CONVENTION COMMITTEE

AND

RAILWAYS (AMENDMENT) BILL, 2005

THE MINISTER OF STATE IN THE MINISTRY OF
RAILWAYS (SHRI R. VELU): I beg to move:

"That this House approves the recommendations contained in paras 39, 40, 41, 42, 43, 44, 45 and 46 of the Second Report of the Railway Convention Committee (2004) appointed to review the Rate of dividend payable by the Railway Undertaking to General Revenues etc., which was presented to Lok Sabha on 28-4-2005."

MADAM CHAIRMAN: The hon. Minister has to move the Railways (Amendment) Bill.

SHRI R. VELU: I beg to move:

"That the Bill further to amend the Railways Act, 1989, as passed by Rajya Sabha, be taken into consideration."

MADAM CHAIRMAN: Motion moved.

"That this House approves the recommendations contained in paras 39, 40, 41, 42, 43, 44, 45 and 46 of the Second Report of the Railway Convention Committee (2004) appointed to review the Rate of dividend payable by the Railway Undertaking to General Revenues etc., which was presented to Lok Sabha on 28-4-2005."

"That the Bill further to amend the Railways Act, 1989, as passed by Rajya Sabha, be taken into consideration."

[Translation]

DR. LAXMINARAYAN PANDEY (Mandsaur): Madam Chairman, I am initiating the discussion on the rate of dividend payable by the Railways and Bill providing for the use of thousands of acres of railway land. As far as the question of dividend is concerned, it should be utilized judiciously in national interest, the States should get their due share of dividend as per the recommendations, its utility should be comprehensive and we should be able to utilize it for the development of the nation. As far as the issue of increasing dividend is concerned, that can be done. A proper action plan should be chalked out after holding proper discussion in this regard so that we are able to utilize this amount of dividend on a large scale and make appropriate use of it. Other recommendations of the Railway Convention Committee should also be considered threadbare and its scope should be widened. The other House has already discussed and passed this resolution and the Bill and now it has come before this House for consideration. Both the Resolution and the Bill have been presented before us and both are important. The Bill and the Resolution appear short, but they will have long term implications. If we go through them, many questions arise before us. The Railways own thousands of acres of railway land; nearly 43,000 hectare land comes under the jurisdiction of railways which is the property of the Railways. I would like to submit that it has been mentioned in the Bill that the "railway land" means any land in which a government, railway has any right, title or interest. I am surprised on the use of this terminology; I may be interested in a piece of land which

[Dr. Laxminarayan Pandey]

I do not possess. How can I claim my ownership on that particular land? My submission is that the Government should look into this terminology and amend it properly. 'The land in which Railways has any right, title or interest' does not connote that Railways interest can not be served by making commercial use of this land, by setting up business outlets, opening hotels or giving it on lease. It does not imply that. It means how can the Railways generate revenue from this land?

Secondly, there is humanitarian aspect linked to it. By humanitarian aspect I mean that there are encroachments on thousands of acres of railway's land which may be termed as illegal but I think that these encroachments have not been made just 5-6 years back, but they are there since 50-60 years or even before that. Many buildings and commercial establishments have been built on that land. The poor, dalits and the hapless people have constructed houses on this land. After all, why does the government want to displace them? Today, they have no means of livelihood and shelter. Those dalits and backward people who do not have any means of livelihood are living on that land. By acquiring that land the Government will displace them. In case of their displacement, the Government should also consider where to rehabilitate them because a humanitarian aspect is involved. The Government should ponder over finding a solution to the displacement of thousands of people.

I would like to draw the attention of the hon'ble Minister towards two-three points mentioned in this Bill. In this Bill the Government has provided for setting up of an Authority. The powers of Authority have also been enumerated. Unlimited powers have been vested in it. From the language of Bill it appears that the Authority enjoys a comprehensive jurisdiction making it a bit arbitrary. The Authority may even float global tenders at will for the development of the railway land. In the Bill it has been said that the Authority has to develop and provide consultancy, construction or management services and undertake operation in India or abroad in relation to the development of land and property:—there are many consultants in India, why should consultancy services be borrowed from abroad, there are many

builders in India. Why shall the Authority utilize the services of foreign builders by inviting global tenders from abroad? This will provide a wide scope for its misuse. This may be amended.

