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Wednesday
5 May, 2010
15 Vaisakha, 1932 (Saka)

PARLIAMENTARY DEBATES

RAJYA SABHA

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[P.T.O.]

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RAJYA SABHA

Wednesday, the 5th May, 2010/15th Vaisakha, 1932 (Saka)

The House met at eleven of the clock,

[MR. CHAIRMAN in the Chair.]

OBITUARY REFERENCE

MR. CHAIRMAN: Hon. Members, I refer with profound sorrow to the passing away of Shrimati Ila Bhattacharya, a former Member of this House on the 3rd of May, 2010 at the age of 88 years.

Born in September, 1921 at Dibrugarh in Assam, Shrimati Bhattacharya had her education at Ashutosh College, Kolkata and B.T. College, Agartala.

A teacher by profession, Shrimati Bhattacharya organized many study circles among women and was instrumental in organizing several meetings to make women conscious about their social, political and economic backwardness. Shrimati Ila Bhattacharya was Chairman of the Tripura State Social Welfare Advisory Board.

Shrimati Ila Bhattacharya Represented the State of Tripura in this House from April, 1980 to April, 1986.

In the passing away of Shrimati Ila Bhattacharya, the country has lost a distinguished social worker and an able parliamentarian.

We deeply mourn the passing away of Shrimati Ila Bhattacharya.

I request the hon. Members to rise in their places and observe silence as a mark of respect to the memory of the departed.

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

MR. CHAIRMAN: Secretary — General will convey to the members of the bereaved family our sense of profound sorrow and deep sympathy.

MR. CHAIRMAN: Question No.561. ...*(Interruptions)*...

RE: REMARKS BY A MEMBER AGAINST LEADER OF OPPOSITION

SHRI M. VENKAIAH NAIDU (Karnataka): Mr. Chairman, Sir, I will take just one minute.

Sir, I would like to bring to your kind notice that yesterday when we were about to have further discussion on the working of the Ministry of Home Affairs, an issue was raised and the House had to

be adjourned twice. That being the case, we need a solution to this problem. One of the hon. Members of this House, while participating in the debate, made obnoxious, irresponsible and abusive criticism against the Leader of the Opposition, as well as, me. The Chair had expunged some of the remarks. But, unfortunately, certain sections of the media had published it widely and it has now gone across the country. It is a very serious matter. The Leader of the Opposition is an institution. We respect the leader of the ruling party, the Prime Minister and the Leader of the House also. Sir, for your information — I don't know whether you are aware of it or not — the entire debate on the working of the Ministry of Home Affairs was conducted in a good manner to the satisfaction of the people and it was dignified. In such a situation, this man, without even knowing the facts, just intervened and made sweeping remarks against the Leader of the Opposition and me. Had it been outside, we knew how to give him a response and reply.

MR. CHAIRMAN: Please. What is the point?

SHRI M. VENKAIAH NAIDU: It was made in this House. That is why we want the Chairman to take note of it. This is a question of the House. This is a question of the House, not of one individual or two individuals or the Leader of the Opposition.

MR. CHAIRMAN: Okay, thank you.

MR. M. VENKAIAH NAIDU: The House should take note of it and see to it that the man withdraws the remarks or apologize for the same.

MR CHAIRMAN: Thank you. The Chair has been informed by the hon. Minister of State for Parliamentary Affairs that some work is in progress and later in the day we will be a position to resolve it. ...*(Interruptions)*... Please allow the leader to speak. ...*(Interruptions)*...

DR. V. MAITREYAN: Sir, we have given notice for suspension of Question Hour to take up the issue of 2G spectrum. ...*(Interruptions)*...

MR. CHAIRMAN: Dr. Maitreyan, this is a Zero Hour subject. Let us finish the Question Hour and then come to it. Question No. 561.

ORAL ANSWERS TO QUESTIONS

No-Fire Zone along the Bangladesh border

*561. MS. SUSHILA TIRIYA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that India is working on a plan to declare a unilateral no-fire zone along the Bangladesh border;

(b) if so, the details thereof;

(c) whether it is also a fact that Government is considering visa relaxation for Bangladesh residents; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (d) A Statement is laid on the table of the House.

Statement

(a) and (b) No, Sir. Does not arise.

(c) and (d) There is a proposal to relax the procedure relating to grant of conference Visa to Bangladeshi citizens. The matter is under consideration.

Some of the other categories under consideration for relaxation include the following:-

(i) Professionals regularly visiting India, requiring longer stay than one year in rare and exceptional cases.

(ii) Visa on medical grounds including visa to accompanying/attendants/relatives.

MS. SUSHILA TIRIYA: Sir, this border dispute has been going on for so many years. What steps has the Government taken to resolve this? I would like to know what the rate of infiltration, as well as, civilian casualties for the last ten years is.

SHRI P. CHIDAMBARAM: Sir, India and Bangladesh have good relations and in the last few months these relations have improved considerably. There is an undemarcated portion of the boundary between India and Bangladesh. There are enclaves on either side which hon. Members are aware. There is some land which is in our adverse possession, adverse possession of Indians; there is some land in the adverse possession of the Bangladeshi citizens. All these are being discussed between the Government of India and the Government of Bangladesh. As there is progress, we hope that in due course, India and Bangladesh would be able to resolve these issues.

MS. SUSHILA TIRIYA: Is there any proposal from the Government side to give Indian citizenship to Bangladeshis, who came before or after 1971? I would like to know whether during the visit of the Prime Minister of Bangladesh there was any talk to resolve the differences between the two countries.

SHRI P. CHIDAMBARAM: Sir, this matter is governed by the Assam Accord. There is a cut off date in the Assam Accord. The date is March, 1971. There is a procedure in the Act how to deal with those people who came before March, 1971. We are strictly adhering to the law in this matter.

DR. (SHRIMATI) NAJMA A. HEPTULLA: Sir, I appreciate the Government's efforts to make friends with the neighbours. The question is of those illegal migrants who came to India through the Indo-Bangladesh border which was referred to by my colleague, Shri Venkaiah Naidu, while discussing the working of the Ministry of Home Affairs. What is the view of the hon. Minister in this regard? Are those people going to be absorbed in the Indian population? Or are you going to declare them non-residents? Your Census is also very dubious the way it is going on. What is the Government's policy in regard to those immigrants?

SHRI P. CHIDAMBARAM: Sir, the Government's policy has remained the same since 1971. The IMDT Act was questioned and the Act has been struck down. Now we revert to the Foreigners Act and the Foreigners (Tribunal) Order. Any illegal migrant found in any part of India would have to be detected under the Foreigners Act and the Foreigners (Tribunal) Order and then deported. It is not as though illegal migrants from Bangladesh are not being deported out of India. For example, in the last nine years, beginning 2000 to 2008, several thousand Bangladeshi nationals found overstaying their visas or illegally remaining in India have been deported. I have got the numbers. As I said, this is for the period 2000 to 2008. This process will continue. The question of setting up adequate number of tribunals and detecting illegal residents in India and deporting them is a matter on which we have addressed the Government of Assam. After the judgement of the Supreme Court, that is the only course open to us to establish a number of tribunals to detect people who are illegally staying in India and to deport them.

SHRI Y.P. TRIVEDI: Sir, What is the position of reciprocity between us and Bangladesh? Are there very severe visa restrictions for Indians trying to go to Bangladesh? Are you also aware of the fact that a large number of Bangladeshis are there in Mumbai? Some of them have got ration cards also and they have just stayed over.

श्री सत्यव्रत चतुर्वेदी : सर, मुझे इस पर ज़रा आपत्ति है। ...**(व्यवधान)**... सर, पहले मेरा निवेदन सुन लिया जाए। ये दो अलग-अलग प्रश्न हैं। एक प्रश्न सीमा पर गोलीबारी रहित क्षेत्रों से संबंधित है, जिस पर अभी चर्चा हो रही है और अगला प्रश्न, जिसकी संख्या 564 है, वह घुसपैठ से संबंधित है। देश में जो घुसपैठिए या illegal migrants घुस आए हैं, उनके बारे में चर्चा अगले प्रश्न में है ...**(व्यवधान)**... अभी तो यह मसला ...**(व्यवधान)**...

MR. CHAIRMAN : Leave that to the Minister. ...**(Interruptions)**...

श्री सत्यव्रत चतुर्वेदी : यह मसला तो होना चाहिए कि ...(व्यवधान)... यह तो बॉर्डर पर गोलीबारी से ...(व्यवधान)...

MR. CHAIRMAN : The hon. Minister would deal with it appropriately. ...*(Interruptions)*...

SHRI SATYAVRAT CHATURVEDI: Being a Member, I have a right to put my case before the Chair, and it is for the Chair to decide whether I am right or wrong. Nobody else has the power to decide whether I am right or wrong. ...*(Interruptions)*...

MR CHAIRMAN: Why are we spending precious time on this? ...*(Interruptions)*... I am sorry. ...*(Interruptions)*... The supplementary has been put. Kindly allow the hon. Minister to reply. ...*(Interruptions)*...

श्री विनय कटियार : *

श्री सभापति : नहीं, आप बैठ जाइए ...(व्यवधान)... Sorry, I have not allowed you. ...(व्यवधान)... आप बैठ जाइए! ...(व्यवधान)... This is not going on record. ...(व्यवधान)... This is not going on record. ...(व्यवधान)... Let the supplementary be answered.

SHRI P. CHIDAMBARAM: Sir, the visa regime in India and the visa regime in Bangladesh are indeed on a reciprocal basis. I am not aware of any unusual restrictions placed by the Bangladeshi Government on Indians desiring to visit Bangladesh. It is based on reciprocity.

SHRI KUMAR DEEPAK DAS: Sir, recently, the hon. Supreme Court had termed infiltration as a threat to the sovereignty of the country. The BSF has disclosed that 12 lakh Bangladeshis, who had entered India between 1972 and 2005 with valid documents, did not return after expiry of their visa in 2007. Over 24,000 remained missing in 2006. I would like the Minister to reply specifically as to what steps the Ministry has taken in regard to the direction of the Supreme Court and to the statement of the BSF.

SHRI P. CHIDAMBARAM: Sir, as I said, action, that is taken on illegal immigrants, or, on people who overstayed their visas, predates the Supreme Court Judgement and continues after the Supreme Court Judgement. I don't think the Supreme Court Judgement makes any difference to the policy adopted by the successive Governments. Between 2000 and 2009, up to August 2009,

* Not recorded

1,06,303 Bangladeshi nationals, who were intercepted on the border, were pushed back into that country, During the same period, people, who were overstaying their visas, or, were found illegally staying in India, have been deported; every year, several thousands have been deported. For example, in the year 2004, 38,005 people were deported. So, both the things take place. We push them back at the point at which they are intercepted. We also deport them if they are found anywhere in India. But it is a grave problem. Therefore, we are doing our best to address the problem. I gave you figures pertaining to 2000-2009. I can even give you figures prior to that. The policies of the successive Governments, as far as I know, are more or less the same.

Textiles park in Solapur

*562. SHRI RANJITSINH VIJAYSINH MOHITE-PATIL: Will the Minister of TEXTILES be pleased to state:

(a) whether Government has approved 'Textile Park' project in Solapur, Maharashtra for socio-economic development of Solapur;

(b) if so, the details thereof and action plan, along with time schedule, to complete the work of Textile Park;

(c) if not, the authorities accountable for not sanctioning the Textile Park; and

(d) the action Government is taking for the labourers' welfare in textile industry in Solapur?

THE MINISTER OF TEXTILES (SHRI DAYANIDHI MARAN: (a) to (d) A statement is laid on the Table of the House.

Statement

(a) to (c) Under the Scheme for Integrated Textiles Park (SITP), forty (40) textiles park projects have been sanctioned as per the approved target. Out of these forty (40) parks, nine (9) parks have been sanctioned in the State of Maharashtra during the years 2005-2008. No textiles park project in Solapur was sanctioned as no proposal for sanction of any textiles park project in Solapur as per the guidelines of SITP had been received.

(d) The Textile Workers' Rehabilitation Fund Scheme (TWRFS) was introduced to provide interim relief to the eligible workers of eligible closed textile mills in Non-SSI in the private sector. Under this scheme, 3024 workers of Solapur have been provided relief amounting to Rs. 10,07,97,820/-.

A Group Insurance Scheme (GIS) is also being implemented for welfare of powerloom workers in Association with Life Insurance Corporation of India (LIC). Under this scheme, out of a total premium of Rs. 330/- for one year policy, Rs.150/- is paid by Government of India, Rs.100/- is paid by LIC and Rs.80/- is paid by worker. In the financial year 2009-10, out of 1,42,205 workers enrolled under the scheme, 8,839 workers were from Solapur.

MR. CHAIRMAN: Shri Ranjitsinh Vijaysinh Mohite-Patil. Not present. Would anybody like to put any supplementaries?

SHRI GOVINDRAO WAMANRAO ADIK: Sir, this is a very important issue as far as Maharashtra is concerned because out of 40 such projects of Integrated Textile Parks in the country, nine were sanctioned from Maharashtra. I would like to know from the hon. Minister as to what the state of affairs of these nine projects, which have already been sanctioned, is. As per my knowledge, many of them have not been started, or, even if started, not in existence now. This is the state of affairs. I would like to know from the Government what steps the Government is going to take in this regard.

SHRI DAYANIDHI MARAN: Sir, the hon. Member is right that 40 projects were sanctioned in the Tenth and Eleventh Five Year Plans, out of which I am happy to announce that 17 projects have been completed and are functioning. Sir, out of these 40 projects — nine, the highest out of a total of 40 — were sanctioned to Maharashtra. Because of the global recession, there was a general slowdown, not only globally, but also domestically. As of now, four projects have been completed and they have successfully commenced operations in the State of Maharashtra.

SHRI SANTOSH BAGRODIA: Sir, my question is limited to Integrated Textile Parks. Bhilwara is known as the Mumbai of North India. Sir, 60 percent of suitings and shirting's are manufactured in Bhilwara. Still, I do not know why the present Minister, and the earlier Ministers, have been neglecting Bhilwara and meting out step-motherly treatment to it. I want to know why an ITP has not been allotted to Bhilwara. Will you kindly look into it, at least, now and assure the House that you will allot one to Bhilwara?

SHRI DAYANIDHI MARAN: There was a cap of 40 projects. These projects were sanctioned earlier and started operations much before I took over as the Minister. Let me tell you the way those projects are implemented. A detailed project report is submitted through the implementing agency to the Ministry of Textiles. If no detailed project report is received by the Minister of Textiles, it is not possible for us to do anything. Now, there was a cap of 40 projects. Since the Ministry of Textiles realized that these Integrated Textile Parks were proving to be a road to successful promotion of the textile industry, we had requested for an additional 15 of such Parks. The proposal is pending before the Government of India. I am sure, the moment this proposal is approved we will certainly consider Bhilwara, provided it meets all the necessary requirements.

SHRI JESUDASU SEELAM: Sir, he is a dynamic young Minister. But, unfortunately, there is this tendency of saying, 'before I took over'. That is not proper, because Government is a continuous

entity. Whether he is there or someone else was there earlier, it shouldn't matter; Government is a continuous entity. It has to be viewed in an integrated way.

Sir, my district of Guntur is famous for textile workers, especially Chirala, from where the hon. Minister of State comes. We are proud that the hon. Minister of State represents the Bapatla constituency.

MR CHAIRMAN: Question please.

SHRI JESUDASU SEELAM: I am coming to the question, Sir.

Sir, I agree to what he has said, as he is not aware of these 40 projects. But, out of these 15, which are going to be sanctioned, would the hon. Minister kindly consider sanctioning one Integrated Textile Park for Chirala, especially because it had been affected by devastation and a lot of textile workers and weavers had committed suicides because of the unbearable conditions? There has been a long-pending demand, Sir.

MR. CHAIRMAN: Question has been put. Let it be answered please.

SHRI JESUDASU SEELAM: Does Chirala figure in the list of 15 proposed Integrated Textile Parks? What is the proposal before the hon. Minister?

SHRI DAYANIDHI MARAN: Let me again elaborate the way the Scheme for Integrated Textile Parks (SITPs) work. A detailed project report has to come. A Special Purpose Vehicle has to be formed and this SPV has to coordinate and submit a report of the Ministry of Textiles. Then alone can we sanction any Park. Moreover, the proposal for the additional 15 Parks which I mentioned are under the consideration of the Ministry of Finance. Till we get confirmation from them, we cannot accept any proposal. It won't be fair on our part to accept any proposals when we do not have any financial allocation.

Fake encounters by Delhi Police

*563. SHRI KAMAL AKHTAR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of persons who died in encounters with Delhi Police during the last three years, till date;

(b) the number of cases of fake encounters by Delhi Police reported/ represented during the last three years;

(c) the number and the details of police officials booked and punished during the last three years for involvement in fake encounters; and

(d) the action his Ministry has taken/proposed to take to check rising trend of fake encounters by Delhi Police?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (d) A Statement is laid on the table of the House.

Statement

(a) Number of persons who died in encounters with Delhi Police during the last three years, till date are given below:

Year	Persons died in encounters
2007	13
2008	05 (including one police personnel)
2009	—
2010 (upto 20.4.2010)	—

(b) to (d) There has been no fake encounter by Delhi Police during the last three years. However, there have been representations/court cases for judicial enquiry into the Batla House incident on 19.9.2008. Hon'ble High Court of Delhi in W.P. (C) No. 7368/2008 and CM No. 9940/2009 passed an Order on 26.8.2009 declining the prayer for an independent judicial enquiry into the encounter being satisfied with the enquiry report of National Human Rights Commission (NHRC).

श्री कमाल अख्तर : महोदय, पिछले कई वर्षों से उत्तर प्रदेश, महाराष्ट्र और दूसरे सूबों के अंदर दहशतगर्दी और अपराधियों के नाम पर पुलिस लगातार लोगों के फर्जी एनकाउंटर कर रही है। इसका मतलब यह नहीं कि हम लोग आतंकवाद और अपराधियों का पक्ष ले रहे हैं। इसका मतलब यह है कि इनके नाम पर पुलिस जो फर्जी काम कर रही है, उस संबंध में मैं मंत्री जी से यह पूछना चाहता हूँ कि सरकार, जो सेकुलरिज्म की सबसे बड़ी ठेकेदार है, जो अपने को सेकुलरिज्म और मुसलमानों की सबसे बड़ी पक्षधर साबित करती है...

श्री सभापति : आप सवाल पूछिए।

श्री कमाल अख्तर : सर, मैं सवाल पर ही आ रहा हूँ, भूमिका नहीं बनेगी, तो सवाल कैसे पूछा जाएगा ...(व्यवधान)...

श्री सभापति : नहीं, नहीं, आप commentary मत कीजिए, आप सवाल पूछिए।

श्री कमाल अख्तर : सर, 19.09.2008 को बटला हाउस के अंदर जो एनकाउंटर हुआ था, जिसमें एक पुलिस वाला भी शहीद हुआ था, उसमें सरकार कोर्ट का सहारा लेकर नहीं बच सकती है, क्योंकि पूरे देश के 20 करोड़ मुसलमानों में और secular लोगों में एक दहशत है। मैं आपके माध्यम से मंत्री जी से पूछना चाहता हूँ कि अगर सरकार इसमें ईमानदार है ...(व्यवधान)...

श्री सभापति : कृपया आप सवाल पूछिए।

श्री कमाल अख्तर : सर, मैं आपके माध्यम से मंत्री जी से पूछना चाहता हूँ कि अगर सरकार ईमानदार है, तो क्या वह इस बटला हाउस एनकाउंटर पर Joint Parliamentary Committee बनाएगी या उसकी न्यायिक जांच कराएगी अथवा नहीं कराएगी?

SHRI P. CHIDAMBARAM: Sir, the Batla House incident has evoked extreme reactions and passions, and I understand that some people are extremely concerned about what happened. My appeal to them is, to bear with me while I explain in a minute what I can do under law. I have to act under the law. The Batla House incident was enquired into by the NHRC. A writ petition was filed in the High Court of Delhi, asking for an independent judicial inquiry. The High Court declined that petition and said that the High Court was satisfied with the inquiry conducted by the NHRC. An appeal was filed to the Supreme Court. The Supreme Court dismissed the appeal and upheld the order of the High Court. Since then, charge sheets have been filled in the Batla House case. As on four days ago, the final charge sheet has been filed. All the accused who are apprehended, who are wanted have been shown as accused in the charge sheet. The case is *sub judice*. Whatever may be our personal view in the matter, whatever extreme reactions may have been provoked on one side or the other, I can only act under the law. The charge sheet has been filed. I have assured those who have met me in this connection that I will make sure that the trial is conducted expeditiously. This morning, I once again instructed the officers as well as the prosecuting agency, namely, the Delhi Police, that the trial in this case must be commenced and concluded as expeditiously as possible.

श्री कमाल अख्तर : सर, माननीय मंत्री जी ने मानवाधिकार आयोग की रिपोर्ट के बारे में कहा है, लेकिन fake एनकाउंटर पर मानवाधिकार आयोग की जो रिपोर्ट आई है, उसमें 1155 नंबर पर यह एनकाउंटर fake दर्ज है। सर, मैं कहना चाहता हूँ आज बुरी स्थिति है, मुसलमानों में या एक पूरे वर्ग के अंदर बड़ी दहशत है और लोग दहशत में जी रहे हैं। अगर आज कोई अच्छी जगह पर किराए पर मकान लेने जाता है, तो उसे किराए पर मकान नहीं मिल रहा है।

श्री सभापति : कृपया आप सवाल पूछिए।

श्री कमाल अख्तर : सर, मैं सवाल पर ही आ रहा हूँ, यह सवाल से संबंधित है। यह 20 करोड़ मुसलमानों की भावनाएं हैं। अगर कोई किसी अच्छे स्कूल में अपने बच्चे का एडमिशन दिलाना चाहता है, तो उसे एडमिशन नहीं मिलता है और कहीं पर नौकरी भी नहीं मिल रही है।

श्री सभापति : आप अपना supplementary सवाल पूछिए।

श्री कमाल अख्तर : सर, मेरा कहना यह है कि अभी जिस तरह से अखबार के अंदर छपा कि अजमेर में जो विस्फोट हुए और मक्का मस्जिद में जो विस्फोट हुए ...**(व्यवधान)**...

श्री सभापति : आप सवाल पूछिए।

श्री कमाल अख्तर : सर, जब इन विस्फोटों की जांच हुई, तो जांच में ऐसे संगठन के नाम आए ...**(व्यवधान)**...

श्री सभापति : आपने जो सवाल पूछा है, उससे संबंधित supplementary पूछिए।

श्री कमाल अख्तर : सर, मैं आपके माध्यम से माननीय मंत्री जी से पूछना चाहता हूँ कि मुंबई में ट्रेन के अंदर जो बम विस्फोट हुए तथा दिल्ली या अन्य जगहों पर जो बम विस्फोट हुए, क्या आप इन विस्फोटों की उसी स्तर पर जांच कराएंगे, जैसे कि अजमेर, मक्का मस्जिद और माले गांव विस्फोट की जांच हो रही है? ...**(व्यवधान)**...

श्री सभापति : कृपया आप बैठ जाइए। आपका सवाल हो गया। ...**(व्यवधान)**...

श्री कमाल अख्तर : जिसमें आर.एस.एस. और ऐसे ही संगठन मुसलमानों को बदनाम कर रहे हैं ...**(व्यवधान)**...

MR. CHAIRMAN: That is enough. You please resume your place. ...**(Interruptions)**...

श्री भगत सिंह कोश्यारी : सर, इसमें आर.एस.एस. का नाम कहाँ से आता है? ...**(व्यवधान)**...

SHRI P. CHIDAMBARAM: Sir, are you allowing that supplementary?

MR. CHAIRMAN: Please answer what is relevant to the question. ...**(Interruptions)**...

SHRI M. VENKAIAH NAIDU: Mr. Chairman, Sir, I am on a point of order.

MR. CHAIRMAN: What is the point of order?

SHRI M. VENKAIAH NAIDU: When the question is raised. ...**(Interruptions)**...

MR. CHAIRMAN: Please, all of you sit down. I have already given directions in this matter. ...**(Interruptions)**... Please sit down. ...**(Interruptions)**...

SHRI M. VENKAIAH NAIDU: In the question, you cannot ask about Hindus or Muslims or Christians. ...**(Interruptions)**... Wherefrom this Muslim factor come? ...**(Interruptions)**... हमको मालूम है कि हाउस में क्या है ...**(व्यवधान)**...

MR. CHAIRMAN: Please sit down. All of you should resume your seats. ...**(Interruptions)**... Mr. Kamal Akhtar, please resume your seat. आप लोग बैठ जाइए। ...**(व्यवधान)**... मेरी बात सुनिए ...**(व्यवधान)**... एक मिनट प्लीज़ ...**(व्यवधान)**...

श्री शिवानन्द तिवारी : सर, ...**(व्यवधान)**...

MR. CHAIRMAN: Mr. Tiwari, please sit down. The Chair has already stated that supplementaries will relate to the main question and any matter which is asked outside the scope of the question will not be answered by the hon. Minister. ...**(Interruptions)**... आप बैठ जाइए। I am sorry.

Please allow him to answer the question. आप बैठ जाइए। Please resume your places.
...(Interruptions)... आप बैठ जाइए देखिए, You will not argue with the Chair, Mr. Kamal Akhtar.
...(Interruptions)...

SHRI P. CHIDAMBARAM: Sir, when a case ends in conviction of a certain number of accused and acquittal of a certain number of accused in the same case, in my view and I am sure many in this House would agree, it is a tribute to the independence and integrity of our judicial system. That does not mean that there was a *mala fide* in the investigation. If you apply that standard, then every trial in this country will come under cloud. In fact, in the Rajiv Gandhi assassination case also, some people were convicted and some were acquitted. But, I do not think that is a standard to apply and lawyer Members of this House will appreciate what I say. Investigations also. Some times take you along the wrong lane or the wrong by lane. Then, you get the right lead, which leads you to the right persons. I do not think it is correct to immediately attribute mala fide to the investigator. If a police officer investigating a case knows who the accused is, then he would go and grab him straightaway. It is the investigation which takes you to the leads; there would be misleading clues. Thereafter, at the end of the investigation, the matter has to go to court. The court will decide whether a person is guilty or not guilty.

My assurance to hon. Members is, to the best of my ability, I have ensured and I will continue to ensure that that investigations are conducted by the Central investigating agencies fairly and impartially without any bias and we will only prosecute those against whom we find convincing and substantial evidence. If, at any stage, we find that the evidence is not sufficient, we will not prosecute those cases, we will not hesitate to withdraw those names from the prosecution. That is the only assurance I can give to this House.

श्री ईश्वर सिंह : सभापति महोदय, मेरा यह प्रश्न दिल्ली पुलिस द्वारा की गई मुठभेड़ से संबंधित है। मैं कुरुक्षेत्र से आता हूँ। कुछ समय पहले कुरुक्षेत्र के तीन व्यक्ति कनॉट प्लेस आए हुए थे। उनमें से एक व्यक्ति को अपनी बहन की शादी का सामान लेना था। इनका कोई दोष नहीं था और कोई कसूर नहीं था। परन्तु पुलिस द्वारा इन तीनों को मार दिया गया। इन तीनों में से मारा गया एक व्यक्ति तो अपनी तीन बहनों का अकेला ही भाई था। सभापति महोदय, मैं मंत्री जी से पूछना चाहता हूँ कि जिन निर्दोष व्यक्तियों को मारा गया उनको अभी तक क्या इसाफ मिला है और उनको क्या मुआवजा दिया गया है? यह मैं पूरी जानकारी चाहता हूँ।

SHRI P. CHIDAMBARAM: Sir, I am not aware of any person to whom the hon. Member refers. In the Batla House incident, two people were killed, and, Shri M.C. Sharma, a police officer was also killed. Others were arrested. ...(Interruptions)...

श्री ईश्वर सिंह : सभापति जी, जो वनॉट प्लेस में हुआ था ...(व्यवधान)... तीन आदमी मारे गए थे ...(व्यवधान)... दिल्ली पुलिस ने मारे थे ...(व्यवधान)... ओल्ड केस ...(व्यवधान)... सर, वे दिल्ली पुलिस ने ही मारे थे ...(व्यवधान)...

SHRI P. CHIDAMBARAM: Sir, how can I answer? ...*(Interruptions)*... Unless he gives me notice about a specific case, how do I answer about a specific case? Let him give notice and I will reply. ...*(Interruptions)*...

श्री सभापति : आप मंत्री जी को पत्र लिखकर यह सवाल पूछ लीजिए ...(व्यवधान)...

डा. राम प्रकाश : अधिकारियों को सजा हुई है ...(व्यवधान)... लेकिन क्या उन व्यक्तियों के परिवारों को कोई मुआवजा दिया गया है? ...(व्यवधान)... यह बात साफ है ...(व्यवधान)...

MR. CHAIRMAN: The Minister will respond to your query, please write him a letter. ...*(Interruptions)*... उन्होंने कहा है ...(व्यवधान)... आप पत्र लिखकर पूछ लीजिए ...(व्यवधान)... श्री राजीव प्रताप रुडी।

SHRI RAJIV PRATAP RUDY: Sir, Delhi Police, undoubtedly, with all constraints, is one of the finest police forces in the country and we must give credit to this force for working here with all constraints. We admit this end it is a fact. We must talk something good about Delhi Police because it has succeeded in controlling crimes and maintaining law and order in the city, especially, Batla House is a proof of that. Sir, we are taking cognizance of the NHRC Report which has mentioned, if you see, in the last five years, right from the beginning of 2002, the number of encounters in Uttar Pradesh is 78, in Andhra Pradesh it is 6, in Maharashtra it is 5 and when it comes down and down every year we see in Uttar Pradesh the highest number of encounters have been recorded whereas the State of Gujarat has the lowest number of encounters in the country. If you see it, the number of encounters is one or two. ...*(Interruptions)*...

MR. CHAIRMAN: Please relate it to the question. ...*(Interruptions)*...

SHRI RAJIV PRATAP RUDY: Sir, the question is about the NHRC Report. I am coming to the question. ...*(Interruptions)*... Sir, my specific question to the hon. Minister with reference to Gujarat is that, on the one hand, he says, "We have gone for conviction", on the other hand, the country has already seen the conviction of Afzal Guru where nothing is happening. ...*(Interruptions)*...

MR. CHAIRMAN: Please put your question. ...*(Interruptions)*...

SHRI RAJIV PRATAP RUDY: Sir, my question is: Why is the Central Government specifically using the CBI for targeting the State Government of Gujarat? In one or two cases. ...*(Interruptions)*...

MR. CHAIRMAN: It is not relevant to the question. ...*(Interruptions)*... It will not be answered. ...*(Interruptions)*... Please resume your place. ...*(Interruptions)*... Mr. Rudy, please resume your place. ...*(Interruptions)*... You are missing the forum. ...*(Interruptions)*...

श्री पुरुषोत्तम खोडाभाई रूपाला : वहां कुछ नहीं होता है ...*(व्यवधान)*...

MR. CHAIRMAN: This is not correct. ...*(Interruptions)*... Please resume your places. ...*(Interruptions)*... You are misusing the forum; you are misusing the Question Hour. ...*(Interruptions)*... Dr. Malaisamy. ...*(Interruptions)*... आप बैठ जाइए ...*(व्यवधान)*... Please resume your places. ...*(Interruptions)*...

श्री कलराज मिश्र : सर, आपके सामने कह रहे हैं ...*(व्यवधान)*...

श्री सभापति : प्लीज आप बैठ जाइए! ...*(व्यवधान)*...

SHRI S.S. AHLUWALIA: Sir, if the hon. Minister is in a position to respond to the question, then it should be allowed. ...*(Interruptions)*...

MR. CHAIRMAN: This does not relate to the question. ...*(Interruptions)*... I have given a ruling on this. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, the Home Minister is ready to give answer to this question. ...*(Interruptions)*...

श्री सभापति : अहलुवालिया साहब, बैठ जाइए ...*(व्यवधान)*...

SHRI S.S. AHLUWALIA: Sir, it is a matter of serious concern. ...*(Interruptions)*...

MR. CHAIRMAN: The question is about what? The question is about Delhi Police. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, the question is about fake encounters. ...*(Interruptions)*...

MR. CHAIRMAN: It is about Delhi Police. ...*(Interruptions)*... Let us not expand it. ...*(Interruptions)*... Sorry

SHRI S.S. AHLUWALIA: If he is competent, then, he should give answer. ...*(Interruptions)*...

श्री सभापति : आप सब लोग बैठ जाइए ...*(व्यवधान)*... Let us not expand it....*(Interruptions)*... आप टाइम जाया क्यों कर रहे हैं ...*(व्यवधान)*... आप सब लोग बैठ जाइए ...*(व्यवधान)*... Why are you expanding the scope of the question? ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: We are not expanding it. ...*(Interruptions)*... I think he is competent enough to give response to this question. ...*(Interruptions)*...

श्री सभापति : अहलुवालिया साहब, बैठ जाइए ...**(व्यवधान)**... Please ...**(Interruptions)**... No, no, I have given a ruling on this. ...**(Interruptions)**... Please. ...**(Interruptions)**...

SHRI S.S. AHLUWALIA: Sir, why are you not allowing it? ...**(Interruptions)**...

MR. CHAIRMAN: I am not allowing it because it does not relate to the question.

श्री सभापति : प्लीज बैठ जाइए। ...**(व्यवधान)**...

SHRI SANTOSH BAGRODIA: The Chairman has already given the ruling. ...**(Interruptions)**...

श्री तारिक अनवर : जवाब मिलेगा। ...**(व्यवधान)**... सभापति महोदय, मंत्री जी को जवाब देने दिया जाए। ...**(व्यवधान)**... सर, मंत्री जी को अलाऊ कर दीजिए। ...**(व्यवधान)**... मंत्री जी को जवाब देने दीजिए। ...**(व्यवधान)**...

MR. CHAIRMAN: You will not come into the well. ...**(Interruptions)**... I am sorry. ...**(Interruptions)**... This is incorrect. ...**(Interruptions)**...

श्री तारिक अनवर : ये अपनी बात को जबरदस्ती मनवा रहे हैं। ...**(व्यवधान)**...

श्री सभापति : आप बैठ जाइए। प्लीज आप बैठ जाइए। ...**(व्यवधान)**... आप मत बोलिए। आप बैठ जाइए। ...**(व्यवधान)**... Please go back to your places. Ahluwaliaji, you are a very senior Member. ...**(Interruptions)**... Please. ...**(Interruptions)**... I have called the next question. Please resume your seats. ...**(Interruptions)**...

SHRI P. CHIDAMBARAM: You cannot question the ruling. ...**(Interruptions)**...

MR. CHAIRMAN: Please sit down. ...**(Interruptions)**... Don't take names of people who are not here. ...**(Interruptions)**... Please, please. ...**(Interruptions)**... This is not correct. Please resume your places. Ahluwaliaji, please. ...**(Interruptions)**... The question is on Delhi Police. ...**(Interruptions)**... The question is on Delhi Police. ...**(Interruptions)**... He may have all the answers for it but this is not the time for it.

SHRI S.S. AHLUWALIA: I know Sir, that he is ready for this. ...**(Interruptions)**...

MR. CHAIRMAN: I am sorry. This is not correct. ...**(Interruptions)**... Please go back to your place. The question is on Delhi Police. ...**(Interruptions)**... I am afraid to say that this is disgraceful behavior. ...**(Interruptions)**... This is not correct. ...**(Interruptions)**...

श्री राजनीति प्रसाद : सभापति महोदय। ...**(व्यवधान)**...

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

Mr. Ahluwalia, I explained the position to you. ...*(Interruptions)*... First, please tell your colleagues to resume their places.

SHRI S.S. AHLUWALIA: Normally, what happens, Sir, when the Minister is not prepared, Chair says that the question is irrelevant. The Minister also says that, "I am not in a position to reply." Sir,...

SHRI P. CHIDAMBARAM: I have not said anything. ...*(Interruptions)*...

MR. CHAIRMAN: Please read the question. The question is on Delhi Police.

SHRI S.S. AHLUWALIA: Sir, I have read the question. I know, Sir, what happened in Batla House and what happened in Azamgarh.

MR. CHAIRMAN: Right now, we are not speaking on that subject. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: But the point is. ...*(Interruptions)*...

श्री कमल अख्तर : अजमेर के बारे में बताइए। ...*(व्यवधान)*... आप मालेगांव के बारे में बताइए। ...*(व्यवधान)*... हैदराबाद के बारे में बताइए। ...*(व्यवधान)*...

श्री सभापति : कमल अख्तर साहब, आप बैठ जाइए। ...*(व्यवधान)*...

श्री शिवानन्द तिवारी : चेयर ने रूलिंग दे दी है। ...*(व्यवधान)*...

MR. CHAIRMAN: Please resume your places.

SHRI S.S. AHLUWALIA: It is not irrelevant. We need an answer from him.

MR. CHAIRMAN: Mr. Ahluwalia, please resume your places. We are losing precious time. ...*(Interruptions)*... Mr. Ahluwalia, please resume your place. ...*(Interruptions)*... You can raise the question and he will answer it but this is not the occasion.

SHRI S.S. AHLUWALIA: It is not a new thing that we are demanding. Every now and then, it happens that a question is out of the purview of the listed question.

But those questions were answered by the Minister. I appreciate the competence. ...*(Interruptions)*...

SHRI TARIQ ANWAR: Only the Chair can decide.

SHRI S.S. AHLUWALIA: Why are you putting your political game on the Chair?

MR. CHAIRMAN: Does the House wish to go ahead with the Question Hour or not? ...*(Interruptions)*...

SHRI TARIQ ANWAR: Why not, Sir. ...*(Interruptions)*...

SOME HON. MEMBERS: Yes, Sir. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, we want the Question Hour, but. ...*(Interruptions)*...

WRITTEN ANSWERS TO STARRED QUESTIONS

Increased infiltration along the Indo-Bangladesh Border

*564. SHRI BIRENDRA PRASAD BAISHYA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether increased number of infiltration cases has been witnessed along the Indo-Bangladesh border, including land and river border of the country in the recent past, particularly in Assam;

(b) if so, the details of such cases reported along with number of infiltrators apprehended/killed and the number of casualties among the Indian security forces during the last three years, mentioning the nationalities of the infiltrators; and

(c) the steps taken by Government to stop infiltration on land, river and fenced border of the country?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) As per the data relating to registered infiltration cases along the Indo-Bangladesh border, there is no increase in the number of infiltration. The details of number of cases and nationality of persons apprehended during the last three years is as under:-

Year	No. of cases	No. of apprehended persons with Nationality			
		Indian	Bangladeshi	Others	Total
2007	1758	347	4182	24	4553
2008	1827	481	2677	17	3175
2009	1303	609	1823	28	2460

However in case of Assam, it is noted that the registered infiltration cases have increased from 48 in 2007 to 95 in 2008 and 101 in 2009.

The nationality wise details of infiltrators killed and the casualties amongst the Indian security force personnel during the last three years is as below:-

Year	No. of persons killed with Nationality			Security Personnel killed	Indian
	Bangladeshi	Others	Total		
2007	1	75	0	76	1
2008	0	29	0	29	4
2009	0	14	0	14	0

(c) The Government has adopted a multi-pronged approach for effective domination and to check illegal activities across international borders, including smuggling which, *inter-alia*, includes the following:-

- i) Round the clock surveillance and patrolling of the borders. The domination of riverine borders is being done through water crafts and floating Border Out Posts (BOPs)
- ii) Establishment of observation posts;
- iii) Construction of border fencing and flood lighting;
- iv) Introduction of modern and hi-tech surveillance equipments;
- v) Establishment of additional Border Out Posts along borders to reduce *inter-se* distance of BOPs;
- vi) Up-gradation of intelligence set up; and
- vii) Appropriate co-ordination with the concerned State Governments and the intelligence agencies.

Pruning the black-list of Sikhs

*565. SARDAR SUKH DEV SINGH DHINDSA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Central Government has started the process of pruning the 'black-list' of Sikhs that debarred several members of the community from entering the country, for their association with the terrorist organizations; and

(b) if so, the details in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) The review of names of persons in the Black List (BL) is a continuous process. The last review was undertaken in May, 2009 in which a detailed exercise for review of cases was undertaken. Out of fifty one (51) cases undertaken for review, names of seven (7) Sikh NRIs in the Black List have since been deleted after following the prescribed procedure.

Setting up National Institutes of Design

*566. SHRI PENUMALLI MADHU: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that the National Design Policy envisages for setting up of National Institutes of Design on the lines of NID in various parts of the country to promote design programme;

(b) whether it is also a fact that some cities, including Hyderabad, have been selected for this purpose;

(c) if so, the progress of setting up of these institutes;

(d) whether any private participation is envisaged in setting up of such institutes; and

(e) if so, the details thereof?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI ANAND SHARMA): (a) and (b) Yes, Sir.

(c) Governments of Andhra Pradesh, Madhya Pradesh, Assam and Haryana have been requested to allot land in their respective states for setting up the Institutes.

(d) and (e) Public-private partnership mode is also one of the options being considered for setting up the institute.

Setting up a National Military memorial

*567. SHRI RAJEEV CHANDRASEKHAR: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that Government is yet to set up a National Military Memorial to honour the scores of armed forces personnel who have sacrificed their lives for the nations, even after 60 years of Independence;

(b) if so, the reasons therefor; and

(c) the status and timeline for constituting a National Military Memorial in New Delhi to honour these martyrs and their families?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (c) A proposal for construction of National War Memorial at India Gate Complex has been under consideration for some time in consultation with the Ministry of Urban Development, which has to assign the land for the project.

A Group of Ministers (GoM) has been constituted by the Government in August 2009 to decide on the appropriate location of National War Memorial. The GoM is being serviced by the Ministry of Urban Development. Necessary action can be taken only after the recommendations of GoM are finalized.

Children working in Mines

†*568. SHRI RAJ MOHINDER SINGH MAJITHA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

† Original notice of the question was received in Hindi.

- (a) whether Government's attention has been drawn towards a report titled "India's Childhood in Pits", which is about the children aged between 5 to 19 years working in mines;
- (b) if so, the description given in the report regarding the condition of these children;
- (c) whether Government has received any information from the State Governments in this regard; and
- (d) if so, the details thereof?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) and (b) A report titled "India's Childhood in Pits" published by Dhatri Resource Centre for Women and Children, Samata, has been received in the Ministry of Mines. The Report claims that a large number of children in India face marginalization due to State Governments' inability in delivering basic development services because of which large sections of rural, dalit and adivasi children are suffering from malnutrition, illiteracy, starvation, homelessness and illness. The Report further claims that this desperate situation is pushing children into child labour in mining and other forms of labour. It also claims that the study found that children of local communities around mine sites were rarely found to benefit from mining.

(c) and (d) Neither Ministry of Mines nor Ministry of Labour & Employment have received any information from the State Governments in this regard.

Beneficiaries under EPF scheme

† *569. SHRI SATYAVRAT CHATURVEDI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the total percentage of beneficiary employees covered under the Employees Provident Funds (EPF) scheme at present;
- (b) when expert committee headed by Special Secretary of his Ministry was constituted and by when it has been asked to submit its report;
- (c) the provision for minimum pension in EPF scheme and whether the retired employees are getting pension per month on time; and
- (d) if not, the reasons therefor?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE) (a) to (d) The total number of beneficiaries covered under the Employees' Provident Funds Scheme, 1952 as on 31.03.2009 is 470.72 lakhs.

† Original notice of the question was received in Hindi.

The Government has constituted an Expert Committee under the Chairmanship of Additional Secretary (Labour & Employment) on 12.06.2009 for reviewing the Employees' Pension Scheme, 1995. The Committee is required to give its report by July, 2010.

The present rates of minimum pension under the Employees' Pension Scheme, 1995 for various types of pensionary benefits are as under :

(i) Member Pension		
(a)	Members having service prior to 16.11.1995 and total service not less than 24 years.	Rs.800/- p.m.
(b)	Members not having service prior to 16.11.1995.	No minimum amount Prescribed.
(ii)	Disabled Member Pension	Rs. 250/- p.m.
(iii)	Widow/Widower/Nominee/Dependent Parents Pension	Rs. 450/- p.m.
(iv)	Children/Disabled Children Pension	Rs. 150/- p.m.
(v)	Orphan/Disabled Orphan Pension	Rs. 250/- p.m.

The retired employees are generally getting monthly pension credited to their pension accounts every month on due date as per disbursement arrangements made with Banks/Post Offices.

Sometimes delay is noticed in crediting the pension due to non-submission/ late submission/updating of Life Certificates by the pensioner.

Progress of ongoing census

*570. SHRI SHANTARAM LAXMAN NAIK: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the present status of the progress made in connection with ongoing census operations;
- (b) the type of information sought under the present census;
- (c) the information, if any, being sought for the first time;
- (d) whether the law dealing with census prohibits giving of false information;
- (e) whether any prosecution was launched during the last census;
- (f) if so, the State-wise details of the nature of prosecution and results thereof; and
- (g) if no prosecution was filed, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) The First Phase of Census of India 2011 i.e. House- listing and Housing Census has already commenced in 25 States/UTs. In respect of remaining 10 States/UTs, this is to commence between 7th May, 2010 to 15th June, 2010. The Second Phase of Census, *i.e.*, Population Enumeration is scheduled to be conducted between 9th February, 2011 to 28th February, 2011 with reference date as 00.00 hours of 1st March, 2011 in the entire country except the snow-bound areas of Jammu & Kashmir, Uttarakhand and Himachal Pradesh. The revisional round will be undertaken during 1-5 March, 2011. The host of data on housing stock, amenities and assets available with each of the household are being collected in House listing Operations. During Second Phase-Population Enumeration data on various socio-economic and demographic parameters like age, sex, literacy, SC/ST status, religion, languages known, economic activity status, migration etc. will be collected in respect of each individual.

(c) During the First Phase of Census of India 2011-House listing & Housing Census, one new question on availability of Computer/Laptop with internet or without internet is included. The exact questions for the second phase of Census-Population Enumeration will be finalized by the Technical Advisory Committee (TAC) comprising of eminent Demographers, Social Scientists, Data Users and senior government officers.

(d) Yes, Sir. As per Clause (d) of sub section (1) of Section 11 of the Census Act, 1948 any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any question asked of him by a census-officer which he is legally bound by section 8 to answer shall be punishable with fine which may extend to one thousand rupees.

(e) No, Sir.

(f) Does not arise, in view of answer to (e) above.

(g) There was no occasion to file any prosecution because there were no reports of false information being furnished.

Grounding of entire fleet of MIG 27

*571. SHRI ANIL H. LAD: Will the Minister of DEFENCE be pleased to state:

(a) whether the entire fleet of over 100 MIG 27 has been grounded following the crash of one of these swing-wing strike fighters in West Bengal on February 16, 2010;

(b) whether the ageing MIG variants which form the bulk of India's combat fleet, coupled with shoddy maintenance and poor training of newly recruited pilots have all contributed to the high-crash rate in IAF; and

(c) if so, the details thereof?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (c) Subsequent to the accident of MIG 27 aircraft on 16th February, 2010, in West Bengal, flying has been temporarily suspended on MIG 27 fighter aircrafts. However, flying on MIG 27 trainer aircraft is being undertaken on regular basis.

The fighter aircraft of the IAF are periodically life extended and overhauled as per norms by Original Equipment Manufacturers and are therefore airworthy for combat duties. Maintenance of aircraft is undertaken as per an established procedure which is constantly reviewed. The IAF's fighter pilots undergo a rigorous training initially and are further updated through training continuously. As such, all possible measures are taken to prevent an air crash.

The three main causes of aircraft accidents in the Indian Air Force (IAF) are Human Error, Technical Defect and Bird Hit.

Report by Justice Sangir Ahmed on Autonomy in J&K

† *572. SHRI LALIT KISHORE CHATURVEDI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether any report concerning autonomy in Jammu and Kashmir has been given by Justice Sangir Ahmed;

(b) whether it is a fact that even members of the committee have termed this report to be a fraud;

(c) the parameters of this autonomy proposal;

(d) whether there will be demands for this autonomy and for constitution of new States; and

(e) whether there will be any solution therein for the problem of displaced people from this State?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) Yes, Sir. The Working Group-V headed by retired Justice S. Sangir Ahmed to deliberate on strengthening relations between the States and the Centre has submitted its report during 2009.

(b) No such report has come to the notice of Government.

(c) In the report submitted, a reference to the demand for autonomy has been made but no parameters have been proposed. The recommendation on the subject has been made flexible in the report giving latitude to the Prime Minister to take a final view appropriately.

† Original notice of the question was received in Hindi.

- (d) No such conclusion can be inferred at this stage.
- (e) There is no reference to any displaced persons in the Report.

Refugees and Asylum seekers

***573. SHRIMATI KANIMOZHI:** Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the details of total number of refugees and asylum seekers currently residing in India;
- (b) the number of refugees who have entered the country in the past year and details of their countries of origin;
- (c) whether Government is making available essential services such as food, education and health for all refugees;
- (d) if not, the reasons therefor;
- (e) whether Government has considered providing residency rights and identity cards to refugees to enable them to access welfare schemes; and
- (f) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN: (a) to (e) The information is being collected and will be placed on the Table of the House.

New mechanism to renumber the NHs

***574. SHRI BHARATKUMAR RAUT:** Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether his Ministry has proposed a new mechanism to make the numbering system of National Highways more scientific and easy to remember;
- (b) if so, the salient features of the proposed system;
- (c) why the need has arisen to introduce a new system; and
- (d) by when the new system is likely to be implemented?

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS (SHRI KAMAL NATH): (a) to (d) The National Highways (NHs) in the country had been numbered as NH-1 to NH-236 series with some of the NHs having suffixes such as A, B, C and so on. This system of numbering of NHs did not enable appreciation of relative locations of the NHs or their orientations. Accordingly, the Government has recently revised the numbering system of NHs duly considering the best practices

followed World-wide. The modified numbering system of NHs enables a better appreciation of the relative locations of the NHs as well as their broad orientations as a systematic pattern of their numbering has been adopted.

As per the modified numbering system of NHs, the NHs predominantly along the North-South direction and along the East-West direction are considered as Primary Routes. The Primary Routes along the North-South direction are being numbered in increasing order from east to west direction as even numbers in 2 digits and the Primary Routes along the East-West direction are being numbered in increasing order from north to south direction as odd numbers in 2 digits. The Secondary Routes are considered as those routes which are either circumferential routes around a Primary Route or a Spur Route originating from a Primary Route. The Secondary Routes are proposed to be numbered in 3 digits, with 2 digits as same as that of the Primary Route Number and the third digit prefixing the 2 digits as either even number or odd number depending upon whether it is a circumferential route around the Primary Route or it is a spur route originating from the Primary Route. Suffixes, such as A, B, C, D, etc. have also been proposed to be used for Secondary Routes with gap numbering in order to accommodate present as well as future such routes.

The modified numbering of NHs has been notified in March, 2010.

India as preferred investment destination by Japanese Firms

*575. DR. T. SUBBRAMI REDDY: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether against the backdrop of global slowdown, Japanese firms are increasingly preferring India as an investment destination over China;
- (b) whether according to the Japanese External Trade Organization, there has been a three-fold rise in companies from Japan having operations in India;
- (c) whether in 2006-07, there were approximately 100 companies from Japan having offices in India and the number increased to an impressive 300 in 2009-10;
- (d) if so, to what extent this has been helpful; and
- (e) which are the companies and in which sectors they are operating in India?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI ANAND SHARMA): (a) According to the information provided by Japan External Trade Organization (JETRO), the investment by Japanese companies in India was US\$ 8,430 million as compared US\$ 6,758 million in China in the

Financial Year 2008-09. It was for the first time that Japanese investment in India had exceeded that in China. Also, a survey conducted by the JETRO in September-October 2009 shows that Japanese companies in India have plans to increase their investments by 74.9% as against 61.9% in China.