Further it has been said that the Central Government, the Authority shall be empowered to enter into agreements. Many hon'ble Members of other House have also raised questions in this regard. I would like to make a mention of what they said. They have questioned the Railways claim on the said land and asked how it can be called the property of the Railways. Land to the railways have either been allotted by the State Government or the previous Central Government. Though most of the land was acquired by the railways and compensation was paid for it, yet, there are large tracts of land which have been forcibly acquired by the railways and no compensation has been paid. Please clarify, whether after implementation of the said Act will the railways treat forcibly occupied land as its own and displace the actual owners?

I have told that, though the extant Bill looks quite simple and lucid but it will have long term impact. I know that the Standing Committee including the Departmental Committee of the Railways have deliberated upon it seriously. However, the House has a right to reconsider it though it has been considered by the Standing Committee and lapse, if any, may be brought to the notice of the Government.

Well, the Government are adding a new source of revenue for the railways. On the one hand the railways want to embark upon expansion whereas on the other hand it wants to lease out its land. Recently the hon. Minister of Railways told that the Government proposes to lay a new line, the third one, between New Delhi and Mumbai and New Delhi and Chennai. I would like to know if the Government propose to make commercial use of its surplus land, i.e. constructing five star hotels etc., then where the land would be available for laying a new rail line. Please clarify, what do the Government intend to do? It means the Government are not serious about it. And saying that it proposes to lay a line between New Delhi-Mumbai or New Delhi-Chennai is merely an announcement. Same is the case with Delhi-Patna third line or anywhere else, where the Government propose to lay tracks.

See the condition of Delhi, Mumbai or other big cities. Earlier, there used to be 3 platforms, than four, six, seven and ten, twelve. Though additional terminals have been added but their condition is very poor. Surplus land around station is being utilized as unabated increase in number of passengers results in introduction of new trains, addition of more coaches, expansion of platforms and thereby the surplus land is becoming a source of income, so it is not a simple Bill, it is very complicated one. Hon. Minister should ponder over it seriously and answer these points during his reply. Also let him clarify the position with regard to land given by the State Governments, whatever is its basis of allotment.

I would like to draw his attention to another point, that is; though they are talking of commercialization of thousands of acres of land, yet certain parts of said land do not belong to railways. Either such lands have been transferred to corporations or allotted for difference purposes. Total figure of 43 thousand acres of land also include said land, so, please clarify the Governments stand in this regard.

Sec-4 provides for creation of an authority, sub-sec (c) of Sec-3 provides for its process, specification of procedure, framing of rules as to the modus operandi of commercialization. Term commercialization should be suitably defined; will the authority itself carry out commercial activities? What will be its position? Also, what shall be criteria for appointment or nomination of officers to the authority, what shall be its tenure, its function and span of control of its officials? Also, tell how the government proposes to make it transparent?

Recently, hon. Minister of Railways had stated that consumption of diesel in railways has increased many fold. During debate on the Ministry of Petroleum, it was envisaged to give emphasis to jatropha cultivation at large scale. Chhattisgarh and a few other States have already switched over to it. Why not the railway switch over to Jatropha cultivation on its surplus land as has already been decided to commercialize its surplus land to meet the shortage of diesel. Thereby, the railways can fulfill its fuel requirement and also provide an alternative fuel so that it faces no difficulty in the future. I would like hon. Minister to make these points clear in his reply.

The Ministry of Railways often states that it has to fulfill its social obligations also. And on this aspect, efforts are made to keep passenger fares at reasonable level, though this loss is compensated by the profit earned on freight. On its social obligation front, it adopts soft attitude towards poor, dalits, backward classes and unemployed people. Though, the Government have passed Employment Guarantee Act for providing job to unemployed youth, be it in rural or urban areas, yet, it wants to displace some helpless and poor people who are unemployed. Does it not come under social obligation towards poor, dalits and backward classes? How the Government propose to fulfill its obligation in this aspect? And how it would rehabilitate persons displaced consequent upon commercialization process? I would like him to dispel such fears.

At the outset, I had raised the issue of profit and dividend by the railways. Do the Government propose to act upon the recommendations of Railway Convention Committee so that labourers and employees can benefit from it?

With these words, I again request the Government to reconsider extant Bill and not pass it in a hurry. If the Government propose to bring a Bill, it should bring a comprehensive Bill which addresses all said issues. We won't be able to achieve anything by merely passing the Bill and creating an authority. We have set up many authorities. Kindly shun the practice of setting up Authorities and bring an integral bill in which all these things could be incorporated in order to dispel our apprehensions. Since it is not an ordinary thing, he is going to give unlimited powers to the Authority, therefore, it should be made clear as to how its functioning, nominations and formulation of rules will be made transparent.

18.00 hrs.

He has not taken any decision in regard to working of Authority. The real objectives of this Bill can only be achieved when he clears all these doubts.

[English]

MADAM CHAIRMAN: Now it is six o' clock. If the House agrees, we can extend the sitting of the House to continue this discussion.

[Translation]

SHRI SANTOSH GANGWAR: Madam Chairman, hold discussion tomorrow, now please take zero hour.

[English]

MADAM CHAIRMAN: All right. But we extend the sitting of the House to take up Special Mentions.

[Translation]

SHRI SHAILENDRA KUMAR (Chail): Madam, Chairman, through you I would like to draw the attention of the Government towards the fact that turban is the religious attire of sikh community and it is linked to their religious sentiments. Wearing turban has been banned in Canada and they have been told to wear helmet. Sikh brethren consider wearing helmet as inauspicious or there is no tradition of wearing helmet in the Sikh religion. This issue is related to the religious sentiments. When the first boy of a family is born, 'Turban', 'Kripan', 'Kada' etc. are adorned to him which are part of the religious ceremony and are attached to their sentiments. This has been imposed particularly on all railway officers and railway employees working in Canada. The Government of Canada and U.K. had to retreat their orders when they imposed such condition on Sikh Soldiers earlier. Therefore, through you, I would like to tell the Government to pay attention in this regard. Our Government should take up the issue with the head of the state of Canada and U.K. This issue is linked with the religious sentiments; Sikhs shall continue to wear turbans so that their religious sentiments may not get hurt.

[English]

SHRI PAWAN KUMAR BANSAL (Chandigarh): Madam Chairman, I associate myself with this matter which is raised by Shri Shailendra Kumar.

MADAM CHAIRMAN: All right. You associate.

[Translation]

SHRI CHANDRAKANT KHÁIRE (Aurangabad, Maharashtra): Madam Chairman, an incident related to cyber crime has been unearthed in my parliamentary

constituency Sambhajinagar (Aurangabad). The Police Department has done a commendable job and after the hard work of 5-6 months, they have exposed the crime. The entire city is in the grip of shock when they found morphed porn photos of approximately 250 girls on yahoo com. This news has been flashed in the entire electronic media and published in the newspapers of Maharashtra. It has been alleged that one such photography out of those 250 photographs was uploaded by misusing the services of a Government Organization named CEDT. Some students belong to CEDT institution or its employees had worked overnight to post those indecent photographs on yahoo com.

Madam Chairman, I had demanded earlier also for enactment of stringent laws to check this kind of cyber crimes, but till now no action has been taken so far. There is a need to enact and implement stringent laws to check this. It is essential to check these kinds of cyber Crimes. Cyber crime is an international and national offence. Monitoring of international and national websites should be done everyday to check such kind of crimes and depiction of anything which goes against the spirit of Indian culture should be immediately blocked.