(b) and (c) According to data from JETRO, there were 276 Japanese companies in India in 2006. The number increased to 627 in October 2009. As of October 2009, there were a total of 1049 representative offices of various Japanese companies in India.

(d) These investments have infused capital, technology and modern management practices. A major portion of the Japanese investment is in the manufacturing sector which, in-turn, has helped in generating employment opportunities.

(e) These details are available on the website of Department of Industrial Policy & Promotion at 'www.dipp.nic.in' or 'www.dipp.gov.in'.

Priority for development of NHs in backward States

† *576. SHRI RAJNITI PRASAD: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether there has been any policy of Central Government to give priority to backward States of the country in development of highways;

(b) the average growth rate of construction/upgradation of highways in the country in the last three fiscal years and whether the average is same in case of Bihar which is a backward and undeveloped State in the field of road construction;

(c) if not, the reasons therefor and the way in which it will be achieved;

(d) whether it is a fact that Government of Bihar has completed repair work of National Highways by using its resources and reimbursement for this is not being made by the Central Government; and

(e) if so, the details thereof?

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS (SHRI KAMAL NATH): (a) to (c) This Ministry is primarily responsible for development and maintenance of National Highways (NHs) in the country. The development and maintenance of the State Roads is the responsibility of the State Governments concerned. The development and maintenance of NHs are not taken up on the basis of demographic or regional pattern and this Ministry gives priority for the same in the entire country. The development of NHs is a continuous process and the works are taken up in various States in the

† Original notice of the question was received in Hindi.

financial year on the basis of not only length of NHs, but also on the basis of traffic density, extent and type of improvement/upgradation, *inter-se* priority, availability of funds, spillover liabilities of works sanctioned in previous years', etc. Therefore, there is no relevance of making any comparisons of the average growth rates of development of NHs in the country with that in any particular State.

(d) and (e) The State Government of Bihar has incurred an expenditure amounting to Rs. 711 crore for repair/improvement of NHs in the State from its own resources. Since these works were taken up without obtaining necessary approvals from the Ministry, question of reimbursement of the expenditure incurred by the State Government for these works does not arise.

Increase in ceiling on gratuity for private sector employees

*577. SHRI B.S. GNANADESIKAN: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government has proposed to increase the ceiling on gratuity for private sector employees from Rs. 3.5 lakh to Rs. 10 lakh;

(b) if so, the details thereof;

(c) whether it is a fact that small and medium scale industries have objected to this proposal to increase the gratuity; and

(d) if so, the stance of Government in this regard?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) and (b) Yes, Sir.

(c) and (d) A few representations from small and medium scale industries objecting to the proposal were received. However, the matter was consulted with the Ministry of Micro, Small and Medium Enterprises who have agreed to the proposal.

Speeding up Police Reforms

*578. SHRIMATI MOHSINA KIDWAI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether most of the State Governments are earmarking a meager 4 percent of their budget on police;

(b) if so, whether the Union Government has recently directed State Governments to raise allocations and recruit adequate number of policemen to face various possible challenges from extremists, maoists and terrorists;

(c) if so, whether the progress of police reforms in most of the States is slow; and

(d) if so, the details of additional assistance Union Government proposes to extend to State Governments to speed up police reforms?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) Yes, Sir. It has been indicated in the Chief Ministers' Conference held on the 7th February 2010 that the expenditure on Police as a proportion of the total budgeted expenditure of all States/UTs in 2009-10 is 4.3%. Police is a State subject as per Constitution of India and State Governments are free to plan their annual budget as per their assessed requirements.

(b) In the Conference of Chief Ministers of States on Internal Security held on 7.2.2010 at New Delhi, both the Prime Minister and the Home Minister in their addresses underlined the need to provide adequate funds under the head 'Police' and to fill up the outstanding vacancies. These issues have emerged as action points from the Conference and have been taken up with the States.

(c) and (d) In the above Conference it was also noted that the pace of police reforms by the States has been slow and States were advised to pay urgent attention to these issues. It is stated that there is no proposal under consideration of the Government to provide funds to States for implementing police reforms.

Headley trained in Pakistan training camps

† *579. SHRI MOTILAL VORA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is aware that "terrorist training camps" are being run by Lashker and some other terrorist organizations in Pakistan;

(b) whether Government is also aware that Federal Court in Chicago has said that Headley responsible for Mumbai bomb blasts in November, 2008, along with Rana and some others had received training in these training camps in the year 2002 and 2003 to carry out blasts in India and Denmark;

(c) whether Government is also aware that Headley had visited India with fake names between the years 2005 and 2008; and

(d) if so, Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) Available information indicated that the terrorist infrastructure continues to exist in Pakistan which are being run by Pak/PoK based organizations. Further, the plea bargain agreement between

† Original notice of the question was received in Hindi.

David Coleman Headley and United States Attorney which was presented before U.S. District Judge in Federal Court in Chicago, inter-alia, reveals that David Coleman headily had attended training camps operated by Lashkar-e-Taiba (LeT) on 5 separate occasions during 2002 and 2003-04.

(c) and (d) As per available information, David Coleman Headley visited India 09 times between 2006 to 2009. In all these visits, he used his name as David Coleman Headley. However, in the said plea agreement, Headley's own admission indicates that in February, 2006 in Philadelphia, he changed his name from Daood Gilani to facilitate his activities on behalf of LeT by portraying himself in India as an American and neither Muslim nor Pakistani.

At different levels, the Government of India have indicated to the U.S. Government that India would like David Coleman Headley to be extradited to India on charges linked up 26/11 terrorist attack in Mumbai. Government of India have sought direct access to question David Coleman Headley.

The modalities of grant of access to India Investigators have to be confirmed by the US authorities in the context of his plea agreement which, inter-alia, binds Headley to fully and truthfully testify in any foreign judicial proceedings held in the United States by way of deposition, video conferencing or Letters Rogatory, when directed by the United States Attorney's Office.

Exploitation of casual/contractual workers

*580. SHRI NATUJI HALAJI THAKOR: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government is aware about exploitation of casual workers and contractual workers in the oil sector in general and by ONGC in particular in Vadodara, Mehsana and Bharuch;

(b) how much time Government will take to issue the notification protecting minimum wages in oil sector; and

(c) which are the other sectors where minimum wages are yet to be fixed?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) Complaints of individual workers and matters of industrial disputes have been received from oil sector and ONGC and they have been dealt with as per the relevant provisions of law.

(b) and (c) The Central Government fixes minimum wages for schedule employments which are applicable to all sectors including oil sector.

WRITTEN ANSWERS TO UNSTARRED QUESTIONS

EU's traditional herbal medicine product directive

4305. SHRI N.R. GOVINDARAJAR: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the recent European Union's traditional herbal medicine product directive (THMPD) would practically make it impossible for most ayurvedic drugs from India to be marketed in EU member countries;

(b) if so, the details thereof;

(c) whether the move has damaging economic implication on India as many Indian companies market their products in European countries and with 15,000 plant species in global market for herbal medicine;

(d) if so, the details thereof;

(e) whether the Government has decided to move WTO against EU's herbal drug order; and

(f) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADIYA MADHAVRAO SCINDIA): (a) to (d) The European Commission's Traditional Herbal Medicine Products Directive requires that the exporters of traditional herbal products to EU show 30 years of traditional use including 15 years of traditional use in the EU in order to establish efficacy of the products. The exporters apprehend that it would be difficult to comply with this requirement and this may result in complete denial of market access for such products into EU from 1-4-11 when the directive comes into force.

(e) to (f) The Government has taken a serious note of this directive and taken the issue at bilateral level with European Union conveying them our serious concerns on the implications of this directive in the background of strong potential for exports of Indian traditional medicine. The Government has been pursuing the matter both at the level of bilateral discussion as well as on the sides of TBT Committee in the WTO.

Export of pulses from SEZs

†4306. SHRI RAJ MOHINDER SINGH MAJITHA:

SHRI SHIVANAND TIWARI:

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

† Original notice of the question was received in Hindi.

- (a) whether it is a fact that Government has formulated a proposal for taking a policy decision to allow units of special economic zones set up in the country to export pulses;
- (b) if so, the facts in this regard and the reasons behind consideration of sanctioning of export of pulses from these units; and
- (c) whether it is also a fact that there is a gap of more than 20 lakh tonnes in demand and supply of pulses during each year from 2007-08 to 2009-10?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) Two proposals regarding export of pulses from SEZs were considered by the Board of Approval (BOA) in its meeting held on 9th April 2010. BOA decided as under:

"The Board noted that these are very sensitive products and there is requirement of clear policy for import and export of these products. Pending the availability of such policy, the Board decided to defer the requests for import, processing, trading and export of pulses."

Impact of Dubai debt crisis on Indian exports

4307. SHRI PRABHAT JHA:

SHRI BALAVANT ALIAS BAL APTE:

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether it is a fact that there is an apprehension of negative impact of the Dubai debt crises on Indian export and economy;
- (b) if so, the details thereof;
- (c) if not, the reasons therefor; and
- (d) the steps Government is going to take to save Indian export and economy from the impact of Dubai debt crisis?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (d) No, Sir, there is no noticeable negative impact of the Dubai debt crisis on Indian export and economy. Dubai World, the flagship holding economy of the Dubai Government with active participation in some large real estate projects, sought a debt restructuring and six-month standstill in its debt repayment (estimated in US\$ 59 billion as of August 2009) on November 25, 2009. Although there was initial reaction in the domestic foreign currency and Indian stock markets, the impact was insignificant and short-lived. The primary capital market remained unaffected and there was no visible effect of the Dubai news on the money and government

securities markets. Subsequent developments indicate that the impact of the Dubai crisis on financial markets around the world has been contained, following the announcement by the UAE central bank that it would stand behind UAE banks and branches of foreign banks operating in the UAE. Further, the Government of Abu Dhabi and the UAE central bank agreed to provide financial support to Dubai World. The Government of Abu Dhabi has agreed to grant US\$10 billion to Dubai Financial Support Fund for meeting a series of upcoming obligations of Dubai World including sukuk (Islamic bond) obligations of US\$4.1 billion, which fell due on December 14, 2009. These assurances of trade creditors and contractors have provided confidence to the financial markets.

Big and medium industries in Rajasthan

†4308. SHRI LALIT KISHORE CHATURVEDI:

DR. GYAN PRAKASH PILANIA:

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) the number of big and medium industries and the places where they have been set up in Rajasthan during last five years;
- (b) the number of skilled and unskilled labourers provided with employment by these industries;
- (c) the details of industries faced reduction in production in the wake of global recession;
- (d) the number of micro, small and medium industries faced closure; and
- (e) the number of labourers left unemployed due to this and the number of labourers facing recession?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) On the basis of the Industrial Entrepreneur Memoranda filed for the delicensed sectors and Letters of Intent and Direct Industrial Licences issued for the licensable sector, since January 2005 to December 2009, 628 investment intentions with proposed employment for 1,33,889 persons were made. As per the information provided by the Ministry of MSME after the enactment of the MSME Act 2006, 22 medium enterprises have filed Entrepreneurs' Memorandum with the Director of Industries, Rajasthan. The major locations proposed are Alwar, Bhilwara, Jaipur, Chittorgarh, Jodhpur, Pali, Udaipur, etc.

(d) and (e) As per the Fourth All India Census of MSMEs with reference to the year 2006-2007, as on 31.3.2007, 15,950 enterprises were recorded as closed in the state of Rajasthan.

† Original notice of the question was received in Hindi.

Impact of dollar exchange rate on Indian export

‡4309. SHRI LALIT KISHORE CHATURVEDI:

DR. GYAN PRAKASH PILANIA:

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) the quarterly export data of quantum of Indian export to foreign countries during the last three years;
- (b) whether it is a fact that export is decreasing continuously;
- (c) whether it is also a fact that entire corporate world is requesting to reduce the exchange rate of dollar;
- (d) whether the possibility of rise in export will increase in the perspective of the fact that the global competition has not come down even after the exchange rate has declined after the declining global market value of dollar; and
- (e) whether Government would consider to have exchange rate contract with currencies other than dollar?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) India's merchandise export figures for the last three years are given in the Statement (See below). The decline in exports, which started in October, 2008, in the wake of global economic slow down and shrinkage of demand overseas, continued till September, 2009 and from October, 2009 onwards, monthly exports have moved to positive trajectory. However, the cumulative growth in exports in dollar terms during the period April 2009 to February, 2010 still show a decline of 9.55%, as compared to the same period in 2008-09.

(c) to (e) Representations have been received from Trade and Industry, particularly, the exporters, for Government intervention on the Rupee appreciation vis-à-vis US Dollar.

Exchange rates do play a role in determining the export competitiveness of the country. Normally, depreciation of any domestic currency increases the competitiveness of its exports and leads to increase in cost of imports. However, exchange rates are not the sole determinant. Exports performance is dependent on a host of other factors also, such as Productivity, Price Elasticity, Global prices, import intensity of the product and demand and Supply conditions (both domestic and international).

As per the Foreign Trade Policy (FTP), 2009-14 and in terms of the Rules, Regulations, Notifications and Directions framed under the Foreign Exchange Management Act (FEMA), 1999, exporters are free to invoice their export contracts either in Indian Rupees or in freely convertible currency.

Statement

*Merchandise Export figures for the period 2007-08, 2008-09 &
2009-10 (upto February, '10)*

	Period	Exports (US \$ billion)
2007-08*	April — June	35.88
	July — September	37.68
	October — December	42.21
	January — March	47.36
	Total	163.13
2008-09**	April — June	56.33
	July — September	52.58
	October — December	38.66
	January — March	37.73
	Total	185.30
2009-10** (April-Feb.)	April — June	37.75
	July — September	42.12
	October — December	45.02
	January — February	31.02
	Total	155.91

(Source: DGCI&S)

*The data does not include exports/imports from majority of SEZs.

** Figures of 2008-09 are final whereas the figures for 2009-10 are provisional and subject to change.

Improvement in industrial growth

4310. SHRI RAJKUMAR DHOT: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether it is a fact that during the current financial year, Indian industry has performed well and industrial growth has surges to 17 percent;
- (b) if so, the sectors which performed exceptionally well and those which performed poor along with reasons;
- (c) what has been the impact of growth on the export performance; and
- (d) the steps taken by Government to help industry maintain its tempo for further growth?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) The industrial growth measured in terms of Index of Industrial Production (IIP) registered a growth of 17.6 percent in December 2009. The growth momentum continued in January and February, 2010 with growth rates of 16.7 percent and 15.1 percent respectively. Industry registered a cumulative growth of 10.1 percent during (April-February), 2009-10. Sector-wise growth rate during (April-February) 2009-10 is given in the table below:

Sector-wise Growth rates of Industrial Production

	(in percent)			
	Mining & Quarrying	Manufacturing	Electricity	Industry
(April-Feb)				
2009-10	9.7	10.5	5.8	10.1

(c) After declining consistently for the first seven months of the year 2009-10, India's export trend was reversed in November, 2009. The upward trend has been maintained since then with exports growing at a rate of 9.3 percent in December, 2009, 11.5 percent in January, 2010 and 34.8 percent in February, 2010.

(d) Improving the growth rate of the industrial/manufacturing sector during the remaining part of the Eleventh Plan period is visualized by improving industry related infrastructure, development of industry related skills, fostering innovation and development of industrial clusters.

Recovery of core sector

4311. SHRIMATI T. RATNA BAI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the core sector has recovered in industrial production in the current year despite recession period;

(b) if so, the complete and comparative details thereof; and

(c) the incentives given for each core sector in such times of recession in the Eleventh Five Year Plan?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) The Index of six core infrastructure industries has a weight of 26.7 percent in the Index of Industrial Production (IIP), and comprises of Crude Oil, Petroleum Refinery, Cement, Steel, Electricity and Coal. The core infrastructure industries registered a higher growth of 5.5 percent during 2009-10 compared to 3.0 percent growth rate registered during 2008-09. Sector-wise performance is given below:

(Growth in percent)

Sector	Wt (%)	March 2009	March 2010	Apr-Mar 2008-09	Apr-Mar 2009-10
Crude Oil	4.17	-2.3	3.5	-1.8	0.5
Petroleum Refinery Products	2.00	3.3	-0.4	3.0	-0.4
Coal	3.22	5.3	7.8	8.0	7.9
Electricity	10.17	6.3	7.8	2.7	6.5
Cement	1.99	10.1	7.8	7.2	10.5
Finished Steel	5.13	-1.8	9.2	1.6	4.9
Overall	26.68	3.3	7.2	3.0	5.5

(c) Improving the growth rate of the industrial/manufacturing sector during the remaining part of the Eleventh Plan period is visualized by improving industry related infrastructure, development of industry related skills, fostering innovation and development of industrial clusters.

Import of fake products

4312. SHRI N.K. SINGH:

SHRIMATI SHOBHANA BHARTIA:

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government is aware that many products that are being imported from foreign countries, particularly from China, are of poor quality or fake;

(b) if so, the facts and the details thereof;

(c) whether Government has taken or proposes to take, any legal action against the firms that are importing sub-standard and fake products; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (d) All imported goods in India are subject to domestic laws, rules, orders, regulations, technical specifications, environment and safety norms. These regulations are also notified in ITC (HS) Classification of export and import items. The Government acts in case goods imported from any source are found to violate these regulations and threaten human, animal or plant life or health.

As per the information from the customs' field formations, the import of fake/ substandard products has been noticed at Chennai Sea Port/Air Port, Nhava Sheva, Mumbai and ICD Ballabhgarh, Faridabad. In such specific cases the goods are seized and penal action is initiated under the provisions of Customs Act, 1962 read with Allied Acts. Details of 27 such cases are given in the Statement.

Statement

S.No.	Name of the Importer	Description of the goods	Value of the Goods (Rs. in Lakhs)	Action taken/ Present Status
1	2	3	4	5
1.	M/s. Krishna Trading, Chennai	Spurious Mico Brand Spark Plugs	100	The goods were seized for IPR infringement. SCN was issued and the case was adjudicated. Goods were absolutely confiscated and a penalty of Rs. 1,00,000/- was imposed.
2.	M/s. M.M.S. Euro, Mumbai	Nokia mobile phone batteries, spurious Revlon, Garnier, Nokia and other Brand products	36	Goods were seized and a SCN was issued on 12.01.2010. Adjudication is pending.
3.	M/s. Limra Import & Export Chennai	Spurious Denim Brand body spray	89	The goods were seized. A SCN was issued and the case was adjudicated. Goods were absolutely confiscated and a penalty of Rs. 50,000/- was imposed.
4.	M/s. Innova Informatics, Chennai	Spurious hands free, plastic panels, chargers, paper stickers of Nokia and Acer Brand	0.29	The goods were seized. A SCN was issued and the case was adjudicated. Goods were absolutely confiscated and a penalty of Rs. 5,000/- was imposed.
5.	M/s. Limra Import & Export Chennai	Spurious Charlie, Maxi, Blue Lady, Denim, Tommy Girl Brand body spray	132	Goods were seized and a SCN was issued on 03.03.2010. Adjudication is pending.

1	2	3	4	5
6.	M/s. Prateebha Exports, Chennai	Johnson & Johnson Baby Shampoo, Milk Bath (Gervenne Shampoo, Clairol Herbal Shampoo).	20	Goods have been seized. Investigation is in progress.
7.	M/s. Star Overseas, New Delhi	Nokia Mobile Phone Batteries, Nike Shoes	140 .	Proceedings under IPR Rules 2007 initiated. Clearance of goods suspended and investigation is in progress.
8.	M/s. Dolse Corrama, New Delhi	Plastic Mobile Housing bearing the name "NOKIA"	152	Proceeding under IPR Rules 2007 initiated. Clearance of goods suspended and investigation is in progress.
9.	M/s. Unicon New work	Fake Mobile Phone and Accessories of Nokia Brand	8.19	SCN issued. Order passed and goods absolutely confiscated. Penalty of Rs. 85,000 imposed.
10.	M/s. A & T Business		1.33	SCN issued. Order passed and goods absolutely confiscated. Penalty of Rs.15,000 imposed.
11.	M/s. S.R. Impex		3.75	SCN issued. Order passed and goods absolutely confiscated. Penalty of Rs.40,000 imposed.
12.	M/s. Ghewar Impex		1.11	SCN issued. Order passed and goods absolutely confiscated. Penalty of Rs.10,000 imposed.
13.	M/s. Laxmi Trading Company		2.21	SCN issued. Order passed and goods absolutely confiscated. Penalty of Rs.25,000 imposed.

14.	M/s. Flora Exports		4.18	SCN issued. Order passed and goods absolutely confiscated. Penalty of Rs.50,000 imposed.
15.	M/s. Royar Exports		0.74	SCN issued. Order passed and goods absolutely confiscated. Penalty of Rs.10,000 imposed.
16.	M/s. Classic Exim Trade		0.54	SCN issued. Order passed and goods absolutely confiscated. Penalty of Rs.5,000 imposed.
17.	M/s. Shagun Impex		100.22	Show Cause Notice (SCN) issued.
18.	M/s. Winsor Exports	PVC Gents slipper of ADDIDAS Brand	4.5	I.R. issued on 08.10.2009
19.	M/s. Starlite Exports	Boys rubber slippers of ADDIDAS Brand	0.09	I.R. issued on 04.01.2010
20.	M/s. Standard Impex	Slippers of ADDIDAS Brand	0.02	I.R. issued on 29.12.2009
21.	M/s. Adobe International	Face Cream (300 MI) Face Cream (100 MI) Chopsticks of Nivea	4.3	SCN issued on 15.12.2009
22.	M/s. Bellisima Impex	Spray of Dove Brand (150 ml) Body Cream of Dove Brand (300 ml) Hand wash Pears Brand (237 ml) Showergel Pears Brand (20 MI) Body Spray Rexona Brand (200 MI)	1.4	O-in-O passed. Goods absolutely confiscated and penalty of Rs. 5 lakh imposed.

1	2	3	4	5
23.	M/s. Citizen Impex	Pears Shower Gel (250 MI) Dove Body Spray (200 MI) Dove Soap (100 Gram) Dove Face Cream (50 Gram)	3.1	I.R. issued on 30.11.2009
24.	M/s. Wintage Impex	Body Spray (Nivea) (200 ML) Lip Care (Nivea) (10 MI) Face Cream (Nivea) (200 MI+300 MI+400 MI) Body Lotion (Nivea) (400 MI) Fructis Shampoo (Garnier) Whitening Facial Wash (Garnier)	3.6	SCN issued on 03.03.2010
25.	M/s. Hello Brothers	Charger (Nokia Brand) Ear Phone Housing	4.5 1.6 15.77	SCN issued on 30.12.2009
26.	-	D&G and Puma Brand Shoes	0.96	Goods have been confiscated absolutely under Section 111 (d) of the Customs Act, 1962 and penalty of Rs. 40,000 imposed on importer.
27.	-	Nike & Reebok Brand Shoes	6.26	Goods have been confiscated absolutely under Section 111 (d) of the Customs Act, 1962 and penalty of Rs. 30,000 imposed on importer.
TOTAL			839.07 lakhs	

SCN – Show Cause Notice
IR – Investigation Report
OIO – Order – in – original

Kisan AEZs at Nellore, A.P.

4313. SHRI MOHD. ALI KHAN:

SHRIMATI T. RATNA BAI:

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether the Government has identified Kisan Agricultural Export Zone (AEZ) at Nellore, Andhra Pradesh;
- (b) if so, the details worked out, so far;
- (c) the funds allocated for this purpose; and
- (d) the status of implementation of such AEZ?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) No, Sir. The Government do not propose to set-up an AEZ in Nellore. Currently there are five AEZs in Andhra Pradesh.

(c) and (d) Does not arise.

Steps to protect geographical indication of Kashmir handicrafts

4314. SHRI G. N. RATANPURI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether it is a fact that Pashmina is synonymous with Kashmir and it even gets in names Cashmere from Kashmir;
- (b) after getting geographical indication of Kashmir for Pashmina, what steps have been taken to effectively stop the production of Cashmere or Pashmina outside Kashmir;
- (c) whether Government is aware that apart from Ludhiana, Delhi and some other parts of Kashmir, "Cashmere shawl" is now being made in China and sold under the brand name "Cashmere" and "Kashmir" in different countries of the world; and
- (d) what steps have been taken/are contemplated to save the geographical indication of different Kashmiri handicrafts?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) Pashmina is associated with Kashmir. Kashmir Pashmina generally identified as Pashmina fabric is woven out of pashm wool by Kashmiri artisans following traditional methods and processes that have evolved over 200 years. "Kashmir Pashmina" as a Geographical Indication has been registered under the Geographical Indication of Goods (Registration and Protection) Act, 1999.

(b) The Government of India is not the Registered Proprietor of the Geographical Indication. The Registered Proprietor of the Kashmir Pashmina GI is the producer group M/s

Tahafuz, Srinagar. Craft Development Institute, Srinagar facilitated this registration, with the financial assistance from the Office of Development Commissioner (Handicrafts). A Pashmina Testing and Quality Certification facility is being established at CDI, Srinagar to follow up this initiative.

The Registered Proprietor and the authorized users registered under the Geographical Indications of Goods (Registration and Protection) Act, 1999 can take civil and criminal action against infringement of a Registered Geographical Indication as per the GI Act and Rules.

(c) No information is available in this Department.

(d) The Office of the Development Commissioner (Handicrafts) is implementing six generic schemes to develop handicrafts. This includes a component to provide assistance for registration of crafts in the country as Geographical Indications. Craft Development Institute, Srinagar with the financial assistance from Office of Development Commissioner (Handicrafts) has already registered three crafts from the state of Jammu & Kashmir viz. Kashmir Pashmina, Kani shawl of Kashmir and Kashmir Sozni as Geographical Indications. The Institute has submitted three more applications for registration of Papier Machie, Wall nut wood carving and Khatambandh as Geographical Indications.

Establishment of heavy industries in backward regions

4315. DR. JANARDHAN WAGHMARE: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) the State-wise number of heavy industries with their products and financial status;

(b) whether Government has any plan to start heavy industries in backward regions like Marathwada, Telengana etc. in the country for their development; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) As per the information provided by the Ministry of Heavy Industries and Public enterprises the details of operating public sector enterprises under the Department of Heavy Industries are given in the Statement (See below).

(b) and (c) As per the information provided by the Department of Heavy Industries the following industries are proposed to be set up in the States of Maharashtra and Andhra Pradesh.

(i) Setting up of supercritical power plant in Lathur, Maharashtra by BHEL in collaboration with Maharashtra State Power Generation Company Ltd.

(ii) BHEL and NTPC have started a joint venture company with 50:50 equity contribution on 28.4.2008 in the name of "NTPC-BHEL Power Projects Private Limited" (NBPPL) having its corporate office at Noida in Uttar Pradesh. NBPPL is proposing to set up a manufacturing plant at Mannavaram village in Chittor, Andhra Pradesh.

Statement

*Status of production & profit and loss of operating central public sector undertakings
under the Department of Heavy Industry*

(Rupees in Crore)

S.No.	Name of the Undertaking & Head Quarters	Products/Activities	Production (April 2009 to March 2010)	Profit/Loss (April 2009- March 2010)
1	2	3	4	5
Andhra Pradesh				
1	Bharat heavy Plates and Vessels Ltd., Viskhapatnam	Equipments for Fertilizers, Oil Refineries, Petrochemicals etc.	103.41	-7.4
2	HMT (Bearings) Ltd., Hyderabad	Manufacture of Bearings	5.62	-11.66
Jharkhand				
3	Heavy Engineering Corporation Ltd., Ranchi	Design and Manufacturing of equipments for Steel, Mining & Coal Plant	509.64	26.93
Jammu & Kashmir				
4	HMT (Chinar watches) Ltd., Jammu	Manufacture of Mechanical Watches	0.3	-50.08
Karnataka				
5	HMT (International) Ltd., Bangalore	A trading Company for giving greater thrust of exports of the products of the parent company, HMT Ltd	30.68	2.4

1	2	3	4	5
6	Tungabhadra Steel Products Ltd., Hospet	Design, manufacture and erection of hydraulic structures, penstocks, building structures, transmission line towers etc.	2.4033	-26.15
7	HMT (Holding) Ltd., Bangalore	Machine Tools, Watches, Tractors, Printing Machinery, Special Purpose Machines, Presses and Dairy machinery	169.65	-56.07
8	HMT (Machine Tools) Ltd., Bangalore	Manufacture of Machine Tools	194.2	-43.63
9	HMT (Watches) Ltd., Bangalore	Manufacture of Mechanical and Quartz Watches	11.42	-171.05
Kerala				
10	Hindustan Newsprint Ltd., Kochi	Newsprints	241.63	-51.85
Maharashtra				
11	Richardson & Cruddas Ltd., Mumbai	Steel Structure fabrication, Manufacture of hand Pumps	235.25	-30.03
Madhya Pradesh				
12	NEPA Ltd., Nepa Nagar	Manufacture of Paper/Newsprint	53.01	-64.61
New Delhi				
13	Bharat Heavy Electricals Ltd., New Delhi	Manufacture of Power Plant Equipments	34050	6353
14	Cement Corporation of India Ltd., New Delhi	Cement Production	358.72	51.44

15	Engineering Projects (India) Ltd., New Delhi	Turnkey contracting company; projects relating to civil and structural engineering, material handling, metallurgy, petrochemicals environment and pollution control etc.	1052.42	25.85
Rajasthan				
16	Instrumentation Ltd., Kota	Manufacture of micro processor based digital distribution control systems, advanced electronic transmitters, fault tolerant control systems, railway signaling systems, telecommunication equipment etc.	318.5	-25.22
17	Rajasthan Electronics & Instrumentation Ltd., Jaipur	Electronic Milk Testers	80.04	3.01
18	Sambhar Salts Ltd., Jaipur	Production of Salt, both for edible and industrial use	10.2	0.2
19	Hindustan Salt Ltd., Jaipur	Production of common salt and salt based chemicals	18.94	0.05
Tamil Nadu				
20	Hindustan Photo Films Manufacturing Co. Ltd., Ooty	Manufacture of Photosensitized films, cine positive (black and white), cine films sound negative medical X ray films etc.	26.1	-992.32

1	2	3	4	5
Uttar Pradesh				
21	Bharat Pumps & Compressors Ltd., Allahabad	Pumps & Compressors for sectors like oil, fertilizer, chemicals etc.	281.22	40.58
22	Scooters (India) Ltd., Lucknow	Manufacture of three wheelers including the eco friendly CNG and LPG fuel based vehicles	148.88	-24.09
23	Triveni Structurals Ltd., Allahabad	Heavy Steel Structural Products	3.17	56.87
West Bengal				
24	Andrew Yule & Co. Ltd., Kolkata	Manufacture of Industrial Fans, Tea Machinery, Air Pollution control equipment, Electrical Equipment etc.	189.02	72.5
25	Braithwaite, Burn & Jessop Construction Co. Ltd., Kolkata	Construction of steel bridges, marine structures and jetties etc.	82.46	3.32
26	Braithwaite & Co. Ltd., Kolkata	Manufacture of railway wagons, steel structural, Cranes, Jute Carding Machines etc.	223.45	2.04
27	Bridge & Roof Co. (India) Ltd., Kolkata	Fabrication, Civil Engineering works in respect of buildings, concrete bridges, cooling tower, mechanical erection of complete plants for refineries, fertilizers, chemicals, steel, aluminum etc.	1154.06	61.15

28	Hindustan Paper Corporation Ltd., Kolkata	Manufacture of Paper, Paper Board, Craft Paper and Newsprint	628.29	-49.83
29	Hooghly Printing Co Ltd., Kolkata	Printing and Stationery	9.31	0.23
30	Tyre Corporation of India Ltd., Kolkata	Manufacture of tyres for Automobiles	30.06	-14.94
31	Burn Standard Company Ltd., Kolkata	Manufacture of wagons. Structural, ash handling plant, coal handling plant etc.	269.18	-233.12
32	Hindustan Cable Ltd., Kolkata	Manufacture of telecommunication cables and wires	0.16	-486.44

Performance of states under aside scheme

4316. DR. K. MALAISAMY: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) the States which are not performing well under Central Assistance to State for developing export infrastructure and other allied activity (ASIDE) Scheme;
- (b) the reasons therefor; and
- (c) whether a study has been conducted on the potentiality of export in N.E. States and the measures taken to exploit such potentiality?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) The funds under Assistance to State for developing export infrastructure and other allied activity (ASIDE) Scheme allocated to States/UTs are utilized on implementation of projects approved by State Level Export Promotion Committee (SLEPC) headed by Chief Secretary of respective States/UTs of. The States/UTs are required to submit utilization certificate within time stipulated in the sanction. Following States/UTs have not furnished utilization certificate pending for the amount indicated against them (as on 18.3.10) and no funds were released to them during 2009-10:

Sl.No.	State/UT	Amount (in lac)
1.	Arunachal Pradesh	12.05
2.	Bihar	300.00
3.	Dadra & Nagar Haveli	150.00
4.	Delhi	283.51
5.	Lakshadweep	300.00
6.	Puducherry	450.00

Beside above States/UTs, funds were also not released to Chandigarh and Uttrakhand during 2009-10 because they did not submit the quarterly progress report on ASIDE website regarding implementation of scheme in these States.

(c) Agricultural and Processed Food Products Export Development Authority (APEDA) an autonomous organization under Department of Commerce conducted a quick assessment study through CMI Social Research Centre on export potential of Horticulture products from North Eastern Region (NER) during October-November, 2005. As per the recommendation of the study, Inland Transport Assistance Scheme operated in NER had been modified.

Reduction in Financial Assistance under ASIDE scheme

4317. DR. K. MALAISAMY: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) what is the specific reason for reducing the financial allocation under Central Assistance to State for Developing Export Infrastructure and Other Allied Activity (ASIDE) scheme during 2008-2009;

(b) whether there has been a lapse on the part of the Ministry to make out a good case or to exert enough pressure to enhance allocation every year as done usually; and

(c) how Maharashtra and Gujarat could get the majority of the total allocation in preference or at the expense of other States?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) Allocation and release during 2008-09 were Rs. 570 Cr and Rs. 569.24 Cr respectively under Assistance to State for Developing Export Infrastructure and Other Allied Activity (ASIDE) scheme. Allocation for ASIDE scheme has been enhanced to Rs. 662.98 Cr for 2010-11.

(c) ASIDE scheme intends to establish a mechanism for seeking involvement of State Governments in export efforts. ASIDE allocation is linked to State's export performance and growth. As per state-wise export data provided by Director General of Commercial Intelligence and Statistics, the exports from Maharashtra and Gujarat are high; therefore, they get more allocation than those lagging behind them in export performance.

Clearance to SEZs in the country

4318. SHRI TARIQ ANWAR: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that work of Special Economic Zones (SEZs) is not geared up in the country;

(b) if so, the reasons therefor; and

(c) the steps taken by Government for early clearance of SEZs in the country?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) No Sir. In terms of Rule 6 of the SEZ Rules,

validity of approval accorded to a SEZ project is for a period of three years within which time effective steps are to be taken by the developer to implement the approved proposal. On a request received from the developer the Board of Approval can extend the validity period upto two years.

SEZ Act, 2005 provides for Single Window Clearance Mechanism for SEZs. The Board of Approval is the apex body and is headed by the Secretary, Department of Commerce. The Approval Committee is the body at the Zone level dealing with approval of units in the SEZs and other related issues. The performance of the SEZ units is also monitored annually by the Approval Committee. Units are liable for penal action under the provision of Foreign Trade (Development and Regulation) Act, 1992 in case of violation of the conditions of the approval.

As on 31st March, 2010, an investment of Rs. 1,47,368.79 crore has been made in SEZs and direct employment for 4,93,254 persons have been generated. Exports of Rs. 2,20,611.30 crore approx. have been made from SEZs during the year 2009-10 registering a growth of about 121.29% over the exports for the previous financial year.

SEZ rules and procedures are reviewed from time to time to facilitate the speedy implementation of SEZ projects.

Establishing heavy industries in Jharkhand

4319. MS. MABEL REBELLO: Will the Minister COMMERCE AND INDUSTRY be pleased to state:

- (a) whether any proposal to set up heavy industries in the backward districts of the country, especially in Jharkhand during Eleventh Five Year Plan;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) As per the information provided by the Department of Heavy Industries (DHI), at present, there is no proposal by DHI to set up industries in Jharkhand.

Pulses and sugar exported from SEZs

4320. DR. BARUN MUKHERJI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) the total number of Special Economic Zones (SEZs) approved as on date and their State-wise distribution;

(b) the total loss of exchequer due to concessions in taxes and duties granted to SEZs, *vis-à-vis* the additional earnings due to exports made by SEZs;

(c) whether pulses and sugar have been exported by SEZs during the last three years;

(d) if so, the item-wise and month-wise quantity details;

(e) whether any fresh SEZ proposal for pulses-export is now pending; and

(f) if so, its quantity and status?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) Under the SEZ Act, 2005, formal approvals have been granted for setting up of 574 SEZs out of which 353 have been notified. State-wise distribution of SEZs is given in the Statement (*See* below).

(b) Exports of Rs. 2,20,611.30 crore approx. have been made from SEZs during the year 2009-10 registering a growth of about 121.29% over the exports for the previous financial year. Fiscal concessions and duty benefits are allowed to the SEZs as per the provisions made in the SEZ Act, 2005.

(c) to (f) Two proposals regarding export of pulses from SEZs were considered by the Board of Approval (BOA) in its meeting held on 9th April 2010. BOA decided as under:

"The Board noted that these are very sensitive products and there is requirement of clear policy for import and export of these products. Pending the availability of such policy, the Board decided to defer the requests for import, processing, trading and export of pulses."

Statement

State-wise Distribution of approved Special Economic Zones

State	Formal Approvals	Notified SEZs
1	2	3
Andhra Pradesh	103	72
Chandigarh	2	2
Chattisgarh	1	0
Delhi	3	0
Dadra & Nagar Haveli	4	2

1	2	3
Goa	7	3
Gujarat	48	31
Haryana	45	32
Himachal Pradesh	0	0
Jharkhand	1	1
Karnataka	52	29
Kerala	26	17
Madhya Pradesh	14	6
Maharashtra	110	57
Nagaland	2	1
Orissa	10	5
Puducherry	1	0
Punjab	8	2
Rajasthan	8	7
Tamil Nadu	69	57
Uttar Pradesh	34	17
Uttarakhand	3	2
West Bengal	23	10
Grand Total	574	353

India lagging behind in industrial development

4321. SHRI S. ANBALAGAN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that industrial development in the country is lagging far behind from countries like China mainly due to the inferior technologies, less incentives by the Government and the lack of adequate infrastructure in the country; and

(b) if so, the details thereof and the steps proposed to be taken by Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) The industrial growth measured in terms of

Index of industrial Production (IIP) registered a growth of 17.6 percent in December 2009. The growth momentum continued in January and February, 2010 mainly driven by a robust growth in Manufacturing and Industry registered a cumulative growth of 10.1 percent during (April-February), 2009-10. Growth rates of India's Industrial production during last three years are given below:

Growth rates of Industrial Production

	(in percent)
2007-08	8.5
2008-09	2.8
2009-10	
(April-February)	10.1

The Ministry of Commerce & Industry does not maintain statistics pertaining to industrial growth rates of China.

FTA with EU

4322. SHRI TAPAN KUMAR SEN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether data, exclusivity for medicines is required under Indian Patents Act;
- (b) if so, what are the articles relating to data exclusivity in the Free Trade Agreement (FTA) being negotiated with EU;
- (c) what are the Free Trade Agreements being negotiated; and
- (d) whether the Intellectual Property Right (IPR) conditions included in these proposals?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (A) No, Sir.

(b) The European Union has raised the issue of data exclusivity for discussion in the preliminary consultation text on Intellectual Property Rights in the proposed India-European Union Trade and Investment Agreement.

(c) India is presently negotiating 11 bilateral free trade agreements with European Union (EU), European Free Trade Association (EFTA), Japan, Sri Lanka, Thailand, Malaysia, Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), Gulf Cooperation Council, South African Customs Union, New Zealand and the Asia Pacific Trade Agreement.

(d) A specific chapter on Intellectual Property Rights has been proposed for inclusion in the trade agreements being negotiated with EU, EFTA and Japan.

Review of trade policy

4323. SHRI MANOHAR JOSHI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether Government has reviewed the Trade Policy recently;
- (b) if so, the details thereof;
- (c) whether Government has taken further steps to make the trade policy result oriented;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) The Government released the five year Foreign Trade Policy (FTP), 2009-14 on 27.8.2009. The policy is being constantly reviewed from time to time and necessary need based amendments are carried out in terms of Notifications and Public Notices, which are available in the public domain. Sectoral performance reviews of export sectors are being conducted at regular intervals. After the release of FTP, first such sectoral performance review was done in December, '09 and after performance analysis, additional support measures were taken in January and March, 2010 under FTP. Second sectoral performance review has been undertaken in April, 2010.

(c) to (e) The immediate objective of this FTP is to arrest and reverse the declining trend in exports, due to unprecedented global economic slowdown and to provide additional support specially to those sectors which have been hit badly by recession in developed world. It included a mix of policy measures including fiscal incentives, procedural rationalization, facilitation of technological upgradation, enhanced market access across the world and diversification of export markets. Progressive reduction in the decline in exports and positive growth in exports on month to month basis since October, 2009 indicates that the stimulus packages announced by the Government and RBI and the measures taken in FTP, have significantly contributed to export growth.

Impact of FTAs on domestic industries and farmers

4324. SHRI MANOHAR JOSHI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government has signed Free Trade Agreement/Preferential Trade Agreement with several countries;

(b) if so, the country-wise, date-wise details thereof, during the last three years and the current year;

(c) whether Government has made any assessment on the impact of these agreements on the domestic industries and farmers;

(d) if so, the details thereof; and

(e) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) Yes. country-wise and date-wise details of the Free Trade Agreements/Preferential Trade Agreements signed during the last three years and the current year are as follows:

S.No.	Name of the Agreement	Partner Country	Date of Signing
1	India-Chile PTA	Chile	8th March 2006
2	India-Bhutan Agreement on Trade Commerce and Transit	Bhutan	Renewed from 29th July, 2006
3	India-Nepal Treaty of Trade	Nepal	Renewed from 6th March 2007
4	India-Korea Comprehensive Economic Partnership Agreement	South Korea	7th August 2009
5	India-ASEAN Free Trade Agreement	Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam	13th August 2009

(c) to (e) Before deciding on entering into an FTA with any country, a feasibility study is conducted by a Joint Study Group (JSG) comprising of officials from both sides. The JSG examines inter-alia, trade and tariff profiles, issues of complementarities, likely benefits and areas of mutual interests. A considered view on whether to go ahead to an FTA is taken by the Government based on the report of the JSG.

Before commencement of negotiations, extensive studies are undertaken by the Department of Commerce through various academic institutions. Negotiations are done after detailed

consultations with industry stakeholders as well as the administrative Ministries and Departments to protect the interests of the Indian industry and agriculture. Representatives from these Ministries and Departments also participate in the negotiations.

Misuse of rebates and other facilities by export promoting units

4325. SHRI MANOHAR JOSHI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) the share of export made by export promoting units in total exports of the country during each of the last three years and the current year, percentage — wise;
- (b) whether Government has received any report on tax rebates and other facilities being misused by some of these units;
- (c) if so, the details thereof; and
- (d) the steps taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) The share of Export Oriented Units (EOUs) in the total exports of the country are about 12.24%, 25.74%, 21.04% and 8.83% (provisional) during the year 2006-07, 2007-08, 2008-09, 2009-10 April-December) respectively.

(b) to (d) Comptroller and Auditor General (C&AG) had conducted a Performance Audit of EOU scheme for the year ended March 2006. C&AG had reported violations such as non/short fulfilment of export obligation, excess and inadmissible imports, irregular and unauthorized Domestic Tariff Area (DTA) sales, Excess reimbursement of Central Sales Tax (CST), Drawback on DTA sales, Non-realization of export proceeds, irregular de-bonding, and non receipt of re-warehousing certificates. The observations and recommendations of C&AG were laid on the Table of both Houses of Parliament as Report No. 7 of 2007 (Indirect Tax).

Besides, necessary action has been initiated against defaulting units for violation of provisions of Foreign Trade (Development and Regulation) Act, 1992, Custom's Act 1962 and Custom's Act 1944 by the concerned authority, the following actions have also been taken as part of follow up action of C&AG's recommendations:-

- (i) In order to ensure better coordination in the field formation of Department of Revenue and Department of Commerce, Unit Approval Committee has been constituted to exercise delegated powers of Board of Approvals by including officials of Jurisdictional Customs and Central Excise, Zonal DGFT, under the Chairmanship of Development Commissioners.

- (ii) Appendix 14-I-G and 14-I-F of Handbook of Procedure have been suitably amended to strengthen monetary mechanism of annual performance of EOUs.
- (iii) Exhaustive Monthly ER-2 return comprising of the details of receipt of inputs clearance of goods for exports/DTA has been prescribed for the EOUs.
- (iv) Periodic audit of EOUs is conducted by officers of Customs and Central Excise.
- (v) Regular visits to the units are conducted by the Jurisdictional Customs & Central Excise Officer in order to check receipt of duty free input/capital goods and discharge of other official duties. Surprise preventive checks of the units are also conducted.

Assessment of incentives for promotion on exports

4326. SHRI NAND KUMAR SAI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether Government has made any assessment of the number of incentives given in the Union Budget 2009-10 for promotion of export of the country;
- (b) if so, the details thereof;
- (c) the extent to which export of the country particularly Small Scale Industry export has increased during 2009-10;
- (d) whether Government is considering the need for special relief package for Small Scale industry exporters;
- (e) if so, the details thereof; and
- (f) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) Yes, Sir. The budget announcements of 2009-10 provided certain benefits, particularly to the exporting sectors, in the wake of global economic slowdown and its impact on our exports. There has been positive impact of the Budget announcements, particularly, the incentives announced to encourage exports from the labour intensive sectors, including Small and Medium Enterprises (SMEs). Some of the Budget announcements for the export sector are given in Statement — I (See below).

(c) to (f) India's merchandise exports in Rupee terms, for the financial year 2009-10 (April '09 to Feb. '10) and the corresponding period in 2008-09' and the merchandise export figures for Micro, Small and Medium Enterprises (MSMEs) received from Ministry of Micro, Small and Medium Enterprises are given in the Statement — II (See below). Exports from MSMEs, which constituted about 31% of India's exports, have been affected in the wake of global economic slowdown and the shrinkage of demand overseas.

The Government and RBI have been closely monitoring the economic developments in the country and internationally on a continuous basis and need based measures are taken from time to time keeping in view the financial and overall economic implications. To boost export performance by way of extending support to the exporting sectors including Small Scale industries, various measures have been taken by the Government and RBI in the form of stimulus packages including the announcements made in the Budget, 2009-10 and 2010-11; in the Foreign Trade Policy (FTP), 2009-14; and thereafter in January/March 2010, the Government has sought to provide support/incentives to the different export sectors which have been adversely affected by the global economic slowdown. Some of the various measures undertaken are given in the Statement-III.

Statement-I

Some of the budget announcements of 2009-10 for the export sector:

1. Interest subvention of 2% provided till 30.09.2009, extended upto 31.3.2010, to the following labour intensive sectors for exports:-
Textiles (including Handlooms), Handicrafts, Carpets, Leather, Gems & Jewellery, Marine Products and SMEs;
2. Enhanced ECGC insurance cover for badly hit sectors and SMEs extended till March 2010;
3. Additional resources made available under Market Development Assistance Scheme to support export initiatives;
4. Section 10A and 10B (Sunset clauses for STPI and EOU schemes respectively), extended for the financial year 2010-11. Anomaly removed in Section 10AA relating to taxation benefit of 'unit vis-à-vis assessee';
5. Fringe Benefit Tax abolished;
6. Some pending issues relating to Service Tax refund on exports-resolved. Some of these are:
 - (i) Exemption from Service tax on services linked to exports;
 - (a) On service related to transport of export goods by road from any CFS or ICD to the port or Airport and on service related to transport of export goods by road directly from their place of removal, to an ICD, a CFS, a port or airport;
 - (b) Services provided by Foreign Agent Commission service.
 - (ii) Procedure for refund of service tax simplified by allowing refund on self certification, in case refund claim does not exceed 0.25% of FOB value of exports; and certification by Chartered Accountant in case of others;

- (iii) Time period for filing refund claim increased to 1 year from the date of export (as against half-yearly);
- 7. Export Promotion Councils and Federation of Indian Export Organization (FIEO) exempted from Service tax till 31.3.2010;
- 8. Custom duty on unworked corals (required by Gems & Jewellery sector) reduced to Nil;
- 9. Additional items allowed within the existing duty free imports entitlement for the following employment oriented sectors:
 - (i) Additional items for sports goods sector;
 - (ii) Additional items for leather garments and footwear and textile items;
- 10. Concessional customs duty of 5% on specified machinery reintroduced for one year upto 6.7.2010, for tea, coffee and rubber plantations;
- 11. Mega handloom cluster in West Bengal and Tamil Nadu, power loom clusters in Rajasthan and new mega clusters for carpets in Srinagar and Mirzapur announced;
- 12. To allow utilization of accumulated CENVAT Credit, optional rate of 4% of Central Excise duty for textile sector and 8% of Central Excise duty on man made fiber provided.

Statement – II

India's Merchandise Export figures in Rupee terms for the period 2009-10 (upto February, '10) and the corresponding period in 2008-09

Period	Exports (In Rupees Crores)
2008-09 (April-Feb.)	774,586.32
2009-10 (April-Feb.)	741,159.36

(Source: DGCI&S)

Note: Figures of 2008-09 are final whereas the figures for 2009-10 are provisional and subject to change.

Merchandise Export figures for Micro, Small and Medium Enterprises (MSMEs)

Period	Value of Exports (In Rupees Crores)
2005-06	150,242.02
2006-07	182,537.85
2007-08	202,017.46

(Source: Ministry of Micro, Small and Medium Enterprises)

Statement – III

Steps taken by Government / RBI (including the announcements made in the budget, 2009-10 & 2010-11 and the Foreign Trade policy, 2009-14 and thereafter in January / March, 2010 to support industry & exporters

(A) Measures taken by the Government

- (1) Interest subvention of 2% provided till 30.09.2009, extended upto 31.3.2010, to the following labour intensive sectors for exports:-

Textiles (including Handlooms), Handicrafts, Carpets, Leather, Gems & Jewellery, Marine Products and SMEs;

(This facility has been further extended upto 31.3.2011 in the Budget 2010-11, to the sectors – Handlooms, Handicrafts, Carpets and SMEs);
- (2) Additional funds of Rs. 350 crore provided (in December 2008) for Handicraft items etc. in Vishesh Krishi and Gram Udyog Yojana (VKGUY);
- (3) Market Linked Focus Product Scheme extended for bicycles and parts, Motor Cars and Motor Cycles and Auto Components. Further, under MLFPS, Apparels and Clothing accessories had been incentivized for exports from 1.4.09 to 30.09.09;
- (4) Higher Support for Market and Product Diversification extended in FTP, 2009-14:
 - a. The incentive available under Focus Market Scheme (FMS) raised from 2.5% to 3%;
 - b. The incentive available under Focus Product Scheme (FPS) raised from 1.25% to 2%;
 - c. 26 new markets added under Focus Market Scheme. These include 16 new markets in Latin America and 10 in Asia-Oceania;
 - d. A large number of products (527 new products at 8 digit level and 82 new Handicraft products) from various sectors included for benefits under FPS;
 - e. Market Linked Focus Product Scheme (MLFPS) greatly expanded by inclusion of products classified under as many as 1500 products at 8 digit level for export to 13 new countries (Algeria, Egypt, Kenya, Nigeria, South Africa, Tanzania, Brazil, Mexico, Ukraine, Vietnam, Cambodia, Australia and New Zealand);
 - f. MLFPS benefits also extended for export to additional new markets for certain existing products, like auto components, motor cars, bicycle and its parts and apparels, among others;

- g. Focus Product Scheme benefit extended for export of 'green technology products'; and for exports of some products originating from the North East;
 - h. Project Exports and a large number of manufactured goods covered under FPS and MLFPS;
- (5) Additional support provided for Market and Product Diversification in January / March, 2010, based on sectoral performance analysis:

Announcements made in January, 2010:

- (i) 112 new products added under FPS at 8 digit level, eligible for benefits @ 2% of FOB value of exports to all markets; Major sectors include Engineering, Electronics, Rubber, Chemicals, Plastics, Carton boxes and Egg powder;
- (ii) 113 new products at 8 digit level given higher benefits @ 5% of FOB value of exports under Special FPS on exports to all markets; major Sectors include Hand Tools, parts of Agriculture & Horticulture Machinery, sewing and parts, liquid pumps, nuts, bolts, washers, screws, staplers and parts of machinery for soldering, brazing and welding.
- (iii) 1837 new products added under MLFPS at 8 digit level, eligible for benefits @ 2% of FOB value of exports to specified markets; Major Sectors include machine tools, earth moving equipments, transmission towers, electrical & power equipments, steel tubes, pipes and galvanized sheets, compressors, Iron and Steel Structures, Auto components. Three wheelers and cotton woven fabrics (Chemicals have been included for providing benefit for a limited period of 6 months).
- (iv) Two new major markets, viz., China and Japan, have been added under-MLFPS;
- (v) Sesame seeds and minor coconut products added under Vishesh Krishi and Gram Udyog Yojana (VKGUY);
- (vi) Timor Leste added under Focus market Scheme (FMS).

Announcements made in March 2010:-

- (i) More than 200 new products added under Market Linked Focus Product Scheme (MLFPS) at 8 digit level, eligible for benefits @ 2% of FOB value of exports to 15 specified markets.

Out of these:

- I. 128 products from Electronic sector at 8 digit level. Major items include Colour TV sets, Desktops and notebooks, Audio systems & subsystems, Telephone sets for wired services, Data cables, LAN cables, Printed circuits, Semiconductor devices etc.

- II. 34 products from Engineering sector at 8 digit level incentivized. Major items include Aluminium conductor, Empty LPG cylinders, Bicycle mirrors and dynamo lighting sets, to name a few.
- III. 39 products from Agrichemicals and pesticides sector.
- (ii) Nearly 300 products from Apparels and Readymade Garments sector at 8 digit level incentivized for 6 months exports to EU and USA.
- (6) Adequate funds provided to ensure full refund of pending claims of CST/ Terminal Excise duty/Duty drawback on deemed exports;
- (7) Exporter friendly and the popular Duty Neutralization Scheme i.e., Duty Entitlement Passbook (DEPB) Scheme extended upto 31st December, 2010;
- (8) DEPB rates for all items where they were reduced in November, 2008, restored to higher rates from retrospective effect and the adhoc increase in DEPB rates from 1% to 3% since 2007, continued;
- (9) Duty Drawback rates on certain items restored to higher rates effective from 1st September, 2008; duty drawback rates retained at the same level in spite of reduction in Excise tariff across the board and customs tariff for few items; Duty drawback rates announced for the first time for precious metal Jewellery items;
- (10) DEPB and Freely Transferable Incentive Schemes provisionally allowed without awaiting receipt of Bank Realization Certificate (BRC);
- (11) Export Obligation Period under Advance authorization Scheme enhanced from 24 months to 36 months without payment of composition fee;
- (12) To aid technological upgradation of our export sector, EPCG Scheme at Zero Duty has been introduced for certain sectors. The scheme shall be in operation till 31.3.2011;
- (13) To accelerate exports and encourage technological upgradation, additional Duty Credit Scrips shall be given to Status Holders @ 1% of the FOB value of past exports of certain sectors for procurement of capital goods. This facility shall be available upto 31.3.2011.
- (14) Facility of non recovery of incentives granted to exporters, subject to RBI specifically writing off the export proceed realization alongwith a certificate from Indian Missions abroad;
- (15) A number of measures taken to reduce transaction cost for the exporters such as abolition of application fee on all incentive schemes; application fee reduced for duty neutralization schemes; target to implement e-Trade Project in a time bound manner to bring all

stakeholders including Customs, DGFT, Banks, Ports, Airlines etc. on a common platform; Duty Neutralization Schemes such as Advance authorization and EPCG schemes brought under E-commerce mechanism;

- (16) To promote Brand India through six or more "Made in India" Shows, to be organized across the World every year;
- (17) Back-up guarantee made available of ECGC to the extent of Rs.350 crore to enable it to provide guarantees for exports to difficult markets/products. ECGC is now able to widen its coverage;
- (18) Additional funds provided to the Ministry of Textiles to clear the backlog claims of textile units under Technology Upgradation Fund (TUF);
- (19) Additional resources made available under MDA and MAI Schemes;
- (20) Additional items allowed within the existing duty free imports entitlement for the following employment oriented sectors:
 - (iii) Additional items for sports goods sector;
 - (ii) Additional items for leather garments and footwear and textile items.
- (21) Fringe Benefit Tax (FBT) abolished;
- (22) Section 10A and 10B (Sunset clauses for STPI and EOUs schemes respectively), extended for the financial year 2010-2011. Anomaly removed in Section 10AA relating to taxation benefit of 'unit vis-à-vis assessee';
- (23) Value limit on duty free import of commercial samples enhanced from Rs. 1 lakh to Rs. 3 lakh per annum (Budget announcement, 2010-11).
- (24) Some pending issues relating to Service Tax refund on exports-resolved. Some of these are:
 - (i) Exemption from Service tax on services linked to exports:
 - (c) On service related to transport of export goods by road from any CFS or ICD to the port of Airport and on service related to transport of export goods by road directly from their place of removal, to an ICD, a CFS, a port or airport;
 - (d) Services provided by Foreign Agent Commission service.
 - (ii) Procedure for refund of service tax simplified by allowing refund on self certification, in case refund claim does not exceed 0.25% of FOB value of exports; and certification by Chartered Accountant in case of others;

- (iii) Time period for, filling refund claim increased to 1 year from the date of export (as against half-yearly).
- (25) For Fast Track Resolution of a number of procedural issues thereby reducing delays for the exporters, a Committee constituted under the Chairmanship of Finance Secretary including Secretaries of Department of Revenue and Commerce; A number of issues sorted out accordingly;
- (26) A Committee under the Chairmanship of Finance Secretary has been constituted to resolve all problems related to Non-availability of Dollar Credit to exporters by the concerned Banks;
- (27) To enable support to Indian industry and exporters, especially the MSMEs, in availing their rights through trade remedy instruments, a Directorate of Trade Remedy Measures proposed to be set up;
- (28) Excise duty reduced across the board by 4 percent, for all products except petroleum products and those products where current rate was less than 4%. Excise Duty was further reduced by another 2% on certain products like Leather etc.;
- (29) The guarantee cover under Credit Guarantee Scheme for Micro and Small Enterprises on loans doubled to Rs. 1 crore, with a guarantee cover of 50%. The guarantee cover extended by Credit Guarantee Fund Trust increased to 85% for credit facility upto Rs. 5 lakh. The lock-in period for such collateral- free loans reduced.
- (30) Adjustment Assistance Scheme, initiated in December '08 by ECGC, to provide enhanced additional coverage of 5% subject to a maximum of 95% to all MSMEs and to non-MSME exporters of specified sectors viz., Textiles (including handicrafts and handlooms), gems & jewellery, leather, engineering products, carpets, project goods, auto components and chemicals, continued till March, 2010;
- (31) Insurance Risk Cover by ECGC for export finance extended by banks to MSME exporters, which was increased from 75% to 85%, has been extended till 31.03.2010.
- (32) To protect the domestic manufacturing industry from dumped/cheap imports, in particular, from China, import restrictions imposed on some items like auto forges components, HR coil, Carbon Black, Polyester Filament Yarn (PFY) and Radial Tyres (Bus & Trucks); subsequently withdrawn for PFY, HR Coils and Carbon black.

- (33) Mega Handloom clusters in West Bengal and Tamil Nadu and Powerloom cluster in Rajasthan and New Mega clusters for carpets in Srinagar and Mirzapur approved;
- (34) Jaipur, Srinagar and Anantnag recognized as 'Towns of Export Excellence' for handicrafts; Kanpur, Dewas and Ambur recognized for leather products; and Malihabad for horticultural products;
- (35) Basic customs duty of 5% on Rough/Unworked corals abolished;
- (36) Regular monitoring mechanism:-
 - (a) The situation regularly monitored at the highest level of Government, so that immediate further corrective measures, can be taken as may be required. In this regard, the Government constituted the following two High Level Committees for deliberating the issues on regular basis:
 - (i) An Apex Group chaired by Prime Minister with Finance Minister, Commerce Minister, Deputy Chairman (Planning Commission), RBI Governor;
 - (ii) Committee of officers chaired by Cabinet Secretary, including Finance Secretary, Commerce Secretary, Secretary (DIPP), Secretary (Planning Commission)- to meet regularly to look into the suggestions made by Trade and Industry and the respective Administrative Ministries in respect of the current global economic and financial crisis and to recommend action to the Apex Group.
 - (b) Department of MSME and Department of Financial Services to jointly monitor on the progress of the meetings of Monthly meeting of State level Bankers' Committee for resolution of credit issues of MSME.
- (B) Measures taken by RBI:**
 - I. Increase in Liquidity to the banks for improving credit flow, by:
 - (i) Reducing CRR, SLR, Repo rate and Reverse Rep rate [from October, 08, CRR reduced from 9% to 5% (modified to 5.5% on 13.02.10 and further enhanced to 6.0% w.e.f. 24.4.2010), SLR reduced from 25% to 24% (restored to 25% in Oct. '09), Repo Rate reduced from 7.5% to 4.75% (now modified to 5.25% w.e.f. 20.4.2010), and Reverse Repo Rate reduced from 6% to 3.25% (now modified to 3.75% w.e.f. 20.4.2010)].
 - (ii) Refinance facility to the EXIM Bank for an amount of Rs. 5000 crores for providing pre-shipment and post-shipment credit in Rs. or dollars;
 - (iii) A special re-finance facility put in place for banks for the purpose of extending finance to exports, micro and small enterprises, mutual funds and NBFCs. Provisioning requirements had

been lowered. Export Credit Refinance facility for commercial banks increased to 50% (now restored to 15% on 27.10.2009) of the outstanding Rupee Export Credit.

II. Increase in FOREX Liquidity:

- (i) RBIs assurance for continued selling of foreign exchange (US \$) through banks, to augment supply in the domestic foreign exchange market;
- (ii) Interest rates on export credit in foreign currency has been reduced to LIBOR + 200 basis points in February 2010 from the earlier LIBOR + 350 basis points.

III. Easing of Credit Terms:

- (i) The period of pre-shipment and post-shipment Rupee Export Credit enhanced by 90 days each;
- (ii) Time period of export realization for non-status holder exporters increased to 12 months, at par with the Status holders. This facility which was available upto 03.06.09, has been extended for one more year.
- (iii) PSU Banks, consequent to measures announced by RBI, reduced the margin money on Guarantees for export units.

Inclusion of handloom products in sensitive list

4327. SHRI PRAKASH JAVADEKAR: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether there is any move by Government to include handloom products in the sensitive list, in the context of regional trade agreements;
- (b) the committees constituted by the Ministry to address the problems of handloom sector, in the context of free global textile trade; and
- (c) the problems being faced in including handloom products in the sensitive list?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) Department of Commerce conducts extensive consultations with trade and industry stakeholders and nodal Ministries and Departments before the start of any Free Trade Agreement/ Preferential Trade Agreement for identification of sensitive products in the context of the proposed liberalized trade exchanges with the concerned country so as to protect domestic industry and agriculture. Inclusion of products in the Sensitive List is done on the basis of the recommendations made by industry organizations and administrative Ministries and Departments.

Department of Commerce has not constituted a specific committee to address the problems of handloom sector in the context of free global textile trade.

Investments from Japan for DMIC

4328. SHRI R.C. SINGH: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether it is a fact that India and Japan entered into an agreement recently for setting up of an ambitious Rs.3,60,000 crore Delhi — Mumbai Industrial Corridor project;
- (b) if so, the details thereof; and
- (c) in view of lukewarm response from Japanese investors, how can India think of getting handsome investments from Japan for the above project?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) An MoU was signed on 13th December 2006 between the Governments of India and Japan to develop the Delhi-Mumbai Industrial Corridor (DMIC). Around US \$ 90-100 billion is the estimated investment required to develop various projects in the DMIC region. Japanese investors have shown keen interest in investing in the DMIC region. A loan agreement for a commercial loan of US \$ 75 Million for the Project Development Fund of the DMIC project was signed on 28th December, 2009 with the Japan Bank for International Cooperation (JBIC). The DMIC envisages creation of world class infrastructure for industrial development. Investors from all over the world including Japan can invest in the DMIC region.

Duty free car import under Indo-EU FTA

4329. SHRI RAHUL BAJAJ:

SHRI RAJKUMAR DHOOT:

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether European union has been asking for a duty free regime for car imports, even if for a segment of cars, under the proposed Indo-EU FTA; and
- (b) if so, what is our stand?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) and (b) India is negotiating a Broad based Trade and Investment Agreement (BTIA) with the European Union (EU). 9 rounds of negotiations have been undertaken till April, 2010. The 9th round was held from 28th — 30th April, 2010. The negotiating rounds are still continuing and final positions in different sectors of the negotiations are still to emerge. As is consistent with previous and established practice in ongoing negotiations, it would be premature to share the details of the negotiations.

FDI in food processing sector

4330. SHRI MOHD. ALI KHAN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether Government is allowing Foreign Direct Investment (FDI) in food processing sector to suit the present conditions and demands in the country;
- (b) if so, the details worked out so far;
- (c) the aims and objectives in this regard; and
- (d) how it will be beneficial to the farmers and our industry in this sector, in future?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) As per extant Foreign Direct Investment (FDI) policy of the Government, FDI upto 100% is permitted under the automatic route in food processing sector subject to applicable laws/sectoral rules/regulations.

(d) FDI in food processing sector will bring new products, improved quality and new technology in the sector resulting in higher employment, reduction in wastage of agricultural products, safe and hygienic foods as well as export potential of processed food, benefiting the farmers and industries in this sector as well.

Ban on export of meat products

4331. SHRI SHADI LAL BATRA: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) the details of commodities banned for exports and those on which ban has been lifted during the current year;
- (b) whether the Director General of Foreign Trade (DGFT) has issued a notification banning export of meat and meat products of goats and sheep;
- (c) if so, the details thereof; and
- (d) the details of steps taken by the Government to promote exports from the country particularly from Haryana?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) Details of items prohibited or restricted for export is given in Schedule 2 of ITC (HS) Classification of Export and Import Items which is available also on the website of DGFT at <http://www.dgft.gov.in>. Ban has not been imposed or lifted on export of any commodity during the current year. However, validity of period of ban has been extended in respect

of export of edible oil upto 30.9.2010 and in respect of pulses upto 31.3.2011, respectively. Further, exemption granted to export of wheat products for a quantity of 6.5 lakh MTs expired on 31.3.2010 and accordingly export of wheat products stands prohibited beyond 31.3.2010. During current year exemption had been granted for export of 5000 MTs of organic wheat, 10,000 MTs of organic non-basmati rice through APEDA, and 10,000 MTs of edible oil in branded consumer packs upto 31.10.2010, in relaxation of general ban on export of these items.

(b) and (c) No notification has been issued by the Director General of Foreign Trade (DGFT) banning export of meat and meat products of goats and sheep.

(d) Under foreign Trade Policy 2009-14 a number of measures were taken for promotion of exports from India. These include fiscal incentives, procedural rationalization, enhanced market access across the world, and diversification of export markets. Some of the major export items from Haryana and the incentives announced for these items are given in the Statement.

Statement

Some of the major export items from Haryana and incentives available thereon

Export Items	Incentives
Cotton floor coverings, bathmats, woolen tufted carpets	Special rate 5% under FPS
Cotton bed sheets, cotton curtains, pillow covers, etc.	2% under MLFPS to 15 countries, 3% under FMS on exports to 110 countries
Parts of Agricultural Machinery, Hand tools and Nuts/bolts/screws	Special rate 5% under FPS
Agricultural Tractors	2% under FPS, 3% under FMS on exports to 110 countries
Readymade Garments	2% under MLFPS to 15 countries, 3% under FMS on exports to 110 countries, 2% under MLFPS on exports to EU & USA for 6 months (1.4.2010 till 30.9.2010)
Motor cars	2% under MLFPS to 25 countries, 3% under FMS on exports to 110 countries
Leather Products	2% under FPS, 3% under FMS on exports to 110 countries
Auto components	2% under MLFPS to 17 countries, 3% under FMS on exports to 110 countries

Difference of opinion with US and Europe in Doha round talks

4332. SHRI PRAKASH JAVADEKAR: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government has difference of opinion with developed countries especially with US and Europe in the Doha Round of Trade Negotiations;

(b) if so, what are the contentious issues with regard to draft texts on Agriculture and Non-Agriculture Market Access (NAMA) released in December, 2008 also India's stand on these contentious issues; and

(c) what are the contentious issues with developed countries on service negotiation and India's stand on the same?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) Yes, Sir. There are divergences in the positions of the developed and developing Members of the World Trade Organization (WTO) on various issues in the Doha Round of trade negotiations.

(b) As regards agriculture, the contentious issues in the draft text of December 2008 include, *inter alia*, the proposed reductions and disciplines on domestic support, the proposals for capping and simplifying complex tariffs, proposals for designating products as Sensitive Products and the associated market access through quotas, modalities for Tropical Products and Preference Erosion Products, the Special Safeguard Mechanism (SSM) for developing countries etc. India and its partners in various developing country coalitions have been striving for effective cuts and disciplines in domestic support provided by developed countries, capping and simplification of tariffs and have been working to prevent a dilution of ambition through flexibilities such as Sensitive Products. As regards flexibilities for developing countries such as the SSM, agricultural exporting countries have been attempting to bring in various restrictive provisions which are being resisted by India and others.

In the Non-Agricultural Market Access (NAMA) text of 6 December 2008, contentious issues relate to participation in sectoral initiatives, coefficient of Swiss formula for developed and developing countries, proposals seeking elimination of non-tariff barriers etc. As regards sectoral initiatives, India's stand is that participation must be non-mandatory and on good faith basis without pre-judging the final outcome. India is opposed to any attempts by proponents to insist on mandatory participation in sectorals since it leads to an inversion in the duty structure, entails large customs revenue loss, adversely affects sensitive industrial sectors, etc. As regards the Swiss formula for tariff reductions, India has been advocating a lower coefficient in the formula for developed countries

including the US and the EU (presently it has been proposed at 8) to meet the mandate of Less Than Full Reciprocity (LTFR) in reduction commitments. There are contentious issues as regards a number of proposals relating to elimination of non-tariff barriers in NAMA also.

(c) In the WTO Services negotiations, developed countries have requested for commitments beyond the autonomous regime prevalent in India and other developing countries for sectors of commercial importance to them. Developing countries including India are of the view that they have offered substantial improvements in their services commitments during the present Round while developed countries have not shown any visible improvement in sectors of export interest to developing countries such as Mode 4 (Movement of Natural Persons). India and other developing countries have, inter-alia, requested the developed countries for: broad based commitments across various categories of professionals; removal of various restrictions under Mode 4 such as the Economic Needs Test, Residency and Citizenship requirements; fully committing a wide array of services under Modes 1 and 2 (Cross Border Supply); and for disciplining Domestic Regulations.

Trade pact with Finland

4333. SHRI SANJAY RAUT: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether any trade pact between India and Finland on setting up of joint working groups in the area of innovation, clean technology, waste management, skill development and training has been signed, recently;

(b) whether the two countries would also set up a joint mission to identify new business possibilities and remove hurdles that could hamper mutual economic cooperation between the two countries; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) to (c) An umbrella Agreement on Economic Cooperation between India and Finland has been signed at Helsinki, Finland on 26th March 2010 by the Government of India and the Government of Finland.

The Agreement envisages setting up a Joint Commission consisting of experts, to identify new business possibilities for furthering mutual economic cooperation, discussing problems hindering development of trade and making recommendations for implementation.

The Agreement also envisages that within the framework of the Joint Commission, Joint Working Groups may be established. It was agreed by both sides to set up three Joint Working Groups in the areas of (i) Innovation, (ii) Clean Technology & Waste Management and (iii) Skill Development & Training, to develop and intensify economic cooperation.

Boosting export of tea and earnings

4334. SHRI SHADI LAL BATRA: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) the quantum of tea export during the year 2009-10, particularly between April, 2009 to December, 2009;
- (b) whether Government is aware that in spite of good export of tea, the earnings are likely to be lower;
- (c) if so, the details thereof;
- (d) the countries identified for the export of tea and the success achieved thereof; and
- (e) the steps proposed to be taken by the Government to boost the export of tea and earnings?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) The export of tea from India during the year 2009-10 (up to February, 2010) is 182.28 million kilograms and during April to December, 2009 is 153.03 million kilograms.

(b) No, Sir. There is a substantial increase in export of tea both in quantity and value terms during the year 2009-10 (up to February, 2010) as compared to the corresponding period of last year.

(c) Does not arise.

(d) Tea is largely being exported to Russia, Kazakhstan, Egypt, Iran, Iraq, Afghanistan, Pakistan, United Arab Emirates, United Kingdom, United States of America, etc. Exporters are encouraged to export larger quantities of high value tea to different countries.

(e) Government of India through the Tea Board is taking various steps to boost the export of tea and earnings therefrom. These include conducting promotional activities in the foreign markets and lending promotional support to the Indian Tea exporters in their marketing efforts abroad.

Reduction in export of tea

‡4335. SHRI KAPTAN SINGH SOLANKI: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) the figures of the tea export in the country for the last two years;
- (b) whether the export of tea has decreased in 2009 in comparison to 2008;
- (c) if so, the details thereof;
- (d) whether the prices of tea has been affected due to reduction in the export of tea; and
- (e) if so, the positive steps taken by the Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): (a) The export of tea from India during the calendar years 2008 and 2009 is 203.12 million kilograms and 191.49 million kilograms respectively.

(b) and (c) Yes, Sir. There is an estimated decrease of 11.63 million kilograms in export of tea from India in 2009 in comparison to 2008.

(d) and (e) Tea prices in the primary market started moving up from the middle of 2008 and continued during 2009. The primary reason for the increase in tea prices was due to the impact of drought in Sri Lanka and Kenya during the early part of 2009 and both the countries have now started recovering from the adverse effect of drought. It may be premature to intervene on the part of the Government to contain the prices of tea at this stage. On the other hand, it may be prudent to allow some more time for the market forces to stabilize the prices based on demand and supply position.

Hike in FDI limit in defence production

4336. DR. T. SUBBARAMI REDDY: Will the Minister of DEFENCE be pleased to state:

- (a) whether Government is seriously considering FDI hike in defence production;
- (b) if so, to what extent Government is mulling hiking the FDI limit in defence production; and
- (c) to what extent it will be helpful for meeting India's needs on terror?

‡ Original notice of the question was received in Hindi.

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI M.M. PALLAM RAJU): (a) No, Sir.

(b) and (c) Doesn't arise in view of answer to (a) above.

IAF squadrons for strategic balance with China and Pakistan

4337. PROF. ANIL KUMAR SAHANI: Will the Minister of DEFENCE be pleased to state:

(a) the number of IAF Squadrons required for achieving strategic balance on both the fronts viz. China and Pakistan;

(b) how many of them have so far been planned and raised by now;

(c) what is the percentage of accidents due to technical defects, human failure and bird hit under the last five years; and

(d) what is the strategy of life extension to existing fleet?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) and (b) The number of Indian Air Force (IAF) squadrons required is decided based on various factors like threat perceptions, security concerns and operational requirements of the IAF and is reviewed from time to time.

(c) In the last five years (Financial Years 2005-06 to 2009-10), 48.3% of the accidents in the IAF were due to Technical Defects, 37.9% were due to Human Error and 8.6% were due to Bird Hit.

(d) The IAF has a well structured strategy in place for life extension of existing aircraft fleet by the Original Equipment Manufacturer (OEM) and also by Indian agencies like Hindustan Aeronautics Ltd. (HAL), National Aeronautics Ltd. (NAL), etc.

Illegal sale of goods from army canteens

4338. SHRI BHAGAT SINGH KOSHYARI: Will the Minister of DEFENCE be pleased to state:

(a) whether Government has any information about illegal sale of goods from the Army canteens;

(b) if so, the steps being taken to stop these irregularities; and

(c) how many cases has been registered for such cases in last three years?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (c) During the last three years five such cases have come to the notice of Defence Services. No case has been registered with local

civil authorities. However, suitable disciplinary / administrative action has been taken against the erring officials. To stop irregularities, smart cards with confidential PIN (Personal Identification Number) have been introduced so that authorized persons only can avail canteen facilities. Monetary limits for purchase of goods have been fixed and are strictly being followed. Surprise checks are carried out by the administrative / security staff of the respective canteens. Exemplary punishment is given to those found involved in irregularities.

Representation of coast guard on the committee of fisheries

4339. SHRI SYED AZEEZ PASHA: Will the Minister of DEFENCE be pleased to state:

- (a) whether the Coast Guard of India is representing on the Empowered Committee on Fisheries;
- (b) to what extent has the Coast Guard formulated policies, procedures and systems to interact with fishermen and fishing sector to prompt and smooth operation;
- (c) whether it is a fact that the Coast Guard has frequently interrupted voyages and generally been harsh towards the fishermen and the sector;
- (d) has the Coast Guard rectified earlier errors and put in place a smooth and efficient system; and
- (e) if not, reasons for harassing Indian Fishermen and seizing their boats for petty reasons?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (e) Coast Guard is one of the members of the Empowered Committee on Marine Fisheries, constituted in the Ministry of Agriculture which considers the issues related to operation of deep sea fishing vessels. The Coast Guard renders assistance to fishermen in times of distress or in the event of natural calamity, instills a sense of confidence in them through rescue missions and community interaction programmes, besides enforcing, monitoring control and surveillance of the deep sea fishing vessels as per the latter of permission (LoP) scheme of Ministry of Agriculture. While searching vessel the Coast Guard officers conduct themselves as per laid down procedure. A boarding clearance certificate for proper conduct is also taken.

Sainik schools in A.P.

4340. SHRI M.V. MYSURA REDDY: Will the Minister of DEFENCE be pleased to state:

- (a) whether it is true that the Government of Andhra Pradesh has requested for opening of new Sainik Schools in the State;

(b) if so, when the proposal has been received in the Ministry and the details of the proposal; and

(c) what action the Ministry has taken so far on the above proposal?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (c) Yes, Sir. A proposal for establishment of a new Sainik School in Kadapa district of Andhra Pradesh was received from the State Government in November, 2007. The sites identified by the State Government for the purpose were inspected and not found suitable. The State Government was requested in July 2008 to identify fresh sites which meet the requirements but has not yet offered any fresh sites for the purpose.

Indo-us joint combat exercise in California

4341. SHRI PARIMAL NATHWANI: Will the Minister of DEFENCE be pleased to state:

- (a) whether India and US have held joint combat exercise in California recently;
- (b) if so, main objectives of such exercise;
- (c) the number of Indian soldiers who have participated in this exercise; and
- (d) how far this exercise would benefit Indian Defence forces in combating terrorism in the country?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (d) Exercise Shatrujeet 10 was conducted at Camp Pendleton, California, USA between 1st to 19th April, 2010 in which a total no. of 160 soldiers participated.

Such exercises benefit the Indian Army by gaining insights into the psyche, combat readiness, training standards, procedures, and technological capabilities of the US Army besides sharing of experience in the fields of Peace-keeping operations and disaster management.

Delayed projects of DRDO

4342. SHRI KALRAJ MISHRA: Will the Minister of DEFENCE be pleased to state:

- (a) whether most of the projects of Defence Research Development Organization (DRDO) are delayed leading to cost overrun;
- (b) if so, the project-wise details in this regard; and
- (c) what efforts have been made to complete these projects in extended time without any further delay?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) and (b) No, Sir. However, some of the major delayed projects of DRDO with original and revised cost, and Probable Date of Completion (PDC) are given below:-

(i) Light Combat Aircraft (LCA), Full Scale Engineering Development (FSED) Programme — Phase-II:

Date of Sanction	-	20th November 2001
Original PDC	-	31st December 2008
Revised PDC	-	31st December 2012
Original Cost	-	Rs.3301.78 Cr
Revised Cost	-	Rs.5777.56 Cr

(ii) Full Scale Engineering Development (FSED) Programme of Naval Light Combat Aircraft (LCA-Navy):

Date of Sanction	-	28th March 2003
Original PDC	-	27th March 2010
Revised PDC	-	27th December 2014
Original Cost	-	Rs.948.90 Cr
Revised Cost	-	Rs.1714.98 Cr

(iii) Interception, Monitoring, Direction Finding and Analysis System (IMDFAS) — Divyadrishti:

Date of Sanction	-	27th August 2002
Original PDC	-	26th February 2008
Revised PDC	-	26th August 2010
Original Cost	-	Rs.560.00 Cr
Revised Cost	-	Rs.670.60 Cr

(iv) Integrated Guided Missile Development Programme (IGMDP):

Date of Sanction	-	26th July 1983
Original PDC	-	30th July 1995
Revised PDC	-	31st December 2010

(Projects for development of Prithvi, Agni, Dhanush, Akash and Trishul missiles have been completed, whereas PDC for only Nag missile has been extended up to December 2010)

Original Cost	-	Rs.388.83 Cr
Revised Cost	-	Rs.1771.43 Cr

(v) Kaveri Engine for LCA:

Date of Sanction	-	30th March 1989
Original PDC	-	31st December 1996
Revised PDC	-	31st December 2010
Original Cost	-	Rs.383.81 Cr
Revised Cost	-	Rs.2839.00 Cr

The reasons for delay in completion of the above projects and their cost escalation are due to technical / technological complexities; Sanctions imposed by technologically advanced countries and various control regimes; increase in scope of work in terms of creation of more infrastructure, test facilities and their maintenance; change/enhancement in user requirements during development; deviations/failures during testing; extended and long-drawn user trials, etc.

(c) Following efforts have been made to complete these projects without any further delay:-

- (i) Consortium approach has been used for design, development and fabrication of critical components.
- (ii) Three-tier project monitoring approach is being followed in the major projects/programmes.
- (iii) Project Monitoring Review Committee (PMRC); and Project Appraisal and Review Committee (PARC) meetings are held regularly to monitor the progress of the ongoing projects.
- (iv) Concurrent engineering approach has been adopted in technology intensive projects to minimize time-lag between development and productionization of the systems, and Information Technology and modern management techniques have been applied.
- (v) Encouraging joint funding by Services to ensure their commitment towards earliest completion.
- (vi) Promoting synergy and better coordination among user Services, DRDO and production agencies through cluster meetings.

Revival of Hindustan shipyard limited

4343. SHRI K.V.P. RAMACHANDRA RAO: Will the Minister of DEFENCE be pleased to state:

- (a) whether Hindustan Shipyard Limited, Visakhapatnam is one of the oldest and the largest public sector shipyards in the country;
- (b) if so, whether its accumulated losses are to the tune of Rs.856.23 crores and negative net worth of Rs.706.82 crores, which are a major concern;
- (c) if so, whether Government propose to revive the shipyard; and
- (d) if so, the details of the package?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI M.M. PALLAM RAJU): (a) Yes, Sir.

(b) The Hindustan Shipyard Limited (HSL) as on 31.3.2009 has accumulated losses of Rs.987.43 crores and the negative net worth of Rs.685.44 crores.

(c) and (d) Ministry of Defence is processing a proposal for financial restructuring of HSL in consultation with the Shipyard.

Shortage of officers in army

4344. SHRI SHADI LAL BATRA: Will the Minister of DEFENCE be pleased to state:

- (a) the total sanctioned strength of officers in the Armed forces;
- (b) the present strength of officers in the Army;
- (c) whether it is a fact that there are about 11,000 posts of officers lying vacant in the Army;
- (d) whether Government proposes to open new Officers Training Academy (OTA) at Gaya in Bihar and one in Chennai;
- (e) if so, the details thereof;
- (f) by when these OTAs will be set up and made functional; and
- (g) the other major long term steps taken/being taken by Government to address the shortage of officers in the army?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (g) The sanctioned strength of officers is 46,614 in Army, 9,293 in Navy and 12,212 in Air Force. The present strength of officers in Army is 35,158 and around 11,500 posts are vacant.

One Officers Training Academy (OTA) in Chennai is already functional. The Government has approved setting up of a second OTA at Gaya, Bihar. Necessary steps have been initiated to make the Academy functional.

A number of steps have been taken to attract the talented youth to join the Armed Forces. All officers including those in Short Service Commission (SSC) are now eligible to hold substantive rank of Captain, Major and Lieutenant Colonel after 2, 6 and 13 years of reckonable service respectively. The tenure of SSC officers has been increased from 10 years to 14 years. A total number of 750 posts of Lt. Colonel have been upgraded to Colonel towards implementation of AV Singh Committee Report (Phase-I). Further, 1896 additional posts in the ranks of Colonel, Brigadier, Major General and Lieutenant General and their equivalents in the other two Services have been upgraded towards implementation of AV Singh Committee Report (Phase-II). The implementation of recommendations of the VI Central Pay Commission with substantial improvement in the pay structure of officers of Armed Forces, is expected to make the Services more attractive.

The Armed Forces have also undertaken sustained image projection and publicity campaign to create awareness among the youth on the advantages of taking up a challenging and satisfying career. Awareness campaigns, participation in career fairs and exhibitions, advertisements in print and electronic media, motivational lectures in schools colleges are also some of the other measures in this direction.

Merger of HSL with Indian navy

4345. SHRI NANDI YELLAIAH: Will the Minister of DEFENCE be pleased to state:

- (a) the reasons for not completing the process of the merger of Hindustan Shipyard Limited (HSL) of Visakhapatnam with Indian Navy even after four years;
- (b) the total period and amount of arrears of salaries due as on today to workers of Hindustan Shipyard Limited, Visakhapatnam;
- (c) whether the arrears of salaries shall be paid to the workers; and
- (d) if so, the time by when arrears of salaries shall be paid to the workers?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI M.M. PALLAM RAJU): (a) Government already transferred HSL, which was earlier under the Ministry of Shipping to the Department of Defence Production, Ministry of Defence by way of amendment of the Allocation of Business Rules on 23rd February, 2010.

(b) Amount of Rs.47.70 crores is due as arrear towards 1997 pay revision and 2007 pay revision.

(c) and (d) HSL is not in a healthy financial situation. As on 31.3.2009 this Shipyard has accumulated losses of Rs.987.43 crores and the negative networth of Rs.685.44 crores. In the wage revision settlement entered into with the Union by the Management of HSL, it was agreed that payment of arrears on account of revision will be made based on the improvement in the financial position of the Company. However, revised salaries are being paid. Ministry of Defence are processing a proposal for financial restructuring of HSL in consultation with the Shipyard.

State of art OFC network for defence forces

4346. SHRI NANDI YELLAIAH: Will the Minister of DEFENCE be pleased to state:

(a) whether Government has finalized nearly Rs. 10,000 crores highly secure and state-of-the-art Optical Fibre Cable (OFC) network for the Army, Navy and Air Force; and

(b) if so, the details of advantage of this OFC in the Defence network of Army, Navy and Air Force?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) and (b) The Government has approved Rs.9175.16 crores for setting up a nationwide dedicated and secure exclusive optical fibre cable network for Army, Navy & Air Force. This will provide a dedicated and secure network for a pan India system to meet security concerns.

Delay in delivery of AWACS by Israel

†4347. SHRI LALIT KISHORE CHATURVEDI: Will the Minister of DEFENCE be pleased to state:

(a) whether Indian Air Force had struck a deal for purchase of three AWACS with Israel of which the first aircraft came after a delay of one year, and the second is to be followed after a delay of seven months;

(b) the time by when the third AWACS is to be delivered;

(c) whether it is adequate for country's Air Force; and

(d) whether there is any plan to produce the system in India itself, in collaboration with Israel?

† Original notice of the question was received in Hindi.

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) The contract for supply of three Airborne Warning And Control System (AWACS) aircraft was signed with M/s Elta, Israel on 5th March 2004. The first and second AWACS aircraft were delivered to the Indian Air Force on 25th May, 2009 and 25th March 2010 respectively as per the revised delivery schedule.

(b) The delivery of the third aircraft is planned for December 2010.

(c) Additional AWACS aircrafts are planned to be procured in the 12th, 13th and 14th Plans.

(d) The Defence Research and Development Organization is developing an indigenous Airborne and Early Warning system for use of the Indian Air Force.

Purchase of ULH for army operations

4348. SHRI SHARAD ANANTRAO JOSHI: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that the Government has decided to go in for the purchase of Ultra Light Howitzers (ULH) an important element in the Indian artillery for operations particularly in connection to several areas of northern and eastern commands;

(b) if so, whether it is also a fact that the purchase is now being processed as a single window vendor procurement; and

(c) whether these ULHs will be useful in the anti-naxalite operations?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (c) A procurement case for acquisition of Ultra Light Howitzers for the Indian Army is underway as per the provisions of Defence Procurement Procedure 2008. Under the Foreign Military Sales (FMS), the Ministry of Defence had also issued a Letter of Request for procurement of Ultra Light Howitzers to the Government of the USA in May 2009.

Acquiring of Swanky AW-101 helicopters

4349. SHRI SANJAY RAUT: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that Government will be acquiring 12 (three-engined) Swanky AW-101 helicopters from a unit of Italian Major Finmeccanica for ferrying President, Prime Minister and other VIPs;

(b) whether this deal has been cleared by the Cabinet Committee on Security despite objections from the Finance Ministry due to security concerns raised by the SPG as well as IAF; and

(c) if so, the details thereof?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) Yes, Sir. A contract for the procurement of 12 AW-101 helicopters for VIP transportation was signed between Ministry of Defence and M/s Agusta Westland Limited, United Kingdom on 8th February, 2010.

(b) and (c) There were no objections raised by the Ministry of Finance relating to any security concern nor were there any security concerns raised by the SPG or the IAF.

Denial of PB-4 and GP, Rs.10,000 to defence service doctors

4350. SHRI KALRAJ MISHRA: Will the Minister of DEFENCE be pleased to state:

(a) whether Defence service doctors are denied the Pay-Band IV with a grade pay of Rs.10,000/- (p.m.) as part of the Assured Career Progression, as it is given to all Central Government doctors including the civilian doctors in the Ministry of Defence;

(b) if so, the reasons therefor; and

(c) whether it is the policy of Government to offer incentives to doctors joining Armed Forces including hard posting allowance?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY) (a) to (c) Terms and conditions of service as also pay and promotion avenues of Armed Forces Medical Services are different and specific to their employment and as such Dynamic Assured Career Progression (DACP) is not applicable.

2. Doctors joining Armed Forces are entitled for those allowances which are applicable to regular officers including hard posting allowance.

Opening of defence production to MNCs' and private sector

4351. SHRI RAMA CHANDRA KHUNTIA: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that Government has decided to open defence production for multinationals and private industrial houses; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI M.M. PALLAM RAJU): (a) Since May 2001, the defence sector has been opened to 100% private participation with FDI up to 26% permitted, both subject to licensing.

(b) DIPP issues Industrial license to private sector companies against their application, for production of various defence item, in consultation with Ministry of Defence. So far 127 LOIs/ILs have been issued to various private sector companies for production of various defence items.

Setting up of a new shipyard by HSL

4352. SHRI NAND KUMAR SAI: Will the Minister of DEFENCE be pleased to state:

(a) whether the Government has taken final decision to set up a new shipyard by Hindustan Shipyard Limited (HSL) to cater the requirements of Merchant Shipping Sector for ship repair and shipbuilding;

(b) if so, the details thereof and the salient features thereof;

(c) if not, the reasons for delay in this regard; and

(d) the time by when the decision for setting of new shipyard will be finalized?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI M.M. PALLAM RAJU): (a) to (d) The Government has transferred Hindustan Shipyard Limited (HSL), Visakhapatnam from Ministry of Shipping to Ministry of Defence on "as is where is basis" and has accorded "in principle" approval for setting up a new shipyard of international standards on a PPP mode as a joint venture under Ministry of Shipping. Presently, Ministry of Shipping is proposing to conduct a feasibility study for setting up the new Shipyard.

Compensation to Jawans killed by Naxals and Maoists

4353. PROF. ANIL KUMAR SAHANI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government has formulated any plan to combat Maoists and Naxalites;

(b) if so, the details thereof;

(c) whether Government has activated that plan and if so, the result thereof;

(d) the number of jawans killed by Maoists and Naxalites during the last three years and steps taken to compensate and rehabilitate their families; and

(e) the details of compensation etc., cases pending with CRPF, BSF, CISF etc. for more than three years together with reasons thereof and steps taken to clear all pending cases within a time-frame?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (c) Government had adopted an integrated approach in dealing with LWE activities in the arenas of security, development and public perception. State Governments deal with the various issues related to naxalite activities in the states. The Central Government supplements their efforts over a wide range of schemes.

(d) While dealing with Maoist violence 236, 231 and 317 security personnel have been killed during 2007, 2008 and 2009 respectively. All out efforts are focused on making the payments of prescribed compensation to the next of kins of the deceased personnel on priority basis.

(e) Information is being collected and will be laid on the table of the House.

Naxalites forcing cultivation of marijuana and opium

†4354. SHRI SATYAVRAT CHATURVEDI:

SHRI MOTILAL VORA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the naxalites in Chhattisgarh are now forcing people to cultivate marijuana and opium in protected areas of their influence to earn money;

(b) if so, the steps being taken by Government to identify such places and to stop such type of cultivation; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) There is no input to indicate that naxalites in Chhattisgarh are forcing people to cultivate marijuana and opium in protected areas of their influence to earn money.

(b) and (c) The Narcotics Control Bureau has formulated and Action Plan in coordination with Central Bureau of Narcotics and the Nodal officers of the concerned state governments for the identification and destruction of illicit opium cultivation. The action plan includes, *inter alia*, using satellite imagery to identify areas under the illicit poppy cultivation, constitution of composite teams of district level officers for field verification and destruction of illicit poppy cultivation and initiation of penal action against persons found involved in illicit poppy cultivation.

Steps to prevent sex tourism and child smuggling

†4355. SHRI MOTILAL VORA:

SHRI SATYAVRAT CHATURVEDI:

Will the Minister of HOME AFFAIRS be pleased to state:

† Original notice of the question was received in Hindi.

- (a) whether the Supreme Court had given instructions to Government for taking effective steps to prevent the ongoing sex tourism and child smuggling in the country;
- (b) the total number of incidents related to child smuggling and sex tourism on which Central Government has taken action in the year 2008-09; and
- (c) the action taken by the Tourism Department after the order of High Court to end sex tourism?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) Supreme Court has given orders in the ongoing Civil Writ Petition i.e. Bachpan Bachao Andolan for taking effective measures for curbing child trafficking like proper enforcement of Juvenile Justice Act, 2006 and setting up of Special Juvenile Police Units.

(b) No separate information regarding cases of child smuggling and sex tourism is maintained by national Crime Record Bureau (NCRB).

(c) It is stated that 'Public Order' and 'Police' are State subjects as per the Seventh Schedule of the Constitution of India. As such, stopping of sex tourism and child smuggling of is primarily the responsibility of State Governments/Union Territories. However, in order to ensure safety and security of tourists, the Ministry of Tourism has advised all the State Governments/Union Territory Administrations to deploy tourists police in the States/UTs. The State Governments of Andhra Pradesh, Karnataka, Goa, Kerala, Maharashtra, Himachal Pradesh, Rajasthan, Jammu & Kashmir, Uttar Pradesh, Delhi, Punjab, Madhya Pradesh and Orissa have deployed tourist police in one form or the other. Further, Ministry of Tourism, in consultation with Ministry of Home Affairs, Ministry of Defence and State Governments/Union Territory Administrations, has framed guidelines for formation of tourists security organization(s) comprising ex-servicemen for the safety and security of tourists. The guidelines have been issued to State Governments and Union Territory Administrations.

Naxalite affected districts of UP

4356. SHRI KAMAL AKHTAR:

SHRIMATI KUSUM RAI:

SHRI NAND KISHORE YADAV:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether Government is aware that 18 districts of Uttar Pradesh are badly affected by naxalite threat;
- (b) if so, the details thereof along with the names of those districts;

(c) whether it is also a fact that in those 18 districts naxalites are running parallel Government and there is no rule of law;

(d) if so, the details thereof; and

(e) the details of action his Ministry proposes to take to curb the naxalite menace in the country, particularly in Uttar Pradesh?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (e) On the basis of violence profile, 3 districts viz. Chandauli, Mirzapur and Sonbhadra in Uttar Pradesh have been included under Security Related Expenditure Scheme which is meant for reimbursing such expenditure incurred for anti-naxal operations by the States.

State Governments deal with various issues related to naxalite activities in the States. Central Government supplements their efforts over a wide range of schemes, both on security and development front.

UNESCO report on naxal attacks

4357. SHRI B.K. HARIPRASAD:

DR. JANARDHAN WAGHMARE:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government has examined the UNESCO report figuring India among four countries that has seen a marked increase in systematic attack on schools, students and teachers between 2006 and 2009 by naxals;

(b) whether the study found India among other 18 countries where children were forcibly or voluntarily recruited from schools, or en route to or from schools by armed groups for combat operations;

(c) whether according to this report, nearly 300 schools were blown up by naxals between 2006 and 2009; and

(d) whether Government has also examined Human Rights Watch, 2008 Report, titled Dangerous Duty; Children and the Chhattisgarh Conflict?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (d) As per available inputs, report from Human Rights Watch titled 'Sabotaged Schooling: Naxalite attacks and Police Occupation of Schools in India's Bihar & Jharkhand States, lists 34 schools in Jharkhand and 16 in Bihar which were damaged by the Naxalites. State Governments have been directed to ensure expeditious repair/reconstruction of the damaged school buildings and greater involvement of the community in the management of the school to provide an effective and enduring protection of the schools.

Naxalites attacked 198 school buildings between 2006 and 2009 in the States of Chhattisgarh, Jharkhand, Bihar, Maharashtra and Orissa.

Inputs indicate that the CIP (Maoist) in the States of Chhattisgarh, Jharkhand and Orissa recruit young children from time to time. In Bihar and Jharkhand, these children are enrolled in 'Bal Dasta' and in Chhattisgarh and Orissa, the children's squad is known as 'Bal Sangham'.

Indian army training para-military forces

4358. SHRI PARIMAL NATHWANI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Indian army is training paramilitary forces like CRPF to deal with naxalites/terrorists in difficult terrains;

(b) whether the 62nd Battalion of CRPF which suffered heavy casualties in Dantewada recently was not trained by the Army;

(c) if so, the reasons for their deployment;

(d) whether there exists internal deficiencies in the training pattern as pointed out by the Army Chief records;

(e) if so, the details thereof; and

(f) the steps taken to overcome these difficulties?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) CRPF Units which have been recently inducted after August 2009 for Inter State Operations in naxal-affected areas have been given training by certain Army units.

(b) and (c) Army training was introduced for the newly inducted Battalions meant for inter State Operations in naxal affected areas after August, 2009. 62nd Battalion of CRPF was inducted in Chhattisgarh in May, 2009 as part of the annual changeover of CRPF Battalions which were placed at the disposal of the state government for long-term deployment in naxal affected areas in Chhattisgarh. As such, 62nd Battalion was not among those trained by the Army. However, Pre-induction training was imparted to all companies of 62nd Battalion before induction. Moreover, this Battalion had been deployed on anti-naxal operations in Bihar for three years before being inducted into Chhattisgarh.

(d) to (f) Training and updating of skills is a continuous process. The training curriculum is periodically reviewed to overcome the deficiencies.

Harassment of families in naxal affected areas by police

†4359. SHRI SHIVANAND TIWARI:

SHRI RAVI SHANKAR PRASAD:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether it is a fact that families, particularly the low income families, residing in the areas of the states affected by naxal violence are harassed unwarrantedly by local police and the Central Forces;
- (b) if so, the reaction of Government thereto;
- (c) whether it is also a fact that the tribunals comprising several sensible persons of the country have also brought the above complaints into light; and
- (d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (d) 'Police' and 'public order' being States subjects, action with respect to maintenance of law and order lies primarily in the domain of the concerned State Governments, who deal with the various issues related to naxalite activities in the States including grievance redressal of the people residing in the naxal affected areas.

Central Government has no inputs indicating that the families particularly the low income family residing in the area of the states affected by naxal violence are harassed unwarrantedly by the ill-treatment of local police and the Central forces.

No-cooperation from locals in fighting naxals

†4360. SHRI RAVI SHANKAR PRASAD:

SHRI RAJ MOHINDER SINGH MAJITHA:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether it is a fact that it is not possible for Government to control naxalite violence in the country due to absence of active cooperation from local families;
- (b) if so, Government's reaction thereto;
- (c) whether it is also a fact that behavior of local police and central armed forces with common man has failed to get cooperation from local families so far; and
- (d) if so, Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (d) State Governments deal with various issues related to naxalite activities in the States. Central Government supplements their efforts over a wide range of schemes, both on security and development front, *inter alia*, including providing Central Para Military Forces to the States to assist them for anti naxal operations. Civic Action Programmes have been undertaken by Central Paramilitary Forces to win over the confidence of the local populace in naxal affected areas and the results have been very encouraging.

Steps to prevent jail breaks and prison escapes

4361. SHRIMATI SHOBHANA BHARTIA:

SHRI N.K. SINGH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is aware of increasing number of Jail breaks and prison escapes in various parts of the country;

(b) if so, the number of such cases reported/registered during the last three years; and

(c) the steps taken by Government against the officials responsible and corrective steps taken to curb such incidents in future?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) As per data compiled by National Crime Records Bureau (NCRB), a statement indicating number of jail breaks and escape from the jail during the period 2005 to 2007 is given as under:-

Year	No. of Jail Breaks	No. of Escapees
2005	08	635
2006	06	592
2007	06	913

(c) "Prisons" is a state subject under List II of the Seventh Schedule to the Constitution of India and Prison Administration is primarily the responsibility of the State Governments. Therefore, any action against the accused officials is taken by the respective State Governments.

The Government of India has, however, issued advisories to State Governments on 16.7.2009 (against release on forged document), 17.7.2009 (comprehensive advisory on all aspects of prison administration), 16.10.2009 (jail breaks) for taking appropriate corrective steps to avoid recurrence of such incidents.

Identification parameters to be recorded in National census

4362. SHRIMATI KANIMOZHI: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the details of the key identification parameters, including biometric data, that will be recorded as part of the national census;
- (b) how Government proposes to store all this information securely;
- (c) whether Government is considering including pavement dwellers, if so, the details thereof;
- (d) if not, the reasons therefor;
- (e) whether Government will consider including and enumerating transgenders as part of the census; and
- (f) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) The Census is conducted under the Census Act, 1948. The information collected in Census is confidential. 2011 Census will be conducted in two phases. The first phase of Census of India 2011- Houselisting Operations is being conducted between April-September, 2010 depending on convenience of different States/UTs. The data collection work for National Population Register (NPR) has also been undertaken alongwith House listing and housing Census. The NPR is being created under the Citizenship Act, 1955. The information collected for NPR will be published in order to enable people to lodge their claims and objections. Once the objections have been dealt with and the NPR finalized after de-duplication and issue of UID Numbers, the database will be maintained in a secure environment. It will be used by Government for better targeting of benefits and for strengthening security of the country.