Madam, through you I would like to request the hon'ble Minister of Home Affairs and Minister of Information Technology that an organization should be set up to keep vigilance over all these things, so that cyber crimes could be checked immediately. It is a big organization. The indecent photographs of 250 girls have been posted. Alongwith it, I would like to say that such organization should be set up, through which effective steps should be taken to keep vigilance over websites, cyber cafe and internet cafe and to check cyber crimes. Necessary steps should be taken to check uploading of such pictures on websites.

CEDT is an useful and good organization, it should be maintained. The people and students from all over the country come to this organization. CEDT is one and only organization in Maharashtra. Therefore, through you, I would like to demand that only students from Maharashtra should be given admission in CEDT, so that cyber crime could not spread through students coming from other parts of the country and cyber crime could be controlled.

Along with it, through you I demand that an inquiry be conducted into this incident.

SHRI PUNNU LAL MOHALE (Bilaspur): Madam Chairman, I would like to draw your attention towards Arpa Bhaisa Jhaal Irrigation Project of district Bilaspur in Chhattisgarh, which has been lying pending for approximately last ten years. A colony for officers and employees of Irrigation Department has been constructed in Gram Sakri of Bilaspur District and billions of rupees have been spent on it. I would like to submit to the Union Government that upto one lakh farmers would be benefited from the said project and approximately five lakh hectares of land could be irrigated. The farmers would be benefited by implementation of this scheme. The area has been reeling under famine also and the condition of farmers has become miserable due to scarcity of water. The farmers of Legislative assembly area Takhatpur, Jarhagaon of district Nagpur, village Sakri of Bilaspur and Bilah would be benefited from the said project and their economic condition will also improve.

Therefore, through you, I would like to request the Union Government, that Arpa Bhaisa Jhaal Irrigation Project which has been pending for consideration with Union Government for many years should be approved without any delay. So that this scheme could be completed at earliest in interest of farmers and farmers could also be benefited from it.

[English]

DR. K.S. MANOJ (Alleppey): Thank you Madam Chairman. I would like to draw your kind attention to the serious and urgent matter of importance regarding different types of discrimination, physical and mental torture, harassment and humiliation faced by the 3,500 odd members of the Military Nursing Officers in spite of their rendering commendable service to the wounded and sick soldiers and their family members for 78 years since its inception.

The Nursing Officers of the Armed Forces Medical Services are commissioned by the President of India. They are issued a Parchment Certificate signed by the hon. President to this effect. The commissioning is preceded by an All India Selection entrance examination and training programme at par with other officers of the

Indian Army. They are subjected to the Military Nursing Service Ordinance 1943, the Military Nursing Service Rules 1944 and the Defence Services Regulations.

Despite all these facts, the Army authorities refuse to accept the nurses as officers. They calculatively created a confusion among the Armed personnel by circulating conflicting letter and statements which reflect the prejudicial mindset of a few Army Medical Officers.

This state of confusion created among them has been utilised to selectively discriminate, harass and humiliate the nursing officers in the grant of their dues in terms of respect and other privileges. It is perceived that the MNS is not covered under the Army Act 1950 which is said to be the reason for discrimination. But the Army Act is made applicable to them selectively for punishment and discipline and not for privileges.

The discrimination varies from changes in the uniform to forceful introduction of a revised form of Annual Confidential Report. Also, even the seniormost official of the Military Nursing Services, that is the Additional Director-General of MNS, is not allowed use the star plate and flag in her official vehicle. So, Madam, these Military Nursing officers are facing so much trouble in their duties. Even manhandling of the Military nurses has occurred. Various reports have come in the newspapers.

In view of the fact that higher officials of AMC are behind the move to intimidate and exhort the entire MNS Cadre, I would request that an impartial and independent inquiry hearing the grievances of the Nursing Officers of the MNS including the Additional Director-General of Military Nursing Services, the Senior most Nursing Officer who heads the service, to be conducted by the hon. Raksha Mantri himself and the grievances—or the prayers—of the MNS Officers may be resolved at the earliest.

SHRI VARKALA RADHAKRISHNAN (Chirayinkil): Madam, the Kerala Legislative Assembly had unanimously passed a Resolution requesting the Central Government to establish a Bench of the Kerala High Court at Trivandrum. The Bench was functioning there long before but it was stopped due to a direction from the Chief Justice. Now, the Chief Minister of Kerala has also written to the Central Government towards the establishment of a Bench at Trivandrum.

[Shri Varkala Radhakrishnan]

Trivandrum is the only State capital where there is no Bench of the High Court. It may be pointed out that in Tamil Nadu and in Karnataka different Benches were sanctioned—one Bench at Madurai of the Madras High Court and one Bench at Hubli of the Karnataka High Court. That was done by the Central Government with their sanction. So, it is only just and proper that a Bench of the Kerala High Court be established at Trivandrum. It is only a revival. The Bench was functioning there earlier. There is no further financial commitment.

So, I would request the Central Government to consider it seriously and issue orders. It is because the Kerala Government is ready to meet all the expenses. My humble submission and my demand to the Central Government is to take immediate steps towards the establishment of a Bench of the High Court at Trivandrum. By doing so, the Central Government is not having any financial commitment. So, I think, they will take immediate steps towards the request of the Kerala Assembly as well as the Government.

[Translation]

MADAM CHAIRMAN: Shri Kishan Singh Sangwan, please be brief as the House has already had a discussion on drought.

SHRI KISHAN SINGH SANGWAN (Sonapat): Madam Chairman, I would like to draw attention of the House to an important problem. Entire North India, especially Haryana is facing serious drought. The rain played truant during monsoon. The State Government has turned deaf and is not concerned about anything. There is an acute water shortage, animals are thirsty without water and power position is very precarious. I have never witnessed such a condition earlier. Sugarcane, paddy, jawar and bajra have turned pale and are in the grip of diseases. The Government of Haryana has turned deaf and it is busy only in conducting ceremonies. It is not concerned about public. Tube-wells have failed because of power failure. Moreover, Haryana is in the grip of mosquito-menace. The whole State is badly affected by it.

MADAM CHAIRMAN: You have given drought as your topic, so please be brief.

SHRI KISHAN SINGH SANGWAN: My submission in that entire Haryana should be declared a drought affected area. A Central team should tour the State and conduct a survey so that the farmers can get appropriate compensation, otherwise they would be ruined.

[English]

MADAM CHAIRMAN: Now Shri G. Karunakara Reddy. Please be brief.

[Translation]

*SHRI G. KARUNAKARA REDDY (Bellary): Madam Chairman, there is an acute shortage of cooking gas in my constituency Bellary. Our sisters, particularly the household women are facing a lot of problems due to this shortage. They have to wait for months to get their cooking gas supply. 5 years ago this problem was not at all there in Bellary district. Now, all of a sudden this crisis is creating problems to all families in the entire constituency. I therefore urge upon the hon. Minister of Natural Gas to help the household women in my constituency by providing sufficient quantity of cooking gas from time to time.

One more important matter Madam, is about the shortage of fertilizers. The farmers of Bellary district in Karnataka are demanding again and again for proper supply of fertilizers. Unfortunately, till now no action has been taken by the Centre. The farmers are the backbone of our economy and hence it is our prime duty to rescue them from this crisis.

Hence I request the hon. Union Minister of Fertilizers to provide fertilizers on time to the farmers of Bellary constituency.

I thank you Madam for giving me this opportunity to raise this important issue regarding shortage of fertilizers in Bellary and with these words, I conclude my speech.

DR. KARAN SINGH YADAV (Alwar): Madam Chairman, the factory owners and local administration have connived with each other to create fissures in 32 years old Truck Union functioning in Bahrar sub-division of my parliamentary constituency Alwar.