(c) and (d) All houseless persons which also include pavement dwellers will be enumerated in the night of 28th February -1st March, 2011 as part of the Census 2011.

(e) All persons in the country including transgenders are enumerated in Census. However, the transgenders are not identified separately. The issue of giving separate code for transgenders will be put up for consideration to the Technical Advisory Committee (TAC) which comprises of eminent demographers, social scientist, data users and senior Government Officers. The recommendation of the TAC would be then put to the Government for final decision.

(f) Question does not arise.

Bodies of terrorists involved in 26/11 attack

4363. SHRI BHARATKUMAR RAUT: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether it is a fact that bodies of nine terrorists involved in the 26/11 attack in Mumbai have been buried;
- (b) the reasons behind maintaining secrecy about it;
- (c) whether it is a fact that Muslim community in India had opposed to provide land for their burial; and
- (d) how much did Government spend on retaining their bodies for over 14 months?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (d) The information is being collected and will be laid on the Table of the House.

Impounded vehicles lying in police stations in Delhi

4364. SHRI MOHAMMED ADEEB: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the details of the impounded vehicles lying in various police stations in Delhi, police station-wise;
- (b) since when these vehicles are lying;
- (c) the reasons for which these vehicles were impounded;
- (d) the reasons for their non-release;
- (e) whether it is a fact that many parts of these vehicles are misappropriated in the police stations;
- (f) whether it is also a fact that a number of vehicles which were reported lost have also been lying there; and
- (g) the steps being taken to streamline the system?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (g) Information is being collected and will be laid on the Table of the House.

Establishment of radar chain along coast line

4365. SHRI K.N. BALAGOPAL: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether Government has any plan to establish a radar chain along the entire coast line of India;
- (b) how many radars will be placed along the coast at the initial stage and as what cost; and
- (c) whether radars will be placed along the Kerala Coast in the initial stage?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) Yes, Sir. Coast Guard is implementing a project of setting up a chain of radars sensors, which are to be fitted on light houses at 46 locations, out of which 36 are in main land, 6 in Lakshadweep Islands and 4 in Andaman & Nicobar Islands. Total estimated cost of the project is Rs.350 crore.

(c) Yes, Sir. The sites identified in Kerala for placing the radars sensors are at three locations viz. Ponani, Kochi and Quilon.

Funds to Gujarat under border area development

4366. SHRI NATUJI HALAJI THAKOR: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the details of funds allocated to Gujarat State under the Border Area Development during each of the last three years and current year;
- (b) whether there is any proposal to increase the funds allocated to Gujarat; and
- (c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (c) Allocation under the Border Area Development Programme to the State of Gujarat during the last three years and current year is as under:

Year	Rs. In Lakh.
2007-08	2249.72
2008-09	2144.48
2009-10	3269.00
2010-11	2800.00

The Border Area Development Programme (BADP) is implemented under the guidelines framed by the Planning Commission. The funds are allocated by the Planning Commission annually in the central budget, which are re-allocated to the Border States taking into consideration (i) length of International Border (Km); (ii) Population of the border block and (iii) Area of the border block (Sq. Km). Weightage of 15% over and above the total allocation is also given to States having hilly/desert/Kutchh areas. Presently there is no proposal to increase the allocation of Gujarat. However, if there is overall increase in the total outlay of BADP funds in future, proportionate increase may be possible for Gujarat also.

Crimes/atrocities against women

4367. DR. GYAN PRAKASH PILANIA:

SHRI LALIT KISHORE CHATURVEDI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the State-wise and four mega cities-wise details of cases registered, persons arrested, chargesheeted, percentage challenged, cases convicted, percentage conviction pertaining to crimes/atrocities against women for past three years;

(b) whether crime against women is on increase and challan and conviction percentages are not improving and which are worst three States; and

(c) what is average daily incidence, under each crime head?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) As per information provided by National Crime Record Bureau (NCRB), State/UT-wise and mega city-wise details of cases registered, cases charge sheeted, chargesheeting rate cases rate cases convicted, conviction rate and persons arrested under total crime against women during 2004-2008 are given in the Statement — I (See below).

(b) A total of 154333, 155553, 164765, 185312 and 195856 cases of crime against women were registered during 2004-2008, thereby showing an increasing trend. Andhra Pradesh (24111), Uttar Pradesh (23569) and West Bengal (20912) reported the maximum number of cases of crime against women during 2008.

(c) Crime-head-wise details of cases registered and average daily incidences (defined as cases registered divided by 365) during 2004-2008 are given in the Statement — II.

Statement – I

*State/UT-wise cases registered(CR), cases chargesheeted (CS), chargesheeting rate (CSR), cases convicted(CV), conviction rate(CVR) & persons arrested (PAR) under total crimes against women * during 2004-2006*

SL	State/UT	2004						2005						2006					
		CR	CS	CSR	CV	CVR	PAR	CR	CS	CSR	CV	CVR	PAR	CR	CS	CSR	CV	CVR	PAR
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	Andhra Pradesh	18921	14411	96.9	3326	30.5	28976	20819	18226	97.9	5353	40.1	31136	21484	16139	97.6	3579	33.1	30660
2	Arunachal Pradesh	148	100	79.4	11	73.3	162	150	122	73.5	38	56.7	129	168	108	78.8	16	41.0	141
3	Assam	5700	3527	72.3	427	16.3	8117	6027	3876	73.9	524	19.4	8760	6801	3987	73.2	692	22.4	8438
4	Bihar	8091	3989	84.8	530	16.6	12334	6019	4267	90.7	626	18.2	11220	6740	4488	83.4	801	19.9	11757
5	Chhattisgarh	3763	3767	98.7	924	35.7	6051	3599	3417	97.9	1085	37.1	5491	3757	3665	98.3	881	42.3	5758
6	Goa	132	105	80.8	29	44.6	227	121	97	84.3	47	64.4	229	96	83	79.8	29	50.9	159
7	Gujarat	6211	5749	96.5	215	7.8	15549	6343	5834	96.0	345	11.1	16510	7279	6592	96.9	276	9.5	18188
8	Haryana	4276	3081	91.6	1276	38.8	6610	4161	2914	92.4	741	32.2	6275	4617	3255	94.0	791	36.4	6857
9	Himachal Pradesh	823	681	97.7	70	12.9	1203	793	668	98.1	73	10.3	1267	792	645	97.9	69	15.4	1151

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
10	Jammu & Kashmir	2208	1892	96.9	160	14.0	3345	2144	1781	98.1	104	9.5	3163	2432	2142	98.7	170	14.2	3896
11	Jharkhand	2490	1969	91.1	357	19.9	3931	2544	1790	87.0	475	22.7	3432	2979	2110	90.2	629	24.8	4117
12	Karnataka	5423	4711	96.4	1366	30.0	9154	6057	5102	96.9	1238	24.9	10590	6084	5252	96.8	716	15.9	11035
13	Kerala	6483	5731	97.8	477	14.4	9849	6762	5929	98.2	461	12.9	10669	7554	6565	97.5	617	14.1	11406
14	Madhya Pradesh	15203	15056	98.9	3518	33.9	27027	14529	13939	98.6	3301	32.1	24254	14321	13950	98.7	3705	38.8	23753
15	Maharashtra	12169	11381	98.2	631	8.0	30432	13370	12625	98.1	616	7.5	34156	14452	13020	98.0	584	8.1	36197
16	Manipur	134	6	9.0	0	0.0	132	140	11	11.6	0	0.0	127	171	3	2.8	3	75.0	104
17	Meghalaya	113	43	75.4	4	28.6	96	131	62	72.1	4	26.7	106	176	88	62.4	7	20.6	158
18	Mizoram	91	78	85.7	182	81.6	79	95	89	97.8	29	72.5	85	125	128	92.8	209	94.6	138
19	Nagaland	30	50	90.9	78	100.0	36	37	29	64.4	34	51.5	37	43	36	100.0	26	96.3	64
20	Orissa	5239	4724	97.7	482	13.4	7884	6249	5015	98.2	377	12.8	9524	6825	5851	97.6	535	16.2	10408
21	Punjab	1955	1460	82.5	466	37.1	3642	1969	1381	85.7	224	24.6	3303	2242	1588	86.6	276	27.3	3882
22	Rajasthan	13127	8206	97.3	2480	42.3	14640	11657	7393	96.4	2383	43.8	12838	12934	8155	96.5	2719	44.0	14546
23	Sikkim	49	25	80.6	4	50.0	69	62	26	72.2	6	37.5	42	47	34	97.1	3	42.9	39
24	Tamil Nadu	9332	8514	96.7	4889	64.9	12750	8648	7877	96.7	4630	57.2	12275	6489	5598	95.4	2923	49.5	9483

25	Tripura	670	568	87.3	85	23.8	983	840	742	85.7	111	21.1	1308	964	834	86.2	106	23.2	1272
26	Uttar Pradesh	15485	12186	87.5	6518	59.3	32979	14875	12316	88.4	6484	59.5	32720	16375	13254	87.0	6800	58.7	34720
27	Uttarakhand	988	784	85.7	266	68.4	2660	786	603	84.5	183	48.4	1648	1038	836	85.6	207	50.0	2176
28	West Bengal	11047	9731	92.1	384	13.6	16613	11887	11199	95.1	812	18.1	19227	12785	11445	91.1	1001	15.3	22398
	Total State	150301	122525	93.9	29155	33.1	255530	150814	127330	94.6	30304	32.7	260521	159770	129851	93.6	28370	31.3	272901
29	A&N Islands	27	17	81.0	8	44.4	44	22	14	73.7	1	14.3	32	36	39	88.6	1	12.5	49
30	Chandigarh	188	147	96.1	16	21.6	331	205	141	94.0	12	21.1	306	224	133	82.6	24	26.7	352
31	D&N Haveli	22	18	100.0	0	0.0	32	24	18	100.0	0	0.0	35	32	22	91.7	2	18.2	25
32	Daman & Diu	7	8	100.0	0	0.0	15	10	8	88.9	0	0.0	17	9	9	100.0	1	16.7	28
33	Delhi UT	3677	2185	84.1	694	34.6	5196	4351	2552	86.5	473	24.2	5853	4544	2909	89.1	565	30.9	6207
34	Lakshadweep	1	4	100.0	1	100.0	1	0	1	100.0	0	-	0	1	0	-	0	-	1
35	Puducherry	110	101	100.0	25	37.3	173	127	109	100.0	36	55.4	191	149	139	100.0	35	56.5	260
	Total UT	4032	2480	85.4	744	34.0	5792	4739	2843	87.3	522	24.7	6434	4995	3251	89.2	628	31.3	6922
	Total All India	154333	125005	93.8	29899	33.1	261322	155553	130173	94.4	30826	32.5	266955	164765	133102	93.5	28998	31.3	279823

Source: Crime in India Note: (1) Information on disposal by police and courts includes the information on pending cases from previous years also

(2) '-' denotes division of zero by zero

* Total Crimes against women includes heads: Rape, Kidnapping & Abduction of Women and Girls, Dowry Deaths, Molestation, Sexual Harassment, Cruelty by Husband and Relatives, Importation of Girls, Immoral Traffic (Prevention) Act, Dowry Prohibition Act, Indecent Representation of Women (Prohibition) Act & Sati Prevention Act.

Megacity-wise cases registered(CR), cases chargesheeted(CS), chargesheeting rate(CSR), cases convicted(CV), conviction rate(CVR) & persons arrested (PAR) under total crimes against women during 2004-2006*

SL	City	2004						2005						2006					
		CR	CS	CSR	CV	CVR	PAR	CR	CS	CSR	CV	CVR	PAR	CR	CS	CSR	CV	CVR	PAR
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	Agra	474	341	74.1	216	66.7	945	489	436	90.1	250	78.6	891	644	517	82.9	362	74.5	1227
2	Ahmedabad	1028	949	95.9	52	20.2	2876	1004	997	97.3	157	23.9	2560	1249	1129	96.5	42	10.8	3153
3	Allahabad	119	95	80.5	20	26.3	452	102	77	82.8	34	47.9	280	226	130	77.4	48	51.1	517
4	Amritsar	116	85	96.6	21	22.3	351	66	89	100.0	17	21.3	240	96	83	98.8	20	31.7	190
5	Asansol	303	77	97.5	1	6.7	392	377	294	91.0	2	7.7	453	213	167	97.7	6	16.2	468
6	Bengaluru	1219	1073	98.4	412	41.8	2678	1488	1246	99.0	509	45.9	3448	1292	1058	99.2	257	27.5	3195
7	Bhopal	427	390	98.7	42	27.6	934	364	376	98.7	54	21.4	653	358	360	99.2	53	21.4	556
8	Chennai	868	709	88.7	368	74.5	1169	815	897	97.8	598	62.1	1250	627	542	95.9	197	45.7	948
9	Coimbatore	339	332	99.1	286	82.7	451	331	329	99.7	253	86.6	596	198	192	100.0	168	83.6	408
10	Delhi (City)	3334	1984	84.3	648	36.6	4807	3850	2285	86.8	446	23.8	5320	4134	2643	89.0	530	30.4	5630
11	Dhanbad	94	56	88.9	15	34.1	148	92	58	90.6	7	29.2	129	73	62	93.9	19	38.8	103
12	Faridabad	609	565	98.6	450	81.4	787	410	360	96.3	152	58.2	612	454	376	91.0	168	62.0	731
13	Hyderabad	1978	1294	96.0	504	61.1	2525	2057	1427	96.7	491	55.9	2042	1755	488	98.4	53	62.4	1283
14	Indore	587	564	97.4	224	49.1	1097	522	510	98.3	203	41.8	1092	541	533	97.4	423	57.7	1111
15	Jabalpur	347	302	99.3	96	26.8	383	415	306	100.0	88	30.8	515	435	515	99.8	54	31.4	559

16	Jaipur	818	494	97.8	86	33.5	990	782	538	98.2	116	40.6	980	852	563	97.9	111	34.0	1003
17	Jamshedpur	146	109	90.8	19	24.7	N.A.	168	117	91.4	20	17.4	315	197	161	92.5	19	16.7	270
18	Kanpur	634	504	90.2	323	67.7	1375	644	524	88.8	350	67.0	1245	701	551	83.5	201	42.3	1429
19	Kochi	182	194	97.5	13	16.7	292	129	124	100.0	7	12.3	187	215	174	87.0	7	11.5	385
20	Kolkata	669	436	87.9	35	13.7	1051	544	526	84.8	63	14.5	1211	636	479	77.4	164	20.8	1541
21	Lucknow	587	402	82.2	218	80.1	997	582	493	86.3	211	70.8	757	709	566	83.9	233	44.2	1177
22	Ludhiana	246	264	81.2	140	63.1	555	215	113	73.4	15	22.4	405	234	183	80.6	34	26.0	436
23	Madurai	326	286	100.0	230	80.1	408	261	255	99.6	163	73.8	281	192	165	98.8	132	64.7	245
24	Meerut	354	306	90.5	145	78.0	774	353	278	87.4	195	87.8	850	327	287	86.7	198	88.8	759
25	Mumbai	1191	914	93.8	93	12.4	2159	1288	1276	94.4	141	15.5	2562	1334	1139	93.1	135	17.7	2844
26	Nagpur	342	342	100.0	19	14.6	671	440	446	98.2	15	6.3	842	432	376	97.7	14	7.4	1027
27	Nasik	204	202	100.0	5	6.4	699	207	203	98.1	4	6.3	641	210	201	97.6	6	8.8	643
28	Patna	207	61	81.3	7	8.2	624	226	54	81.8	14	16.9	322	320	106	76.3	18	8.7	399
29	Pune	483	445	98.5	14	11.5	1139	565	477	96.8	19	16.8	1212	616	531	97.1	15	8.4	1381
30	Rajkot	251	238	94.4	20	13.6	547	211	186	95.4	35	14.2	561	205	200	96.6	12	6.8	517
31	Surat	220	188	91.7	6	7.6	524	379	335	93.1	2	10.5	1081	501	406	91.2	8	34.8	1298
32	Vadodara	208	195	98.5	8	15.4	649	189	177	93.7	2	5.1	589	254	215	97.7	9	20.0	733
33	Varanasi	116	103	93.6	68	60.2	248	86	73	91.3	42	58.3	188	158	116	81.7	62	54.4	324
34	Vijayawada	1107	389	95.8	32	6.6	1051	613	764	98.2	42	10.3	842	751	581	98.3	75	16.1	776
35	Vishakhapatnam	359	295	99.7	25	29.8	478	733	594	99.3	156	47.9	1079	722	483	100.0	112	39.0	1275

*State/UT-wise cases registered (CR), cases chargesheeted (CS), chargesheeting rate (CSR), convicted (CV), cases conviction rate (CVR)
& persons arrested (PAR) under total crimes against women * during 2007-2008*

SL	State/UT	2007						2008					
		CR	CS	CSR	CV	CVR	PAR	CR	CS	CSR	CV	CVR	PAR
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Andhra Pradesh	24738	20967	97.3	3911	29.2	35121	24111	20107	96.5	2948	26.9	35831
2	Arunachal Pradesh	185	128	69.9	16	48.5	203	175	122	67.8	18	58.1	180
3	Assam	6844	4148	76.3	821	22.8	8797	8122	4776	74.6	436	16.5	8531
4	Bihar	7548	5941	85.8	764	18.7	14955	8662	5654	82.3	881	22.7	14223
5	Chhattisgarh	3775	3637	98.5	580	29.2	5855	3962	3796	98.4	682	29.9	6026
6	Goa	80	48	84.2	10	27.8	145	130	89	87.3	22	31.9	176
7	Gujarat	8260	7763	96.7	298	9.4	21665	8616	8165	96.5	289	7.4	22194
8	Haryana	4645	3368	93.6	636	28.5	7071	5142	3690	91.7	869	30.4	7421
9	Himachal Pradesh	1018	727	97.5	53	11.3	1476	979	796	97.4	86	18.2	1494
10	Jammu & Kashmir	2521	2192	96.5	123	11.6	4411	2295	1619	98.2	92	9.7	3233
11	Jharkhand	3317	2383	87.7	829	30.9	4528	3183	2584	86.2	579	24.7	4932
12	Karnataka	6569	5576	94.9	685	16.1	11302	6890	5904	96.1	486	12.0	12780

13	Kerala	7837	7267	97.5	470	9.3	11210	8117	7203	96.8	553	11.9	11353
14	Madhya Pradesh	15370	15030	98.5	3737	36.6	25990	14908	14447	98.8	4941	40.2	26163
15	Maharashtra	14924	13516	97.8	597	8.1	36040	15862	14748	97.1	698	8.1	38390
16	Manipur	188	3	3.4	1	12.5	133	211	6	10.5	0	-	147
17	Meghalaya	172	67	75.3	16	53.3	130	208	75	75.0	25	42.4	161
18	Mizoram	151	142	94.7	84	89.4	152	162	147	98.7	125	89.3	177
19	Nagaland	32	25	89.3	38	95.0	58	47	36	81.8	24	85.7	68
20	Orissa	7304	6098	97.6	547	17.2	10424	8303	6618	98.0	633	15.5	10910
21	Punjab	2694	1672	82.5	274	27.3	4211	2627	1852	83.8	378	29.4	4233
22	Rajasthan	14270	8693	97.1	2446	44.3	14548	14491	8925	97.6	2619	46.8	14097
23	Sikkim	55	33	94.3	2	18.2	63	48	49	90.7	9	60.0	55
24	Tamil Nadu	7811	5963	94.2	2116	41.5	11601	7220	5834	91.8	2104	41.8	11345
25	Tripura	1067	1078	93.3	133	16.2	1107	1416	1292	93.0	97	17.6	1774
26	Uttar Pradesh	20993	15626	82.2	6918	56.5	48291	23569	17802	83.3	8900	58.0	57874
27	Uttarakhand	1097	810	83.5	329	56.8	2711	1151	918	85.0	354	58.5	1690
28	West Bengal	16544	14424	95.1	467	9.4	22175	20912	15120	95.1	540	10.5	24328
Total State		180009	147325	93.3	26901	28.9	304373	191519	152374	92.8	29388	30.0	319786

1	2	3	4	5	6	7	8	9	10	11	12	13	14
29	A&N Islands	56	36	87.8	3	27.3	80	80	55	82.1	0	0.0	85
30	Chandigarh	230	128	83.7	28	28.3	290	143	92	74.2	22	23.9	216
31	D&N Haveli	18	14	77.8	1	7.7	21	28	26	100.0	0	0.0	64
32	Daman & Diu	11	7	100.0	1	20.0	57	15	11	91.7	0	0.0	51
33	Delhi UT	4804	2587	86.6	646	33.6	5648	3938	2784	78.6	482	35.2	3115
34	Lakshadweep	5	2	100.0	0	-	2	4	1	33.3	1	100.0	2
35	Puducherry	179	178	98.9	32	40.0	337	129	113	98.3	17	34.0	191
Total UT		5303	2952	87.1	711	33.4	6435	4337	3082	79.2	522	33.7	3724
Total All India		185312	150277	93.2	27612	29.2	310808	195856	155456	92.5	29910	30.1	323510

*Mega city-wise case registered (CR), cases charged sheeted (CS), chargesheeting rate (CSR), cases convicted (CV), conviction rate (CVR) & persons arrested (PAR) under total crimes against women * during 2007-2008*

SL	City	2007						2008					
		CR	CS	CSR	CV	CVR	PAR	CR	CS	CSR	CV	CVR	PAR
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Agra	605	433	78.3	241	80.9	1301	596	424	74.1	243	60.4	1245
2	Ahmedabad	1535	1529	99.4	65	14.4	4456	1474	1344	95.9	25	5.7	3775

3	Allahabad	195	157	74.4	81	55.1	360	226	177	79.7	81	50.3	581
4	Amritsar	183	127	100.0	21	43.8	267	185	167	97.1	44	47.3	352
5	Asansol	303	294	99.7	2	2.4	382	229	289	99.7	3	2.8	443
6	Bengaluru	1240	1195	97.6	225	26.5	2918	1243	1070	97.6	95	13.5	2631
7	Bhopal	436	425	98.2	60	36.6	802	480	460	98.7	47	25.4	909
8	Chennai	907	660	92.1	101	25.1	1184	553	528	100.0	423	77.9	941
9	Coimbatore	231	206	99.0	161	81.3	456	164	158	97.5	81	63.3	285
10	Delhi (City)	4331	2216	86.1	619	34.0	5080	3515	2414	78.5	424	34.2	2704
11	Dhanbad	72	94	90.4	26	29.5	139	98	90	90.0	19	36.5	192
12	Faridabad	374	281	92.7	68	23.1	590	476	395	91.9	144	56.9	811
13	Hyderabad	1931	927	92.1	46	25.4	1159	1784	1491	90.0	136	42.9	1847
14	Indore	597	567	97.4	225	55.1	1258	698	658	99.2	385	61.1	2068
15	Jabalpur	374	347	99.1	65	31.1	456	425	469	99.6	832	86.0	567
16	Jaipur	925	533	97.6	64	21.3	986	892	528	97.4	73	27.7	922
17	Jamshedpur	178	170	95.5	26	22.8	490	161	99	92.5	45	27.8	215
18	Kanpur	1272	828	78.2	337	48.5	2233	1735	1392	80.7	656	58.1	3906
19	Kochi	234	236	92.9	14	16.7	422	200	186	91.6	20	22.5	368

1	2	3	4	5	6	7	8	9	10	11	12	13	14
20	Kolkata	717	567	78.5	77	10.3	1152	868	684	90.6	85	12.7	871
21	Lucknow	920	600	70.5	291	54.4	1414	1484	1057	75.2	420	47.9	3122
22	Ludhiana	283	171	77.4	33	33.0	441	275	190	82.6	33	30.8	453
23	Madurai	162	137	82.0	45	54.9	201	116	97	78.9	92	69.2	172
24	Meerut	499	303	66.7	141	64.1	418	412	362	89.2	248	74.3	860
25	Mumbai	1353	1193	93.4	100	15.9	2475	1571	1326	93.1	125	15.0	2746
26	Nagpur	531	479	98.8	16	6.7	1106	504	498	98.4	10	4.6	1236
27	Nasik	200	172	97.7	6	9.8	666	236	203	95.3	0	0.0	716
28	Patna	330	126	78.8	19	9.7	603	280	253	81.6	17	10.6	768
29	Pune	619	578	96.8	11	6.6	1547	677	662	97.5	14	5.9	1610
30	Rajkot	322	292	98.0	56	22.7	789	422	408	96.0	92	21.6	993
31	Surat	523	501	95.2	16	23.5	1301	657	619	95.2	6	12.0	1853
32	Vadodara	334	311	98.1	0	0.0	952	329	344	97.7	6	4.1	1044
33	Varanasi	267	223	88.5	121	68.0	620	267	188	76.1	83	56.8	481
34	Vijayawada	973	672	98.4	83	16.2	1050	854	808	99.4	43	14.8	1005
35	Vishakhapatnam	753	743	100.0	49	12.8	1317	670	823	97.5	53	16.6	1229

Statement – II

Crime-head-wise incidence (cases registered) of crime against women during 2004-2008

SL	Crime-Head	2004	2005	2006	2007	2008
1	Rape	18233	18359	19348	20737	21467
2	Kidnapping & Abduction of women & girls	15578	15750	17414	20416	22939
3	Dowry deaths	7026	6787	7618	8093	8172
4	Molestation	34567	34175	36617	38734	40413
5	Sexual harassment	10001	9984	9966	10950	12214
6	Cruelty by husband and relatives	58121	58319	63128	75930	81344
7	Importation of girls	89	149	67	61	67
8	Immoral traffic (P) act	5748	5908	4541	3568	2659
9	Dowry prohibition act	3592	3204	4504	5623	5555
10	Indecent representation of women (P) act	1378	2917	1562	1200	1025
11	Sati prevention act	0	1	0	0	1
Total crimes committed against women		154333	155553	164765	185312	195856

*Crime-head-wise average daily incidence of crime against women during 2004-2008 **

SL	Crime-Head	2004	2005	2006	2007	2008
1	Rape	50	50	53	57	59
2	Kidnapping & abduction of women & girls	43	43	48	56	63
3	Dowry Deaths	19	19	21	22	22
4	Molestation	95	94	100	106	111
5	Sexual harassment	27	27	27	30	33
6	Cruelty by husband and relatives	159	160	173	208	223
7	Importation of girls	0	0	0	0	0
8	Immoral traffic (P) act	16	16	12	10	7
9	Dowry prohibition act	10	9	12	15	15
10	Indecent representation of women (P) act	4	8	4	3	3
11	Sati prevention act	0	0	0	0	0
Daily average incidence of crime against women		423	426	451	508	537

Source: Crime in India

* Figures have been rounded off to the nearest integer.

Extortion by Maoists from Chhattisgarh SSIs

4368. DR. T. SUBBARAMI REDDY: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether due to the recent massacre of CRPF men by naxals, it was found that the security forces were not given full training for such operations;
- (b) whether Maoists extort Rs. 150 crore from Chhattisgarh SSIs;
- (c) whether some of the Ministries have blamed the naxal-hit States for crisis;
- (d) if so, whether CAG also has pointed some States for going slow on police training; and
- (e) if so, the concrete steps and measures his Ministry has taken to improve the patrolling and also taking steps against them to avoid such actions from the naxals in future?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) The CRPF unit which have been recently inducted for inter-state operations in LWE areas have been given training by certain Army units and pre-induction training is imparted to all Bns before induction.

(b) The CPI (Maoist) mainly raise funds from contractors, businessmen etc. by imposing levy, extortion and also by looting banks.

(c) to (e) Counter Insurgency and Jungle Warfare (CIJW) School has been established in Chhattisgarh and 15 Counter insurgency and Anti Terrorist (CIAT) Schools have been sanctioned to naxal affected States to train the security forces to fight jungle warfare. Standard Operating Procedure (SOP) exists for patrolling, counter ambush, search etc., which are updated by the CPMFs from time to time.

Districts affected by Maoists violence

4369. SHRI MANGALA KISAN: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the names of districts affected by Maoist violence since 1990, year-wise and State-wise;
- (b) the States which have specialized anti-Maoist force and since when;
- (c) the reasons for not sealing the borders of these States to stop Maoists from escaping to neighbouring States during an operation;
- (d) the number of policemen/force died in last three years in tackling Maoist violence; and

(e) whether Government has paid full compensation to the bereaved families within two months, if not, why?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) On the basis of naxalite violence profile at present 83 districts in 9 naxal affected States have been included under Security Related Expenditure Scheme which is meant for reimbursing such expenditure incurred for anti naxal operations by the States. Details are given in the Statement (See below).

(b) to (e) 'Police' and 'Public order' being State subject, State Governments deal with various issues related to naxalism. Central Government supplements the efforts of State Governments on security and development front over a wide range of schemes. States have raised specialized forces and Government has sanctioned Counter Insurgency and Anti-Terrorist (CIAT) School to train the security forces in Jungle Warfare. While dealing with Maoist violence 236, 231 and 317 security personnel have been killed during 2007, 2008 and 2009 respectively. All out efforts are focused on making the payments of prescribed compensations to the next of kins of deceased personnel on priority basis.

Statement

83 districts included under the SRE Scheme

Andhra Pradesh		15	Warangal
1	Anantapur	16	Nizamabad
2	Adilabad	Bihar	
3	East Godavari	17	Arwal
4	Guntur	18	Aurangabad
5	Karimnagar	19	Bhojpur
6	Khammam	20	East Champaran
7	Kurnool	21	Gaya
8	Medak	22	Jamui
9	Mehboobnagar	23	Jehanabad
10	Nalgonda	24	Kaimur
11	Prakasam	25	Munger
12	Srikakulam	26	Nalanda
13	Visakhapatnam	27	Nawada
14	Vizianagaram	28	Patna
		29	Rohtas

- 30 Sitamarhi
31 West Champaran

Chhattisgarh

- 32 Bastar
33 Bijapur
34 Dantewada
35 Jashpur
36 Kanker
37 Korea (Baikunthpur)
38 Narayanpur
39 Rajnandgaon
40 Sarguja

Jharkhand

- 41 Bokaro
42 Chatra
43 Dhanbad
44 East Singhbhum
45 Garhwa
46 Giridih
47 Gumla
48 Hazaribagh
49 Koderma
50 Latehar
51 Lohardagga
52 Palamu
53 Ranchi
54 Simdega
55 Saraikela-Kharaswan
56 West Singhbhum
57 Khunti
58 Ramgarh

Madhya Pradesh

59. Bhalaghat

Maharashtra

- 60 Chandrapur
61 Gadchiroli
62 Gondia

Orissa

- 63 Gajapati
64 Ganjam
65 Keonjhar
66 Koraput
67 Malkangiri
68 Mayurbhanj
69 Navrangpur
70 Rayagada
71 Sambhalpur
72 Sundargarh
73 Nayagarh
74 Kondhamal
75 Deogarh
76 Jajpur
77 Dhenkanal

Uttar Pradesh

- 78 Chandauli
79 Mirzapur
80 Sonebhadra

West Bengal

- 81 Bankora
82. Midnapore
83. Purulia

Grant of Indian citizenship

4370. SHRI KAMAL AKHTAR: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the number of persons from Pakistan who had requested for the grant of Indian citizenship/long term visa in between 1975 to 1980, particularly from Kanpur district of Uttar Pradesh;
- (b) the names of each such person and the details of action taken on each such requests;
- (c) whether it is also a fact that some cases for granting permanent citizenship/long term visa are still pending;
- (d) if so, the reasons therefor; and
- (e) by when such cases would be cleared?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (e) The grant of Indian citizenship under the Citizenship Act, 1955 and a Rules made thereunder is a multi-level and multi-agency activity. As per rule 11 and 12 of the Citizenship Rules, 2009, an application for grant of Indian citizenship is to be submitted by the applicant to the Collector within whose jurisdiction the applicant is ordinarily a resident. The Collector, after satisfying himself/herself regarding eligibility of the applicant to become a citizen of India, forwards the application to the State Government/UT administration concerned. The State Government/UT administration in turn forwards the application along with its recommendation to the Ministry of Home Affairs, Government of India. Thereafter, the application is processed further as per the provisions of the Citizenship Act, 1955 and the rules made thereunder. Since initial application is submitted to the Collector concerned and a number of agencies are involved in the processing of applications for grant of citizenship, no centralized data base of such persons requested for grant of Indian citizenship/pending cases is maintained. All cases received in the Ministry of Home Affairs are processed as expeditiously as possible.

Bifurcating the Ministry

4371. SHRI PENUMALLI MADHU: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether it is a fact that Government is seriously thinking of bifurcating the Ministry into security and non-security and creating a National Centre for Counter Terrorism (NCTC);

(b) if so, the details thereof;

(c) whether the proposed NCTC deals with violence unleashed by terrorists, insurgents, Maoists, etc. and whether it would not hamper the autonomy of some of our agencies; and

(d) if so, the reasons for such a move?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) In the Intelligence Bureau Centenary Endowment Lecture on 23.12.2009, the Home Minister suggested a restructuring of the security architecture, including, inter-alia, setting up of the National Counter Terrorism Centre.

(c) and (d) It has been decided to set-up National Counter Terrorism Centre (NCTC). However, no final decision has been taken on structure of the proposed NCTC.

Indian Organizations' links with terrorist outfits

4372. DR. JANARDHAN WAGHMARE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is aware that some of the Indian organizations have links with terrorist outfits like Al-Qaida, Lashkar-e-Taiba etc.; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) Available inputs indicate that Hizbul Mujahideen & Indian Mujahideen, the two Indian terrorist outfits are known to be having links with Pak-based terror outfit such as Lashkar-e-Taiba.

CRPF engaged with defence duties

4373. SHRI P. RAJEEVE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the CRPF personnels have been engaged with the defence duties;

(b) if so, whether they are treated as the defence personnels for the benefits; and

(c) how many CRPF personnels are killed while discharging the duties for the defence department?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) No, Sir.

(b) and (c) Do not arise.

Disaster management training to home guards

4374. SHRI K.V.P. RAMACHANDRA RAO: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the second Administrative Reforms Commission (ARC) recommended for giving training in disaster management and paramedical training to the Home Guards;

(b) if so, what is the present level of training given to them; and

(c) what steps are being taken to implement the recommendations of ARC?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) Yes, Sir.

(b) Various training programs i.e. Basic, Refresher, Advanced, Leadership Trainings for Home Guards are being conducted by States/Union Territories at District Training Centers/Central Training Institutes established by them. At Central level, various training programs for Home Guards relating to disaster/para-medical, etc. are conducted at National Civil Defence College, Nagpur.

(c) Home Guards in States/Union Territories are governed, employed and administered under the respective State Home Guards Acts and Rules. Accordingly all the States/UTs have been requested to consider the report of 2nd Administrative Reform Commission (ARC) titled "Crisis Management From Despair to Hope", for implementation. As per available information, 16 States/UTs have implemented the recommendations. It is for the State Government concerned to implement these recommendations.

Bomb blast outside Chinnaswamy stadium

4375. PROF. ALKA BALRAM KSHATRIYA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether low intensity IEDs blasted outside the Chinnaswamy Stadium, Bangalore ahead of the IPL match on 17th April, 2010;

(b) if so, whether the Union Government has asked a detailed report of the incident from the State Government;

(c) if so, the details thereof; and

(d) the steps taken by the Union Government to direct State Governments to deal firmly with such terrorist acts?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) As per available information on April, 17, 2010, two low intensity blasts took place near the perimeter

of the Chinnaswamy Stadium, Bangalore around one hour before an IPL cricket match, causing injuries to some security personnel and civilians. While the first blast took place the MG Road at a distance of approximately 100 meters from the Stadium, the second blast took place on the outer most well of the stadium near gate No. 12.

(b) and (c) The Government of Karnataka has sent a detailed report which inter alia contains details of measures taken to reinforce security, information on the investigation that has commenced including the criminal cases registered etc.

(d) The Central Government monitors and reviews the internal security situation including terrorists threats etc. in the country, Intelligence inputs are regularly shared with the State Governments/UT Administrations. Further, wherever necessary, advisories are also issued, to the State Governments/UT Administrations.

Legislation to avoid custodial deaths

4376. SHRI P. RAJEEVE: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the number of custodial deaths reported during the last three years;
- (b) the State-wise details thereof;
- (c) whether Government has any plans to introduce new legislation to avoid custodial deaths; and
- (d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) The number of custodial deaths reported to the National Human Rights Commission during the last three years are as follows:

Year	Custodial deaths
2007-2008	2267
2008-2009	1943
2009-2010	1794

- (b) The State-wise details are given in the Statement (*See below*).
- (c) and (d) A Bill titled "The Prevention of Torture Bill, 2010" has been introduced in Lok Sabha on 26/4/2010. The Bill, inter alia, provides for punishment to those involved in the incident of torture and specifies the time limit for taking cognizance of the offence of torture. The bill would act as a deterrent for Public Servants from indulging in custodial deaths and abuse of power by police authorities.

Statement

State-wise details of custodial death intimations registered by National Human Rights Commission during the last 3 years

Sl. No.	Name of State & UTs	Year		
		2007-08	2008-09	2009-10
1.	Andaman & Nicobar	0	1	0
2.	Andhra Pradesh	143	149	116
3.	Arunachal Pradesh	1	3	1
4.	Assam	31	38	21
5.	Bihar	231	142	142
6.	Chandigarh	2	5	3
7.	Chhattisgarh	48	42	44
8.	Dadra & Nagar Haveli	1	1	0
9.	Delhi	63	44	43
10.	Goa	0	2	1
11.	Gujarat	71	97	68
12.	Haryana	69	60	45
13.	Himachal Pradesh	4	7	6
14.	Jammu & Kashmir	8	1	4
15.	Jharkhand	81	63	80
16.	Karnataka	82	77	35
17.	Kerala	62	45	50
18.	Madhya Pradesh	108	93	96
19.	Maharashtra	384	270	223
20.	Meghalaya	3	4	3
21.	Nagaland	2	3	2
22.	Orissa	57	58	48
23.	Pondicherry	2	2	2
24.	Punjab	112	78	112
25.	Rajasthan	59	64	84
26.	Sikkim	2	0	2
27.	Tamil Nadu	111	80	77
28.	Tripura	5	8	2
29.	Uttar Pradesh	356	330	364
30.	Uttarakhand	20	14	16
31.	West Bengal	149	162	104
TOTAL		2267	1943	1794

Kashmiri Pandits killed under the shadow of terrorism

†4377. SHRI PRABHAT JHA: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether Government has any figure indicating the number of Kashmiri Pandits killed till now under the shadow of terrorism;
- (b) if so, the details thereof;
- (c) whether Government is making any efforts to resettle the Kashmiri Pandits that fled Kashmir valley; and
- (d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) As per the information received from State Government, 219 Kashmiri Pandits were killed in the State since 1989.

(c) and (d) A Package of Rs. 1618.40 crores for return and rehabilitation of Kashmiri Migrants to the Valley has been announced on 25.4.08. The package provides for provision of assistance for repair/renovation and damaged houses, transit accommodation, continuance of cash and rations relief, students' scholarship, employment in Government and financial assistance for self-employment, financial assistance for agriculturists and horticulturists and waiver of interest on loans and State Government is implementing the Package. The State Government has also set up a 32 member Consultative Committee to monitor return of Kashmiri Pandits to the valley and to sort out modalities for their return.

Accessing census data to marketing companies

4378. SHRI B.K. HARIPRASAD: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether 2011 census has been flagged off and whether this census would mark the first ever attempt to build a National Population Register which is considered a database for every single resident of India;
- (b) whether the census will be conducted in two phases, the first being House listing and Housing Census and the second the Population enumeration; and
- (c) whether the census data will be accessible to others than the Government departments and if so, whether the data will be furnished to marketing companies of consumer goods at a price that could offset partly the expenses incurred in the census operations?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) Yes, Sir.

† Original notice of the question was received in Hindi.

(c) The individual level data is confidential as per the Census Act, 1948. However, the Tables generated and released as per the Tabulation Plan will be available for sale to both Government and Non-Government agencies.

Security threat to oil wells

†4379. SHRI SANJAY RAUT: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether Government has received any information from Indian and western intelligence agencies that terrorist of Lashkar-e-Taiba could target the oil wells situated in deep sea; and
- (b) if so, the details of the steps taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) The Government is aware of the threats posed by terrorists, inter-alia, to the vital installations, economic infrastructure, including energy resources and accordingly the Government has sensitized the respective stake holders to enhance security measures.

Commissioning of station radars along Kerala and Lakshadweep coasts

4380. SHRI P.R. RAJAN: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether there is a proposal to commission a network of 15 station radars along the Kerala and Lakshadweep coasts;
- (b) if so, the details and the present status of the above proposal; and
- (c) the details of steps taken to strengthen the seamless and round the clock surveillance of Kerala and Lakshadweep coasts, as on date?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) and (b) Three radar stations are planned for Kerala, viz Ponani, Kochi and Quilon, and six radar stations are planned for Lakshadweep, viz Kiltan, Androth (East), Agati, Kalpani, Minicoy and Suheli Par. This Project of setting up radar sensors along Indian coastline is being implemented by the Coast Guard.

(c) Several steps have been taken to strengthen the seamless and round the clock surveillance of Kerala and Lakshadweep coasts as follows:

- I. Enhancement of patrolling and surveillance by Marine Police, Coast Guard and Indian Navy and Customs.
- II. Three coastal security exercises have been conducted recently in Kerala and Lakshadweep by the security agencies.
- III. Setting up of additional Coast Guard Stations at Minicoy and Androth.

† Original notice of the question was received in Hindi.

- IV. Procurement of additional ships, boats and aircrafts for Coast Guard, is in Progress.
- V. Setting up of Static Coastal Radar Chain by the Coast Guard is on fast track.
- VI. Regular community interaction programmes are being conducted in fishing village in coastal areas to sensitize fishermen about the prevalent security situations of the country and develop them as eyes and ears for intelligence gathering.

Raids to unearth counterfeit currency rackets

4381. SHRI AMIR ALAM KHAN: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the details of raids conducted to unearth the counterfeit currency rackets for the past ten months in various parts of the country;
- (b) the details of the action taken in each of the case;
- (c) the amount of the fake currency seized in the operation; and
- (d) the steps taken or proposed to be taken by Government to check such nefarious activities in the country?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (c) The information on Fake Indian Currency Notes (FICNs) (seized by police and recovered by RBI) for the year 2009 and for the first quarter from January to March 2010 is given in the Statement — I and Statement — II respectively (*See below*).

(d) To address the multi-dimensional aspects of the FICN menace, several agencies such as the RBI, the Ministry of Finance, the Ministry of Home Affairs, the security and Intelligence Agencies of the Centre and States, the Central Bureau of Investigation (CBI), etc. are working in tandem to thwart the nefarious activity related to FICNs. The activities of these agencies are also periodically reviewed in a nodal group set up for this purpose. In this context, at the functional level, the CBI has been declared as the nodal agency for coordination with the State; the Directorate General of Revenue intelligence has been nominated as the Lead Intelligence Agency for this purpose. Apart from the above, the State Governments have been asked to set up dedicated and well-equipped Cell under senior level supervision to comprehensively monitor and deal with organized crimes including FICN, and also specifically designate a nodal officer to coordinate activities relating to FICNs. The States have also been asked to set up a Committee headed by the DGP of the State with GM/DGM of RBI, Senior Officers of SIB, Intelligence Branch of State Police, CID of State Police, etc. as members. Further, the offences under IPC, relating to counterfeit currency have been included in the schedule to the National Investigation Agency Act, thereby empowering the National Investigation Agency to investigate and prosecute such offences.

Statement-I

State/UT-wise and Denomination-wise Statement of Counterfeit Currency (Recovered and Seized)

*Periodical Report from : 01/01/2009 to : 31/12/2009 **

Report generated on: 30/04/2010

Sl.No. State/UT		Denomination								No. of notes		Total Notes		Value in Rs.Total Value		FIR		
		1000		500		100		50		Others						(Rs.)		
States:		R	S	R	S	R	S	R	S	R	S	R	S	(R + S)	R	S	(R + S)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	Andhra Pd.	2721	1239	20754	14842	10536	9787	729	204	46	64	34,786	26,136	60,922	14,188,950	9,650,160	23,839,110	446
2	Arunachal	0	164	0	263	0	67	0	0	0	0	0	494	494	0	302,200	302,200	8
3	Assam	75	355	332	4338	749	644	56	112	0	0	1,212	5,449	6,661	318,700	2,594,000	2,912,700	91
4	Bihar	353	389	5045	1249	7576	1774	1336	905	4	265	14,314	4,582	18,896	3,699,950	1,241,340	4,941,290	49
5	Chhattisgarh	0	688	0	1207	0	994	0	229	0	0	0	3,118	3,118	0	1,402,350	1,402,350	61
6	Goa	0	338	0	1234	0	184	0	15	0	0	0	1,771	1,771	0	974,150	974,150	28
7	Gujarat	1453	985	9576	4815	5772	7872	529	1373	16	167	17,346	15,212	32,558	6,844,890	4,251,200	11,096,090	238
8	Haryana	0	359	0	1077	0	281	0	146	0	1	0	1,864	1,864	0	932,905	932,905	36

9	Himachal Pradesh	0	6	0	60	0	110	0	6	0	3	0	185	185	0	47,330	47,330	3
10	Jammu Kashmir	115	421	512	2109	1297	186	153	678	1	1	2,078	3,395	5,473	508,360	1,528,020	2,036,380	37
11	Jharkhand	0	288	0	266	0	95	0	35	0	0	0	684	684	0	432,250	432,250	18
12	Karnataka	2856	620	13082	4956	396	2381	180	73	10	13	19,524	8,043	27,567	9,745,760	3,339,935	13,085,695	147
13	Kerala	914	2800	3178	12023	1099	910	26	4146	2	0	5,219	19,879	25,098	2,614,230	9,109,800	11,724,030	68
14	Madhya Pradesh	475	186	4048	965	4696	242	675	2	18	0	9,912	1,395	11,307	3,002,630	692,800	3,695,430	25
15	Maharashtra	6274	2132	36047	7041	10845	5112	1539	1742	38	19	54,743	16,046	70,789	25,459,525	6,251,092	31,710,617	367
16	Manipur	0	2	0	1	0	0	0	0	0	0	0	3	3	0	2,500	2,500	1
17	Meghalaya (9-12)	0	36	0	124	0	0	0	0	0	0	0	160	160	0	98,000	98,000	5
18	Mizoram	0	494	0	290	0	0	0	0	0	0	0	784	784	0	639,000	639,000	11
19	Nagaland	0	12	0	467	0	171	0	0	0	0	0	650	650	0	262,600	262,600	4
20	Orissa (1-12)	222	0	2024	0	3703	0	379	0	15	0	6,343	0	6,343	1,623,520	0	1,623,520	0
21	Punjab	0	2878	0	18086	0	5838	0	611	0	0	0	27,413	27,413	0	12,535,350	12,535,350	55
22	Rajasthan	1602	191	11665	914	9123	435	737	131	11	0	23,138	1,671	24,809	8,383,860	698,050	9,081,910	49

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
23	Sikkim	0	0	0	28	0	22	0	1	0	0	0	51	51	0	16,250	16,250	2
24	Tamil Nadu	4600	1616	20713	7369	8088	5756	236	427	20	132	33,657	15,300	48,957	15,777,440	5,899,970	21,677,410	312
25	Tripura	0	120	0	1030	0	622	0	0	0	0	0	1,772	1,772	0	697,200	697,200	20
26	Uttar Pradesh	2207	525	21374	7599	27392	20934	3435	4646	60	115	54,468	33,819	88,287	15,805,940	6,651,740	22,457,680	249
27	Uttarakhand (8,9,12)	0	148	0	804	0	413	0	175	0	9	0	1,549	1,549	0	600,230	600,230	34
28	West Bengal	907	3956	4372	20,431	3157	9351	320	628	6	617	8,762	34,983	43,745	3,424,800	15,144,210	18,569,010	155
Total:		24,774	20,948	152,722	113,588	97,429	74,181	10,330	16,286	247	1,406	285,502	226,408	511,910	111,398,555	85,994,632	197,393,187	2,519
Union Territories:																		
29	A & N Islands	0	1	0	1	0	0	0	0	0	0	0	2	2	0	1,500	1,500	2
30	Chandigarh	826	51	7576	0	25650	92	2225	28	53	1	36,330	172	36,502	7,291,060	61,620	7,352,680	4
31	D & N Haveli	0	0	0	0	0	6	0	0	0	0	0	6	6	0	600	600	1
32	Daman & Diu	0	0	0	3	0	10	0	0	0	0	0	13	13	0	2,500	2,500	2

33	Delhi	4927	1351	30001	2849	15435	1302	1753	588	11	0	52,127	6,090	58,217	21,558,820	2,935,100	24,493,920	26
34	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
35	Puducherry	0	2	0	8	0	2	0	0	0	0	0	12	12	0	6,200	6,200	5
Total:		5,753	1,405	37,577	2,861	41,085	1,412	3,978	616	64	1	88,457	6,295	94,752	28,849,880	3,007,520	31,857,400	40
Grand Total:		30,527	22,353	190,299	116,449	138,514	75,593	14,308	16,901	311	1,407	373,959	232,703	606,662	140,248,435	89,002,152	229,250,587	2,559

Note: R: Recovered by different Branches of RBI as indicated at

Sl. Nos. 1, 3, 4, 7, 10, 12, 13, 14, 15, 20, 22, 24, 26, 28, 30, 33

S: Seized by Police and information received from State Crime Records Bureaux

Data not received for Aug 09 (S)

* Figures are provisional

The Numbers given in brackets in the 'States' column are explained as follows:

1 Data not received for Jan 09 (S)

7 Data not received for Jul 09 (S)

2

Data not received for Feb 09 (S) 8

3 Data not received for Mar 09 (S)

9 Data not received for Sep 09 (S)

4 Data not received for Apr 09 (S)

10 Data not received for Oct 09 (S)

5 Data not received for May 09 (S)

11 Data not received for Nov 09 (S)

6 Data not received for Jun 09 (S)

12 Data not received for Dec 09 (S)

Statement – II

State/UT-wise and Denomination-wise Statement of Counterfeit Currency (Recovered and Seized)

*Quarterly Report for the month ending : March, 2010 **

Report generated on: 30/04/2010

Sl.No. State/UT		Denomination								No. of notes		Total Notes	Value in Rs.Total Value		FIR			
		1000		500		100		50		Others						(Rs.)		
States:		R	S	R	S	R	S	R	S	R	S	R	S	(R + S)	R	S	(R + S)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	Andhra Pradesh (2,3)	930	5	5496	803	2407	66	170	2	6	2	9,009	878	9,887	3,927,300	413,240	4,340,540	13
2	Arunachal Pradesh (3)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3	Assam (3,R3)	17	109	78	263	10	191	0	10	0	0	105	573	678	57,000	260,100	317,100	16
4	Bihar (3,R1)	162	0	1528	450	2686	18	207	0	2	6	4,585	474	5,059	1,204,980	226,860	1,431,840	7
5	Chhattisgarh (2-3)	0	1	0	1	0	7	0	1	0	0	0	10	10	0	2,250	2,250	3
6	Goa	0	117	0	123	0	11	0	0	0	0	0	251	251	0	179,600	179,600	10
7	Gujarat (3)	615	14	2783	1031	1302	267	85	4	5	0	4,790	1,316	6,106	2,141,010	556,400	2,697,410	38
8	Haryana (3)	0	1	0	142	0	1	0	0	0	0	0	144	144	0	72,100	72,100	3
9	Himachal Pradesh	0	0	0	168	0	0	0	0	0	0	0	168	168	0	84,000	84,000	1
10	Jammu-Kashmir (2-3)	52	21	211	6	356	0	13	0	0	0	632	27	659	193,750	24,000	217,750	1

11	Jharkhand (1-3)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12	Karnataka (1-3)	543	0	2424	0	538	1105	26	0	0	0	3,531	1,105	4,636	1,810,100	110,500	1,920,600	2
13	Kerala (3)	325	59	833	183	312	10	2	0	0	0	1,472	252	1,724	772,800	151,500	924,300	11
14	Madhya Pradesh (3, R1-R3)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
15	Maharashtra (3, R2)	1756	306	9656	659	2175	125	273	4128	1	1	13,861	5,219	19,080	6,815,170	854,420	7,669,590	65
16	Manipur (1)	0	0	0	2	0	0	0	0	0	0	0	2	2	0	1,000	1,000	2
17	Meghalaya (1-3)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18	Mizoram	0	166	0	578	0	5	0	0	0	0	0	749	749	0	455,500	455,500	5
19	Nagaland (3)	0	4	0	0	0	14	0	0	0	0	0	18	18	0	5,400	5,400	2
20	Orissa (1-3)	47	0	353	0	322	0	64	0	1	0	787	0	787	258,910	0	258,910	0
21	Punjab (1-3)	0	3238	0	6744	0	0	0	0	0	0	0	9,982	9,982	0	6,610,000	6,610,000	4
22	Rajasthan (1-3, R2)	255	0	1600	0	1541	0	152	0	0	0	3,548	0	3,548	1,216,700	0	1,216,700	0
23	Sikkim	0	324	0	0	0	0	0	0	0	0	0	324	324	0	324,000	324,000	0
24	Tamil Nadu (3)	1719	28	5572	4580	1567	243	39	74	2	5	8,899	4,930	13,829	4,663,690	2,346,080	7,009,770	39
25	Tripura	0	28	0	5	0	0	0	0	0	0	0	33	33	0	30,500	30,500	2
26	Uttar Pradesh (2-3, R1-R3)	3	0	121	150	271	571	132	57	2	1	529	779	1,308	97,230	134,970	232,200	31
27	Uttarakhand (3)	0	0	0	6	0	6	0	0	0	0	0	12	12	0	3,600	3,600	2

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
28	West Bengal (3)	467	879	2464	2558	1405	257	148	38	3	35	4,487	3,767	8,254	1,846,940	2,185,704	4,032,644	36
	Total:	6,891	5,300	33,119	18,452	14,892	2,897	1,311	4,314	22	50	56,235	31,013	87,248	25,005,580	15,031,724	40,037,304	294
Union Territories:																		
29	A & N Islands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
30	Chandigarh (3)	333	0	2378	0	5563	0	150	0	11	0	8,435	0	8,435	2,086,000	0	2,086,000	0
31	D & N Haveli (3)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32	Daman & Diu (2-3)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
33	Delhi	1445	21	8105	302	3156	74	411	3	1	0	13,118	400	13,518	5,833,670	179,550	6,013,220	7
34	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
35	Puducherry	0	0	0	1	0	1	0	0	0	0	0	2	2	0	600	600	1
	Total:	1,778	21	10,483	303	8,719	75	561	3	12	0	21,553	402	21,955	7,919,670	180,150	8,099,820	8
	Grand Total:	8,669	5,321	43,602	18,755	23,611	2,972	1,872	4,317	34	50	77,788	31,415	109,203	32,925,250	15,211,874	48,137,124	302

Note: R: Recovered by different Branches of RBI as indicated at

Sl. Nos. 1, 3, 4, 7, 10, 12, 13, 14, 15, 20, 22, 24, 26,
28, 30, 33

S: Seized by Police and information received from State Crime
Records Bureaux

* Figures are provisional

The Numbers given in brackets in the

'States' column are explained as follows:

1 Data not received for Jan 10 (S)

2 Data not received for Feb 10 (S)

3 Data not received for Mar 10 (S)

Data not received from RBI branches

R1 Data not received for Jan 10 (R)

R2 Data not received for Feb 10 (R)

R3 Data not received for Mar 10 (R)

Delhi police officials raided by CBI

4382. SHRI AMIR ALAM KHAN: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the total number of Delhi Police officials raided by the CBI during each of the last three years, cadre-wise;
- (b) the total number of police officials found in possession of illegal property during the said period, cadre-wise;
- (c) the steps taken by Government against such police officials;
- (d) the number of police officials, cadre-wise against whom the inquiry is still pending;
- (e) if so, the details thereof; and
- (f) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN: (a) Details of the officials of Delhi Police raided by CBI during each of the last three years, cadre-wise are given below:

Year	ACP	Inspector	SI	ASI	HC	Constable
2007	1	-	5	6	3	4
2008	-	-	1	1	1	-
2009	-	1	-	1	-	-

(b) One Sub-Inspector of Delhi Police was found in possession of illegal property during 2008.