*Translation of speech originally delivered in Kannada.

The land of farmers of Bahrur, just 120 kms from Delhi and located on Haryana Rajasthan border was acquired by the Government for industrial purposes. The farmers of the said area, whose land was acquired for setting up Bahrur-Neemrana industrial township purchased trucks out of the compensation they got in lieu of their land and took up transport as their job. These truck owners were farmers and their young sons worked as driver and cleaner of said trucks. They formed a Truck Union and entered into an agreement with local factory owners. The agreement provided that only their trucks would carry the goods of said factories. It worked peaceful during past 20-25 years. But, during last two months the factory owners connived with local administration and tried to break the solidarity in the union with the help of local police. Under the supervision of police, trucks of Delhi and Haryana-based large truck companies load the goods of these factories and local truck operators have been rendered jobless. In the name of liberalization, the lands of poor farmers were acquired for setting up industries and these factories have not provided job to local youth. Now local truck operators also have been rendered jobless. The local administration has decided to ruin the union completely. Therefore, I request hon. Minister of Labour to pay attention to it and allow legitimate functioning of trade unions and see that the union remains intact and also that local truck companies and who have bought trucks out of the compensation paid to them in lieu of acquisition of their land are allowed to carry good of those factories so that they get some job.

SHRI SURESH CHANDEL (Hamirpur, H.P.): Madam Chairman, I would like to draw attention of hon. Minister of Road Transport and Highways towards the national highways of Himachal Pradesh. During NDA regime four national highways were declared in Himachal Pradesh and these were developed also. Since the Government have changed, nothing has been done for their upgradation nor are these properly maintained. I would like to say that the State do not have a proper rail network. Only one broad gauge line has been laid since independence, which is yet to be completed, hence majority of traffic plies on roads. In view of relative importance of roads the then Central Government had announced certain highways as national highways.

Madam, near to said NH-21 a 800 MW hydro electric Koal Dam is located. Heavy machineries meant for said power project is transported through a bridge at Ghagas which is in dilapidated condition. Technically the bridge is not in good condition. I urge the Government to renovate it at the earliest lest it may results in a tragedy. Further, the condition of Pinjore-Swarghat National Highways is worse than that of unmetalled road. No attention has been paid to it. My submission is that proper attention should be paid to it. Further, the Government of Himachal Pradesh has sought funds from CRF for roads of international importance in the State. These are—Una-Hoshiarpur road, Nangal-Una-Mubarkpur-Talwada road, Thana-Galla-Mandi-Bhakra Nangal road and Jwalamukhi-Dehra-Neharan-Pukhar-Paragpur-Pulwa road. In view of importance of the said roads, the State Government have sought funds for them. My submission is that since there are no big airports in the country, rail network is inadequately developed, so the Central Government should give more importance to these roads.

SHRI VIRENDRA KUMAR (Sagar): Madam Chairman, all the required formalities for Bina Refinery proposed to be set up with Indo-Oman cooperation near my parliamentary constituency, Sagar, Aagasaut have been completed. NOCs were issued to it during the NDA regime. Whether it is the approval of the Central Environment Department, the Gujarat Government or the Coastal Environment, all the NOCs were given that time. The Madhya Pradesh Government has also given assurance to extend all type of cooperation in this regard. Few days back the Chief Minister of the State has held talks with the officers of the Bharat Petroleum in Mumbai and the State Government had given assurance to extend all type of cooperation. Few days back it was published in the newspaper that Bina Refinery is being shifted to elsewhere from Madhya Pradesh where as the land of the farmers has been acquired for the said purpose and the compensation has also been given to the farmers and the boundary of the refinery has also been constructed. This refinery is an ambitious project of development of Madhya Pradesh. Nearly Rs. 9 thousand crore is likely to be spent on this project and the youths of the State will get employment opportunity because apart from providing employment to the unemployed youth, the refinery will also have

[Shri Virendra Kumar]

many byproducts that will further provide employment to the large number of youths. So, I would like to request the Minister of Petroleum, to clarify the present status of Bina refinery at the earliest and the work regarding the refinery should be started at the earliest.