(c) Out of the 18 cases, charge sheets have been filed in 16 cases which are pending trial.

(d) to (f) Investigation against two officials of Delhi Police involved in 2 cases is ongoing. Details are as under:-

Year	No. of cases and the rank of officer under investigation
2008	1 (Sub-Inspector)
2009	1 (Inspector)

Seizure of illegal arms in the country

†4383. SHRI KAPTAN SINGH SOLANKI: Will the Minister of HOME AFFAIRS be pleased to state:

† Original notice of the question was received in Hindi.

- (a) the places from where Government has seized large cache of illegal arms during last two years;
- (b) the State-wise details thereof;
- (c) whether Government is aware that this type of consignment of illegal arms are being supplied in India through bordering countries; and
- (d) the steps taken by Government in this direction?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (d) As per available reports, arms are being smuggled from across the borders and from one State to another within the country by militants/ terrorists/ anti-national elements including those active in J&K and the north East. As per available information, details of illegal weapons seized during the year 2008 and 2009 are given in the Statement (*See below*).

The Government of India has taken the following steps to check anti-national activities and unauthorized/ illegal movement of arms:-

- i) The State and UT Governments have been urged to make sustained and continued efforts to unearth illegal weapons/ arms.
- ii) Effective domination of the borders by carrying out round the clock surveillance and patrolling (on foot, by boats and vehicle), laying nakas (border ambushes) and by deploying observation posts all along with international border.
- iii) Erection of fencing along the international border and flood lighting of the border to enhance the observation during night.
- iv) Construction of border roads to facilitate border patrolling and speedy interception of infiltrators.
- v) Introduction of modern and hi-tech surveillance equipments to detect crossing at night and during bad weather.
- vi) Upgradation of intelligence network and coordination meetings among para-military forces which are held at functional and directional level. In this context, coordination is also being maintained between Central Para-Military Forces, Army and State Police.
- vii) Conduct of special operations, along the borders.
- viii) Setting up of improvised fence breach alarm system at susceptible locations.
- ix) Random checking of persons and vehicles crossing the border on the basis of specific intelligence.

Statement

Total number of weapons smuggled / seizures / recoveries in different states in the country — year wise.

S.No.	State (s)	2008	2009
1	2	3	4
1.	Andhra Pradesh	62	113
2.	Bihar	236	392
3.	Delhi	267	298
4.	Gujarat	41	88
5.	Goa	0	0
6.	Himachal Pradesh	0	4
7.	Haryana	251	215
8.	Jammu & Kashmir	885	985
9.	Karnataka	7	36
10.	Kerala	19	27
11.	Madhya Pradesh	124	103
12.	Maharashtra	422	477
13.	Orissa	7	11
14.	Punjab	208	196
15.	Rajasthan	225	196
16.	Sikkim	0	3
17.	Tamil Nadu	79	55
18.	Uttar Pradesh	6610	8094
19.	West Bengal	192	217
20.	Uttaranchal	329	347
21.	Jharkhand	273	194
22.	Chhattisgarh	337	191
23.	Assam	772	503
24.	Arunachal Pradesh	10	13

1	2	3	4
25.	Manipur	408	378
26.	Meghalaya	52	67
27.	Mizoram	33	23
28.	Nagaland	152	87
29.	Tripura	35	38
TOTAL		12036	13351

Note: - Arms include all types of weapons such as AK — 47/56, Pistols, Carbine, Revolvers, Guns, Rifles Country made weapons etc.

Proposal to open human trafficking prohibition cells

†4384. SHRI PRABHAT JHA: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether it is a fact that Planning Commission has put brake upon the proposal of Union Home Ministry to open human trafficking prohibition cells in 300 districts of the country;
- (b) if so, the details thereof;
- (c) whether Government is considering to rethink upon this proposal; and
- (d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (d) Planning Commission has only suggested merging smaller schemes with larger schemes. As such Ministry of Home Affairs is examining to finance setting up of Anti Human Trafficking Units (AHUTs) under its existing schemes.

Arrest of terrorist on Indo-Pak Border in Attari

†4385. SHRI Y.P. TRIVEDI: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether any terrorist belonging to Lashkar and Tahreeq-e-Taliban has been arrested in Attari on the Indo-Pak border;
- (b) if so, the date of his arrest;
- (c) whether this terrorist is linked with the terrorist outfit which executed the 26/11 Mumbai attacks and has been trained in extremist ideology; and

† Original notice of the question was received in Hindi.

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (d) As per available information no terrorist belonging to Lashkar and Tahreeq-e-Taliban has been arrested in Attari on the Indo-Pak Border.

Financial help to construct houses in flood affected states

4386. SHRI MOHD. ALI KHAN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is assisting the States financially to construct the houses which are damaged in the floods;

(b) if so, the State-wise details thereof; and

(c) whether the demand of the Government of Andhra Pradesh still pending with the Ministry for financial help to construct the houses especially for the weaker sections like SC/ST in the Eleventh Five Year Plan?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (c) The State Governments are primarily responsible for undertaking relief measures at ground level in the wake of natural calamities. The Government of India supplements the efforts of the State Governments by providing logistical and financial support. The Relief in the various sectors including houses damaged by the floods is provided under the Schemes of Calamity Relief Fund (CRF) and National Calamity Contingency Fund (NCCF), in accordance with the items & norms approved by the Government of India. These norms inter-alia provide assistance for immediate repair & restoration of damaged houses.

CRF is allocated for all the identified natural calamities including floods. No calamity-wise allocation is made. As such this Ministry does not maintain item-wise information. State-wise allocation & releases of Central Share of Calamity Relief Fund (CRF) and funds released from National Calamity Contingency Fund (NCCF) for identified natural calamities during the year 2009-10 are given in the Statement (See below).

It is mentioned that the Government of Andhra Pradesh had submitted a memorandum seeking financial assistance for floods of Sept.-October 2009. The High Level Committee (HLC) in its meeting held on 4th January 2010, inter alia, considered the request of the Government of Andhra Pradesh, based on the report of the Inter-Ministerial Central Team (IMCT) and recommendations of the Inter-Ministerial Group (IMG) thereon as well as extant items and norms of assistance from CRF/NCCF, and approved Rs. 606.88 crore from NCCF, subject to adjustment of 75% of balance available in the States CRF account for instant calamity. This includes an amount of Rs. 216.63 crore approved for immediate repair of houses damaged due to floods of 2009. This assistance is provided to all the affected persons uniformly including SC/ST.

Statement

Allocation and release of funds from CRF/NCCF during 2009-2010

As on 31.03.2010

(Rs. in crore)

Sl. No.	Name of the State	Allocation of CRF			Releases from CRF		
		Central Share	State Share	Total	1st Installment	2nd Installment	from NCCF
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	313.67	104.56	418.23	156.835	156.835	685.81 (500.00 # + 185.81)
2.	Arunachal Pradesh	23.86	7.95	31.81	11.93	11.93	32.29
3.	Assam	162.80	54.27	217.07	81.40	81.40	—
4.	Bihar	125.59	41.86	167.45	62.795	62.795	267.48
5.	Chhattisgarh	94.22	31.41	125.63	92.825 (45.715 * + 47.11)	47.11	—
6.	Goa	1.92	0.64	2.56	0.96	0.96	4.04 #
7.	Gujarat	224.25	74.75	299.00	112.125	112.25	—
8.	Haryana	113.39	37.80	151.19	110.69 (53.995 * + 56.695)	56.695	—
9.	Himachal Pradesh	84.91	28.30	113.21	21.2275	42.455	14.58
10.	Jammu & Kashmir	72.90	24.30	97.20	71.825 (35.375 * + 36.45)	36.45	—
11.	Jharkhand	106.31	35.44	141.75	104.735 (51.58 * + 53.155)	53.155	—
12.	Karnataka	104.52	34.84	139.36	52.26	52.26	1594.36 (83.83 + 500 # + 53.04 + 957.49)

1	2	3	4	5	6	7	8
13.	Kerala	77.93	25.98	103.91	38.965	38.965	—
14.	Madhya Pradesh	214.41	71.47	285.88	107.21	107.21	40.53
15.	Maharashtra	203.21	67.74	270.95	387.29 (92.155 + 96.765* + 96.765 + 101.605)	101.605	182.10
16.	Manipur	4.69	1.56	6.25	4.615 (2.265* + 2.35)	2.345	0.91
17.	Meghalaya	9.51	3.17	12.68	4.755	4.755	—
18.	Mizoram	5.55	1.85	7.40	8.165 (2.695* + 2.695* + 2.775)	2.775	—
19.	Nagaland	3.22	1.07	4.29	1.61	1.61	8.47
20.	Orissa	254.27	84.76	339.03	49.369	127.135	—
21.	Punjab	133.12	44.37	177.49	66.56	66.56	—
22.	Rajasthan	378.90	126.30	505.20	189.45	189.45	115.12
23.	Sikkim	14.78	4.93	19.71	7.39	7.39	—
24.	Tamil Nadu	190.60	63.53	254.13	47.65	95.30	—
25.	Tripura	10.83	3.61	14.44	10.675 (5.26* + 5.415)	5.415	—
26.	Uttar Pradesh	249.55	83.19	332.74	124.775	124.775	148.96
27.	Uttarakhand	76.39	25.46	101.85	38.195	38.195	—
28.	West Bengal	197.93	65.98	263.91	98.965	98.965	166.869 (128.28+ 38.589)
TOTAL:		3453.23	1151.09	4604.32	2065.25 \$	1726.615	3261.519

\$@ Installment (\$) of Centre's share of CRF for the year of 2009-10 has not been released for want of information relating to crediting of earlier released funds and submission of utilization certificate.

* Arrears of previous year (Rs. 485.27 crore).

Released 'on account' basis for flood-09.

\$ This includes Rs. 1579.98 crore as 1st installment and Rs. 485.27 crore as arrear of previous years.

Fishermen affected by coastal security measures

4387. SHRI VIJAY JAWAHARLAL DARDA: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) what steps have been taken to strengthen security along our 7600 km long coastline to prevent terror incidents like 26/11 attacks through sea route;
- (b) whether a database of people living on our international land border could also be created on these lines for our coastal habitations; and
- (c) whether our fishermen depending for their livelihood in sea operations will not be adversely affected by any such measures proposed to be adopted?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) The Government has been, on continuing basis, reviewing the security arrangements of our coastline in the light of emerging challenges, including terrorist incidents, etc. With a view to strengthen coastal security of the country and to enhance the level of preparedness to counter such threats, the following important decisions/initiatives have been taken:

The Indian Navy has been designated as the authority responsible for overall maritime security which includes coastal security and offshore security. The Indian Coast Guard is additionally designated as the authority responsible for coastal security in territorial waters including areas to be patrolled by Coastal Police. The Director General Coast Guard has been designated as Commander Coastal Command responsible for overall coordination between Central and State agencies in all matters relating to coastal Security. The Indian Coast Guard is taking many other steps for strengthening their infrastructure.

The implementation of existing Coastal Security Scheme, which provides for setting up of 73 coastal police stations, 97 check posts, 58 outposts and 30 operational barracks, equipped with 204 vessels and vehicles, in the nine coastal States four coastal Union Territories, has been expedited. So far, 66 coastal police stations have been operationalised. Supply of interceptor boats to the States/UTs has also started and 109 boats have been supplied till March, 2010.

For further strengthening the coastal security, several other important initiatives have been taken. Based on the inputs received from Coast Guard and the coastal States/Union Territories, including Tamil Nadu, the second phase of the Coastal Security Scheme has been formulated and necessary clearances for the same are being taken.

Department of shipping has been mandated to streamline the process of registration of all types of vessels, i.e. fishing as well as non-fishing vessels, and also to ensure fitting/provision of navigational and communication equipments on these boats.

Department of Fisheries is taking steps to issue ID cards to all the fishermen. The Registrar General of India (RGI) is also undertaking an exercise to issue ID cards to the population residing in the coastal villages including fishermen, as a part of their project of creation of National Population Register (NPR).

(b) The initiatives mentioned in the last para aim at creating biometric database for the population living in the coastal areas and issuing ID cards to individuals of age 18 years and above.

(c) Every efforts are taken that the aforesaid security measures do not adversely effected our fishermen depending on sea operations for their livelihood. Rather, they take active parts in coastal security exercise/operations as eyes and ears for intelligence gathering for security agencies.

Bullet-proof jackets for paramilitary forces

4388. SHRI JAI PAKASH NARAYAN SINGH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is procuring bullet-proof jackets for paramilitary forces especially after Maoist attack in Dantewara recently killing more than 69 paramilitary jawans;

(b) if so, the details in this regard; and

(c) the names of companies short listed for procuring bullet-proof jackets?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) Yes Sir.

(b) The procurement process was started in July 2009 before the Dantewada incident. The order for procurement of 59000 Nos. of BP Jackets was placed on 27.4.2010.

(c) M/s MKU Pvt. Ltd., New Delhi.

Enquiring into breach of Kosi Embankment

4389. SHRIMATI SHOBHANA BHARTIA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of people who died and those rendered homeless in floods over the last three years;

(b) the progress of relief and rehabilitation efforts following the Kosi floods of 2008;

(c) whether Government has completed the enquiry into the breach of the embankment that led to the tragedy;

- (d) whether Government has taken up the issue with the Nepalese authorities; and
- (e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (e) The information is being collected and will be laid on the Table of the House.

Failure of development initiatives in naxal affected areas

4390. SHRI K.V.P. RAMACHANDRA RAO: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether it is a fact that according to a high level review done recently, the development initiatives implemented in the naxal affected areas have not yielded the desired results;
- (b) if so, the details thereof;
- (c) what are the major causes for the failure of the initiatives; and
- (d) what new strategy is being contemplated to ensure better implementation of the development initiatives?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (d) A review was held on 13th April, 2010 by the Task Force on Left Wing Extremism under the chairmanship of Cabinet Secretary. The information uploaded on the MIS maintained by Planning Commission showed that in most cases financial progress has been satisfactory. This mechanism of reviews and closer monitoring of schemes will help to ensure better implementation of the developmental initiatives.

Naxals having links with ISI

†4391. SHRI SHREEGOPAL VYAS: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether there are evidences of links between ISI and naxalities;
- (b) whether there are any indications of involvement of ISI linked people based in Nepal in this;
- (c) whether Border Security Force has sent any information on the above subjects; and
- (d) if so, the details thereof?

† Original notice of the question was received in Hindi.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (d) There are no inputs indicating links between ISI and naxalites in the country.

Survey to ascertain volume of traffic in Delhi

4392. SHRI MOHAMMED ADEEB: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether any survey/study has been undertaken to ascertain the volume of traffic on different roads in Delhi and also the problem of traffic jams;
- (b) if so, the details thereof along with the findings; and
- (c) the action plan prepared/proposed to tackle the situation in a comprehensive manner so that the problem of traffic jams in Delhi can be solved for at least a decade?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) Transport Department, GNCT of Delhi has entrusted "Travel Demand Forecast Study & Development of Integrated Road cum Multi Model Public Transport Network for NCTD" to M/s RITES. Final report is yet to be submitted by M/s RITES. The study was targeted for completion on 30.04.2010.

(c) Delhi Police, however, has prepared a plan to tackle the situation in comprehensive manner in the NCT of Delhi, which is based on the principles of road safety education, regulation, enforcement and engineering solutions. Based on this, Delhi Police has taken a number of steps to decongest and streamline traffic in the NCT of Delhi. The details of the plan are as follows:

- * Increased presence of Traffic Police personnel in accident-prone areas.
- * Facilitation at pedestrian crossings.
- * Prosecution of two-wheelers.
- * Increased pressure on Blue Line Buses.
- * Decongestion of Bus lane.
- * Prosecution against drunken driving and over-speeding.
- * Installing Cats eye.
- * Use of Public Address System.
- * Prosecution of those travelling without Registration Certificates.
- * Decongestion of Corridors from beggars and vagabonds.

- * Strict prosecution of dumpers.
- * Checking of Fitness Certificate.
- * No Entry restrictions.
- * Effective Night Checking.

Darjeeling Gorkha hill council

‡4393. SHRI SAMAN PATHAK: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether Darjeeling Gorkha Hill Council constituted in the year 1988 under Tripartite agreement still exists;
- (b) if so, the present status of Darjeeling Gorkha Hill Council;
- (c) whether Gorkha Jan Mukti Morcha has proposed a new alternative for Darjeeling Hill Council; and
- (d) if so, the details thereof and Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) Yes, Sir.

(b) Since 26.03.2005, Darjeeling Gorkha Hill Council (DGHC) is functioning without any elected representative as elections to the Council have not been held by the State Government after expiry of the term of the Council elected on the basis of elections last held in March, 1999. In March, 2005, the Government of West Bengal amended the Darjeeling Gorkha Hill Council Act, 1988 by providing for appointment of an Administrator or a Board of Administrators for a period not exceeding six months at a time and Shri Subash Ghisingh was appointed as Administrator of DGHC on 26.03.2005 to exercise caretaker powers of the General Council. His term as Administrator was extended several times and he continued to hold the position till he resigned from the post on 10.03.2008. Presently, a retired IAS officer is holding the charge of the post of Administrator of DGHC.

(c) and (d) Gorkha Janmukti Morcha (GJM) has submitted a proposal for repealing the DGHC Act, 1988 and replacing the DGHC by setting up an interim authority. As per the proposal, the term of the interim authority may be upto 31st December, 2011. the proposal is being discussed in the tripartite talks with the Government of West Bengal and Gorkha Janmukti Morcha.

Plan to use prisoners s Human Resource

‡4394. SHRI AVINASH RAI KHANNA: Will the Minister of HOME AFFAIRS be pleased to state:

‡ Original notice of the question was received in Hindi.

- (a) the State-wise details of total number of prisons in the country;
- (b) the capacity of these prisons to accommodate prisoners and the number of prisoners detained therein;
- (c) whether detaining prisoners more than the capacity amount to violation of human rights and the plan being made by Government in this regard; and
- (d) the plan across the country to use the capacity of prisoners as human resources?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) The details compiled by National Crime Record Bureau (NCRB) indicating State-wise details of number of prisons, its authorized capacity and the prison population as on December 2007 is given in the Statement (See below).

(c) "Prisons" is a State subject as per entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons and prisoners is primarily the responsibility of the respective State Governments.

In order to reduce overcrowding and improving the condition of prisons, the Central Government had initiated a scheme for modernization of prisons in the year 2002-03 with a total outlay of RS. 1800 crore on a 75:25 sharing basis between the Central and State Governments respectively. The scheme envisages construction of new prisons, repair and renovation and construction of additional barracks in the existing prisons, improvement in sanitation and water supply and construction of living accommodation for prison staff. The scheme has since ended on 31.3.2009.

The Government of India has also issued a comprehensive advisory on 17.7.2009 to all the States/UTs covering all aspects of prison administration.

(d) Prisons being the State subject, the State Governments are responsible for its administration and management. However, as per the Prison policy and the model prison manual circulated to all the States/UTs, all the prison inmates should be given vocational training. The aim of the training and work programmes shall be to equip inmates with better skills and work habits for their speedy rehabilitation on their release. In prisons across the country, various vocational trainings such as bakery, carpentry, agriculture, poultry farming, sericulture etc are provided to the inmates. In some of the prisons, certain small labour intensive industries are also run and the goods manufactured in these prisons are sold in the open markets. The sale proceeds of the goods manufactured by them also contribute to the State exchequer as also to the welfare of these prisoners.

Statement

*Total number of Prisons, available capacity and inmate
population (as on 31.12.2007)*

S.N.	State/UT	No. of prisons	Available Capacity	Total inmate population
1	2	3	4	5
1	Andhra Pradesh	134	12710	15045
2	Arunachal Pradesh	0	-	-
3	Assam	27	6357	8705
4	Bihar	55	29598	39638
5	Chhattisgarh	27	5407	10451
6	Goa	5	356	366
7	Gujarat	24	6519	11842
8	Haryana	18	10482	13093
9	Himachal Pradesh	13	1131	1435
10	Jammu & Kashmir	12	3050	2299
11	Jharkhand	27	10738	17936
12	Karnataka	99	12144	13052
13	Kerala	43	3765	6742
14	Madhya Pradesh	120	20448	32712
15	Maharashtra	153	20901	25892
16	Manipur	2	970	444
17	Meghalaya	4	530	665
18	Mizoram	6	1163	941
19	Nagaland	10	1290	501
20	Orissa	70	10603	15368
21	Punjab	26	11742	15972
22	Rajasthan	105	17554	14687

1	2	3	4	5
23	Sikkim	2	196	226
24	Tamil Nadu	134	20321	16599
25	Tripura	11	1065	1317
26	Uttar Pradesh	61	37843	76180
27	Uttarakhand	9	2139	2709
28	West Bengal	53	20222	18598
	Total (States)	1250	269244	363415
29	A & N Islands	4	309	413
30	Chandigarh	1	1000	501
31	D & N Haveli	1	60	28
32	Daman & Diu	2	120	66
33	Delhi	10	6250	11605
34	Lakshadweep	4	16	22
35	Puducherry	4	305	346
	TOTAL (UTs)	26	8060	12981
	TOTAL (All-India)	1276	277304	376396

Meeting of NSC on border management

4395. DR. T. SUBBARAMI REDDY: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Prime Minister held a meeting of the National Security Council to discuss border management;
- (b) if so, what were the main points discussed;
- (c) the outcome of the discussion held;
- (d) whether centre has accorded priority to laying of 73 roads in Jammu and Kashmir, Himachal Pradesh, Uttarakhand, Sikkim and Arunachal Pradesh cleared earlier; and
- (e) whether after receiving the reports from the Defence Ministry, Government is fully seized of the security needs of the country as well as development of infrastructure in border areas?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): (a) to (c) A meeting of National Security Council (NSC) was held at New Delhi on 6th April, 2010 to discuss the issue of border infrastructure including border roads, development of Integrated Check Posts, rail/air connectivity etc. Consensus emerged during the discussions for augmentation and outsourcing of the airlift capacities and creation of additional capacities in regard to construction through the establishment of new entities. It was also decided to explore the possibility of wider use of Joint Venture and Public Private Partnership (PPP) options in regard to roads and other border infrastructure projects.

(d) and (e) The Government is fully seized of the security needs of the country as also the development of infrastructure in the border areas of the country. As a part of strategy to create road infrastructure along Indo-China border, the Government has sanctioned construction of 73 roads in Jammu & Kashmir, Himachal Pradesh, Uttarakhand, Sikkim and Arunachal Pradesh including 27 roads of operational significance to Indo-Tibetan Border Police (ITBP) being implemented by the Ministry of Home Affairs. The construction of sanctioned roads has been accorded high priority by the Government. 12 out of the 73 roads have been constructed so far and the works are under progress/planned in respect of remaining roads.

Observation of Supreme Court on custodial death

4396. SHRI MAHENDRA MOHAN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is aware that the cases of custodial torture and deaths are increasing in the country day by day;

(b) if so, the details thereof;

(c) whether the Supreme Court has recently expressed its concern over custodial torture and deaths and asked the Union Government to firmly deal with such heinous crime committed by men in uniform; and

(d) if so, the further steps Union Government proposes to take in view of observations made by Supreme Court on custodial torture and deaths?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) Number of cases relating to custodial torture and deaths registered by National Human Rights Commission are as below:

Year	Custodial Torture/Violence	Custodial deaths
2007-2008	476	2267
2008-2009	598	1943
2009-2010	645	1794

(c) and (d) "Police" and "Public Order" are State Subjects under the Constitution of India. It is for the State Governments to take appropriate action in every crime. The Government has issued the necessary guidelines to all the State Governments to comply with the directives of the Supreme Court that entails devising of proper procedures to be followed while making arrests.

Section 176 of the Criminal Procedure Code has been amended vide Code of Criminal Procedure (Amendment) Act 2005 to provide that in cases of death or disappearance of a person or rape of a woman while in custody of the police, there shall be a mandatory judicial inquiry and in case of death, examination of the dead body shall be conducted within twenty four hours of deaths. The Union Government has also been issuing guidelines to the State Governments from time to time advising them to ensure that adequate steps are taken to check instances of custodial torture and deaths.

However, a Bill titled "The Prevention of Torture Bill, 2010" has been introduced in Lok Sabha on 26/4/2010. The Bill, inter alia, provides for punishment to those involved in the incident of torture and specifies the time limit for taking cognizance of the offence of torture. The bill would act as a deterrent for Public Servants from indulging in custodial deaths and abuse of power by police authorities.

Maoist activities rising in Bihar and Uttar Pradesh

†4397. SHRI SHREEGOPAL VYAS: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether naxals are getting weapons from China via Nepal;
- (b) if so, whether Ministry of External Affairs has taken any initiative to raise this issue with China;
- (c) whether Maoists activities are now rising in Bihar, Uttar Pradesh also; and
- (d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) and (b) There is no input to indicate that naxals are getting weapons from China via Nepal.

(c) and (d) Details are given in the Statement.

Statement

Maoist activities rising in Bihar and Uttar Pradesh

State	2007		2008		2009		2010	
							(till 28th April)	
	Incidents	Deaths	Incidents	Deaths	Incidents	Deaths	Incidents	Deaths
Bihar	135	67	164	73	232	72	117	30
Uttar Pradesh	9	3	4	-	8	2	3	1

† Original notice of the question was received in Hindi.

Contract labourers working in public sector mines

4398. SHRI MANGALA KISAN: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the number of contract labourers working in public sector mines in the country;
- (b) the number amongst these working in iron ore and coal mines;
- (c) whether there is any scheme for accommodating these contract labourers as permanent employees; and
- (d) if so, the details thereof and if not, whether Government proposes to bring it any such scheme?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) There are 1,26,299 contract labourers working in public sector mines in the country.

(b) The number of contract labour workers in iron ore is 12,245 and in Coal Mines is 62,958.

(c) and (d) There is no scheme for accommodating these contract labourers as permanent employees.

Creation of additional job opportunities

†4399. SHRI RAJ MOHINDER SINGH MAJITHA:

SHRI RAVI SHANKAR PRASAD:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether Government's attention has been drawn to the news item "5 lakh jobs in 4 sectors in one year" published in Asian Age dated 12 April, 2010;
- (b) if so, the names of such sectors where additional job opportunities are likely to be created;
- (c) whether Government agrees with the said possibility; and
- (d) if so, whether required man-power will be available for these sectors in the country?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) to (d) Government of India is aware of the news item relating to creation of 5 lakh jobs in four sectors (i.e. IT, Telecom, Banking and Health Care) in one year during 2010-11

† Original notice of the question was received in Hindi.

which appeared on 12th April, 2010 in the daily newspaper, the Asian Age. The news item may be based on micro level study/survey regarding intensity of hiring personnel covering a few firms conducted by some consulting firms and, therefore reliability of these estimates may not hold good for the economy as a whole. Moreover, 11th Five year plan aims at creating 58 million job opportunities on current daily status basis. Additional opportunities projected to be created during the 11th Five year plan will be mainly in Industry (23.88 million) and Services (34.19 million) sectors to cater to the need of required manpower for these sectors in the country.

Exploitation of labourers working on CWG sites

4400. SHRI BHARATKUMAR RAUT: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether there are complaints that the contractors are exploiting labourers working on Commonwealth Games sites as they were not being paid minimum wages and were forced to work overtime with no extra money;
- (b) whether it is a fact that most of the workers were hired by contractors causally without following labour laws;
- (c) whether a Committee was constituted by Delhi High Court to look into the irregularities found in hiring of labourers;
- (d) if so, the findings of the committee; and
- (e) what action is being taken against the contractors/officers found guilty?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) to (e) Inspecting Officers keep a close watch on the payment of minimum wages, conditions of work and violation of labour laws at construction site during their course of inspection. If any violations are noticed, necessary legal action is taken under Acts/Labour Laws.

2. Some Non-Government Organizations (NGOs) filed a complaint in the Hon'ble High Court of Delhi in the form of a Public Interest Litigation (PIL). The Hon'ble High Court of Delhi while considering a Writ Petition (Civil) No. 524/2010 in People Union for Democratic Rights and two others Versus Union of India and two others set up a Monitoring committing on 03.02.2010.

3. The Committee was mandated to visit Commonwealth Games Construction sites, looking into the complaints of the petitioners on harsh and unsafe working and living conditions and violation of provisions of labour laws as applicable to the establishments executing building and

construction work at Commonwealth Games sites as also functioning of the Welfare Board for National Capital Territory of Delhi constituted under Section 18 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

4. The Committee has submitted its report in the Hon'ble High Court of Delhi. Since the Committee was constituted by the Hon'ble High Court, further action taken in the matter will depend upon the order passed by the Hon'ble High Court.

Increase in unemployment in NER

4401. SHRI BIRENDRA PRASAD BAISHYA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether it is a fact that unemployment and job losses increased in the country;
- (b) if so, State-wise details in the North Eastern Region, (NER) total number of unemployed youths registered in employment exchange till March 2010;
- (c) how many registered youths in employment exchanges were able to get jobs through employment exchanges till March 2010; and
- (d) the State-wise details thereof in NER?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) Reliable estimates of employment and unemployment are obtained through quinquennial labour force surveys. Last such survey was conducted during 2004-05. As per two most recent quinquennial rounds of surveys, unemployment rate on usual status basis has marginally increased from 2.2 percent in 1999-2000 to 2.3 percent in 2004-05. No comprehensive study/survey has been conducted to evaluate the impact of economic slowdown on employment in India. However, Labour Bureau, an organization under the Ministry of Labour and Employment has conducted quarterly sample surveys in quick succession starting from quarter October-December, 2008 and five surveys have been completed so far. By comparing the results of different quarters of the survey reports, it has been observed that employment declined by 4.91 lakh during the October-December 2008; and then increased by 2.76 lakh during January-March 2009, again declined by 1.31 lakh during April-June 2009, and then increased by 4.97 lakh during the July-September, 2009 quarter and further increased by 6.38 lakh during October-December, 2009 quarter. Thus, even on the basis of this small sample, estimated employment in the selected sectors has experienced a net addition of 7.89 lakh during September, 2008 to December, 2009.

(b) to (d) State-wise details of number of your job seekers in the age-group of 15-29, all of whom may not necessarily be unemployed, registered with employment exchanges as on 31.12.2007

for which the latest data is available and number of job seekers including youth placed through employment exchanges during 2007 in NER are given below :

Sl. No.	State	Number of job seeker (15-29)	Placement effected
1	Arunachal Pradesh	25400	59
2	Assam	1477700	382
3	Manipur	435200	35
4	Meghalaya	22900	17
5	Mizoram	42700	285
6	Nagaland	37400	146
7	Tripura	333400	410
8	Sikkim *		
TOTAL		2374700	1334

* No employment exchange

Amenities to labourers engaged by army and para military forces in J&K

4402. PROF. SAIF-UD-DIN SOZ: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether the labourers engaged by Army and Para Military Forces in Jammu and Kashmir are covered fully under labour laws in respect of insurance, wages and other amenities; and

(b) in case it has not been done partially or wholly so far, within what period of time the needful will be done?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) and (b) Like other States, Labour Laws have been extended to the State of Jammu & Kashmir and Civilian Workers. The labour engaged by Army, Paramilitary Forces in the State are fully covered under various labour laws in respect of wages and other amenities. In so far as insurance is concerned, as per provisions of Section 2 (9) of ESI Act, 1948, the Act does not apply to persons employed by Indian Naval, Military or Air-forces.

Labourers engaged in CWG not getting their dues

4403. SHRI A. ELAVARASAN: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether it is a fact that the workers engaged in construction for the Commonwealth Games were not getting their dues and housed in over-crowded hovels without power, medical facilities, insurance cover etc.;

(b) whether it is also a fact that labour laws were violated by private contractors involved in the project and Government had failed to force private companies to abide by labour laws; and

(c) if so, the details thereof and the steps taken by Government to take care of those labourers?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) to (c) It is not a fact that construction workers engaged in Commonwealth Games sites are not getting their dues and other benefits. Inspecting Officers keep a close watch on violation of labour laws at construction sites during their course of inspection. If any violations are noticed, necessary legal action is taken under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and other Labour Laws.

2. The number of inspection carried out and cases registered by the Labour Inspector regarding labour laws violations by various Government/private agencies and contractors engaged in Commonwealth Games (CWG) project sites during each of the last three years and the current years are as under:

Year	No. of Inspections	No. of prosecution cases filed
2007	1	1
2008	320	302
2009	560	457
2010	98	68

Violation of labour laws at GWG sites

4404. SHRI MANI SHANKAR AIYAR: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government is aware of the alleged violations of laws relating to organized and unorganized labour employed at various Commonwealth Games sites;

(b) Government's reaction thereto; and

(c) the steps taken or proposed to be taken by Government in this regard to forestall any abuse of labour including child labour, so that the image of the country as a just employer is not sullied?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) and (b) Yes, Sir. A Committee was appointed by Hon'ble High Court of Delhi to find out the alleged violations of laws relating to organized and unorganized labour employed at various Commonwealth Games sites. The Committee submitted its report to the Hon'ble Court on 17.3.2010 pointing out certain short comings relating to non payment of minimum wages, lack of health and safety, Medical Care and Housing etc. As per the directions of Hon'ble High Court a Monitoring Committee was then constituted. The Monitoring Committee has, in their report submitted to the Hon'ble Court, made short term and long term recommendations for suitable directions from the Hon'ble high Court of Delhi on the following issues:

- Payment of minimum wages to be made in the presence of representative of the Principal employer.
- The due dates of payment of wages to be ensured.
- The wage slips and muster rolls to be maintained.
- Claim cases for short payment of minimum wages filed before the authority to be disposed expeditiously.
- The health, safety, welfare, and living conditions of building and construction workers and equal pay for equal work for women workers to be ensured.
- Disparity between minimum rate of wages notified by Central and State Govt., if any, to be removed.

(c) In pursuance of Hon'ble High Court of Delhi's order, a status report on behalf of Govt. of India was submitted to the Hon'ble court on 15.04.2010 for further directions. The Government is committed to forestall any abuse of labour, including child labour to protect the image of the country.

Unemployment in the country

4405. SHRI R.C. SINGH: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether it is a fact that inspite of having employment 28 per cent of people are still unable to earn enough to rise above the poverty line;

(b) whether it is also a fact that there is 10.8 million unemployed out of the workforce of 459 million in the country; and

(c) if so, how Government is going to address both the problems?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) and (b) Reliable estimates on employment and unemployment are obtained

through quinquennial labour force surveys conducted by National Sample Survey Organization. Last such survey was conducted during 2004-05. According to the most recent round of quinquennial survey, percentage of working poor (those employed but are unable to earn sufficient income from their work to rise above the official poverty line) was estimated on usual status basis (based on mixed recall period) at around 22 percent in the beginning of January, 2005 in the country and during the same period 10.8 million unemployed persons were in the estimated labour force of 469.94 million.

(c) Government have taken several steps to reduce unemployment rate. The focus is on productive employment at a faster pace in order to raise the incomes of masses of the rural population to bring about a general improvement in their living conditions. The job opportunities are likely to be created on account of growth in Gross Domestic Product (GDP), investment in infrastructure development, growth in exports etc. Government of India has also been implementing various employment generation programmes, such as, Swarana Jayanti Shahari Rozgar Yojana (SJSRY); Prime Minister's Employment Generation Programme (PMEGP); Swarana- jayanti Gram Swarozgar Yojana (SGSY) and Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) besides entrepreneurial development programmes run by Ministry of Micro, Small & Medium Enterprises. Government have also decided to skill 500 million persons by 2022 in order to improve their productivity so that they can earn higher wages and get out of poverty trap.

Educated and uneducated unemployed

4406. SHRI BHAGIRATHI MAJHI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government has identified the number of unemployed educated and uneducated persons till 31 March, 2010 in the country; and

(b) if so, the details thereof and the action being taken by Government to reduce the Unemployment problems of the country?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) Number of job seekers, all of whom may not necessarily be unemployed, registered with employment exchanges was 39.97 million as on 31.12.2007 for which the latest data is available. Of these, 30.65 million job seekers were educated and 9.32 million were uneducated.

(b) Eleventh Five Year Plan aims at creating 58 million job opportunities in the country. In order to achieve creation of 58 million additional job opportunities, in addition to normal growth process, Government of India has also been implementing various employment generation and poverty alleviation programmes. Some of the important ones are Swarna Jayanti Shahari Rozgar

Yojana (SJSRY); Prime Minister's Employment Generation Programme (PMEGP); Swarnajayanti Gram Swarozgar Yojana (SGSY) and Mahatma Gandhi National Rural Employment Guarantee scheme (MGNREGS). Projection of additional employment opportunities of 58 million during the 11th plan period exceeds the projected addition of 45 million to the labour force and, therefore, it is expected to lead to a reduction in the unemployment rate to below 5% by the end of the Plan.

Raising contribution towards pension fund to 50 per cent

4407. SHRI A. ELAVARASAN: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether there is any proposal to raise the contribution for the pension fund to 50 per cent of the employees' contribution towards the Employees Pension Scheme; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) There is no proposal to raise the contribution for the Pension Fund to 50 per cent of the employees' contribution towards the Employees' Pension Scheme, 1995.

(b) Does not arise in view of (a) above.

Modernisation of employment exchanges

4408. SHRI NAND KUMAR SAI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government has modernized the Employment Exchanges functioning in various States/UTs through Public Private Partnership;

(b) if so, the details of the Employment Exchanges modernized during 2008-09 and 2009-10 in various States;

(c) the details of the terms and conditions of PPP for modernization of such exchanges in various States; and

(d) the details of the exchanges likely to be modernized during 2010-11 and the details of the funds allocated for the said purpose, State-wise?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) to (d) The proposed project for modernization of all Employment Exchanges under National e-Governance Plan is in the process of seeking mandatory approvals. Considering the social aspect of the project, the proposed Public Private Partnership (PPP) model is an annuity

based model. Government will pay back the private partner for the investments made by him in the Information Technology (IT) and Non-IT components. The total cost of the project is estimated at around Rs.2167 crore. The project period is 22 months from the date of approval. State-wise funds have not been allotted so far.

Modernisation project of EPFO

4409. SHRI PRASANTA CHATTERJEE: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the total cost of modernisation project of EPFO;
- (b) the scheduled date of completion;
- (c) the present status of its implementation; and
- (d) how many EPFO offices have so far been modernized?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) A budgetary estimate of Rs. 96 crore has been approved by the Central Board of Trustees, Employees' Provident Fund (CBT, EPF) for the implementation of the first phase of the 'Modernisation Project' of the Employees' Provident Fund Organization (EPFO) being implemented with the collaboration of the National Informatics Centre (NIC).

(b) to (d) The first phase of the 'Modernisation Project' has been implemented in 28 offices of EPFO as on 31.03.2010. It is planned to implement it in the remaining 92 offices of EPFO in the current financial year i.e. 2010-11.

Bonded labourers

4410. SHRI T.T.V. DHINAKARAN: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the total number of bonded labourers in the country; and
- (b) the State-wise number of labourers who have been rehabilitated so far?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) and (b) The number of bonded labourers identified, released and rehabilitated under the Centrally Sponsored Plan Scheme up to 31.03.2010 is as under:

Name of the State	Number of Bonded Labourers Identified and Released	Rehabilitated
Andhra Pradesh	37,988	31,534
Arunachal Pradesh	3,526	2,992
Bihar	14,615	13,797
Chhattisgarh	124	124
Gujarat	64	64
Haryana	591	89
Jharkhand	196	196
Karnataka	63,437	57,185
Kerala	823	710
Madhya Pradesh	13,317	12,392
Maharashtra	1,404	1,325
Orissa	50,029	46,901
Punjab	69	69
Rajasthan	7,488	6,331
Tamil Nadu	65,573	65,573
Uttar Pradesh	28,946	28,946
Uttaranchal	5	5
West Bengal	267	267
TOTAL	2,88,462 *	2,68,500

* 19962 Bonded Labourers are not available for rehabilitation either they have died or left the place without leaving their addresses.

ESIC hospitals in the country

4411. SHRI SANTOSH BAGRODIA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) how many ESIC hospitals are there in the country and the details of the annual enrolments in such hospitals for the last three years;

(b) whether Government has any plan to set up more ESIC hospitals, if so, the details thereof;

(c) whether there is a policy to reserve beds under ESI scheme in other Government hospitals, if so, the details thereof; and

(d) whether Government has conducted any scooping of the need for such hospitals at other industrial clusters in the country and the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) As on 31.03.2010, ESI Corporation is running 23 hospitals in the country. The annual enrolment in the hospitals during the last three years (OPD+Indoor+Casualty) is 39 lacs, 38 lacs & 49 lacs respectively. Details are given in the Statement — I (*See below*).

(b) ESI Corporation has plans to set up the following ESI hospitals:-

I. Hospitals under construction

(a) Sanathnagar, Andhra Pradesh

(b) Baddi, Himachal Pradesh

(c) Gurgaon, Haryana

(d) Bhiwadi, Rajasthan

(e) Tirunelveli, Tamil Nadu

(f) Manesar, Haryana

(j) Peenya, Bangalore (Karnataka)

II. Hospitals proposed to be constructed

(a) ESI Hospital, Haridwar, Uttarakhand

(b) ESI Hospital, Udham Singh Nagar, Uttarakhand

(c) ESI Hospital, Tirupur, Tamil Nadu

(d) ESI Hospital, Ankleshwar, Gujarat

(e) ESI Hospital, Haldia, West Bengal

(c) Yes, Sir. Wherever there is no ESI hospital, the secondary medical care services are provided through reservation of beds in other Govt. hospitals or through tie up with reputed institutions in the area. The position of reserve beds State wise is given in the Statement — II (*See below*).

(d) The requirement of ESI hospitals is an on going process. The ESI Corporation has laid down norms for setting up of new hospitals based on the number of insured persons.

Statement — I

Annual Enrolment in ESIC Hospitals during the last three years

Sl. No.	Name of the Hospital	2006-07	2007-08	2008-09
1	Asramam, Kollam	104249	119445	163584
2	Ram Darbar, Chandigarh	139839	130969	154325
3	Beltola, Guwahati	15543	18321	25944
4	Udyog Mandal Kerala	34529	25800	30750
5	Adityapur Jharkhand	-	-	424
6	Bapu Nagar, Ahmedabad	347095	78388	311997
7	Basaidarapur, Delhi	642425	672126	715403
8	Jhilmil — Delhi	280597	298755	323688
9	Okhla — Delhi	353655	366496	376165
10	Rohini — Delhi	306174	367722	377008
11	Noida — U.P.	326297	359352	367887
12	Jaipur	109768	165693	191927
13	Nanda Nagar, Indore	89342	93579	122582
14	Joka, Kolkata	114106	137362	165843
15	Nacharam, Hyderabad	159762	141878	161520
16	Namkum, Ranchi	2152	3658	22453
17	Bharat Nagar, Ludhiana	130521	174875	180791
18	K.K. Nagar, Chennai	261204	300622	354251
19	Rourkela	14657	2600	19502
20	Bari Brahmana, Jammu	16700	16700	30417
21	Rajaji Nagar, Bangalore	212158	237030	281639
22	Phulwari Shariff, Bihar, Patna	41234	45000	52439
23	Andheri (E) Mumbai	117346	82511	82211
Total		3900353	3838882	4872750

Statement — II

State-wise position of reserve beds as on 31.03.2009

Sl. No.	Name of the State	Reserve Bed Position
1.	Andhra Pradesh	28
2.	Assam	56
3.	Bihar	58
4.	Chandigarh Admn.	40
5.	Chhattisgarh	57
6.	Delhi	85 (T.B. beds)
7.	Gujarat	646
8.	Goa	33
9.	Haryana	215
10.	Himachal Pradesh	nil
11.	Jammu & Kashmir	nil
12.	Jharkhand	nil
13.	Karnataka	540
14.	Kerala	06
15.	Madhya Pradesh	142
16.	Maharashtra	548
17.	Meghalaya	nil
18.	Orissa	nil
19.	Puducherry	32
20.	Punjab	nil
21.	Rajasthan	143
22.	Tamil Nadu	266
23.	Uttar Pradesh	40
24.	Uttarakhand	32
25.	West Bengal	nil

Unemployed youths in the country

4412. SHRI RAMDAS AGARWAL: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the State-wise number of unemployed youths in the country at present;
- (b) the details of job opportunity created by Government during the last three years in organized and unorganized sector, year-wise and sector-wise, till date;
- (c) whether it is a fact that a large number of youths are still unemployed and struggling for their livelihood; and
- (d) if so, the steps Government propose to take so that "Right to Work" for crores of unemployed youths may be secured?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT) : (a) Reliable estimates of employment and unemployment are obtained through quinquennial labour force surveys conducted by National Sample Survey Organization. Last such survey was conducted during 2004-05. As per latest survey report, number of unemployed youth in the age group of 15-29 was estimated at 8.87 million on usual status basis during 2004-05. State-wise details of unemployment rates amongst youth in both rural and urban areas on usual status basis are given in the Statement (*See below*).

(b) As per the last three most recent quinquennial rounds of survey, sector-wise details of job opportunities created on usual status basis during the period 1993-94 to 1999-2000 and 1999-2000 to 2004-05 in the country are given below:

Sector	Job Opportunities created (in million)	
	1994-2000	2000-2005
Organized	0.59	(-) 1.51
Unorganized	21.96	63.61
Total	22.55	62.10

(c) As per latest survey on employment and unemployment conducted by National Sample Survey Organization during 2004-05, unemployed youth in the age-group of 15-29 years on usual status basis was estimated to be 8.87 million as against 10.84 million of total unemployed persons.

(d) Government is fully aware of the magnitude of unemployment amongst the youth of the country. In order to provide jobs to the unemployed including youth, the 11th Plan aims at increasing

private organized sector employment ambitiously, by at least 10 million. Along with the public sector, organized sector jobs would then expand by over 15 million, a growth rate of about 9% per annum. Besides, Government of India has also been implementing various employment generation programmes, such as, Swarana Jayanti Shahari Rozgar Yojana (SJSRY); Prime Minister's Employment Generation Programme (PMEGP); Swarnajayanti Gram Swarozgar Yojana (SGSY) and Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) in order to provide employment opportunities to larger number of youth.