SHRI SANTOSH GANGWAR (Bareilly): Madam Chairman, I would like to extend my thanks to you that you have given me the opportunity to speak. On one hand while the Central Government are announcing that by 2009 all the villages of the country will be electrified and the government are providing required funds and other facilities to the States. The Central Government is also providing assistance to the Uttar Pradesh Government for the said purpose. However unfortunately the power crisis in Uttar Pradesh is increasing day by day and the financial assistance that is provided to Uttar Pradesh by the Central Government is not properly utilized. The Uttar Pradesh Government proposes to invest Rs. 10 thousand crores for setting up of a major power project. Today itself the Uttar Pradesh Government has claimed that it will be able to supply sufficient quantity of power in two years time however the condition has been quite contrary to it. Through you I would like to request the Minister of Power to monitor this sector and should fulfill the requirements of Uttar Pradesh by way of holding meeting with the State Government so that the people of Uttar Pradesh may get proper power supply in a phased manner.

SHRI GANESH SINGH (Satna): Madam Chairman, I would like to submit regarding the migration of the youths from rural areas. Few days back Rural Employment Guarantee Bill was cleared by the Parliament. It is commendable. It has been decided to implement the scheme simultaneously in two hundred districts of the country. Out of that, food for work scheme is going on in 150 districts.

There are hundred of districts in the country where there is abject poverty. Lakhs of youths of those districts are compelled to go out in search of work throughout the country. The inclusion of such districts in this scheme is main objective of the Bill. There are several districts

of Madhya Pradesh like Satna, Katni etc. where nearly more than 40 per cent people are forced to live below poverty line. There is hardly any family in those districts where adult youth is not forced to migrate elsewhere in search of jobs. So I would like to request the Central Government that Satna and Katni districts under my parliamentary constituency must be covered under the Rural Employment Guarantee Scheme.

[English]

SHRI PRASANNA ACHARYA (Sambalpur): Madam, through you, I would like to draw the attention of the Union Government, particularly the Ministry of Coal regarding a very serious situation that has arisen in the Ib Valley area in Orissa.

Sambalpur University, which is the leading University in the State, has undertaken a study, and has a very alarming revelation. The study says that the Ib Valley will turn into a desert because of continuous operation of open cast mining by the Mahanadi Coalfields Limited (MCL) without following rules and procedures. There are reports of reduction of rainfall in the area, increase of temperature and decrease of humidity.

Due to release of tonnes of coal dust and overburden of open cast mine, there is serious air pollution. There is report of water pollution due to mining activity in the area, which is going on since last several decades. The authorities of the MCL are not undertaking plantation satisfactorily in the mining area and also adequate sand filling has not been done.

Therefore, Madam, a serious situation has arisen. A survey was undertaken by Seismologists, which indicates that Orissa comes under the earthquake belt Zone IV. The Ib valley, the Talcher area, the Badrama area, which is a forest area in the Western Orissa, the Riaml area and particularly the Hirakud Basin, where the famous and the longest Hirakud Dam is situated, come under this Zone. The most alarming thing is that a crack is said to have formed in this belt in deep under earth. An earthquake may be a catastrophe in this region.

Moreover the people of the area where MCL is undertaking mining work are suffering from many lung diseases like TB, BP, hypertension, etc.

My request to the Central Government, particularly to the Ministry of Coal is that they should take a serious note of it, and prevail upon the MCL authorities to at least adopt all the rules and procedures, the Mining Safety Rules while undertaking mining work.