Statement

*State-wise details of unemployment rates amongst job seekers in
the age group of 15-29 on usual status basis during 2004-05.*

Sl. No.	State/Union Territory	Rural	Urban
1	2	3	4
1.	Andhra Pradesh	1.8	8.5
2.	Arunachal Pradesh	2.5	4.8
3.	Assam	6.8	19.9
4.	Bihar	4.3	17.4
5.	Chhattisgarh	1.3	7.6
6.	Delhi	5.1	10.8
7.	Goa	26.0	18.5
8.	Gujarat	1.4	4.9
9.	Haryana	5.5	9.3
10.	Himachal Pradesh	4.2	9.7
11.	Jammu & Kashmir	4.1	13.6
12.	Jharkhand	3.7	18.6
13.	Karnataka	1.5	6.4
14.	Kerala	26.8	32.5
15.	Madhya Pradesh	1.0	7.3
16.	Maharashtra	2.7	8.4
17.	Manipur	2.6	17.4

1	2	3	4
18.	Meghalaya	0.7	10.7
19.	Mizoram	0.8	4.8
20.	Nagaland	5.5	18.9
21.	Orissa	10.2	31.7
22.	Punjab	9.7	10.5
23.	Rajasthan	1.8	6.2
24.	Sikkim	6.4	7.9
25.	Tamil Nadu	3.5	8.2
26.	Tripura	32.1	60.1
27.	Uttaranchal	3.3	12.2
28.	Uttar Pradesh	1.5	7.4
29.	West Bengal	6.0	13.2
30.	A&N Islands	13.2	21.5
31.	Chandigarh	6.2	13.9
32.	Dadra & Nagar Haveli	6.9	7.9
33.	Daman & Diu	0.6	4.9
34.	Lakshadweep	16.7	45.5
35.	Pondicherry	18.3	25.5
ALL INDIA		4.0	10.1

Employment opportunities during eleventh plan

4413. SHRI M.V. MYSURA REDDY: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether it is a fact that Eleventh Plan aims at creating 58 million employment opportunities;

(b) if so, the State-wise and programme/scheme-wise details of employment opportunities created during the first three years of the Eleventh Plan, year-wise;

(c) whether it is also a fact that the Sub-Committee of National Council of Vocational Training has recommended to introduce compulsory modules on communication skills like English language, basic computer literacy, etc. so as to achieve the goal of 58 million employment opportunities; and

- (d) if so, the efforts made by Government on this and the results achieved so far?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) Eleventh Five Year Plan aims at creating 58 million additional employment opportunities on current daily status basis.

(b) Reliable estimates of employment and unemployment are obtained through quinquennial labour force surveys conducted by National Sample Survey Organization. Last such survey was conducted during 2004-05. Information relating to employment generation during the first three years of the 11th five year plan would be known only after the results of the current round (66th) of survey of NSSO become available by the end of 2011.

(c) and (d) Sub Committee of National Council of Vocational Training (NCVT) on norms and courses has recommended introduction of compulsory modules on communication skills, English language proficiency, entrepreneurship development skills, basic computer literacy, quality management tools and occupational safety and health under Craftsmen Training Scheme (CTS). This is a step forward towards enhancing employability of the labour force. These modules are proposed to be introduced after the approval of NCVT.

Study regarding migrated labour force

4414. SHRI K.N. BALAGOPAL: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether Government has conducted any study regarding the increasing migrated labour force in the country and its social implications;
- (b) if so, the details thereof;
- (c) if not, whether Government is ready to initiate a detailed study regarding it; and
- (d) whether Labour Laws could be amended to bring in necessary legal protection to the migrated labour force?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) to (d) The Government has not conducted any study regarding the increasing migrated labour force in the country and its social implications. However, in order to safeguard the economic and other interests of the migrant workers, the Government has enacted the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 which, inter-alia, provides for payment of minimum wages, journey allowance, displacement allowance, residential accommodation, medical facilities and protective clothing etc.

2. On the recommendation, of the Working Group constituted by the Indian Labour Conference held at New Delhi on 20-21st February, 2009, a Tripartite Group was constituted to examine the provisions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. The Group examined various provisions of the Act and reviewed the problems faced by the migrant workers, existing provisions of the Act, enforcement machinery, problems in implementation of the Act etc. The Group has submitted its report and the recommendations of the Group will be considered in the next Indian Labour Conference.

3. The Government has enacted the Unorganized Workers' Social Security Act, 2008 to provide for social security and welfare of unorganized workers including migrant workers.

4. The Government has launched Rashtriya Swasthya Bima Yojana (RSBY) to provide health insurance coverage for Below Poverty Line (BPL) families which includes migrant workers. The RSBY has also been extended to construction workers who are above poverty line. Majority of the construction workers are migrant workers.

5. Government has also initiated a pilot project in Tamil Nadu with regard to convergence of various schemes to prevent bondage amongst workers, most of whom are migrant workers. This project also entails promotion of awareness amongst such workers regarding rules and regulations. Consequent to the initial success of this project, another project has been launched in the State of Andhra Pradesh for such migrant workers as are vulnerable to bondage.

ITIs in Bihar

4415. SHRI TARIQ ANWAR: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the total number of ITIs located in Bihar;
- (b) whether it is a fact that per seat in the ITIs is very less as compared to the population size (in the age group 15-30 years); and
- (c) if so, the steps Government is taking to set up ITIs and other Institutes in partnership with industrial houses/software companies?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) There are 34 Industrial Training Institutes (ITIs) & 225 Industrial Training Centres (ITCs) in Bihar as on 01.04.2010 with seating capacity of 11433 & 32569 respectively. Hence total seating capacity is 44002.

(b) Population of Bihar in the age group 15-30 years is about 2.24 crores (2001 census) & total seating capacity of ITIs & ITCs is 44,002. Thus, there is one seat for every 500 persons of the age group 15-30 years, whereas at the national level, on an average, there is one seat of ITI for every 276 persons of the same age group.

(c) New ITIs are set up by the State Government as per their requirement. However, Ministry of Labour & Employment has initiated action for setting up of 1500 ITIs and 5000 Skill Development Centers (SDCs) in the country in PPP mode. In this scheme, State Governments are expected to provide land free of cost alongwith basic amenities such as road, power, water supply, communication, etc. Central government may provide viability gap funding, if needed. The institutes would be established and run by private partners under PPP mode. Private partners could be industrial houses/software companies, etc.

Effect of global financial meltdown on employment

4416. SHRI BHAGAT SINGH KOSHYARI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government has any planned and detailed qualitative assessment of the unemployment in the country post Global Financial Meltdown of September 2008;

(b) if so, whether Government has any plans to restore the employment to post financial crises levels; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) to (c) Labour Bureau under Ministry of Labour & Employment has conducted "Quarterly Quick Employment Surveys" to assess the impact of economic slowdown in India. In the first survey conducted in about 2581 units in 20 centres across 11 States/UTs relating to important sectors like mining, textiles, metals, gems & jewellery, automobile, transport and IT/BPO, it was observed that 4.91 lakh workers lost their jobs during the quarter October-December, 2008. It increased by 2.76 lakh during Jan-March, 2009. Employment declined by 1.31 lakh during April-June, 2009. However, it increased by 4.97 lakh during the quarter July-Sep, 2009. As per latest quarterly quick survey for the period Oct.-Dec. 2009, overall employment has improved by 6.38 lakh. There is net increase of 12.8 lakh at overall level in the eight selected sectors between December, 2008 to December, 2009.

To restore the employment to post financial crisis levels, three stimulus packages announced and budget for 2009-10 as fourth stimulus package have resulted in having a positive impact on employment in the country. Further, higher investment in social sector and infrastructure development programmes such as Bharat Nirman, Prime Minister's Gram Sadak Yojana, Indira Awas Yojana, Rajiv Awas Yojana, National Highways Development Programme, etc. are contributing to the revival of the economy and creating jobs as well as helping those who were rendered jobless. Government also implements 'Rajiv Gandhi Shramik Kalyan Yojana' under Employment State Insurance Scheme wherein the insured worker and his family are entitled to about 50% of wages up to a period of one year and medical benefits in case of loss of job.

Government of India is also implementing various Employment Generation and Poverty Alleviation Programmes in both rural and urban areas to generate employment opportunities in the country. Some of the important ones are: Swarna Jayanti Shahari Rozgar Yojana (SJSRY), Swarnajayanti Gram Swarozgar Yojana (SGSY), Prime Minister's Employment Generation Programme (PMEGP) and Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS).

Release of domestic child labourers

†4417. SHRI JAI PRAKASH NARAYAN SINGH: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the number of domestic child labourers that has been identified and their release has been ensured after banning domestic child labour on 10 October in the Child Labour (Prohibition and Regulation) Act, 1986;
- (b) whether while rehabilitating the freed child labourers the judgement given by Supreme Court in the matter of M.C. Mehta Vs Government of Tamil Nadu is complied with;
- (c) if not, the reasons therefor; and
- (d) the number of freed child labourers against whom an adult member of their family has been provided employment by their employer?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) As per the information available, 6782 domestic child labourers have been rescued after banning domestic child labour on 10th October, 2006 under the Child Labour (Prohibition & Regulation) Act, 1986.

- (b) Yes, Sir.
- (c) Does not arise.

† Original notice of the question was received in Hindi.

(d) As per the directions of Hon'ble Supreme Court, the onus of providing employment to an adult family member of rescued child labour lies with the concerned State Government and not with the employer.

Introduction of NCLP in all districts

4418. SHRI BHAGAT SINGH KOSHYARI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether Government has plans to introduce NCLP in all the districts of the Country;
- (b) if so, whether the going project fulfilling the objectives being set by Government;
- (c) if so, the details thereof; and
- (d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) As of now, Government does not intend to expand the scheme across the country.

(b) to (d) Yes, Sir. Under the National Child Labour Project (NCLP) Scheme, 6.22 lakh children were mainstreamed into regular education system so far.

Operation of NCLP in the country

†4419. SHRI BRIJLAL KHABRI: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the number of districts in the country where National Child Labour Project is operational at present;
- (b) whether it is a fact that Government is considering to launch this scheme across the country;
- (c) if so, the details thereof; and
- (d) the salient features of this project?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): (a) to (d) Government is implementing the National Child Labour Project (NCLP) Scheme in 266 child labour endemic districts. Under the Scheme, children withdrawn from work are enrolled into the special schools where they are provided with bridging education, vocational training, nutrition, stipend and health care facilities. As of now, there is no plan to expand the scheme across the country.

† Original notice of the question was received in Hindi.

Non use of funds by Delhi Construction Workers Welfare Board

4420. SHRI RAMA CHANDRA KHUNTIA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state whether it is a fact that the funds collected by the Delhi Construction Workers Welfare Board are not being used by the Board?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI HARISH RAWAT): As per information received from Government of National Capital Territory of Delhi, Delhi Building and Other Construction Workers Welfare Board has collected Rupees 389.21 crore as cess, out of which Rupees 26.34 crore have been spend on the Welfare Schemes till 31.03.2010.

Allocation of funds for maintenance of NHs

4421. SHRI Y.P. TRIVEDI: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) the funds allocated by Government to each of the State for maintenance of National Highways during the last two years and the current year;
- (b) the details of the works undertaken by State Governments in this regard;
- (c) the details of funds unutilized by Maharashtra Government; and
- (d) the steps taken by Government for proper utilization of the fund?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) State-wise and year-wise details of allocation of funds for maintenance and repair of National Highways (NHs) during the last two years viz. 2008-09 and 2009-10 are given in the Statement (*See below*). No fund has been allocated for the current year 2010-11 for the purpose so far.

(b) State Public Works Departments, the executive agencies of NHs undertook the repair and maintenance works on National Highways like Ordinary Repair (OR), Periodical Renewals (PR), Special Repair (SR) and Flood Damage Repairs (FDR) keeping in view the requirement and availability of funds.

(c) The details of funds remaining unutilized under Maintenance & Repairs by State of Maharashtra during the last two years are as under:

Sl.No.	Year	Amount remained unutilized
		(Rs. in crore)
1.	2008-09	9.88
2.	2009-10	11.06

(d) The progress of works and utilization of funds are regularly monitored by the Ministry at different levels and necessary corrective measures are taken from time to time.

Statement

Allocation of funds for maintenance of NHs.

(Amount Rs. in crore)

Sl. No.	Name of the State	Funds allocated during the year 2008-09	Funds allocated during the year 2009-10 (Provisional)
1	2	3	4
1	Andhra Pradesh	83.25	56.25
2	Arunachal Pradesh	1.82	0.91
3	Assam	40.20	78.85
4	Bihar	44.50	69.51
5	Chandigarh	0.68	0.75
6	Chhattisgarh	27.26	33.40
7	Delhi	0.00	0.50
8	Goa	5.01	5.35
9	Gujarat	42.04	43.03
10	Haryana	19.64	18.97
11	Himachal Pradesh	18.84	31.37
12	Jharkhand	20.38	28.97
13	Karnataka	71.24	64.76
14	Kerala	21.75	28.50
15	Madhya Pradesh	48.66	57.15
16	Maharashtra	62.92	66.98
17	Manipur	10.24	7.24
18	Meghalaya	17.53	14.78
19	Mizoram	9.20	3.58
20	Nagaland	10.78	12.30

1	2	3	4
21	Orissa	52.56	59.50
22	Puducherry	1.10	1.63
23	Punjab	25.58	23.00
24	Rajasthan	72.35	76.53
25	Tamil Nadu	49.40	32.62
26	Uttar Pradesh	55.22	73.93
27	Uttarakhand	21.87	25.31
28	West Bengal	31.49	27.15
29	Andaman & Nicobar Islands	0.0	4.00

Road accidents and fatalities on NHs

4422. SHRIMATI SHOBHANA BHARTIA:

SHRI N.K. SINGH:

Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) the number of road accidents and fatalities on the National Highways network within the last decade;
- (b) whether there are any highway-wise statistics available for the same;
- (c) whether reasons for higher number of casualties on certain stretches have been determined; and
- (d) the steps being taken to improve both safety and emergency medical services along the highways?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI MAHADEV S. KHANDELA): (a) The number of road accidents and fatalities on the National Highways is available with the Ministry since 2001. State-wise break-up of number of road accidents and fatalities on National Highways (including expressways) for the year 2001-2008 is given in the Statement — I and II (*See below*).

(b) and (c) No Sir. Road accident data is compiled in the Ministry in a format developed as per the Asia Pacific Road Accident Database (APRAD) project of United Nations Economic and Social Commission for Asia Pacific (UNESCAP). In this format, specific NH-wise/Stretches — wise data of road accidents is not compiled. Therefore, reasons for higher number of casualties on certain stretches of National Highways have not been determined.

(d) The safety of road users is primarily the responsibility of the concerned State Government. However, this Ministry has taken several corrective steps to improve road safety for road users which are as under:

- (i) It is ensured that road safety is the integral part of road design at planning stage.
- (ii) Various steps to enhance road safety such as road furniture, road markings/road signs, introduction of Highway Traffic Management System using Intelligent Transport System, enhancement of discipline among contractors during construction, road safety audit on selected stretches, have been undertaken by National Highways Authority of India.
- (iii) Refresher training to Heavy Motor Vehicle drivers in the unorganized sector being implemented by the Ministry since 1997-98 under plan activities.
- (iv) Setting up of Driving Training School in the States by Ministry of Road Transport and Highways.
- (v) Publicity campaign on road safety awareness both through the audio-visual and print media by Ministry of Road Transport and Highways.
- (vi) Tightening of safety standards of vehicles like Seat Belts, Power-steering, rear view Mirror etc.
- (vii) Providing cranes and ambulances to various State Governments/NGOs under National Highway Accident Relief Service Scheme. National Highways Authority of India also provides ambulances at a distance of 50 Km. on each of its completed stretches of National Highways under its Operation & Maintenance contracts.
- (viii) Widening and improvements of National Highways from 2 lanes to 4 lanes and 4 lanes to 6 lanes etc.

During the 11th Five Year Plan, the Government has approved a proposal of the Ministry of Health and Family Welfare for establishment of an integrated network of Trauma Centres along the Golden Quadrilateral, North-South and East-West Corridors of the National Highways by upgrading the trauma care facilities in 140 identified State Government hospitals, at a total outlay of Rs. 732.75 crore. Setting up of the integrated network of Trauma Centres along the Golden Quadrilateral, North-South and East West Corridors will ensure that each accident victim on these corridors is able to get competent medical assistance within the shortest possible time thereby saving precious lives. The

trauma care network has been so designed that no trauma victim has to be transported for more than 50 kilometer. The project comprises of well equipped life support Ambulances at every 50 Kilometer of the completed stretches of the National Highways with well-equipped & staffed trauma centre at every 100-200 Kilometer of the National Highways.

Statement – I

*Total Number of Persons Killed in Road Accidents on National Highways * in 2001 to 2008*

Sl. No.	States/UTs	2001	2002	2003	2004	2005	2006	2007	2008 (P)
1	2	3	4	5	6	7	8	9	10
States									
1	Andhra Pradesh	3036	2195	2948	3423	3284	5034	4370	4172
2	Arunachal Pradesh	23	34	45	67	7	55	23	28
3	Assam	824	879	719	870	1041	1199	983	1245
4	Bihar	442	1058	1165	592	749	1198	1555	1868
5	Chhattisgarh	382	670	643	631	814	749	790	1002
6	Goa	112	121	99	142	112	113	143	134
7	Gujarat	1275	1561	1479	1631	1474	1661	1812	1857
8	Haryana	1178	1070	1298	1321	1309	1615	1765	1775
9	Himachal Pradesh	273	299	263	280	296	354	585	258
10	Jammu & Kashmir	145	353	294	350	306	377	404	487
11	Jharkhand	677	731	809	856	847	592	746	882
12	Karnataka	2283	2430	2132	2425	2467	2828	2921	2838
13	Kerala	1114	1148	1149	1196	1216	1309	1453	1403
14	Madhya Pradesh	1139	1389	1578	1475	1005	1697	1857	1909
15	Maharashtra	3383	3062	3168	3135	3193	3567	3148	3662
16	Manipur	45	50	84	53	102	100	63	81
17	Meghalaya	101	64	122	87	73	110	77	73
18	Mizoram	43	29	41	36	19	22	12	35

1	2	3	4	5	6	7	8	9	10
19	Nagaland	23	20	23	36	18	40	49	31
20	Orissa	972	1100	1155	1353	1051	1322	1389	1472
21	Punjab	924	1019	1155	1047	1217	1140	1346	1149
22	Rajasthan	2455	2535	2615	2672	2734	3028	3059	3495
23	Sikkim	11	27	8	16	16	20	12	15
24	Tamil Nadu	4407	4793	4426	4158	3659	3982	4430	4417
25	Tripura	74	38	69	77	103	92	124	65
26	Uttaranchal	321	376	266	425	492	510	504	634
27	Uttar Pradesh	3666	3758	3240	3860	5040	4492	4580	5210
28	West Bengal	2421	2435	1732	2113	2365	1951	2026	2115
UTS									
1	Andaman & Nicobar Islands	0	0	0	0	0	0	0	6
2	Chandigarh	9	22	24	22	28	29	45	36
3	Dadra & Nagar Haveli	0	0	0	0	0	0	0
4	Daman & Diu	0	0	0	0	0	0	0	0
5	Delhi	268	251	302	276	274	518	286	278
6	Lakshadweep	0	0	0	0	0	0	0
7	Pondicherry	82	104	102	98	128	116	55	38
Total		32108	33621	33153	34723	35439	39820	40612	42670

(P): Provisional

Statement – II

Total Number of Road Accidents on National Highways in 2001 to 2008

Sl. No.	States/UTs	Years							
		2001	2002	2003	2004	2005	2006	2007	2008 (P)
1	2	3	4	5	6	7	8	9	10
States									
1	Andhra Pradesh	9096	8185	12511	12179	9799	15188	13040	12327
2	Arunachal Pradesh	93	78	46	99	17	109	67	101
3	Assam	1927	1928	1775	2377	2533	2758	2334	2683
4	Bihar	1167	3106	3012	967	1688	2695	3159	3862

1	2	3	4	5	6	7	8	9	10
5	Chhattisgarh	2597	5531	3000	3726	4167	4608	3421	4001
6	Goa	1149	1404	1291	1395	1254	1225	1398	1593
7	Gujarat	6738	7239	8038	7480	7846	7030	7253	7025
8	Haryana	3033	2315	3378	3219	3217	3492	4042	3990
9	Himachal Pradesh	898	1047	1453	1076	1178	1086	1947	1080
10	Jammu & Kashmir	536	2141	2317	2401	2035	2013	2385	2365
11	Jharkhand	1392	1817	1677	1761	1739	1849	1718	1860
12	Karnataka	9906	10246	10594	11363	13106	13212	13310	12949
13	Kerala	10095	10840	10543	11102	11585	10619	11000	9997
14	Madhya Pradesh	6136	7347	8156	8158	6420	11216	10468	10359
15	Maharashtra	14576	13717	13930	14713	13643	14448	13563	13866
16	Manipur	208	263	329	250	391	310	307	292
17	Meghalaya	370	113	425	272	244	294	153	186
18	Mizoram	52	54	80	40	43	32	23	58
19	Nagaland	54	29	47	43	90	98	121	36
20	Orissa	2940	2920	2949	3639	3305	3589	3699	3635
21	Punjab	1329	1588	1888	1620	1884	1811	2240	1903
22	Rajasthan	7465	7214	7515	7735	7728	7960	8218	7811
23	Sikkim	43	109	34	42	41	51	38	47
24	Tamil Nadu	19881	22091	20655	19797	17695	17763	19910	19158
25	Tripura	202	164	314	279	307	383	445	270
26	Uttarakhand	469	542	445	561	623	647	788	818
27	Uttar Pradesh	7914	7849	5490	6520	9156	7892	8105	9795
28	West Bengal	3795	10002	3999	5590	6296	5082	4343	4621
UTs									
1	Andaman & Nicobar Islands	0	0	0	0	15	0	0	37
2	Chandigarh	45	99	45	38	67	86	99	89
3	Dadra & Nagar Haveli	0	0	0	0	0	0	0	0
4	Daman & Diu	0	0	0	0	0	0	0	0
5	Delhi	1123	1030	1129	1046	1057	1826	956	875
6	Lakshadweep	0	0	0	0	0	0	0	0
7	Puducherry	595	730	769	777	825	786	372	306
	Total	115824	131738	127834	130265	129994	140158	138922	137995

(P): Provisional

Development of highways in A.P.

4423. SHRI PENUMALLI MADHU: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether it is a fact that Government has approved Rs. 2,973 crores for development of 352 Kms. of highways;

(b) if so, the details of highways that are going to be taken up out of the 352 Kms. in the State of Andhra Pradesh;

(c) whether any time-frame has been fixed for completing the 352 Kms. of highways; and

(d) if so, the details thereon?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) No, Sir.

(b) to (d) Does not arise. However, the Details of work awarded (on BOT) by National Highways Authority of India during 2008-09 and 2009-10 in the State of Andhra Pradesh are given in the Statement.

Statement

Details of work awarded (on BOT) by National Highways Authority of India in the State of Andhra Pradesh

Sl. No.	Project	NH	Length (Km)	Total Project Cost Rs in Cr	Date of award	Date of signing of Agree-ment	Comp-letion period	Present status	Date of CCEA Approval
1	2	3	4	5	6	7	8	9	10
1	Armur Adloor YellaReddy Km 308 to Km 367 on Nagpur Hyderabad section	7	60	490.50	27.05.09	05.08.09	24 months	Documents submitted relating to Financial close	Jan-2009
2	Hyderabad-Vijayawada Section Km 40.000 to km 221.500	9	181.50	1740	27.05.09	09.10.09	910 days	Documents submitted relating to Financial close	Dec-2008

1	2	3	4	5	6	7	8	9	10
3	Hyderabad Yadgiri section Km 18.600 to Km 54.000	202	35.40	388	31.12.09	24.02.10	650 days	Documents submitted relating to Financial close	Dec-2009
4	Cuddapah Maidukur Kurnool section from Km 167.75 to Km 356.030	18	188.752	1585	26.02.09	11.02.10	30 months	Documents submitted relating to Financial close	Jan-2009
TOTAL			465.652	4203.50					

Widening of Mumbai-Goa NH

4424. SHRI BHARATKUMAR RAUT: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether there is a plan to widen the Mumbai-Goa National Highway and make it a 4-lane road;
- (b) if so, by when the work will begin;
- (c) when it is expected to be completed; and
- (d) what is the cost involved?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) Yes, Sir.

(b) to (d) Mumbai-Goa stretch of NH-17 is having a length of 475.210 km. in the State of Maharashtra and 122 Km. in the State of Goa. In Maharashtra, four laning on a 25 km stretch between Zarap to Patra Devi is in progress and is likely to be completed in December, 2010. On the balance portion, the work is likely to commence in the year 2011-12. The entire work is likely to be completed in 2014-15. The present estimated cost is around 7100 crores.

Land for expansion of NH-17 and 4

4425. SHRI SHANTARAM LAXMAN NAIK: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether Government has fixed any specific time for Government of Goa to make available required land for the upgradation/expansion and/or construction of National Highway 17 and National Highway 4;

- (b) if so, the time-period fixed or visualized by Government;
- (c) the total area required for NH-17 project and total area made available for the two projects, separately;
- (d) the total expenditure involved, nature of tenders awarded or about to be awarded; and
- (e) the proposed date of completion?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) Yes, Sir.

(b) National Highways Authority of India has requested Government of Goa to complete the process of land acquisition for NH-4A by May, 2010 and for NH-17 earliest possible before October, 2010.

(c) The total area to be acquired is 132 ha for NH-4A and 310 ha for NH-17.

(d) For NH-4A tender has been awarded under Build, Operate & Transfer (BOT) (Design, Build, Finance, Operate & Transfer pattern) for a total project cost of Rs. 471.00 crore. The total project cost of NH-17 is Rs.1872 crore for which bidding is in process.

(e) The construction period for NH-4A is 30 months and for NH-17 is 36 months.

Land acquisition for widening of NHs in Gujarat

4426. SHRI NATUJI HALAJI THAKOR: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) the present status of land acquisition for widening of National Highways in Gujarat including Surat-Mehsana-Bharuch Rajkot and Amroli;
- (b) whether funds for this project and proposal for construction of new river bridge at Jade Shawar on Vadodara-Surat six lane NHAI road have been sanctioned;
- (c) if so, the details thereof;
- (d) whether the processes of alignment of bye passes on the said National Highways have been completed; and
- (e) if so, the time by when construction work on the said National Highways is likely to be completed?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) Out of 2439.64 hectare of land to be acquired, so far 109.95 hectare has been acquired in Gujarat including the districts of Surat and Rajkot.

(b) and (c) Action has already been taken to have the Detailed Project Report for the bridge prepared.

(d) and (e) The construction work including the bypasses on National Highways is likely to be completed by the year 2013.

Completion of 12,000 Kms. of highways

4427. SHRI PENUMALLI MADHU: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether it is a fact that Government is planning to award 12,000 Kms. of highways by June, 2010;

(b) if so, the details of stretches that are going to be awarded, State-wise and with particular reference to Andhra Pradesh;

(c) the total investment required to complete the above 12,000 Kms. highways with particular reference to Andhra Pradesh;

(d) in what manner Government is planning to pool the resources to complete the above projects; and

(e) the details of projects which are on PPP, BOT and other modes?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) and (b) Government proposes to award about 12,000 km under Work Plan-I. Out of this 3549 km has already been awarded. The details of balance stretches targeted for awards are given in the Statement (See below).

(c) and (d) The cost of 12,000 km is about Rs.1,00,000 crore. The tentative cost of projects in Andhra Pradesh is Rs. 2800 crore. The projects are proposed to be taken on Build Operate and Transfer (BOT) basis where Government investment may be up to 40% of the project cost and remaining from the private sector.

(e) All the projects are targeted for award on BOT (Toll)/BOT (Annuity) mode.

Statement

Balance projects of work plan-I

Sl.No.	State	Name of Project	NH No.	Length (km)
1	2	3	4	5
1	Andhra Pradesh	Vijayawada-Machilipatnam	9	65
2	Andhra Pradesh	Nellore-Chilakaluripet	5	184
3	Bihar	Motihari-Raxaul	28A	67
4	Bihar	Patna-Bakhtiarpur	30	53
5	Bihar	Khagaria-Purnea	31	141
6	Bihar	Chapra-Hajipur	19	72
7	Bihar	Gopalaganj-Chapra	85	84
8	Bihar	Patna-Buxar	30 & 84	125
9	Bihar	Khagaria-Bakhtiarpur	31	120
10	Bihar	Forbersganj-Jogwani	57A	13
11	Bihar	Sonbarsa-Muzaffarpur	77	89
12	Bihar	Mokhama-Munger	80	70
13	Goa	Maharashtra/Goa Border - Panaji Goa/KNT Border	17	123
314	Gujarat	Jetpur-Somnath	8D	127
15	Gujarat	Ahmedabad-Vadodara	8	95
16	Haryana	Panchkula-Barwala-Saha - Yamuna Nagar upto UP border	73	108
17	Haryana	Rohtak-Hissar	10	97
18	Haryana	Rohtak-Jind	71	45
19	Haryana	Ambala-Kaithal	65	78
20	Haryana/Uttar Pradesh	Delhi-Agra	2	180
21	Haryana/Uttar Pradesh	Eastern Peripheral Expressway	Other PPP Project	135

1	2	3	4	5
22	Himachal Pradesh	Shimla-Solan	22	60
23	Himachal Pradesh	Parwanoo-Solan	22	40
24	Jammu & Kashmir	Srinagar-Banihal (Pkg I)	1A	68
25	Jammu & Kashmir	Quazigund-Banihal (Pkg II)	1A	15
26	Jammu & Kashmir	Ramban-Banihal (Pkg III)	1A	36
27	Jammu & Kashmir	Udhampur-Ramban (Pkg IV)	1A	43
28	Jammu & Kashmir	Chenani-Nashri (Pkg V)	1A	12
29	Jammu & Kashmir	Jammu-Udhampur (Pkg VI)	1A	65
30	Jharkhand	Ranchi-Jamshedpur	33	164
31	Jharkhand	Barhi-Hazaribagh	33	40
32	Jharkhand/West Bengal	Barwa Adda-Panagarh	2	120
33	Karnataka	Tumkur-Chitradurga	4	114
34	Karnataka	Karnataka/AP Border-Mulbagal	4	22
35	Karnataka	Belgaum-Dharwad	4	80
36	Karnataka	Belgaum-Goa/KNT Border	4A	82
37	Kerala	Walayar-Vadankancherry	47	58
38	Kerala	Thiruvanthapuram-Ochira	47	86
39	Kerala	KNT/Kerala Border-Kannur	17	130
40	Kerala	Kuttipuram-Edapally	17	112
41	Kerala	Trivendrum-Kerala/TN Border	47	43
42	Madhya Pradesh	Bhopal-Bareilly	12 & 69	112
43	Madhya Pradesh	Bareilly-Rajmarg crossing	12	98
44	Madhya Pradesh	Rajmarg crossing-Jabalpur	12	102
45	Madhya Pradesh	Jhansi-Khajuraho	75	177
46	Madhya Pradesh	Bhopal-Sanchi	86	57
47	Madhya Pradesh	Umarnala-Ramkona-Sausar-Saoner	26B	68

1	2	3	4	5
48	Madhya Pradesh	Chindwara-Chaurai-Seoni	69A	70
49	Madhya Pradesh	Multai-Chindwara	69A	89
50	Madhya Pradesh	Amarwara-Umrana including bypass for Chindwara	26B	75
51	Madhya Pradesh	Narsinghpur-Harrai-Amarwara	26B	89
52	Maharashtra	Panel-Indapur	17	84
53	Maharashtra	Solapur — Maharashtra/ Karnataka Border	13	30
54	Maharashtra	Nagpur — Wainganga Bridge	6	60
55	Maharashtra	Satara — Kagal	4	133
56	Meghalaya	Jorabat-Shillong	40	62
57	Meghalaya	Shillong Bypass	40 & 44	50
58	Orissa	Panikoli — Keonjhar — Rimuli Section	215	163
59	Orissa	Sambalpur-Baragarh -Chattisgarh/Orissa Border	6	88
60	Orissa	Bhubaneswar-Puri	203	59
61	Orissa	Chandikhole-Dubari-Talchar	200	133
62	Orissa/West Bengal	Dankuni-Baleeshwar	6 & 60	240
63	Rajasthan	Beawar-pali	14	116
64	Rajasthan	Pali-Pindwara	14	130
65	Rajasthan	Reengus — Sikar	11	42
66	Rajasthan	Udaipur — Ahmedabad	8	242
67	Rajasthan	Kishangarh — Udaipur	79A, 79 & 76	315
68	Tamil Nadu	Coimbatore — Mettupalayam	67	55
69	Tamil Nadu	Tirupati — Tiruthani — Chennai	205	125
70	Tamil Nadu	Hosur — Krishanagiri	7	65
71	Tamil Nadu	Tindivanam — Krishanagiri	66	200

1	2	3	4	5
72	Tamil Nadu	Kerala/ TN Border Kanyakumari	47 & 47B	70
73	Tamil Nadu	Nagapatnam — Thanjavur	67	77
74	Tamil Nadu	Trichy — Karaikudi	210	120
75	Tamil Nadu	Karaikudi — Ramanathapuram	210	80
76	Tamil Nadu	Dindigul — Perigulam — Theni & Theni — Kumili	45 & 220	130
77	Tamil Nadu	Madurai — Ramnathpuram — Rameshwaram — Dhanuskodi	49	186
78	Tamil Nadu	Walajpet — Poonamalee	4	92
79	Uttar Pradesh	Bareilly — Sitapur	24	153
80	West Bengal	Realignment to Ghoshpukur — Salsalabari	31-D	164
81	West Bengal	Barasat — Krishangar	34	84
82	West Bengal	Krishangar-Bahrapore	34	78
TOTAL			8024	

Amendment in the model concession agreement for highway projects

4428. SARDAR SUKH DEV SINGH DHINDSA: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether Government proposes any amendment in the model concession agreement for highway projects to enable concessionaries to take up additional work without any financial assistance from Government; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) No, Sir.

(b) Does not arise.

Bids for mega road projects from cash-rich players

4429. SHRI MOINUL HASSAN: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether Government has decided to invite bids from only cash-rich players for Mega Road Projects and also decided the number of joint venture partners bidding for above projects would not be more than two;

(b) if so, the reasons therefor; and

(c) what will be fate of smaller players in the road sector?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) to (c) All projects under National Highways Development Project (NHDP) are awarded on the basis of international competitive bidding. No constraint has been placed on the number of partners in any consortium. Certain amendments have been made in the Request for Qualification (RFQ) documents, to curb name-lending and for ensuring that the benefits accruing to a consortium are aligned with the equity structure, to keep the non-performers/black-listed entities out, curb international or accidental accumulation of the projects by bidders, who may overstretch themselves with resultant difficulty in securing financing, and rule out frivolous bidders with a view to accelerate the implementation of projects under NHDP. Further, bidders can participate in the bidding process for various projects in accordance with their capacity, subject to fulfillment of the eligibility criteria.

Cost escalation of NHAI projects

4430. SARDAR SUKH DEV SINGH DHINDSA: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) the number of highway projects under NHAI which are facing cost overruns;

(b) the details of the projects;

(c) the main reasons for cost escalation; and

(d) the remedial measures taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) and (b) As regards cost overruns relating to delayed projects, the Engineering Procurement Construction (EPC) contracts provide for variation and payment of escalation including escalation on extended completion period, where extension of time is granted due to delays not attributable to the contractors.

(c) The main reasons for cost escalation include increase in cost of material and labour due to rise in inflation, variations in the project, and change in scope of works.

(d) In order to expedite implementation, projects are being monitored closely and periodically reviewed at Head Quarter/Regional Office as well as field units. Special land acquisition units are also being set up to expedite land acquisition. State Governments have been requested to appoint Chief Secretaries as a Nodal officers for NHDP projects to ensure better coordination and resolution of problematic issues.

Proposals from NER for central road fund

4431. SHRI BIRENDRA PRASAD BAISHYA: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether Government has received proposals from the North-Eastern Region for providing Central Road Fund; and

(b) if so, the State-wise details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) and (b) The State — wise details of the proposals received and sanctioned during 2009-10 in North-Eastern Region under Central Road Fund (CRF) is given below.

(Amount in Rs. crore)

Sl.No.	Name of the State	Proposals received		Proposals sanctioned	
		No.	Amount	No.	Amount
1	Arunachal Pradesh	30	251.06	10	158.33
2	Assam	0	0	0	0
3	Manipur	15	571.30	3	16.00
4	Meghalaya	8	54.64	8	53.89
5	Mizoram	7	21.49	7	21.49
6	Nagaland	3	18.94	0	0
7	Sikkim	6	13.08	4	10.32
8	Tripura	1	31.93	0	0

No proposals during 2010-11 have been received so far.

Widening stretches on NHs in Gujarat

4432. SHRI NATUJI HALAJI THAKOR: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether Government proposes to widen stretches of National Highways passing through Gujarat State from four to six lane and two to four and six to eight lane in various districts of the State including Bharuch, Rajkot, Mehsana, Surat and Amreli;

- (b) if so, the details thereof, National Highway-wise;
- (c) the request so far received from the State Government to convert widen lines district-wise, National Highway-wise;
- (d) whether Government has taken any action on the above request; and
- (e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) and (b) It is proposed to widen various National highways to 4/6 lanes in the States of Gujarat. The details are given in the Statement — I (See below).

(c) to (e) The details of proposals for 4/6 laning as received from the State Government are given in the Statement — II (See below). Two works of widening from 4 to 6 lane on National Highway No. 8A have been sanctioned.

Statement — I

Widening stretches of NHs in Gujarat.

S. No.	Stretch	NH No.	Length in km	Proposal	Districts covered
1	Ahmedabad — Godhra	59	118	4 lane	Ahmedabad,
2	Vadodara, Godhra to Gujarat/MP Border	59	83.85	4 lane	Bharuch, Surat,
3	Gujarat/Maharashtra Border - Surat-Hazira	6	133	4 lane	Navsari, Tapi, Rajkot, Junagadh,
4	Kandla-Mundra Port	8A Extn.	71.4	4 lane	Kutchch, Godhra,
5	Jetpur-Somnath	8D	127	4 lane	Dahod, Sabarkantha,
6	Samakhilai-Gandhidham	8A	56	4 lane	Gandhinagar, Kheda,
7	Surat-Dahisar	8	239	6 lane	Anand, Valsad
8	Ahmedabad — Vadodara	8	102	6 lane	
9	Udaipur — Ahmedabad (Gujarat Portion)	8	142	6 lane	
*10	Vadodara-Bharuch	8	83.3	6 lane	
*11	Bharuch — Surat	8	65	6 lane	

* Already completed.

Statement — II

Widening stretches of NHs in Gujarat

S. No.	Stretch	NH No.	District	Length in km
*1	Widening from four lane to six lane from km. 0/0 to km. 6.720	8A	Ahmedabad	6.72
*2	Widening from four lane to six lane from km. 14,600 to km. 22.600	8A	Ahmedabad	8.0
3	Widening from four lane to six lane from km.13.500 to km. 26.200	8C	Gandhinagar	12.70
4	Widening from four lane to six lane from km. 0.00 to km. 6.400	8C	Gandhinagar	6.400
5	Widening from two lane to four lane from km. 3.200 to km. 40.000	8E	Bhavnagar	36.80
6	Widening from two lane to four lane from km. 366.367 to 368.250	8E Extn.	Porbandar	1.883
7	Widening from four lane to six lane from km. 22.600 to km. 30.600	8A	Ahmedabad	8.00
8	Widening from four lane to six lane from km. 61.400 to km. 182.600	8A	Surendranagar	121.200
9	Four-laning from Mundra to Narayan Sarovar	8A Extn.	Katchch	183.00

* Already sanctioned.

Assistance for road and safety programme in Assam

4433. SHRI KUMAR DEEPAK DAS: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether Government has received any proposal for assistance for road and safety programme from Government of Assam;
- (b) whether these proposals have been sanctioned; and
- (c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) to (c) Invariably all road works sanctioned by the Ministry provides for road

safety measures such as road signage, central line/edge line markings, crash barriers etc. During 2009-2010, works for a length of 440.48 km at an aggregate cost of Rs. 560.34 crore has been sanctioned by the Ministry for improvement of roads in Assam, including such road safety measures.

Central funds to states for road safety

4434. SHRIMATI VIPLOVE THAKUR: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether there is any Central scheme to provide funds to the State Governments to improve their road safety;

(b) if so, the State-wise details thereof and the amount allocated during the last three years and current year;

(c) whether Government has received request from Government of Himachal Pradesh for providing special financial assistance to construct retaining wall along certain roads in order to stop increasing number of road accidents in lack of that; and

(d) if so, the details thereof and Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI MAHADEV S. KHANDELA): (a) and (b) No Sir. There is no Central scheme to provide funds to the State Governments to improve their road safety.

(c) and (d) This Ministry has not received any proposal from the Government of Himachal Pradesh for providing special financial assistance to construct retaining wall. However, as and when the provisions for retaining walls are recommended by State Public Works Department of Himachal Pradesh as part of Estimates for National Highways, the same will be considered by the Ministry.

Road accidents on NHs and expressways

4435. SHRI RAMDAS AGARWAL: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether as per report of World Health Organization, India has been reported as having one of the highest road accidents and fatalities in the world;

(b) if so, the number of road accidents and consequent fatalities reported on National Highways and Expressways in the country during the last three years including current year, State-wise;

(c) whether any study has been conducted to find out reasons behind such large number of road accidents; and

(d) if so, the details thereof along with steps taken till date by the Union Government to ensure safety of commuters, pedestrians and slow moving traffic on NHs and Expressways?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI MAHADEV S. KHANDELA): (a) As per the World Road Statistics (WRS) 2009, brought out by the International Road Federation, (IRF) Geneva, India has been reported as having the highest number of fatalities in Road Accidents (114444) as per 2007 data followed by China (81649) during 2007.

(b) The number of road accidents and fatalities on National Highways and Expressways State-wise for the years 2006-2008 (the latest available data) is given in the Statement — I (*See below*).

(c) As per study report "Road Safety in India: Challenges and Opportunities" prepared by the University of Michigan, Transport Research Institute (UMTRI) and co-authored by Professor Dinesh Mohan from IIT, Delhi, the following six areas where counter measures need to be examined to bring about substantial improvement in road safety in India are:

- i. Pedestrians and other non-motorists in Urban areas.
- ii. Pedestrians, other non motorists and slow vehicles on highways.
- iii. Motorcycles and small cars in Urban areas.
- iv. Over-involvement of trucks and buses.
- v. Nighttime driving; and
- vi. Wrong-way drivers on divided highways.

Safety counter measures for each of these areas, as suggested in the Report, are given in the Statement — II (*See below*).

(d) The safety of road users is primarily the responsibility of the concerned State Government. However, this Ministry has taken the following steps to improve road safety for road users:

(i) Road safety is an integral part of road design at the planning stage for National Highways/Expressways.

(ii) Various steps to enhance road safety such as road furniture, road markings/road signs, introduction of Highway Traffic Management System using Intelligent Transport System, and enhancement of discipline among contractors during construction, road safety audit on selected stretches, have been undertaken by National Highways Authority of India.

(iii) Provision of paved shoulders for movement of pedestrian and other slow moving vehicles.

(iv) A paved shoulder is in addition to the main carriageway and is distinctly marked by yellow/white line.

(v) Provision of caution signs as per standard Indian Road Congress (IRC) Specifications.

(vi) Spreading awareness about road safety through print and electronic media.

Apart from the above, other facilities provided include pedestrians cross walks at important sections, zebra crossings, pedestrians under passes, over passes, service lanes for 6 Lanning Projects.

Statement – I

Road accidents on NHs and expressways

S. No.	States	Total number of Road Accidents on National Highways*			Total number of Persons killed on National Highways*		
		2006	2007	2008(P)	2006	2007	2008(P)
1	2	3	4	5	6	7	8
1	Andhra Pradesh	15188	13040	12327	5034	4370	4172
2	Arunachal Pradesh	109	67	101	55	23	28
3	Assam	2758	2334	2683	1199	983	1245
4	Bihar	2695	3159	3862	1198	1555	1868
5	Chhattisgarh	4608	3421	4001	749	790	1002
6	Goa	1225	1398	1593	113	143	134
7	Gujarat	7030	7253	7025	1661	1812	1857
8	Haryana	3492	4042	3990	1615	1765	1775
9	Himachal Pradesh	1086	1947	1080	354	585	258
10	Jammu & Kashmir	2013	2385	2365	377	404	487
11	Jharkhand	1849	1718	1860	592	746	882
12	Karnataka	13212	13310	12949	2828	2921	2838

1	2	3	4	5	6	7	8
13	Kerala	10619	11000	9997	1309	1453	1403
14	Madhya Pradesh	11216	10468	10359	1697	1857	1909
15	Maharashtra	14448	13563	13866	3567	3148	3662
16	Manipur	310	307	292	100	63	81
17	Meghalaya	294	153	186	110	77	73
18	Mizoram	32	23	58	22	12	35
19	Nagaland	98	121	36	40	49	31
20	Orissa	3589	3699	3635	1322	1389	1472
21	Punjab	1811	2240	1903	1140	1346	1149
22	Rajasthan	7960	8218	7811	3028	3059	3495
23	Sikkim	51	38	47	20	12	15
24	Tamil Nadu	17763	19910	19158	3982	4430	4417
25	Tripura	383	445	270	92	124	65
26	Uttarakhand	647	788	818	510	504	634
27	Uttar Pradesh	7892	8105	9795	4492	4580	5210
28	West Bengal	5082	4343	4621	1951	2026	2115
UTs							
1	Andaman & Nicobar Islands	0	0	37	0	0	6
2	Chandigarh	86	99	89	29	45	36
3	Dadra & Nagar Haveli	0	0	0	0	0	0
4	Daman & Diu	0	0	0	0	0	0
5	Delhi	1826	956	875	518	286	278
6	Lakshadweep	0	0	0	0	0	0
7	Puducherry	786	372	306	116	55	38
TOTAL		140158	138922	137995	39820	40612	42670

(P) Provisional

* : Includes Expressways

Statement — II

Summary of promising countermeasures

Problem area	Exposure	Risk	Consequences
Pedestrians and other non motorists in urban areas	Separation of motorized and non-motorized traffic on arterial roads	Speed control Roundabouts Restrictions on free left turns	Pedestrian friendly front ends of vehicles
Pedestrians, other non motorists and slow vehicles on highway	Special facilities for slow and local traffic all along highways	Pedestrian detection technology Forward collision warning systems	Pedestrian — friendly front ends of vehicles Crashworthiness of slow vehicles
Motorcycles and small cars in urban areas		Day time running rights Improved lighting and signaling	Enforcement of helmet-use and seatbelt laws Introduction of passive measures like airbags Pedestrian/motorcycle impact standards for small cars
Over — involvement of trucks and buses		Speed control Rest regulations for truck drivers Improved vehicle conspicuity	Safer vehicles fronts
Nighttime driving		Improved head lighting Improved vehicle conspicuity Random alcohol breath testing Rest regulations for truck drivers	
Wrong way drivers on divided highways	Highway design incorporating local needs Enforcement	Forward collision warning systems	

Toll charges for Gurgaon expressway

4436. SHRI RAMDAS AGARWAL: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether it is a fact that for the fourth time in two years, toll charges for 27.7 Km. Gurgaon Expressway has been increased;
- (b) if so, to whom task of collection of toll tax has been assigned indicating the amount collected during the years 2008-09, 2009-10 till the current financial year indicating the date of notification each time;
- (c) what is the mechanism evolved by Government for increasing rates of toll tax; and
- (d) whether Government proposes to review/amend the Toll Tax Rules 2008, relating to roads, if so, by when?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) No Sir. The user fee rates have been revised on three occasions since commercial operations of the project in January, 2008.

(b) The user fee is being collected by the Concessionaire (M/s. JPDSC Ventures Ltd) in accordance with the notification published on June 18, 2007. The total amount of user fee collected during the years 2008-09 and 2009-10 was Rs. 129.40 crore and Rs. 153.93 crore respectively.

(c) The user fee rates are revised every year on 1st April, as per the provisions of the notification, based on the change in Wholesale Price Index (WPI).

(d) Government has undertaken comprehensive review of the National Highways Fee (Determination of Rates and Collection) Rules, 2008 for amendments, as may be necessary.

Introduction of high security registration plates for motor vehicles

4437. SHRI JAI PRAKASH NARAYAN SINGH: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether Government has constituted a High Level Committee to look into the grievances relating to introduction of High Security Registration Plates for motor vehicles;
- (b) if so, whether the recommendations of the Committee have been received and if so, the details thereof;

(c) whether All India Vehicles Owners Association have represented to Government on number of issues including different price-structure and cartelization of some tainted companies; and

(d) if so, the action taken by Government on their representation, point-wise, so far?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI MAHADEV S. KHANDELA): (a) and (b) The Government has set up a Committee under the convenorship of Joint Secretary (Transport) in this Ministry to look into various aspects relating to implementation of HSRP. The Committee will work within the ambit of the mandate given to it. This is a Standing Committee and will make its recommendations to the Government from time to time.

(c) and (d) The All India Private Vehicles Owners Association in its representation has raised the issues relating to wide difference in the rates of HSRP and formation of cartel by some companies to grab the contract in different States. As far as the price of HSRP is concerned, as per the information available in this Ministry, so far, the scheme has been implemented only by three States i.e Meghalaya, Sikkim and Goa. As such it may not be correct to say that there is wide difference in the price of HSRP in various States. Moreover, the scheme has to be implemented by the States/UTs. It is their responsibility to negotiate the price of HSRP with the vendors. Any method to calculate the price of HSRP would need to be devised by the concerned States and not by the Central Government.

Further, none of the States/UTs have brought to the notice of this Ministry about the involvement of any cartel in the business of HSRP. The All India Private Vehicle Owners Association had also filed a Writ Petition (Civil) No. 581 of 2008 in the Supreme Court in this regard. This petition was dismissed by the Hon'ble Court observing that it has "no merits." As on date 18 vendors have been given type approval by different testing agencies. As such, the question of monopoly does not arise.

Development of NH and State roads in LWE affected areas

4438. MS. MABEL REBELLO: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether project covering development of 1,202 Km. of NH and 4,362 Km. of State roads in Left Wing Extremist (LWE) affected areas, is being implemented; and

(b) if so, the details of funds allotted and road length of NH and State roads covered, year-wise and district-wise, and especially for Jharkhand for the last three years, project-wise?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) Yes, Sir.

(b) No length of roads under this scheme has been completed during any of the last 3 years as the scheme was approved in February 2009 and thereafter sanction of detailed cost estimates submitted by the respective States started from October 2009. An expenditure of Rs. 4.72 crore has been incurred during 2009-10 for Maharashtra only under the Scheme. The details of road length identified district-wise are given in the Statement.

Statement

States/Districts included and length identified in Km.

S.No.	State	Districts	National Highways	State Roads	Total length
1	2	3	4	5	6
1.	Andhra Pradesh	1. Khammam	120	340	460
2.	Bihar	1. Aurangabad	0	240	240
		2. Arwal	64	220	284
		3. Jehanabad			
		4. Jamui	0	363	363
		5. Gaya	11	484	495
		TOTAL	75	1307	1382
3.	Chhattisgarh	1. Bastar	84	0	84
		2. Bijapur	160	214	374
		3. Dantewada	166	292	458
		4. Narayanpur	0	174	174
		5. Rajnandgaon	0	55	55
		6. Sarguja	0	606	606
		7. Kanker	0	262	262
		TOTAL	410	1603	2013
4.	Jharkhand	1. Latehar	100	0	100
		2. Garwha	71	0	71
		3. Chatra	169	0	169

1	2	3	4	5	6
		4. Lohardaga	143	0	143
		5. West Singhbhum	51	41	92
		TOTAL	534	41	575
5.	Madhya Pradesh	1. Balaghat	0	121	121
6.	Maharashtra	1. Gondia	0	117	117
		2. Gadchiroli	0	284	284
		TOTAL	0	401	401
7.	Orissa	1. Sambalpur	0	54	54
		2. Gajapati	0	157	157
		3. Malkangiri	0	140	140
		4. Rayagada	0	119	119
		TOTAL	0	470	470
8.	Uttar Pradesh	1. Sonbhadra	63	80	143
		GRAND TOTAL	1202	4363	5565

Road safety on NHs

4439. SHRI N.R. GOVINDARAJAR: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether Government has decided to set up an independent body to put in place safety provisions for National Highways;
- (b) if so, the details thereof;
- (c) whether Government proposes to create a national road safety fund aimed to give financial freedom to the proposed board;
- (d) if so, the details thereof;
- (e) whether it is a fact that India has the maximum number of road accidents in the world; and
- (f) whether the proposed road safety fund will be responsible for prescribing steps to uplift safety standards in the design, construction and maintenance of highways besides suggesting safety measures for motor vehicles?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI MAHADEV S. KHANDELA): (a) and (b) The Government has introduced a bill in Lok Sabha on 4th May, 2010 to create National Road Safety and Traffic Management Board to oversee road safety activities in the country in a comprehensive manner.

(c) and (d) The bill also envisages creation of National Road Safety and Traffic Management Fund by way of earmarking one percent of the Cess on petrol and diesel allocated for National Highways and Railways for providing an independent resource mechanism for the National Road Safety and Traffic Management Board to carry out its activities.

(e) Yes Sir. As per the World Road Statistics (WRS) 2009, brought out by the international Road Federation, Geneva, India has reported the highest number of the persons killed in Road Accidents (114444) followed by China (81649). United States of America (17,48,435) has the highest Number of "injury accidents" followed by Japan (832454) & India (479219).

(f) The National Road Safety and Traffic Management Board Bill-2010 envisages that the Board will have powers to recommend standards for design, construction and maintenance of National Highways besides recommending safety standards for motor vehicles.

Road accidents on NHs in Tamil Nadu

4440. SHRI S. ANBALAGAN: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether it is a fact that the number of fatal road accidents on the National Highways in the State of Tamil Nadu is very high mainly due to the less width of the highways;

(b) if so, the details thereof including the number of fatal accidents on the National Highways during each of the last three years and its percentage of the all India figure; and

(c) the steps proposed to be taken by the Union Government for the widening of the National Highways in the State, highways-wise?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI MAHADEV S. KHANDELA): (a) It is true that the number of fatal road accidents on the National Highways in the State of Tamil Nadu is very high. However, Road accidents and fatalities occurring on National Highways are caused due to a number of factors such as driver's fault, mechanical defects in the vehicles, fault of pedestrians, defect in road condition, bad weather, increase in

vehicular population, heterogeneous traffic etc. Data on road accidents due to less width of the highways are not being maintained by the Ministry separately.

(b) The number of fatal accidents on the National Highways in the State of Tamil Nadu, during the years 2006-2008 (the latest available data) and its percentage of the all India figure is as under:

Year	Total number of fatal accidents on NHs in India	Total number of fatal accidents on NHs in Tamil Nadu	Percentage with reference to All India figure
2006	34,852	3,492	10.01
2007	35,432	3,920	11.38
2008	37,096	3,883	10.46

(c) The details of National Highways wise projects of widening in the State of Tamil Nadu are given in the Statement.

Statement

List of NH wise Projects for widening in the state of Tamil Nadu

S.No.	Stretch	NH No.
1	2	3
Under Implementation		
1	Kangayam to Coimbatore (KC-2)	67, KC2
2	Karur to Kangayam (KC-1)	67, KC1
3	Tuticorin Port (Balance work)	7A
4	Improvement of Access of GQ within Chennai City including Construction of 4 grade Separators	205, 4 & 45
5	Kanniyakumari-Panagudi (NS-32)	7
6	Chennai Bypass Phase II	45, 4 & 5
7	Madurai - Kanniakumari Section (NS-42/TN)	7
8	Padalur — Trichy (Pkg — IV-C)	45
9	Salem to Kerala Border Section (TN-6)	47
10	Trichy Bypass end to Tovaramkurchi (Package — VII A)	45B
11	Madurai — Kanniakumari Section (NS-41/Tn)	7

1	2	3
12	Chengapalli to Coimbatore Bypass and End of Coimbatore Bypass to TN/Kerala Border	47
13	Trichy — Dindigul	45
14	Saelm-Ulundrupet (BOT-1/TN-06)	68
15	Trichy — Karur	67
16	Pondicherry — Tindivanam	66
17	Thanjarur — Trichy	67
18	Madurai — Arupukottai — Tuticorin	45B
19	Chennai — Tada (Six lane)	5
20	Six Laning of Krishnagiri — walahaprt section	46
21	New 4-Lane Elevated Road from Chennai Port — Maduravoyal	4
22	Providing paved shoulders (12.0 km length) and renewal (km 80 km length) in selected stretches	205
23	Providing paved shoulders from km 58.0 to 60.0, 62.6 to 67.0, 79.5 to 80.2 and 88.0 to 89.0	49
24	Providing paved shoulders in km 19.0 to 20.6 and 24.025	49
25	Providing paved shoulders in km 0.0 to 1.0, 3.0 to 4.0 and 8.0 to 9.0	219
26	Providing paved shoulders in km 101.6 to 105.8 and 109.2 to 112.0	208
27	Widening to four Lane in km 76.450 to 77.8	49
28	Widening and Strengthening from km 340.0 to 345.2 and 345.8 360.6	67 Extn.
29	Providing paved shoulders from km 46.2 to 50.0, 50.6 to 51.8, 52.6 to 55.0, 55.6 to 58.0, 80.2 to 81.2, 83.2 to 88.0, 89.0 to 91.0, and 92.4 to 99.0 and widening intermediate lane to two lane in km 91.0 to 92.100 including geometric imp. At km 91.4 and cost of protective walls in selected stretches in km 99.0 to 119.0.	49
30	Providing paved shoulder in km 16.0 to 19.0, 20.6 to 24.0, 25.0 to 27.750, 28.050 to 32.600, 33.0 to 38.500 and 41.6 to 45.0	49

1	2	3
Balance For award		
1	Salem to km 100 & Salem — Coimbatore — Kerala Border Section	47
2	Dindigul-Perigulam-Theni	45Ext
3	Karaikudi — Ramanathapuram	210
4	Kerala/TN Border — Kanyakumari	47
5	Coimbatore — Mettupalayam	67Ex
6	Nagapatnam — Thanjarur	67
7	Trichy — Karaikudi	210
8	Madurai — Ramnathpuram — Rameshwaram — Dhanuskodi	49
9	Theni — Kumili	220
10	Tirupati — Tiruthani — Chennai Tamil Nadu [81.5] / Andhra Pradesh [44]	205
11	Krishnagiri — Tindivanam	66
12	Tambaram — Tindivanam	45
13	Krishnagiri — Poonamalee	4 & 46
14	Bangalore — Krishnagiri (Tamil Nadu portion)	7
15	Dindigul — Karnataka Border	209
16	Thanjavur — Pudukkottai — Sivaganga — Manamadurai	226
17	Tiruchirapalli-Lalgudi-Chidambaram & Meenusuriti — Jayamkondam — Kootu Road [km 90.20 to km 93.00 (common stretch with km 96.80 to km 99.60 of NH 227)]	227 & 45C
18	Viluppuram — Pondicherry — Nagapattinam	45A
19	Vikravandi-Kumbakonam-Thanjavur	45C
20	Coimbatore — Karnataka Border	67 Ext.

Building roads and highways

4441. SHRI MOHD. ALI KHAN: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether India plans to achieve a quantum jump in building roads and highways that would open a vast rural market and invited foreign companies to participate in this mega initiative for the country's growth recently;

(b) if so, the details thereof;

(c) the response received so far from each country; and

(d) the amount to be spent in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) to (d) Yes Sir. All projects of National Highways Development Project are bid out through open International Competitive Bidding on PPP mode giving equal opportunities to domestic as well as international companies to participate. So far many construction as well as consultancy companies from foreign countries viz., Malaysia, South Korea, Taiwan, Thailand, China, UK, USA etc. are engaged in highway construction under various phases of NHDP, which involves total investment of about Rs. 3,38,000 crore.

Partnership with China on road projects

†4442. SHRI BRIJLAL KHABRI: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether it is a fact that Government is going to consider partnership with China on road projects:

(b) if so, the details thereof; and

(c) the details of the progress made so far in this regard:

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) No, Sir.

(b) and (c) Does not arise.

Filling up vacancies of engineers

4443. SHRI N.R. GOVINDARAJAR: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether it is a fact that out of the sanctioned 209 posts of engineers in Central Engineering Service (Road) Cadre 90 posts are lying vacant;

(b) if so, the details thereof;

(c) whether the National Highways Authority of India and his Ministry depending on consultants who are unaccountable and the strength of specialized engineers in this sector is decreasing fast;

† Original notice of the question was received in Hindi.

(d) if so, the details thereof;

(e) whether proposals of road wing are approved by bureaucrats without technical scrutiny and approval of DG (Road); and

(f) if so, the steps taken by Government to fill up the vacancies of engineers?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) and (b) As against the total sanctioned strength as 206 of Central Engineering Service (Roads) 43 posts are vacant. In addition, it has also been decided to fill up 21 recently created Plan posts on the basis of Recruitment Rules for Central Engineering Service (Roads).

(c) and (d) No, Sir.

(e) Proposals of the Road projects are examined by the technical officers of the Roads Wing who obtain the approval of Director General (Road Development)/ Additional Director General before the approval of the competent authority is obtained in accordance with the laid down procedure.

(f) The vacancies of Assistant Executive Engineer and Executive Engineer have been referred to UPSC for being filled up on direct recruitment basis. The post of Additional Director General and Chief Engineers which can be filled up by eligible officers on promotion basis have also been referred to Union Public Service Commission.

Integrated toll tax policy

4444. SHRI PRAKASH JAVADEKAR: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether Government is considering about an integrated Toll Tax Policy;

(b) if so, the details thereof; and

(c) the rationale behind the move and by when the new policy would come into effect?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) No, Sir.

(b) and (c) Do not arise.

Effect of NH-7 passing through pench tiger reserve

4445. SHRI A. ELAVARASAN: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether the Pench Tiger Reserve, one of the four most viable tiger habitats in the country is facing problem as the National Highways Authority of India proposes to slice the reserve in two by building four lane highway (NH-7) through it;

(b) whether it is a fact Pench Tiger Reserve is a small habitat with 411 sq. Kms. in area and the division to slice the reserve into two could well mean the death knell for the 30 tigers living in the reserve; and

(c) if so, the steps taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) No, Sir.

(b) and (c) Do not arise.

High-Accident prone areas in A.P.

4446. SHRI SYED AZEEZ PASHA: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether Government has taken note of the "High-Accident Prone" areas identified and monitored by the Road Safety Forum of Andhra Pradesh;

(b) the reaction of Government to "High-Accident Prone" areas in the NHAI roads like NH-5 in West and East Godavari District of Andhra Pradesh;

(c) whether Government is ready to take a positive approach to reduce road accidents;

(d) whether it is a fact that Government has a lethargic approach to road accident; and

(e) the steps proposed to be taken to change the mind set?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI MAHADEV S. KHANDELA): (a) and (b) The Ministry is not aware of any 'High-Accident Prone' areas identified and monitored by Road Safety Forum of Andhra Pradesh. However, some stretches of Vijayawada-Gundugolanu section, have been identified as 'Accident-Prone' areas in coordination with police authorities. This stretch passes through Krishna & West Godavari Districts. Traffic safety devices like road signs, cat's eyes, cash barriers, provision of route patrol, ambulance and crane etc have been provided through O&M contractor in the section. Moreover, in the upcoming 6 lanning of Vijayawada-Gundugolanu section under NHDP Phase V, junction improvement and flyovers are being proposed, wherever, required.

(c) Yes, Sir.

(d) No, Sir.

(e) The safety of road users is primarily the responsibility of the concerned State Government. However, this Ministry has taken several corrective actions to improve road safety for road users which are as under:

- (i) Road safety is an integral part of road design at the planning stage for National Highways/Expressways.
- (ii) Road furniture, road markings/road signs, introduction of Highway Traffic Management System using intelligent Transport System, and enhancement of discipline among contractors during construction, road safety audit on selected stretches, have been undertaken by National Highways Authority of India.
- (iii) Refresher training to Heavy Motor Vehicle drivers in the unorganized sector being implemented by the Ministry since 1997-98 under plan activities.
- (iv) Setting up of Driving Training School in the country.
- (v) Publicity campaign on road safety awareness both through the audio-visual and print media.
- (vi) Institution of National Award for voluntary organizations/individual for outstanding work in the field of road safety.
- (vii) Tightening of safety standards of vehicles.
- (viii) Providing cranes and ambulances to various State Governments/NGOs under National Highway Accident Relief Service Scheme. National Highways Authority of India also provides ambulances at a distance of 50 Km. on each of its completed stretches of National Highways under its Operation & Maintenance contracts.
- (ix) Widening and improvements of National Highways from 2 lanes to 4 lanes and 4 lanes to 6 lanes etc.

In addition to the above, the Government has introduced a bill in Lok Sabha on 4th May 2010 to create Road Safety and Traffic Management Board to oversee road safety activities in the country in a comprehensive manner.

Target for building 20 Kms. highway in a day

4447. SHRI P. RAJEEV: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether his Ministry has fixed a target for building 20 Km. highway in a day;

- (b) if so, whether the target has been achieved anywhere in the country; and
- (c) the hurdles in achieving the target?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) Yes, Sir.

(b) and (c) Since highway projects have a gestation period of 4 to 5 years from inception, the rate of construction is to be progressively increased to achieve the target of 20 km road per day.

Failure to achieve target on 20 Km. road a day

4448. SHRI B.S. GNANADESIKAN: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether Government has failed to achieve the target of 20 km road construction a day by December, 2009 and propose to achieve this target by June this year;
- (b) if so, whether Government has analyzed the reasons for such failure in fulfilling such proposed target of construction of roads; and
- (c) if so, the details thereof and the steps taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) and (b) The rate of construction is to be progressively increased to reach the rate of 20 km per day. Since highway projects have a gestation period of 4 to 5 years from inception, the rate of completion of construction will increase only progressively.

(c) In order to revamp National Highways Development Projects and expedite award of projects, the Government implemented the recommendations of B.K. Chaturvedi Committee report wherein a number of measures relating to changes in bidding process, documentation, mode of delivery, revised financing plans etc. These measures are expected to generate increased investor's interest. In order to expedite implementation of projects regional offices have been set up by NHAI headed by Chief General Managers. Powers have been delegated to the Chief General Managers who will monitor land acquisition matters as well as implementation of projects. Special land acquisition units are also set up to expedite land acquisition. State Governments have been requested to appoint Chief Secretaries as Nodal officers to expedite NHDP projects by removing bottlenecks if any. Projects are also closely and periodically reviewed at Head Quarter as well as field units.

Need to revise emission norms

4449. SHRI M.V. MYSURA REDDY: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether it is a fact that the existing emission norms are appropriate only for very old vehicles and not for those running on post Euro-II norms;
- (b) how do the above norms are relevant when the country is all set to switch over to Euro-IV norms in April, 2010;
- (c) whether it is a fact that the PUC norms last revised in 2004 and there was no revision since then; and
- (d) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI MAHADEV S. KHANDELA): (a) and (b) Mass emission norms such as Bharat Stage-II, Bharat Stage-III, Bharat Stage IV etc. are applicable for new vehicles and not for old in-use vehicles. These norms are made applicable in different parts of the country in respect of various categories of motor vehicles, manufactured from a date notified by the Government. At present, Bharat Stage- IV norms are applicable only in respect of four wheeled vehicles manufactured on and after 1st April, 2010, in the National Capital Region and certain other highly polluting mega cities.

(c) and (d) Tightening of Pollution Under Control (PUC) norms for in-use vehicles is a continuous process. The PUC norms were last revised in 2004. However, State Governments were empowered to prescribe even tighter norms, subject to availability of technical and administrative back-up.

Rs. 10,000 crores stuck in disputes with NHAI

4450. SHRI ANIL H. LAD: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether according to road construction industry claims Rs. 10,000 crores are stuck at various levels of disputes with the National Highways Authority of India;
- (b) whether the BK Chaturvedi committee, appointed to resolve the issues in the roads sector, called for a bucket-based approach to resolve disputes plaguing the sector;

(c) whether this would call for classifying the disputes after looking at the outstanding claims on the balance sheet of vendor companies; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) Claims for an approximate amount of Rs. 9,200 crore are pending before various courts and arbitral tribunals.

(b) to (d) The B.K. Chaturvedi Committee has submitted its report on Dispute Resolution Mechanism for National Highway projects with the following suggestions, viz., one time settlement of pending disputes may be offered to the contractors adopting a bucket-based approach to drop all category A cases (amount claimed is less than Rs. 10 crore or 5% of contract price whichever is lower) after a review on case to case basis by Independent Expert Group (IEG); National Highways Authority of India (NHAI) may carefully review the cases other than category A in general and the award of arbitral tribunal may be accepted in category B cases (amount involved is between Rs. 10 crore to Rs. 100 crore). The Committee has also suggested some course of action for reducing future disputes such as Dispute Resolution Board (DRB) recommendation should invariably be accepted; raising of time limit for DRB to issue its recommendation; review of Detailed Project Report (DPR) may be made more intensive; cost associated with time extensions may be duly quantified; appeals relating to decisions by the Variations Committee may be reviewed periodically by the Ministry of Road Transport & Highways, etc. The Committee has also recommended that both the general conditions and Conditions of Particular Applications (COPA) may be standardized in future awards.

Scheme to finance state highways

4451. SHRI SHANTARAM LAXMAN NAIK: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether Government has any scheme to finance construction of State Highways or district and other rural roads;

(b) if so, the main features of the scheme;

(c) the amount allotted or proposed to be allotted till date;

(d) the manner in which State Governments propose to utilize the funds; and

(e) the details of targets achieved so far, if any?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) and (b) As per the provision of the Central Road Fund (CRF) Act, 2000, the cess levied on Petrol and High Speed Diesel is utilized for the development and maintenance of National Highways, development of the rural roads, development and maintenance of other State roads including roads of Inter-State Connectivity and Economic Importance and construction of roads either under or over the railways by means of a bridge and erection of safety works at unmanned rail road crossings.

(c) This Ministry is responsible for the allocation of funds to the States for the development and maintenance of State roads including State Highways, Major District road and other roads of importance excluding rural roads. The allocation made to the States accordingly for such roads is Rs. 13613.05 Crores so far.

(d) and (e) State Governments implement the projects sanctioned under the CRF by incurring expenditure against the annual allocation made to them and release of funds based on progress of works and actual expenditure. The total amount released to States till date is Rs. 11104.42 Crores.

Conversion of State highways into NHs

4452. SHRI B.S. GNANADESIKAN: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether the State Governments have requested the Union Government to convert nearly 50,000 kms. of State Highways into National Highways; and

(b) if so, the details thereof and decision taken by Government in this regard and State-wise details of proposed allocation of funds for this purpose?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): (a) Yes, Sir.

(b) The details of proposals submitted by the various State Governments for conversion of State Highways into National Highways are given in the Statement (See below). Development and maintenance of National Highways is a continuous process and works are taken up based on the condition of traffic, interse priority and availability of funds. No separate provision of funds for upgradation of State Highways into National Highways is made.

Statement

*State-wise Details of proposals received from State Governments
for declaration of National Highways*

Sl.No.	Name of the State	No. of proposals received	Total Length in Kms
1	Andhra Pradesh	38	10377
2	Assam	01	250
3	Bihar	02	58
4	Dadra and Nagar Haveli	02	240
5	Gujarat	48	8748
6	Haryana	09	63
7	Himachal Pradesh	12	1794
8	Jharkhand	02	451
9	Karnataka	28	7020
10	Kerala	08	1028
11	Madhya Pradesh	04	1458
12	Maharashtra	17	6969
13	Meghalaya	02	442
14	Manipur	01	163
15	Mizoram	02	179
16	Nagaland	03	725
17	Orissa	14	1877
18	Puducherry	05	—
19	Punjab	03	2480
20	Rajasthan	26	4718
21	Sikkim	06	87
22	Tamil Nadu	07	753
23	Tripura	01	310
24	Uttar Pradesh	12	209
25	Uttarakhand	03	773
26	West Bengal	01	102

Suicide by weavers

4453. SHRIMATI KUSUM RAI:

SHRI KAMAL AKHTAR:

SHRI NAND KISHORE YADAV:

Will the Minister of TEXTILES be pleased to state:

- (a) the number of weavers committed suicide since 2007 till date, year-wise and State-wise;
- (b) whether condition of weavers is very miserable and they are unable to cater to the basic needs of their family;
- (c) whether survey will be conducted in this regard;
- (d) if not, the reasons for neglecting the millions of poor weavers;
- (e) whether weavers in UP have demonstrated against the policies of Government;
- (f) if so, the details thereof;
- (g) whether Government will announce any financial package during 2010-11 to ameliorate the plights of poor weavers; and
- (h) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): (a) The information were called from all State Governments/Union Territories. Only the following States have reported suicides committed by the weavers due to poverty, family disturbance, financial and other domestic problems. The details of suicide committed by weavers since 2007 and the current year are as under :

Name of State	2007	2008	2009	2010
Andhra Pradesh	75	77	21	7
Orissa	-	01	01	-
Kerala	-	05	-	-

(b) No, Sir. The weavers in the handloom sector generally belong to the rural sector. They have to depend on the steady supply of basic inputs like yarn, credit, looms, accessories etc. at reasonable rates especially as they face stiff competition from the organized mill and powerloom sectors and also in marketing of finished products. Government of India is implementing number of schemes to enhance production, productivity and efficiency of the handloom and powerloom sector and enhance the income and socio-economic status of the weavers by upgrading their skill and providing infrastructural input and marketing support. During the 11th Five Year Plan, the following schemes are being implemented for the upliftment of weavers:-

1. Handloom Sector

- (i) Integrated Handlooms Development Scheme
- (ii) Marketing and Export Promotion Scheme

- (iii) Handloom Weavers Comprehensive Welfare Scheme
- (iv) Mill Gate Price scheme
- (v) Diversified Handloom Development Scheme

2. Powerloom Sector

- i) Integrated Scheme for Powerloom Cluster Development
- ii) Group insurance Scheme
- iii) Group Workshed Scheme
- iv) 20% Credit linked Capital Subsidy
- (c) The Government of India is conducting 3rd National Handloom Census.
- (d) Does not arise.
- (e) and (f) No such report has been received from the State Government of Uttar Pradesh.

(g) and (h) This Ministry constituted a High Level Committee headed by Managing Director, National Bank for Agriculture and Rural Development (NABARD) to look into the problems of high cost of working capital and choking of credit lines in the handloom sector. The Committee suggested a financial package for handloom sector which includes waiver of overdue loans and interest of Primary Weavers Cooperative Societies/Apex Handloom Weavers Cooperative Societies and provision of loan to handloom weavers at low rate of interest. The Financial Package is under consideration.

Textile Industry on the road of revival

4454. SHRI SABIR ALI: Will the Minister of TEXTILES be pleased to state:

- (a) whether it is a fact that textile industry in the country has come out of recession and is on the road of revival;
- (b) if so, what is the current position; and
- (c) how much growth of textile exports is expected in the financial year 2010-11?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): (a) The Textile & Clothing (T&C) industry in India has been adversely affected by the global economic slowdown and recession but is on the path of recovery.

(b) The export data of the Textiles and Clothing industry for the preceding two financial years and the current financial year (upto December, 2009) is given in the Statement (See below).

- (c) In the financial year 2010-11, the textile industry exports are projected to grow by 10%.

Statement

India's textiles exports at a glance (Principal Commodities)

Prepared on 12.04.2010

Item	2007-08		2008-09		Variation		Apr-Dec' 2008-09		Apr-Dec' 2009-10 (P)		Variation	
	Rs. Crore	US\$ Mn	Rs. Crore	US\$ Mn	Rupee	US\$	Rs. Crore	US\$ Mn	Rs. Crore	US\$ Mn	Rupee	US\$
1	2	3	4	5	6	7	8	9	10	11	12	13
Readymade Garment	36497.79	9069.80	47110.00	10242.80	29.08%	12.93%	32337.81	7308.81	33191.91	6932.18	2.64%	-5.15%
RMG of cotton including accessories	30335.79	7538.53	38521.06	8375.36	26.98%	11.10%	26219.59	5926.00	26174.80	5466.65	-0.17%	-7.75%
RMG of Man-made fibre	3912.26	972.21	4720.31	1026.30	20.65%	5.56%	3436.05	776.60	4242.55	886.06	23.47%	14.10%
RMG of other textile material	2249.74	559.07	3868.63	841.13	71.96%	50.45%	2682.17	606.21	2774.56	579.47	3.44%	-4.41%
Cotton Textiles	27599.81	6858.63	21808.20	4741.60	-20.98%	-30.87%	16936.13	3827.81	16081.45	3358.64	-5.05%	-12.26%
Cotton raw including waste	8865.39	2203.07	2865.86	623.10	-67.67%	-71.72%	2119.67	479.08	4197.78	876.71	98.04%	83.00%
Cotton yarn, 25.88% fabrics & made ups	18734.42	4655.56	18942.34	4118.50	1.11%	-11.54%	14816.46	3348.73	11883.67	2481.92	-197.79%	-
Man-made textiles	12785.02	3177.11	15088.11	3280.50	18.01%	3.25%	11768.11	2659.76	13415.25	2801.80	14.00%	5.34%

1	2	3	4	5	6	7	8	9	10	11	12	13
Manmade staple fibres	1121.72	278.75	1172.01	254.82	4.48%	-8.58%	948.63	214.40	1176.39	245.69	24.01%	14.59%
Manmade yarn, fabrics & made ups	11663.30	2898.36	13916.10	3025.68	19.32%	4.39%	10819.48	2445.36	12238.86	2556.10	13.12%	4.53%
Wool & Woollen textiles	1783.13	443.11	2199.50	478.22	23.35%	7.92%	1709.94	386.47	1768.95	369.45	3.45%	-4.40%
RMG of Wool	1409.55	350.28	1742.98	378.96	23.66%	8.19%	1359.39	307.24	1460.16	304.96	7.41%	-0.74%
Woollen yarn, fabrics & made ups	373.58	92.84	456.52	99.26	22.20%	6.92%	350.55	79.23	308.79	64.49	-11.91%	-18.60%
Silk	2646.75	657.72	3106.98	675.53	17.39%	2.71%	2351.28	531.42	2091.23	436.76	-11.06%	-17.81%
RMG of Silk	1093.67	271.78	1437.72	312.59	31.46%	15.02%	1058.59	239.26	1026.72	214.43	-3.01%	-10.38%
Natural silk yarn, fabrics & made ups	1540.93	382.93	1664.03	361.80	7.99%	-5.52%	1287.60	291.02	1048.56	218.99	-18.56%	-24.75%
Silk waste	12.15	3.02	5.23	1.14	-56.95%	-62.34%	5.09	1.15	15.95	3.33	213.36%	189.56%
Handloom Products *								0.00	845.86	176.66	N.A.	N.A.
Total Textiles	81312.50	20206.38	89312.79	19418.65	9.84%	-3.90%	65103.27	14714.27	67394.65	14075.48	3.52%	-4.34%
Handicrafts	5844.12	1452.28	4939.56	1073.97	-15.48%	-26.05%	3963.29	895.76	3274.21	683.82	-17.39%	-23.66%
Handicrafts (excluding handmade carpets)	2046.21	508.49	1375.48	299.06	-32.78	-41.19%	1143.44	258.43	712.99	148.91	-37.65%	-42.38%

1	2	3	4	5	6	7	8	9	10	11	12	13
Carpets(excluding silk) handmade	3725.80	925.87	3505.37	762.15	-5.92%	-17.68%	2787.38	629.99	2528.59	528.10	-9.28%	-16.17%
Silk carpets	72.11	17.92	58.71	12.76	-18.58%	-28.77%	32.47	7.34	32.63	6.81	0.49%	-7.14%
Coir & Coir Manufacturers	644.87	160.25	680.89	148.04	5.59%	-7.62%	494.83	111.84	574.29	119.94	16.06%	7.25%
Coir & Coir Manufacturers	644.87	160.25	680.89	148.04	5.59%	-7.62%	494.83	111.84	574.29	119.94	16.06%	7.25%
Jute	1319.36	327.86	1375.80	299.13	4.28%	-8.76%	1100.08	248.63	793.16	165.65	-27.90%	-33.37%
Floor covering of jute	317.56	78.91	251.58	54.70	-20.78%	-30.69%	196.98	44.52	213.24	44.54	8.25%	0.03%
Other jute manufactures	322.22	80.07	491.71	106.91	52.60%	33.52%	400.45	90.51	232.74	48.61	-41.88%	-46.29%
Jute yarn	215.14	53.46	216.92	47.16	0.83%	-11.78%	170.67	38.57	101.41	21.18	-40.58%	-45.09%
Jute hessian	464.44	115.41	415.59	90.36	-10.52%	-21.71%	331.98	75.03	245.77	51.33	-25.97%	-31.59%
Total Textiles Exports	89120.85	22146.78	96309.04	20939.80	8.07%	-5.45%	70661.47	15970.50	72036.31	15044.89	1.95%	-5.80%
% Textile Exports	13.59%	13.59%	11.47%	11.47%			10.82%	10.82%	12.05%	12.05%		
India's exports of all commodities	655863.52	162983.90	839977.96	182630.50	28.07%	12.05%	652919.56	147569.12	597974.11	124887.82	-8.42%	-15.37%

Source: Foreign Trade Statistics of India (Principal Commodities & Countries), DGCI&S for export figures in Rupee and Department of Commerce (Intranet) — Exchange rate

* Handloom Products has been included as commodities first time in 2009-10

Exchange rate (Source: DOC intranet) Apr-Dec' 2008-09 44.2450

Apr-Dec' 2009-10 47.8809

Budgetary support needed for full capacity functioning of NTC Mills

4455. SHRI SABIR ALI: Will the Ministry of TEXTILES be pleased to state:

- (a) whether in view of seeing revival in the textile industry, National Textiles Corporation would be put on strong footing;
- (b) if so, by when all NTC mills would start functioning to their full capacity; and
- (c) how much additional budgetary support would be needed for the purpose?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): (a) Yes, Sir. All possible efforts are in progress for putting National textile Corporation (NTC) on strong footing.

(b) The revival scheme approved by the Board for Industrial and Financial Reconstruction (BIFR) envisages modernization of 24 mills by NTC itself at an estimated cost of Rs. 1155 crores. Out of these 24 mills, 18 mills have already been modernized. Till now NTC has spent an amount of Rs. 850.86 crores on modernization. Depending upon availability of funds, all the 24 mills can start functioning by March, 2011.

(c) The revival scheme of NTC is self-financing, and funds for modernization of mills are generated through sale of surplus land and assets. No additional Government budgetary support is envisaged for the scheme.

NIFT programme for skill upgradation

4456. SHRIMATI VIPLOVE THAKUR: Will the Minister of TEXTILES be pleased to state:

- (a) whether National Institute of Fashion technology (NIFT) has been organizing programmes for training/skill upgradation of artisans/craftsmen for helping them to get sustained employments;
- (b) if so, the details thereof along with the number of artisans/craftsmen who have been benefited in Himachal Pradesh during the last three years, year-wise;
- (c) the number of NIFT centres functioning in the country at present, location-wise;
- (d) whether Government proposes to set up more such centres in the near future; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): (a) Yes, Sir.

(b) In the last 3 years, no training/skill upgradation program was organized in Himachal Pradesh. However during December, 2005 total 13 artisans were trained in Chamba Rumal and in the year 2006 total 7 artisans were trained in Chamba Chapal.

(c) the number of NIFT centres functioning in the country at present location-wise:-

Sl. No.	State	Location
1.	Delhi	Delhi
2.	Maharashtra	Mumbai
3.	Tamil Nadu	Chennai
4.	West Bengal	Kolkata
5.	Andhra Pradesh	Hyderabad
6.	Gujarat	Gandhinagar
7.	Karnataka	Bangalore
8.	Uttar Pradesh	Rae Bareli
9.	Kerala	Kannur
10.	Bihar	Patna
11.	Meghalaya	Shillong
12.	Madhya Pradesh	Bhopal
13.	Himachal Pradesh	Kangra

(d) and (e) The Board of Governors of NIFT in its 9th Meeting held on 12th April, 2010 has approved setting up of two New NIFT Centres at Bhubneshwar (Orissa) and Jodhpur (Rajasthan) from the Academic year 2010-2011.

Share of handloom sector in GDP

4457. SHRI MANI SHANKAR AIYAR: Will the Minister of TEXTILES be pleased to state:

(a) the share of the handloom sector in Gross Domestic Product (GDP), in comparison with its share in employment (organized and unorganized) and the trends thereof over the past two decades, commencing fiscal 1990-91;

(b) the trends in employment in the cotton, silk and polyester handloom sectors respectively during the last three years; and

(c) the special measures being taken or proposed to be taken to promote employment and self-employment in the sector as well as boost the share of handlooms in overall GDP?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): (a) and (b) The percentage share of textile sector including handloom sector in Gross Domestic Product (GDP) is on an average 2.0% at 1999-00 prices. The employment in the handloom sector as per 1995-96 census is 65,50,126 which is approximately 1.65% of the employment in organized and unorganized sector. The present status of employment in the handloom sector shall be known after completion of ongoing census which is likely to be completed by the end of 2010. The fibre-wise employment detail in handloom sector is not available.

(c) The Government of India is implementing number of Schemes to enhance production, productivity and efficiency of the handloom sector and enhance the income and socio-economic status of the handloom weavers by upgrading their skill and providing infrastructural input and marketing support. During the 11th Five Year Plan, the following schemes are being implemented for upliftment of handloom sector:-

- (i) Integrated Handlooms Development Scheme;
- (ii) Marketing and Export Promotion Scheme;
- (iii) Handloom Weavers' Comprehensive Welfare Scheme;
- (iv) Mill Gate Price Scheme; and
- (v) Diversified Handloom Development Scheme.

Closed mills under NTC

4458. SHRI PRAVEEN RASHTRAPAL: Will the Minister of TEXTILES be pleased to state:

(a) the details of closed mills under the control of National Textiles Corporation (NTC), particularly in Chennai, Mumbai and Ahmedabad as on 31 March, 2009;

(b) how many closed mills have been sold by the NTC during the last three years and cost recovered, mill-wise; and

(c) the total number of textile mill workers unemployed due to closer of NTC textile mills in Chennai, Mumbai and Ahmedabad?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAIKA LAKSHMI): (a) The state-wise list of closed NTC mills is given in the Statement — I (See below).

(b) The details are given in the Statement — II (See below).

(c) An attractive Modified Voluntary Retirement Scheme (MVRS) is available to the employees affected due to closure of unviable mills of NTC. Only desirous employees who opted for MVRS have availed the scheme. So far, 15395 employees in Chennai, Mumbai and Ahmedabad have opted for MVRS as per details below:-

Chennai	-	Nil
Mumbai	-	9575
Ahmedabad	-	5820
Total	-	15395

Statement — I

State-wise list of closed NTC Mills

Andhra Pradesh

1	Adoni Cotton Mills	Adoni
2	Natraj Spinning Mills	Adilabad
3	Netha Spinning & Weaving Mills	Secunderabad
4	Ananthapur Cotton Mills	Ananthapur
5	Azam Jahi Mills	Warangal

Assam

6	Associated Industries	Chandrapur
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Bihar

7	Gaya Cotton & Jute Mills	Gaya
8	Bihar Cooperative Mills	Mokameh

Chattisgarh

9	Bengal Nagpur Cotton Mills	Rajnandgaon
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Gujarat

10	Petlad Textile Mills	Petlad
11	Rajkot Textile Mills	Rajkot

12	Virangam Textile Mills	Virangam
13	New Manekchowk Textile Mills	Ahmedabad
14	Mahalaxmi Textile Mills	Bhavnagar
15	Rajnagar Textile Mills 2 (Green field Mill being relocated)	Ahmedabad
16	Ahmedabad Jupiter Mills	Ahmedabad
17	Himadari Textile Mills	Ahmedabad
18	Jehangir Textile Mills	Ahmedabad
19	Ahmedabad New Textile Mills	Ahmedabad
Karnataka		
20	Mysore Mills (merged with Minerva Mills)	Bangalore
21	M.S.K. Mills	Gulbarga
22	Sree Yallamma Cotton Mills	Davangere
Madhya Pradesh		
23	Kalyanmal Mills	Indore
24	Swadeshi Textile Mills	Indore
25	Hira Mills	Ujjain
26	Indore Malwa United Mills	Indore
Maharashtra		
27	Kohinoor Mills No. 2	Mumbai
28	Kohinoor Mills No. 3	Mumbai
29	India United Mills No. 4	Mumbai
30	India United Mills No. 2	Mumbai
31	India United Mills No. 3	Mumbai
32	Jam MFG. Mills	Mumbai
33	Shri Sitaram Mills	Mumbai
34	Model Mills	Nagpur
35	R.S.R.G. Mills	Akola
36	Vidharbha Mills	Achalpur

37	Kohinoor Mills No. 1	Mumbai
38	India United Mills No. 6	Mumbai
39	Bharat Textile Mills	Mumbai
40	Digvijay Textile Mills	Mumbai
41	Elphinstone SPG & WVG Mills	Mumbai
42	Jupiter Textile Mills	Mumbai
43	Mumbai Textile Mills	Mumbai
44	New Hind Textile Mills	Mumbai
45	Poddar Processors	Mumbai
46	Shree Madhusudan Mills	Mumbai
47	Finlay Mills	Mumbai
Punjab		
48	Dayalbagh Mills	Amritsar
49	Panipat Woolen Mills	Kharar
50	Kharar Textile Mills	Kharar
51	Suraj Textile Mills	Malout
Rajasthan		
52	Edward Mills	Beawar
53	Shree Bijay Cotton Mills	Sri Bijaynagar
Tamil Nadu		
54	Kishnaveni Textile Mills	Coimbatore
55	Om Parasakthi Mills	Coimbatore
56	Kaleeswarar Mills 'A' Unit	Coimbatore
57	Somasundaram Mills	Coimbatore
58	Balaramvarma Mills	Shencottah
Uttar Pradesh		
59	Atherton Mills	Kanpur
60	Bijli Cotton Mills	Hathras
61	Laxmirattan Cotton Mills	Kanpur

62	Lord Krishna Tex. Mills	Saharanpur
63	Muir Mills	Kanpur
64	New Victoria Mills	Kanpur
65	Rae Bareli Tex. Mills	Raebareli
66	Shri Vikram Cotton Mills	Lucknow
67	Swadeshi Cotton Mills, Kanpur	Kanpur
68	Swadeshi Cotton Mills, Naini	Naini

West Bengal

69	Bangasri Cotton Mills	Sonepore
70	Bengal Fine S. & W. Mills No. II	Kataganj
71	Manindra B.T. Mills	Cossim Bazar
72	Jyoti WVG. Factory	Patipukur
73	Central Cotton Mills	Belur
74	Shree Mahalaxmi Cotton Mills	Palta
75	Bengal Luxmi Cotton Mills	Serampore
76	Rampooria Cotton Mills	Rishra
77	Bengal Fine S. & W. Mills No. I	Konnagar

Statement — II

Details of surplus land sold of closed mills during the last three year

Sl.No.	Name of the Mills	Details of sale proceeds — year wise		
		2007-2008 (Rs. Crores)	2008-2009 (Rs. Crores)	2009-2010 (Rs. Crores)
1	2	3	4	5
Andhra Pradesh				
1	Netha Mills, Secunderabad	42.60	-	-
	TOTAL	42.60	-	-
Rajasthan				
2	Edward Mills, Beawar	5.85	-	-
	TOTAL	5.85	-	-

1	2	3	4	5
Gujarat				
3	Ahmedabad Jupiter, Ahmedabad	-	-	55.01
4	Ahmedabad Jupiter, Ahmedabad	60.60	-	-
5	Jehangir Mills, Ahmedabad	25.00	-	-
6	Himadri Textile Mills, Ahmedabad	11.20	-	-
7	Viramgam Textile Viramgam	4.50	-	-
Total		101.30	-	55.01
Maharashtra North				
8	Model Mills	170.06	10.44	-
Total		170.06	10.44	-
Madhya Pradesh				
9	Indore Malwa, Indore	90.11	-	-
10	Kalyanmal Mills Indore	0.60	0.13	-
11	Swadeshi Mills, Indore	96.51	-	-
Total		187.22	0.13	-
South Maharashtra				
12	Madhusudan Mills, Mumbai	-	-	32.85
13	Elphinstone Mills (Six Flats)	3.55	-	-
Total		3.55	-	32.85
Uttar Pradesh				
14	Swadeshi Cotton Mills, Naini	-	4.44	-
Total		-	4.44	-
West Bengal				
15	Rampooria Textile Mills, Serampore	13.72	-	-
16	Bengal Luxmi Tex. Mills, Serampore	17.00	-	-

1	2	3	4	5
17	Bengal Fine Tex Mills No. 1 Konnagar	8.77	-	-
18	Kannoria Industries	2.81	-	-
19	Manindra B.T. Tex. Mills, Cossimbazar	-	10.00	-
	TOTAL	42.30	10.00	-
	GRAND TOTAL	552.88	25.01	87.86

Catalytic Development Programme

4459. SHRIMATI VIPLOVE THAKUR: Will the Minister of TEXTILES be pleased to state:

- (a) whether Government has introduced a Centrally Sponsored Programme viz., Catalytic Development Programme (CDP) in the country to create more employment in rural areas of the hilly States including Himachal Pradesh through sericulture practices;
- (b) if so, the details thereof and the amount allocated during the Eleventh Plan for implementation of the scheme;
- (c) the financial assistance provided to Himachal Pradesh under CDP during the last two years and current year; and
- (d) the extent to which the CDP has been proved effective in the country particularly in Himachal Pradesh?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI) (a) and (b) Yes, Sir. The Government has been implementing a Centrally Sponsored Scheme viz. "Catalytic Development Programme" (CDP) in the Country in collaboration with the State Sericulture Departments including the State of Himachal Pradesh to create more employment in rural areas. The CDP is being implemented through Central Silk Board (CSB) in a package-mode and on cluster approach. The packages under CDP cover three major areas like Seed sector, Cocoon sector and Post-cocoon sector and will be supplemented by the support Services, which are common to all packages. The Government has approved an allocation of Rs.661.62 crores for implementation of CDP in the Country during XI Plan. Based on the proposals received from the States, during the first three years of the XI Plan, i.e. 2007-08, 2008-09 & 2009-10, the Government through CSB had released its share of Rs. 80.82 crores, Rs. 90.74 crores and Rs. 144.06 crores respectively towards implementation of various schemes/components under CDP.

(c) During the last two years *i.e.* 2008-09, 2009-10, the Government through CSB has released its share of Rs.165.63 lakhs and Rs. 158.64 lakhs respectively to Himachal Pradesh State towards implementation of various schemes/components under CDP. For the current financial year 2010-11, CSB has earmarked a provision of RS.2.41 crores for implementation of CDP in Himachal Pradesh. However, the State is yet to submit a detailed proposal for the year 2010-11.

(d) The implementation of CDP in the country including Himachal Pradesh State during XI Plan has proved to be very effective. During XI Plan, CSB has initiated implementation of CDP in package mode which is a different approach compared to earlier periods. This has resulted in increased production of all varieties of raw silk, which reached to 19,500 tons (provisional) by end of 2009-10 compared to the production of 18,475 tons by the end of X Plan, indicating an increase of 5.26%. The employment under silk sector by end of X Plan was 60.03 lakh persons, which has reached the level of 63.10 lakh persons by end of 2008-09. The productivity of mulberry raw silk has increased to 87.73 kg/ha in 2008-09 as compared to 75.17 kg/ha during 2002-03. Renditta (quantity of cocoons in kg. required to produce 1 kg. mulberry raw silk) has also improved to 8.00 during 2008-09 from the level of 8.77 in the year 2002-03.

In Himachal Pradesh State, the production of mulberry raw silk which was 17.00 MT by end of X Plan (2006-07), has increased to 22 MT by end of 2008-09. The cocoon productivity which was 33.07 Kgs/100 dfls by end of X Plan has also reached the level of 34.28 Kgs/100 dfls by end of 2008-09.

MR. CHAIRMAN: The House is adjourned till 12 O'clock.

The House then adjourned at forty one minutes past eleven of the clock.

The House re-assembled at twelve of the clock,

Mr. DEPUTY CHAIRMAN in the Chair.

PAPERS LAID ON THE TABLE

MR. DEPUTY CHAIRMAN: Now, papers to be laid on the Table. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, our patience should not be tested. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: First, papers to be laid on the Table. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA (Jharkhand): Sir, please listen to him. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I will listen to him. But first let us take up papers to be laid on the Table. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, our patience should not be tested. We have been observing for the last two days that because of one man the entire House has come to a standstill. ...*(Interruptions)*...

AN HON. MEMBER: One 'Member', not 'man'. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Okay, 'Member'. You don't think that he is a 'man'. ...*(Interruptions)*... Okay. Because of one Hon. Member the entire. ...*(Interruptions)*...

SHRI PRAVEEN RASHTRAPAL (Gujarat): Why are you raising the same issue again and again. ...*(Interruptions)*...

श्री एस.एस. अहलुवालिया : आप बैठो भाई ...*(व्यवधान)*...

...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Venkaiah Naidu, I will give you time. But, first let us take up papers to be laid on the Table. ...*(Interruptions)*... You have always been cooperative. ...*(Interruptions)*...

Notifications of the Ministry of Home Affairs

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN): Sir, I lay on the Table-

- I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Home Affairs, under Section 77 of the Disaster Management Act, 2005, together with Explanatory Memoranda on the Notifications:-
 - (1) G.S.R. 165 (E), dated the 27th February, 2010, publishing the National Disaster Response Force, Assistant Commandant, Group 'A' Technical posts Recruitment Rules, 2010.
 - (2) G.S.R. 166 (E), dated the 27th February, 2010, publishing the National Disaster Response Force, Group 'B' Technical Posts Recruitment Rules, 2010.
 - (3) G.S.R. 167 (E), dated the 27th February, 2010, publishing the National Disaster Response Force, Technical Group 'C' Posts Recruitment Rules, 2010. [Placed in Library. See No. L.T. 2235/15/10]
- II. A copy (in English and Hindi) of the Ministry of Home Affairs Notification No. 19/2010/F. No 45-230/2005-Home, dated the 25th January 2010, publishing the Andaman and Nicobar Islands Private Security Agencies Rules, 2010, under sub-section (4) of Section 25 of the Private Security (Regulation) Act, 2005. [Placed in Library. See No. L.T. 2583/15/10]

I. Notification of the Ministry of Commerce and Industry.

II. Annual Reports and Accounts (2007-08 and 2008-09) of various councils and federation.

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA MADHAVRAO SCINDIA): Sir, I lay on the Table-

I A copy each (in English and Hindi) of the following Notifications of the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion), under sub-section (2-H) of Section 29 (B) of the industries (Development and Regulation) Act, 1951:-

- (1) S.O. 685 (E), dated the 25th March, 2010, publishing the Newsprint Control (Amendment) Order, 2010.
- (2) S.O. 686 (E), dated the 25th March, 2010, publishing the Newsprint Control (Amendment) Order, 2010.
- (3) S.O. 687 (E), dated the 25th March, 2010, amending Notification No. S.O. 1105 (E), dated the 11th October, 2004, to substitute certain entries in the original Notification. [Placed in Library. See No. L.T. 2381/15/10]

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

- (i) (a) Forty-fourth Annual Report and Accounts of the Indian Council of Arbitration (ICA), New Delhi, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Council.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (i) (a) above. [Placed in Library. See No. L.T. 2382/15/10]
- (ii) (a) Annual Report of the Shellac and Forest Products Export Promotion Council (SHEFEXIL), Kolkata, for the year 2007-08.
- (b) Annual Accounts of the Shellac and Forest Products Export Promotion Council (SHEFEXIL), Kolkata, for the year 2007-08, together with the Auditor's Report thereon.
- (c) Review by Government on the working of the above Council.
- (d) Statement giving reasons for the delay in laying the papers mentioned at (ii) (a) and (b) above. [Placed in Library. See No. L.T. 2384/15/10]

- (iii) (a) Forty-fourth Annual Report and Accounts of the Federation of Indian Export Organizations (FIEO), New Delhi, for the year 2008-09, together with the Auditor's Report on the Accounts.
- (b) Review by Government on the working of the above Federation.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (iii) (a) above. [Placed in Library. See No. L.T. 2383/15/10]

Notifications of the Ministry of Home Affairs

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): Sir, I lay on the Table-

- I. A copy each (in English and Hindi) of the following Notifications of the Ministry of Home Affairs, under Section 26 of the National Investigation Agency Act, 2008:-
 - (1) G.S.R. 772 (E), dated the 7th April, 2010, withdrawing the Notification No. S.O. 2948 (E), dated the 18th November, 2009, regarding the Court of District Judge-V (South), Patiala House Court.
 - (2) G.S.R. 879 (E), dated the 19th April, 2010, regarding constitution of the Special Court for the National Capital Territory of Delhi, under the National Investigation Agency Act, 2008. [Placed in Library. See No. L.T. 2238/15/10]
- II. A copy each (in English and Hindi) of the following Notifications of the Ministry of Home Affairs, under sub-section (3) of Section 155 of the Sashastra Seema Bal Act, 2007:-
 - (1) G.S.R. 192 (E), dated the 16th March, 2010, publishing the Sashastra Seema Bal Combatised Telecommunication Cadre Group 'B' Posts Recruitment Rules, 2010.
 - (2) G.S.R. 202 (E), dated the 22nd March, 2010, publishing the Sashastra Seema Bal Group 'A' Combatised (Gazetted) Ministerial and Private Secretary Cadre Post Recruitment Rules, 2010. [Placed in Library. See No. L.T. 2404/15/10]
- III. A copy (in English and Hindi) of the Ministry of Home Affairs Notification No. G.S.R. 47 (E), dated the 22nd January, 2010, publishing the Central Reserve Police Force (Combatised Para-Medical Posts) Recruitment (Second Amendment) Rules, 2009, under sub-section (3) of Section 18 of the Central Reserve Police Force Act, 1949. [Placed in Library. See No. L.T. 2405/15/10]

- IV. A copy (in English and Hindi) of the Ministry of Home Affairs Notification No. G.S.R. 214 (E), dated the 29th March, 2010, publishing the Central Industrial Security Force Assistant Inspector General, Legal and Regulations, Group 'A' post, First Amendment Rules, 2010, under sub-section (3) of Section 22 of the Central Industrial Security Force Act, 1968. [Placed in Library. See No. L.T. 2402/15/10]

**Memorandum of understanding (2010-11) between Government
of India and various Corporation limited**

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRIMATI PANABAKA LAKSHMI): Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:-

- (i) Memorandum of Understanding between the Government of India (Ministry of Textiles) and the National Textile Corporation (NTC) Limited, for the year 2010-11. [Placed in Library. See No. L.T. 2342/15/10]
- (ii) Memorandum of Understanding between the Government of India (Ministry of Textiles) and the British India Corporation (BIC) Limited, for the year 2010-11. [Placed in Library. See No. L.T. 2343/15/10]
- (iii) Memorandum of Understanding between the Government of India (Ministry of Textiles) and the Handicrafts and Handlooms Exports Corporation of India Limited (HHEC), for the year 2010-11. [Placed in Library. See No. L.T. 2489/15/10]

**Memorandum of understanding (2010-11) between
Government of India and various PSU's**

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI M.M. PALLAM RAJU): Sir, I lay on the Table-

- I. A copy (in English and Hindi) of the Ministry of Defence Notification No. S.R.O. 16, dated the 12th to 18th July, 2009, declaring service or duty in the Union Territory of Andaman and Nicobar Islands as 'active service', under Section 185 of the Navy Act, 1957. [Placed in Library. See No. L.T. 2388/15/10]
- II. A copy each (in English and Hindi) of the following papers:-
 - (i) Memorandum of understanding between the Government of India (Ministry of Defence, Department of Defence Production) and the Bharat Electronics Limited (BEL), for the year 2010-11. [Placed in Library. See No. L.T. 2385/15/10]

- (ii) Memorandum of Understanding between the Government of India (Ministry of Defence, Department of Defence Production) and the Goa Shipyard Limited (GSL), for the year 2010-11. [Placed in Library. See No. L.T. 2386/15/10]
- (iii) Memorandum of Understanding between the Government of India (Ministry of Defence, Department of Defence Production) and the Hindustan Shipyard Limited, for the year 2010-11. [Placed in Library. See No. L.T. 2387/15/10]

I. Notifications of the Ministry of Road Transport and Highways.

II. Annual Report and Accounts (2008-09) of NHAI, New Delhi and related papers.

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI R.P.N. SINGH): Sir, I lay on the Table-

- A. A copy each (in English and Hindi) of the following Notifications of the Ministry of Road Transport and Highways, under Section 10 of the National Highways Act, 1956:-
- 1) S.O. 2840 (E), dated the 4th November, 2009, regarding acquisition of land, with or without structure, from K.M. 34.985 to K.M. 73.165 (Patna — Buxar Section) on National Highway No. 84 in Buxar District in the State of Bihar, together with delay statement.
 - 2) S.O. 2892 (E), dated the 13th November, 2009, amending Notification No. S.O. 1096 (E), dated the 4th August, 2005, to substitute certain entries in the original Notification.
 - 3) S.O. 2893 (E), dated the 13th November, 2009, amending Notification No. S.O. 1096 (E), dated the 4th August, 2005, to substitute certain entries in the original Notification.
 - 4) S.O. 2996 (E), dated the 24th November, 2009, regarding acquisition of land, with or without structure, from K.M. 239.000 to K.M. 282.000 (Sambalpur-Raipur Section) on National Highway No. 6 in Raipur District in the State of Chhattisgarh.
 - 5) S.O. 3036 (E), dated the 27th November, 2009, amending Notification No. S.O. 1713 (E), dated the 13th July, 2009, to substitute certain entries in the original Notification.
 - 6) S.O. 3042 (E), dated the 30th November, 2009, regarding acquisition of land, with or without structure, from K.M. 62.100 to K.M. 88.000 (Sambalpur — Bargarh — Orissa/Chhattisgarh Border) on National Highway No. 6 in Bargarh District in the State of Orissa.