[Translation]

SHRI RAJARAM PAL (Bilhaur): Madam Chairman, through you I would like to draw the attention of the House and the Prime Minister of India to a news item published in a daily newspaper dated 29-8-2005 under caption. "Farji Muthbher Ke Khulase Ke Mamle Se Raksha Mantralaya Me Hadkamp". The armed forces that have been deployed in Jammu and Kashmir by the Ministry of Defence, the Government of India, picked up four labourers from Jammu and took them to North Kashmir and killed them in a fake encounter for cheap popularity and obtain medals and promotion. They did such act out of greed. The social workers, politicians and the refined military officers through the newspaper have been requested by the Ministry of Defence to expose the said incident once it came to the notice of the Ministry. If in this way....(Interruptions)

MADAM CHAIRMAN: Please raise your question in brief. Please do not give long speech.

...(Interruptions)

SHRI RAJARAM PAL: It is a serious issue.(Interruptions) If such persons are present in the military forces deployed in the areas which are infested with terrorism, it may be dangerous for the country. It is a matter related to the military forces. The police in Uttar Pradesh are apprehending large number of poor oppressed people from their houses and killing them then in fake encounter. Dated....(Interruptions)

MADAM CHAIRMAN: You have raised the issue of Jammu and Kashmir.

...(Interruptions)

[English]

MADAM CHAIRMAN: No. You have already raised your matter.

...(Interruptions)

[Translation]

SHRI RAJARAM PAL: On 25-8-2005 the way(Interruptions)

MADAM CHAIRMAN: It will not go on record. The purpose for which you had sought permission is served.

(Interruptions)

MADAM CHAIRMAN: It is not going on record. Why are you speaking?

...(Interruptions)

[English]

MADAM CHAIRMAN: This would not be recorded.

(Interruptions)*...

MADAM CHAIRMAN: Nothing would be recorded.

(Interruptions)*...

[Translation]

MADAM CHAIRMAN: Nothing is going on record. Why are you speaking..

...(Interruptions)

[English]

MADAM CHAIRMAN: Nothing is being recorded. Please take your seat.

(Interruptions)*...

MADAM CHAIRMAN: Shri M. Shivanna.

[Translation]

*SHRI M. SHIVANNA (Chamarajanagara): Madam Chairman, the Central Government employees and the Karnataka State Government employees are demanding for the setting up of the 6th Pay Commission. Surprisingly the recommendations of the 5th Pay Commission have not been implemented till today even though the recommendations are 10 years old.

*Not recorded.

[Shri M. Shivanna]

Second ACP has to be given to Government employees after the completion of 24 years of regular service. Unfortunately, this has not happened. Only in Home Ministry this is being implemented. But in all other Ministries and autonomous bodies there is confusion even today. They tell the employees to wait for 12 years after their first promotion to get their first ACP. If an employee gets promotion after 20 years then he will get his first ACP after 32 years. This interpretation is wrong. He should get his second ACP after 4 years, i.e. after 24 years of total service.

I therefore urge upon the hon. Prime Minister to

direct the Ministry of Personnel to issue a circular in this regard and to do justice to the Central Government employees.

MADAM CHAIRMAN: Now, the House stands adjourned to meet tomorrow the 30th August, 2005 at 11 a.m.

18.35 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, August 30, 2005/Bhadra 8, 1927 (Saka).

INTERNET

The original version of Lok Sabha proceedings is available on Parliament of India Website at the following address:

<http://www.parliamentofindia.nic.in>

LIVE TELECAST OF PROCEEDINGS OF LOK SABHA

Lok Sabha proceedings are being telecast live on the dedicated channel of Doordarshan, viz. DD-Lok Sabha. Live telecast begins at 11 A.M. on everyday the Lok Sabha sits, till the adjournment of the House.

LOK SABHA DEBATES ON SALE

Printed copies of Lok Sabha Debates of English and Hindi Versions and other Parliamentary Publications are available for sale at the Sales Counter, Parliament House, New Delhi-110001.

© 2005 By Lok Sabha Secretariat

**Published under Rules 379 and 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Eleventh Edition)
and Printed by Chaudhary Mudran Kendra, 12/3, Sri Ram Marg, South Mauj Pur, Delhi-110 053**