- 7) S.O. 3045 (E), dated the 30th November, 2009, regarding acquisition of land, with or without structure, from K.M. 37.700 to K.M. 62.100 (Sambalpur — Bargarh — Orissa/Chhattisgarh Border) on National Highway No. 6 in Bargarh District in the State of Orissa.
- 8) S.O. 3047 (E), dated the 30th November, 2009, regarding acquisition of land, with or without structure, from K.M. 47.760 to K.M. 49.740 (Birapratappur-Samjajpur Section) on National Highway No. 203 in Puri District in the State of Orissa.
- 9) S.O. 3054 (E), dated the 30th November, 2009, regarding acquisition of land, with or without structure, from K.M. 54.180 to K.M. 67.480 (Malatipatpur — Sipasurubuli Section) on National Highway No. 203 in Puri District in the State of Orissa. [Placed in Library For 1 to 9. See No. L.T. 2255/15/10]
- 10) S.O. 3109 (E), dated the 4th December, 2009, regarding appointment of competent authority for acquisition of land, from K.M. 0.000 to K.M. 125.000 on National Highway No. 83 (Patna-Gaya-Dobhi Section) in the State of Bihar.
- 11) S.O. 3115 (E), dated the 4th December, 2009, regarding acquisition of land, with or without structure, from K.M. 208.307 to K.M. 235.336 on National Highway No. 34 in Murshidabad District in the State of West Bengal.
- 12) S.O. 3137 (E), dated the 7th December, 2009, amending Notification No. S.O. 2799 (E), dated the 3rd November, 2009, to insert certain entries in the original Notification.
- 13) S.O. 3149 (E), dated the 8th December, 2009, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 15.000 and K.M. 21.000 to K.M. 26.000 (Muzaffarpur — Sonbarsa Section) on National Highway No. 77 in Muzaffarpur District in the State of Bihar.
- 14) S.O. 3151 (E), dated the 8th December, 2009, regarding acquisition of land, with or without structure, from K.M. 352.000 to K.M. 391.000 (Khagaria — Purnea Section) on National Highway No. 31 in Katihar District in the State of Bihar. [Placed in Library. For 10 to 14. See No. L.T. 2412/15/10]
- 15) S.O. 3169 (E), dated the 10th December, 2009, regarding acquisition of land, with or without structure, from K.M. 18.900 to K.M. 37.700 (Sambalpur — Bargarh —

Orissa/Chhattisgarh Border) on National Highway No. 6 in Bargarh District in the State of Orissa.

- 16) S.O. 3172 (E), dated the 10th December, 2009, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 18.900 (Sambalpur — Bargarh — Orissa/Chhattisgarh Border) on National Highway No. 6 in Sambalpur District in the State of Orissa.
- 17) S.O. 3177 (E), dated the, 10th December, 2009, regarding appointment of competent authority for acquisition of land, from K.M. 0.000 to K.M. 88.00 on National Highway No. 6 (Sambalpur — Bargarh — Orissa/Chhattisgarh Border) in the State of Orissa.
- 18) S.O. 3192 (E), dated the 14th December, 2009, regarding appointment of competent authority for acquisition of land, from K.M. 0.000 to K.M. 53.410 on National Highway No. 60 in Balasore District in the State of Orissa, together with delay statement. [Placed in Library For 15 to 18. See No. L.T. 2255/15/10]
- 19) S.O. 3194 (E), dated the 14th December, 2009, regarding appointment of competent authority for acquisition of land, from K.M. 398.000 to K.M. 452.700 on National Highway No. 34 in Uttar Dinajpur District in the State of West Bengal.
- 20) S.O. 3212 (E), dated the 15th December, 2009, regarding acquisition of land, with or without structure, from K.M. 380.600 to K.M. 432.650 (Chilakaluripet-Vijayawada Section) on National Highway No. 5 in Guntur District in the State of Andhra Pradesh.
- 21) S.O. 3213 (E), dated the 15th December, 2009, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 81.600 (Tiruttani-Chennai Section) on National Highway No. 205 in Tiruvallur District in the State of Tamil Nadu. [Placed in Library For 19 to 21. See No. L.T. 2412/15/10]
- 22) S.O. 3266 (E), dated the 22nd December, 2009, regarding acquisition of land, with or without structure, from K.M. 206.397 to K.M. 269.000 (Rimuli-Rajamunda Section) on National Highway No. 215 in Sundargarh District in the State of Orissa, together with delay statement. [Placed in Library. See No. L.T. 2255/15/10]
- 23) S.O. 3270 (E), dated the 23rd December, 2009, regarding acquisition of land, with or without structure, from K.M. 142.400 to K.M. 212.100 (Gurgaon-Kotputli-Jaipur

- Section) on National Highway No. 8 in Jaipur District in the State of Rajasthan. [Placed in Library. See No. L.T. 2412/15/10]
- 24) S.O. 43 (E), dated the 8th January, 2010, amending Notification No. S.O. 1096 (E), dated the 4th August, 2005, to substitute certain entries in the original Notification. [Placed in Library. See No. L.T. 2255/15/10]
- 25) S.O. 57 (E), dated the 12th January, 2010, regarding appointment of competent authority for acquisition of land, with or without structure, from K.M. 0.000 to K.M. 12.600 on National Highway No. 57 A in Araria District in the State of Bihar.
- 26) S.O. 85 (E), dated the 15th January, 2010, regarding acquisition of land, with or without structure, from K.M. 151.000 to K.M. 159.000 on National Highway No. 79, K.M. 0.000 to K.M. 29.600 (Chittorgarh Bypass) and K.M. 165.625 to K.M. 213.000 (Chittorgarh — Mangalwar Section) on National Highway No. 76 in Chittorgarh District in the State of Rajasthan. [Placed in Library. See No. L.T. 2412/15/10]
- 27) S.O. 108 (E), dated the 18th January, 2010, amending Notification No. S.O. 1096 (E), dated the 4th August, 2005, to substitute certain entries in the original Notification.
- 28) S.O. 109 (E), dated the 18th January, 2010, regarding declaration of Mehrauli-Gurgaon Road as a new National Highway. [Placed in Library. See No. L.T. 2255/15/10]
- 29) S.O. 120 (E), dated the 20th January, 2010, regarding acquisition of land, with or without structure, from K.M. 48.700 to K.M. 64.500 (Vijayawada — Machilipatnam Section) on National Highway No. 9 in Krishna District in the State of Andhra Pradesh.
- 30) S.O. 132 (E), dated the 20th January, 2010, regarding acquisition of land, with or without structure, from K.M. 20.650 to K.M. 32.050 (Vijayawada — Machilipatnam Section) on National Highway No. 9 in Krishna District in the State of Andhra Pradesh. [Placed in Library. See No. L.T. 2412/15/10]
- 31) S.O. 143 (E), dated the 21st January, 2010, regarding declaration of National Highways 69 A and 26B in the States of Madhya Pradesh and Maharashtra, respectively as the New National Highway. [Placed in Library. See No. L.T. 2255/15/10]

- 32) S.O. 184 (E), dated the 25th January, 2010, regarding acquisition of land, with or without structure, from K.M. 43.000 to K.M. 96.714 (Kerala Tamil Nadu Border — Kanniyakumari Section) on National Highway No. 47 and K.M. 0.000 to K.M. 16.376 (Nagercoil-Kavalkinaru Section) on National Highway No. 47B in Tirunelveli and Kanniyakumari Districts in the State of Tamil Nadu.
- 33) S.O. 185 (E), dated the 25th January, 2010, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 16.376 (Nagercoil-Kavalkinaru Section) on National Highway No. 47B in Kanniyakumari District in the State of Tamil Nadu.
- 34) S.O. 186 (E), dated the 25th January, 2010, regarding acquisition of land, with or without structure, from K.M. 32.050 to K.M. 48.700 (Vijayawada-Machilipatnam Section) on National Highway No. 9 in Krishna District in the State of Andhra Pradesh. [Placed in Library For 32 to 34. See No. L.T. 2412/15/10]
- 35) S.O. 217 (E), dated the 29th January, 2010, regarding acquisition of land, with or without structure, from K.M. 306.900 to K.M. 308.600 (Gadparajang — Dihadol Section), K.M. 330.300 to K.M. 336.900 (Alutuma-Malapura Section) and K.M. 365.600 to K.M. 367.800 (Bhuban Bhadaliapasi-Bhubanbethiapal Section) on National Highway No. 200 in Dhenkanal District in the State of Orissa.
- 36) S.O. 220 (E), dated the 29th January, 2010 regarding acquisition of land, with or without structure, from K.M. 12.762 to K.M. 54.810 (Uttarasasana — Malatipatpur Section) on National Highway No. 203 in Puri District in the State of Orissa together with delay Statement. [Placed in Library. See No. L.T. 2255/15/10]
- 37) S.O. 275 (E), dated the 8th February, 2010, regarding acquisition of land, with or without structure, from K.M. 498.800 to K.M. 533.370 (Islampur Bypass Section) on National Highway No. 3 in Uttar Dinajpur District in the State of West Bengal.
- 38) S.O. 282 (E), dated the 8th February, 2010, regarding acquisition of land, with or without structure, from K.M. 167.750 to K.M. 224.268 (Kadapa-Kurnool Section) on National Highway No. 18 in Kadapa District in the State of Andhra Pradesh.
- 39) S.O. 285 (E), dated the 8th February, 2010, regarding acquisition of lane, with or without structure, from K.M. 368.044 to K.M. 397.733 on National Highway No. 34 in Uttar Dinajpur District in the State of West Bengal.

- 40) S.O. 286 (E), dated the 8th February, 2010, regarding acquisition of land, with or without structure, from K.M. 48.533 to K.M. 164.584 on National Highway No. 34 in Nadia District in the State of West Bengal.
- 41) S.O. 314 (E), dated the 10th February, 2010, regarding acquisition of land, with or without structure, from K.M. 262.604 to K.M. 272.300, K.M. 278.800 to K.M. 282.800, K.M. 284.000 to K.M. 286.950 and K.M. 289.050 to K.M. 292.150 (Berhampore-Farakka Section) on National Highway No. 34 in Murshidabad District in the State of West Bengal.
- 42) S.O. 316 (E), dated the 10th February, 2010, regarding appointment of competent authority for acquisition of land, from K.M. 436.000 to K.M. 437.000 on National Highway No. 34 in Katihar District in the State of Bihar.
- 43) S.O. 318 (E), dated the 10th February, 2010, regarding acquisition of land, with or without structure, from K.M. 247.160 to K.M. 257.200 (Berhampore-Farakka Section) on National Highway No. 34 in Murshidabad District in the State of West Bengal.
- 44) S.O. 319 (E), dated the 10th February, 2010, regarding acquisition of land, with or without structure, from K.M. 259.720 to K.M. 261.560 (Berhampore-Farakka Section) on National Highway No. 34 in Murshidabad District in the State of West Bengal.
- 45) S.O. 320 (E), dated the 10th February, 2010, regarding acquisition of land, with or without structure, from K.M. 191.700 to K.M. 196.100 and K.M. 196.800 to K.M. 207.139 (Berhampore-Farakka Section) on National Highway No. 34 in Murshidabad District in the State of West Bengal.
- 46) S.O. 327 (E), dated the 10th February, 2010, regarding acquisition of land, with or without structure, from K.M. 224.360 to K.M. 350.450 (Kadapa-Kurnool Section) on National Highway No. 18 in Sirvel Mandal in Kurnool District in the State of Andhra Pradesh.
- 47) S.O. 328 (E), dated the 10th February, 2010, regarding acquisition of land, with or without structure, from K.M. 224.360 to K.M. 350.450 (Kadapa-Kurnool Section) on National Highway No. 18 in Chagalamarri village of Chagalamarri Mandal in Kurnool District in the State of Andhra Pradesh.
- 48) S.O. 329 (E), dated the 10th February, 2010, regarding acquisition of land, with or without structure, from K.M. 224.360 to K.M. 350.450 (Kadapa-Kurnool Section) on National Highway No. 18 in Madduru village of Chagalamarri Mandal in Kurnool District in the State of Andhra Pradesh.

- 49) S.O. 330 (E), dated the 10th February, 2010, regarding acquisition of land, with or without structure, from K.M. 224.360 to K.M. 350.450 (Kadapa-Kurnool Section) on National Highway No. 18 in Kalugatlapalli village of Chagalamarri Mandal in Kurnool District in the State of Andhra Pradesh.
- 50) S.O. 363 (E), dated the 16th February, 2010, regarding acquisition of land, with or without structure, from K.M. 271.500 to K.M. 318.600 (Surat-Dahisar Section) on National Highway No. 8 in Navasari District in the State of Gujarat.
- 51) S.O. 364 (E), dated the 16th February, 2010, regarding acquisition of land, with or without structure, from K.M. 138.200 to K.M. 146.600 (Madurai-Aruppukkottai-Thoothukkudi Section) on National Highway No. 45B in Madurai District in the State of Tamil Nadu.
- 52) S.O. 365 (E), dated the 16th February, 2010, regarding acquisition of land, with or without structure, from K.M. 146.600 to K.M. 192.800 (Madurai-Aruppukkottai-Thoothukkudi Section) on National Highway No. 45B in Virudhunagar District in the State of Tamil Nadu.
- 53) S.O. 370 (E), dated the 16th February, 2010, regarding acquisition of land, with or without structure, from K.M. 80.000 to K.M. 116.500 (Thanjavur-Tiruchirappalli Section) on National Highway No. 67 in Thanjavur District in the State of Tamil Nadu.
- 54) S.O. 371 (E), dated the 16th February, 2010, regarding acquisition of land, with or without structure, from K.M. 80.000 to K.M. 116.500 (Thanjavur-Tiruchirappalli Section) on National Highway No. 67 in Thanjavur District in the State of Tamil Nadu.
- 55) S.O. 376 (E), dated the 16th February, 2010, regarding acquisition of land, with or without structure, from K.M. 165.000 to K.M. 169.860 (Deoli — Jhalawar Section) on National Highway No. 12 in Bhilwara District in the State of Rajasthan.
- 56) S.O. 378 (E), dated the 16th February, 2010, regarding acquisition of land, with or without structure, from K.M. 271.500 to K.M. 318.600 (Surat-Dahisar Section) on National Highway No. 8 in Navasari District in the State of Rajasthan.
- 57) S.O. 382 (E), dated the 16th February, 2010, regarding acquisition of land, with or without structure, from K.M. 39.500 to K.M. 78.000 on National Highway No. 59 in Dhar District in the State of Madhya Pradesh. [Placed in Library For 37 to 57. L.T. 2412/15/10]

- 58) S.O. 387 (E), dated the 16th February, 2010, amending Notification No. S.O. 1096 (E), dated the 4th August, 2005, to substitute certain entries in the original Notification. [Placed in Library. See No. L.T. 2255/15/10]
- 59) S.O. 398(E), dated the 17th February, 2010, regarding appointment of competent authority for acquisition of land, from K.M. 470.415 to K.M. 609.204 on National Highway No. 5 in Srikakulam District in the State of Andhra Pradesh.
- 60) S.O. 404 (E), dated the 17th February, 2010, regarding acquisition of land, with or without structure, from K.M. 116.500 to K.M. 136.500 (Thanjavur-Tiruchirappalli Section) on National Highway No. 67 in Tiruchirappalli District in the State of Tamil Nadu.
- 61) S.O. 405 (E), dated the 17th February, 2010, regarding appointment of competent authority for acquisition of land, from K.M. 0.000 to K.M. 147.000 on National Highway No. 31D in the State of West Bengal.
- 62) S.O. 407 (E), dated the 17th February, 2010, regarding acquisition of land, with or without structure, from K.M. 517.000 to K.M. 551.000 (Oachira-Thiruvananthapuram Section) on National Highway No. 47 in Thiruvananthapuram District in the State of Kerala.
- 63) S.O. 408 (E), dated the 17th February, 2010, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 43.000 (Thiruvananthapuram-Kerala/Tamil Nadu Border Section) on National Highway No. 47 in Thiruvananthapuram District in the State of Kerala. [Placed in Library For 59 to 63. See No. L.T. 2412/15/10]
- 64) S.O. 409 (E), dated the 17th February, 2010, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 29.220 (Hajipur-Muzaffarpur Section) on National Highway No. 77 in Vaishali District in the State of Bihar. [Placed in Library. See No. L.T. 2584/15/10]
- 65) S.O. 421 (E), dated the 18th February, 2010, regarding appointment of competent authority for acquisition of land, from K.M. 323.850 to K.M. 383.200 on National Highways Nos.47 and 67 Ext. in Coimbatore District in the state of Tamil Nadu.
- 66) S.O. 423 (E), dated the 18th February, 2010, regarding acquisition of land, with or without structure, from K.M. 190.000 to K.M. 228.000 (Mahua-Jaipur Section) on National Highway No. 11 in Jaipur District in the State of Rajasthan.

- 67) S.O. 435 (E), dated the 23rd February, 2010, regarding acquisition of land, with or without structure, from K.M. 135.800 to K.M. 166.400 (Trichy-Karur Section) on National Highway No. 67 in Tiruchirappalli District in the State of Tamil Nadu.
- 68) S.O. 436 (E), dated the 23rd February, 2010, regarding acquisition of land, with or without structure, from K.M. 63.000 to K.M. 120.000 (Bharatpur-Mahua Section) on National Highway No. 11 in Bharatpur District in the State of Rajasthan.
- 69) S.O. 437 (E), dated the 23rd February, 2010, regarding acquisition of land, with or without structure, from K.M. 104.563 to K.M. 166.725 (Talegaon-Amravati Section) on National Highway No. 6 in Amravati District in the State of Maharashtra.
- 70) S.O. 448 (E), dated the 23rd February, 2010, amending Notification No. S.O. 2083 (E), dated the 4th December, 2007, to substitute certain entries in the original Notification.
- 71) S.O. 449 (E), dated the 23rd February, 2010, regarding acquisition of land, with or without structure, from K.M. 166.400 to K.M. 203.400 (Trichy-Karur Section) on National Highway No. 67 in Karur District in the State of Tamil Nadu.
- 72) S.O. 450 (E), dated the 23rd February, 2010, regarding acquisition of land, with or without structure, from K.M. 217.600 to K.M. 278.600 (Salem-Karur Section) on National Highway No. 7 in Namakkal District in the State of Tamil Nadu.
- 73) S.O. 451 (E), dated the 23rd February, 2010, regarding appointment of competent authority for acquisition of land, from K.M. 102.035 to K.M. 183.060 on National Highway No. 47 in Tiruppur District in the State of Tamil Nadu.
- 74) S.O. 452 (E), dated the 23rd February, 2010, regarding appointment of competent authority for acquisition of land, from K.M. 33.850 to K.M. 48.470 on National Highway No. 12 in Kota District in the State of Rajasthan.
- 75) S.O. 470 (E), dated the 24th February, 2010, amending Notification No. S.O. 1428 (E), dated the 10th June, 2008, to substitute certain entries in the original Notification.

- 76) S.O. 471 (E), dated the 24th February, 2010, regarding acquisition of land, with or without structure, from K.M. 96.000 to K.M. 114.000 (Hazaribag-Ranchi Section) on National Highway No. 33 in Ranchi District in the State of Jharkhand.
- 77) S.O. 472 (E), dated the 24th February, 2010, regarding acquisition of land, with or without structure, from K.M. 60.000 to K.M. 96.000 (Hazaribag-Ranchi Section) on National Highway No. 33 in Ramgarh District in the State of Jharkhand.
- 78) S.O. 475 (E), dated the 24th February, 2010, regarding appointment of competent authority for acquisition of land, from K.M. 843.000 to K.M. 978.000 on National Highway No. 2 in the State of Bihar.
- 79) S.O. 477 (E), dated the 24th February, 2010 regarding acquisition of land, with or without structure, from K.M. 445.000 to K.M. 476.600 (Durg Nagpur Section) on National Highway No. 6 in Bhandara District in the State of Maharashtra.
- 80) S.O. 478 (E), dated the 24th February, 2010, regarding acquisition of land, with or without structure, from K.M. 380.000 to K.M. 440.000 (Pimpalgaon-Nashik-Gonde Section) on National Highway No. 3 in Nashik District in the State of Maharashtra.
- 81) S.O. 486 (E), dated the 26th February, 2010, amending Notification No. S.O. 1096 (E), dated the 4th August, 2005, to substitute certain entries in the original Notification.
- 82) S.O. 488 (E), dated the 26th February, 2010, regarding acquisition of land, with or without structure, from K.M. 60.000 to K.M. 80.000 (Nagapattinam-Thanjavur Section) on National Highway No. 67 in Thanjavur District in the State of Tamil Nadu.
- 83) S.O. 490 (E), dated the 26th February, 2010, regarding acquisition of land, with or without structure, from K.M. 203.000 to K.M. 293.000 (Hyderabad-Bangalore Section) on National Highway No. 7 in Kurnool District in the State of Andhra Pradesh.
- 84) S.O. 491 (E), dated the 26th February, 2010, regarding acquisition of land, with or without structure, from K.M. 167.750 to K.M. 224.360 (Kadapa-Kurnool Section) on National Highway No. 18 in Kadapa District in the State of Andhra Pradesh.

- 85) S.O. 492 (E), dated the 26th February, 2010, regarding acquisition of land, with or without structure, from K.M. 283.300 to K.M. 348.500 (Kundapur-Surathkal Section) on National Highway No. 17 in Udupi District in the State of Karnataka.
- 86) S.O. 493 (E), dated the 26th February, 2010, regarding acquisition of land, with or without structure, from K.M. 350.000 to K.M. 367.476 (Farakka-Raiganj Section) on National Highway No. 34 in Malda District in the State of West Bengal.
- 87) S.O. 495 (E), dated the 26th February, 2010, regarding acquisition of land, with or without structure, from K.M. 167.750 to K.M. 224.268 (Kadapa-Kurnool Section) on National Highway No. 18 in Kadapa District in the State of Andhra Pradesh.
- 88) S.O. 496 (E), dated the 26th February, 2010, amending Notification No. S.O. 1501 (E), dated the 17th June, 2009, to substitute certain entries in the original Notification.
- 89) S.O. 497 (E), dated the 26th February, 2010, regarding acquisition of land, with or without structure, from K.M. 237.000 to K.M. 318.000 (Mulbagal-Kolar-Bangalore Section) on National highway No. 4 in Kolar District in the State of Maharashtra. [Placed in Library For 65 to 89. See No. L.T. 2412/15/10]
- 90) S.O. 498 (E), dated the 26th February, 2010, regarding acquisition of land, with or without structure, for construction of foot over bridges at K.M. 38.775 and at K.M. 36.710 on National Highway No. 8 in Gurgaon District in the State of Haryana. [Placed in Library. See No. L.T. 2255/15/10]
- 91) S.O. 499 (E), dated the 26th February, 2010, regarding acquisition of land, with or without structure, from K.M. 167.750 to K.M. 224.268 (Kadapa-Kurnool Section) on National Highway No. 18 in Kadapa District in the State of Andhra Pradesh.
- 92) S.O. 505 (E), dated the 26th February, 2010, regarding acquisition of land, with or without structure, from K.M. 167.750 to K.M. 224.360 (Kadappa-Kurnool Section) on National Highway No. 18 in Kadapa District in the State of Andhra Pradesh.
- 93) S.O. 506 (E), dated the 26th February, 2010, regarding acquisition of land, with or without structure, from K.M. 355.200 to K.M. 388.200 (Udaipur — Ahmedabad Section) on National Highway No. 8 in Dungarpur District in the State of Rajasthan.

- 94) S.O. 535 (E), dated the 4th March, 2010, regarding acquisition of land, with or without structure, from K.M. 96.000 to K.M. 114.000 (Hazaribag-Ranchi Section) on National Highway No. 33 in Ranchi District in the State of Jharkhand.
- 95) S.O. 536 (E), dated the 4th March, 2010, regarding acquisition of land, with or without structure, from K.M. 60.000 to K.M. 96.000 (Hazaribag-Ranchi Section) on National Highway No. 33 in Ramgarh District in the State of Jharkhand. [Placed in Library For 91 to 95. See No. L.T. 2412/15/10]
- 96) S.O. 542 (E), dated the 5th March, 2010, regarding rationalization/modification of Numbering System of National Highways in the country. [Placed in Library. See No. L.T. 2255/15/10]
- 97) S.O. 557 (E), dated the 10th March, 2010, amending Notification No. S.O. 2654 (E), dated the 21st October, 2009, to substitute certain entries in the original Notification. [Placed in Library. See No. L.T. 2412/15/10]
- 98) S.O. 558 (E), dated the 10th March, 2010, regarding acquisition of land, with or without structure, from K.M. 32.250 to K.M. 66.250 (Kurali-Kirtpur Section) on National Highway No. 21 in Roopnagar District in the State of Punjab.
- 99) S.O. 559 (E), dated the 10th March, 2010, regarding acquisition of land, with or without structure, from K.M. 28.600 to K.M. 32.250 (Kurali-Kirtpur Section) on National Highway No. 21 in Roopnagar District in the State of Punjab.
- 100) S.O. 560 (E), dated the 10th March, 2010, regarding acquisition of land, with or without structure, from K.M. 163.895 to K.M. 204.400 (Khanapara-Kalikuchi Section) on National Highway No. 37 in Kamrup (Metro) District in the State of Assam. [Placed in Library For 98 to 100. See No. L.T. 2255/15/10]
- 101) S.O. 561 (E), dated the 10th March, 2010, regarding appointment of competent authority for acquisition of land, from K.M. 441.400 to K.M. 520.200 on National Highway No. 2 in Burdwan District in the State of West Bengal. [Placed in Library. See No. L.T. 2412/15/10]
- 102) S.O. 563 (E), dated the 10th March, 2010, regarding acquisition of land, with or without structure, from K.M. 39.965 to K.M. 41.945 (Zirakpur-Parwanoo Section) on National Highway No. 22 in Sahibzada Ajit Singh Nagar District in the State of Punjab.

- 103) S.O. 564 (E), dated the 10th March, 2010, regarding acquisition of land, with or without structure, from K.M. 28.600 to K.M. 32.250 (Kuruli-Kiratpur Section) on National Highway No. 21 in Roopnagar District in the State of Punjab.
- 104) S.O. 565 (E), dated the 10th March, 2010, regarding acquisition of land, with or without structure, from K.M. 455.400 to K.M. 491.620 (Amritsar-Wagha Section) on National Highway No. 1 in Amritsar District in the State of Punjab. [Placed in Library for 102 to 104. See No. L.T. 2255/15/10]
- 105) S.O. 566 (E), dated the 10th March, 2010, regarding acquisition of land, with or without structure, from K.M. 228.980 to K.M. 244.110 (Sirohi Section) on National Highway No. 14 in Sirohi District in the State of Rajasthan.
- 106) S.O. 576 (E), dated the 11th March, 2010, regarding acquisition of land, with or without structure, from K.M. 28.200 to K.M. 110.200 (Nelamangala-Hassan Section) on National Highway No. 48 in Bangalore Rural District in the State of Karnataka.
- 107) S.O. 577 (E), dated the 11th March, 2010, regarding acquisition of land, with or without structure, from K.M. 148.550 to K.M. 159.185 (Muzaffarpur-Purnea Section) on National Highway No. 57 in Supaul District in the State of Bihar.
- 108) S.O. 585 (E), dated the 12th March, 2010, amending Notification No. S.O. 622 (E), dated the 18th April, 2007, to substitute certain entries in the original Notification.
- 109) S.O. 588 (E), dated the 15th March, 2010, regarding acquisition of land, with or without structure, from K.M. 11.000 to K.M. 53.685 (Madras — Vijayawada Section) on National Highway No. 5 in Tiruvallur District in the State of Tamil Nadu.
- 110) S.O. 605 (E), dated the 16th March, 2010, regarding acquisition of land, with or without structure, from K.M. 62.295 to K.M. 72.800 (Bharatpur — Mahua Section) on National Highway No. 11 in Bharatpur District in the State of Rajasthan.
- 111) S.O. 606 (E), dated the 17th March, 2010, regarding acquisition of land, with or without structure, from K.M. 551.000 to K.M. 566.000 on National Highway No. 31 in Darjeeling District in the State of West Bengal.

- 112) S.O. 624 (E), dated the 22nd March, 2010, regarding acquisition of land, with or without structure, from K.M. 60.000 to K.M. 80.000 (Nagapattinam — Thanjavur Section) on National Highway No. 67 in Thanjavur District in the State of Tamil Nadu.
- 113) S.O. 630 (E), dated the 22nd March, 2010, publishing Corrigendum to Notification No. S.O. 3213 (E), dated the 15th December, 2009. [Placed in Library For 105 to 113. See No. L.T. 2412/15/10]
- 114) S.O. 631 (E), dated the 22nd March, 2010, regarding acquisition of land, with or without structure, from K.M. 20.500 to K.M. 44.200 (Delhi-Agra Section) on National Highway No. 2 in Faridabad District in the State of Haryana. [Placed in Library. See No. L.T. 2255/15/10]
- 115) S.O. 670 (E), dated the 23rd March, 2010, regarding acquisition of land, with or without structure, from K.M. 43.000 to K.M. 96.714 (Kerala/Tamil Nadu Border-Kanniyakumari Section) on National Highway No. 47 and K.M. 0.000 to K.M. 16.376 (Nagercoil — Kavalkinaru Section) on National Highway No. 47B in Kanniyakumari District in the State of Tamil Nadu.
- 116) S.O. 671 (E), dated the 23rd March, 2010, regarding acquisition of land, with or without structure, from K.M. 95.300 to K.M. 118.400 (Khalghat-MP/Maharashtra Border Section) on National Highway No. 3 in Barwani District in the State of Madhya Pradesh.
- 117) S.O. 672 (E), dated the 23rd March, 2010, amending Notification No. S.O. 3050 (E), dated the 30th November, 2009, to substitute certain entries in the original Notification.
- 118) S.O. 673 (E), dated the 23rd March, 2010, regarding acquisition of land, with or without structure, from K.M. 232.600 to K.M. 13.600 and K.M. 13.600 to K.M. 30.300 (Hattur-Maharashtra/Karnataka Border Section) on National Highway No. 13 in Solapur District in the State of Maharashtra.
- 119) S.O. 677 (E), dated the 23rd March, 2010, regarding acquisition of land, with or without structure, from K.M. 242.400 to K.M. 289.500 (Deoli — Kota Section) on National Highway No. 12 in Kota District in the State of Rajasthan. [Placed in Library For 115 to 119. See No. L.T. 2412/15/10]
- 120) S.O. 688 (E), dated the 25th March, 2010, regarding acquisition of land, with or without structure, from K.M. 18.800 to K.M. 20.500 (Faridabad Section) on National Highway No. 2 in Faridabad District in the State of Haryana.

- 121) S.O. 691 (E), dated the 26th March, 2010, regarding acquisition of land, with or without structure, from K.M. 80.700 to K.M. 102.860 on National Highway No. 15 in the State of Punjab.
- 122) S.O. 692 (E), dated the 26 March, 2010, regarding acquisition of land, with or without structure, from K.M. 0.000 to K.M. 81.600 (Tiruttani-Chennai Section) on National Highway No. 205 in Tiruvallur District in the State of Tamil Nadu.
- 123) S.O. 693 (E), dated the 26th March, 2010, regarding acquisition of land, with or without structure, from K.M. 60.270 to K.M. 80.700 (Pathankot-Amritsar Section) on National Highway No. 15 in Gurdaspur District in the State of Punjab. [Placed in Library For 120 to 123. See No. L.T. 2255/15/10]
- 124) S.O. 694 (E), dated the 26th March, 2010, regarding acquisition of land, with or without structure, from K.M. 203.400 to K.M. 218.000 (Trichirappalli-Karur Section) on National Highway No. 67 in Karur District in the State of Tamil Nadu.
- 125) S.O. 695 (E), dated the 26th March, 2010, regarding acquisition of land, with or without structure, from K.M. 297.700 to K.M. 297.840 (Jaipur — Reengus Section) on National Highway No. 11 in Sikar District in the State of Rajasthan.
- 126) S.O. 696 (E), dated the 26th March, 2010, regarding acquisition of land, with or without structure, from K.M. 102.035 to K.M. 183.060 (Chengapalli-Walayar Section) on National Highway No. 47 in Coimbatore District in the State of Tamil Nadu.
- 127) S.O. 697 (E), dated the 26th March, 2010, regarding acquisition of land, with or without structure, from K.M. 278.600 to K.M. 292.600 (Salem-Karur Section) on National Highway No. 7 in Karur District in the State of Tamil Nadu.
- 128) S.O. 703 (E), dated the 29th March, 2010, regarding acquisition of land, with or without structure, from K.M. 23.800 to K.M. 31.200 (Dindigul-Coimbatore Section) on National Highway No. 209 in Dindigul District in the State of Tamil Nadu.
- 129) S.O. 753 (E), dated the 5th April, 2010, regarding acquisition of land, with or without structure, from K.M. 201.000 to K.M. 309.100 (Bhopal-Bareilly Section) on National Highway No. 12 in Raisen District in the State of Madhya Pradesh.

- 130) S.O. 761 (E), dated the 6th April, 2010, regarding acquisition of land, with or without structure, from K.M. 14.920 to K.M. 65.120 (Jabalpur — Rajmarg Crossing Section) on National Highway No. 12 in Jabalpur District in the State of Madhya Pradesh.
- 131) S.O. 765 (E), dated the 6th April, 2010, regarding acquisition of land, with or without structure, from K.M. 9.200 to K.M. 60.680 (Nagpur-Dhule Section) on National Highway No. 6 in Nagpur District in the State of Maharashtra.
- 132) S.O. 912 (E), dated the 21st April, 2010, regarding fee to be recovered from the users of the stretch from K.M. 539.500 to K.M. 440.000 (Vadape — Gonde Section) on National Highway No. 3 in the State of Maharashtra.
- 133) S.O. 3232 (E), dated the 15th December, 2009, publishing Corrigendum to Notification No. 2127 (E), dated the 17th August, 2009. [Placed in Library For 124 to 133. See No. L.T. 2412/15/10]
- 134) S.O. 3264 (E), dated the 22nd December, 2009, publishing Corrigendum to Notification No. 2491 (E), dated the 30th September, 2009.
- 135) S.O. 222 (E), dated the 29th January, 2010, publishing Corrigendum to Notification (Hindi only) No. S.O. 2669 (E), dated the 23rd October, 2009.
- 136) S.O. 666 (E), dated the 23rd March, 2010, publishing Corrigendum to Notification No. S.O. 79 (E), dated the 13th January, 2010. [Placed in Library. See No. L.T. 2255/15/10]
- 137) S.O. 689 (E), dated the 25th March, 2010, publishing Corrigendum (Hindi only) to Notification No. S.O. 3270 (E), dated the 21st December, 2009.
- 138) S.O. 763 (E), dated the 6th April, 2010, publishing Corrigendum to Notification No. S.O. 3230 (E), dated the 15th December, 2009. [Placed in Library. See No. L.T. 2412/15/10]

A copy each (in English and Hindi) of the following Notifications of the Ministry of Road Transport and Highways, under Section 37 of the National Highways Authority of India Act, 1988:-

- (1) S.O. 107 (E), dated the 18th January, 2010, amending Notification No. S.O. 196 (E), dated the 6th March, 2000, to omit certain entries in the original Notification.
- (2) S.O. 235 (E), dated the 2nd February, 2010, regarding entrustment of Mehrauli — Gurgaon Road to National Highways Authority of India in the National Capital Territory of Delhi.

- (3) S.O. 386 (E), dated the 16th February, 2010, regarding entrustment of certain stretches of National Highway Nos. 77,58,72 and 24 to National Highways Authority of India.
 - (4) S.O. 485 (E), dated the 26th February, 2010, regarding entrustment of certain stretches of National Highway Nos. 17 and 47 to National Highways Authority of India. [Placed in Library. See No. L.T. 2255/15/10]
- II (1) A copy each (in English and Hindi) of the following papers, under Section 24 of the National Highways Authority of India Act, 1988:-
- (a) Annual Report and Accounts for the National Highways Authority of India (NHAI), New Delhi, for the year 2008-09, together with the Auditor's Report on the Accounts.
 - (b) Review by Government on the working of the above Authority.
- (2) Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (1) above. [Placed in Library. See No. L.T. 2413/15/10]

MESSAGES FROM LOK SABHA

- (i) **The Energy Conservation (Amendment) Bill, 2010.**
- (ii) **The National Commission for Minority Educational Institutions (Amendment) Bill, 2010.**

SECRETARY-GENERAL: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

(I)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in the Lok Sabha, I am directed to enclose the Energy Conservation (Amendment) Bill, 2010, as passed by Lok Sabha at its sitting held on the 4th May, 2010.

(II)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in the Lok Sabha, I am directed to enclose the National Commission for Minority Educational institutions (Amendment) Bill, 2010, as passed by Lok Sabha at its sitting held on the 4th May, 2010.

Sir, I lay a copy each of the Bills on the Table.

**REPORT OF THE DEPARTMENT RELATED PARLIAMENTARY
STANDING COMMITTEE ON PETROLEUM AND NATURAL GAS**

डा. प्रभा ठाकुर (राजस्थान) : महोदय, मैं "केरोसीन एवं अन्य पेट्रोलियम उत्पादों का विपणन, आपूर्ति, वितरण, डीलरशिप और मूल्य निर्धारण" विषय पर विभाग संबंधित पेट्रोलियम और प्राकृतिक गैस संबंधी संसदीय स्थायी समिति के पच्चीसवें प्रतिवेदन (चौदहवीं लोक सभा) में अंतर्विष्ट सिफारिशों पर सरकार द्वारा की गई कार्रवाई के संबंध में समिति के तीसरे प्रतिवेदन की एक प्रति (अंग्रेजी तथा हिन्दी में) सभा पटल पर रखती हूँ।

...(Interruptions)...

**STATEMENTS OF THE DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE ON
PETROLEUM AND NATURAL GAS**

डा. प्रभा ठाकुर (राजस्थान) : महोदय, मैं विभाग संबंधित पेट्रोलियम और प्राकृतिक गैस संबंधी संसदीय स्थायी समिति (2009-10) के निम्नलिखित प्रतिवेदनों के अध्याय I और अध्याय V में अंतर्विष्ट सिफारिशों पर सरकार द्वारा आगे की गई कार्रवाई को दर्शाने वाले समिति के निम्नलिखित विवरणों की एक-एक प्रति (अंग्रेजी तथा हिन्दी में) सभा पटल पर रखती हूँ:-

- (i) "तेल और गैस के वैकल्पिक स्रोतों के विकास हेतु रणनीति" के संबंध में समिति के सत्रहवें प्रतिवेदन में अंतर्विष्ट सिफारिशों पर सरकार द्वारा की गई कार्रवाई के संबंध में इक्कीसवां प्रतिवेदन (चौदहवीं लोक सभा); और
- (ii) पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अनुदान मांगों के संबंध में समिति (2008-09) के बीसवें प्रतिवेदन में अंतर्विष्ट सिफारिशों पर सरकार द्वारा की गई कार्रवाई के संबंध में बाईसवां प्रतिवेदन (चौदहवीं लोक सभा)।

...(Interruptions)...

STATEMENT BY MINISTERS

I. Status of implementation of recommendations contained in the thirty-sixth report of the department related Parliamentary Standing Committee on Defence.

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): Sir, I make a statement regarding status of implementation of recommendations contained in the Thirty-sixth Report of the Department-related Parliamentary Standing Committee on Defence.

II. Status of implementation of recommendations contained in the eighty-eighth report on Patents and Trade Mark Systems in India of the Department related Parliamentary Standing Committee on Commerce.

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADIYA MADHAVRAO SCINDIA): Sir, I make a statement regarding status of implementation of recommendations contained in the eighty-eighth Report on Patents and Trade Mark Systems in India of the Department—related Parliamentary Standing Committee on Commerce.

EXPUNCTION OF REMARKS MADE BY AN HON. MEMBER AGAINST LOP

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, I would like to know from the Chair whether have we become so helpless, whether the ruling party has become so helpless that even when the Chair was also challenged, the Chair said that it had no power. One of the hon. Member has misused his authority. He has gone against the rules and has made abusive remarks in a very irresponsible manner. Is there no remedy, except saying. "What can we do"? I would like to pose this question to the entire House, through you. Are we so helpless? Do you want every Member to flout the procedure and get into abusive and slanging match in the House? We should also follow the rules and procedures. There have been procedures; there has been precedence and ethics also. One has to follow them. We may have political differences. We can criticize each other. But if you abuse — taking the liberty that you have become a Member of the House, courtesy somebody — and misuse your position, is there any remedy? This is the question I want to pose. My point is this. We have been raising this issue continuously for three days, as if it is concerned individually with us. As I right said in the morning, we could have settled it outside, but this is not a matter to be settled outside because it has happened inside the House.

It happened inside the House. It has not happened outside. ...*(Interruptions)*... Where is the question of threat? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Venkaiah Naiduji, the Chair is helpless. The Chair works according to Rules. ...*(Interruptions)*... Certain remarks were made; the Chair has deleted those remarks. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA (Jharkhand): Sir, we are not concerned about the deletion. ...*(Interruptions)*... We are not concerned about the deletion. ...*(Interruptions)*... Bring the Leader of the House. ...*(Interruptions)*... Let the Leader of the House come and explain it. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: The Chair can direct him to withdraw his remarks. ...*(Interruptions)*... The Chair has got a right to ask the Member to withdraw from the House. ...*(Interruptions)*... Even to withdraw a Member from the House, the Chair has got a right. ...*(Interruptions)*... We have seen it. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: The Chair has the power to ask the Member to withdraw from the House. But the Chair has no right to ask a Member to apologize. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: You don't want to ask him. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: We can delete the remarks. Any remarks can be deleted.
...(Interruptions)...

SHRI M. VENKAIAH NAIDU: You don't want the Government and the Opposition to work together. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: It is left to the Government and the Member. ... (Interruptions)... It is always advisable. ... (Interruptions)... He is a Member of this House. There is nothing wrong if somebody is feeling that what he said is. ... (Interruptions)... It is left to the Member. ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: If tomorrow somebody uses such abusive language against the Prime Minister, are they going to keep quiet? ... (Interruptions)...

MR. DEPUTY CHAIRMAN: That is why I said if any Member has used any particular word, there is nothing wrong in saying that 'I am sorry.' ... (Interruptions)... There is nothing wrong in it. ... (Interruptions)...

DR. (SHRIMATI) NAJMA A. HEPTUALLA (Rajasthan): Sir, let the Prime Minister come and answer. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: I can say only this much and not beyond that. ... (Interruptions)...
The House is adjourned till 2.00 p.m.

The House then adjourned at eight minutes past twelve of the clock.

The House re-assembled after lunch at two of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN: Mr. Mani Shankar Aiyar.

SHRI MANI SHANKAR AIYAR (Nominated) : Mr. Deputy Chairman Sir, the Chair has expunged a few words and expressions I used at the start of my maiden speech on the evening of 3rd May, 2010. As one who has been selected for the Outstanding Parliamentarian Award, 2006, I regret that I have inadvertently and without malicious intent, used the expunged words/expressions. I bow to the directions of the Chair and seek the Chair's permission to resume my speech.

MR. DEPUTY CHAIRMAN: We shall take up the speech when we take up discussion on the working of the Ministry of Home Affairs. We shall first take up legislative business. Now, Shri Veerappa Moily would introduce The Tamil Nadu Legislative Council Bill, 2010.

DR. V. MAITREYAN (Tamil Nadu): No, Sir.

MR. DEPUTY CHAIRMAN: Additional agenda has been circulated.

DR. V. MAITREYAN: It has not been circulated. What is he introducing?

MR. DEPUTY CHAIRMAN: It has been circulated.

DR. V. MAITREYAN: No, Sir. ...*(Interruptions)*... Sir, we are opposed to the introduction of the Bill. I would like to register my protest and say a few words. ...*(Interruptions)*...

GOVERNMENT BILLS

The Tamil Nadu Legislative Council Bill, 2010

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): Sir, I beg to move for leave to introduce a Bill to provide for the creation of Legislative Council for the State of Tamil Nadu and for the matters supplemental, incidental and consequential thereto.

The question was put and the motion was adopted.

SHRI M. VEERAPPA MOILY: Sir, I introduce the Bill.

...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Now, Mr. Jairam Ramesh to introduce the National Green Tribunal Bill, 2010. ...*(Interruptions)*...

DR. V. MAITREYAN (Tamil Nadu): Sir, we want the Zero Hour. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Zero Hour is over, Dr. Maitreyan. ...*(Interruptions)*...

DR. V. MAITREYAN: Sir, I had given Notice. The hon. Chairman had said that we must allow the Question Hour to proceed and then we could. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, we have a different view on this. If a Member is opposing the Bill at the introduction stage, then he must be given an opportunity to speak. What will happen? After all, you are going to introduce the Bill. Let the hon. Member have his say and then you may go ahead. ...*(Interruptions)*... You have also not given notice.

DR. V. MAITREYAN: We would like to register our views at the introduction stage itself. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: The Bill has already been introduced.

SHRI M. VENKAIAH NAIDU: Please allow him, Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I agree with you. ...*(Interruptions)*...

DR. V. MAITREYAN: But one cannot first make mistakes and then repent, Sir. This has been happening repeatedly.

MR. DEPUTY CHAIRMAN: No, no. Don't, say that. ...*(Interruptions)*...

DR. V. MAITREYAN: It is not fair, Sir. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: You cannot raise an objection suddenly. The Minister cannot introduce a Bill suddenly. He has introduced it. That is okay. ...*(Interruptions)*... Simultaneously, it is being circulated just now. The Member has got some serious objection. Let him voice it. As I said, we are in favor of a Legislative Council. ...*(Interruptions)*...

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): They have already. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Mr. Palanimanickam, we are in favour of having a Legislative Council. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let us solve the matter. Let us not complicate things. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, we are in favour of a Legislative Council, in principle. The question is, what is the compulsion? Why this urgency? All this needs to be discussed. Give the hon. Member an opportunity, Sir.

MR. DEPUTY CHAIRMAN: All right. ...*(Interruptions)*... No, no. Dr. Maitreya, please be brief.

DR. V. MAITREYAN: Sir, on behalf of the AIADMK, I oppose at the introduction stage itself the move of the Government regarding The Tamil Nadu Legislative Council Bill, 2010. My objections are: (1) Tamil Nadu abolished the Legislative Council on 1st November, 1986. For 24 long years Tamil Nadu has been without a Council and in spite of not having a Council, Tamil Nadu is one of the most prosperous industrially developed States. We have been ruling during a major part of that period. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You have to argue only about the competency and not otherwise. ...*(Interruptions)*...

DR. V. MAITREYAN: Sir, I am talking about why I am opposing the. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You raise objections only about the legislative competence and not. ...*(Interruptions)*...

DR. V. MAITREYAN: I am coming to that, Sir. ...*(Interruptions)*...

THE MINISTER OF TEXTILES (SHRI DAYANIDHI MARAN): How can he say that, Sir? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no. Just a minute. You talk of legislative competence, whether this House is competent. ...*(Interruptions)*...

DR. V. MAITREYAN: Out of 28 States in the Union of India, there are Councils only in six States. ...*(Interruptions)*... The Government should take a comprehensive view. ...*(Interruptions)*... The Government should take a comprehensive view. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: If you object the Bill at the introduction stage, you can only say about the legislative competency of the Government to introduce the Bill. You say why this House has no power to take up the Bill. ...*(Interruptions)*...

DR. V. MAITREYAN: Sir, the Government and the House should have a comprehensive view about the need for Legislative Council. ...*(Interruptions)*... Only to please their alliance partners, they are bringing Legislative Council Bill here. ...*(Interruptions)*... Next year this House will have another Bill for abolishing the Council that is going to be established now. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: The National Green Tribunal Bill, 2010. Shri Jairam Ramesh.

The National Green Tribunal Bill, 2010

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI JAIRAM RAMESH): Sir, I beg to move:

That the Bill to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

Sir, with your permission if I could just make a couple of very brief opening remarks before I listen to the interventions of the hon. Members. Sir, 24 speakers spoke in favour of this Bill in the Lok Sabha and I responded to those interventions and moved certain very important amendments to the

National Green Tribunal Bill which I want to immediately place on record because these might be criticisms that hon. Members may have. The first and the most important amendment that has been approved by the Lok Sabha is that any aggrieved party, any individual can approach the National Green Tribunal for civil damages arising out of the non-implementation of laws as listed in Schedule-I of the Bill. Secondly, in response to the concerns raised by many hon. Members I have moved an amendment and the Lok Sabha has approved the amendment that the decisions of the National Green Tribunal can be appealed to in the Supreme Court. It is not the final word, you can still go to the Supreme Court and ask for the review of the decision taken by the National Green Tribunal. Third amendment that was moved and approved related to the number of judicial members, to the number of expert members, to the number of Benches and the manner of functioning of the Tribunal. All I want to say is that as we envisaged it today, there will be one Central Tribunal in one place and there will be four Benches of this Tribunal. These Benches will operate on a circuit Bench model so that instead of people coming to the Tribunal the Tribunal will make every effort to go to the people particularly in the area where environment and forestry laws are maximum in their non-implementation. Sir, I also want to say here that in my reply in the Lok Sabha I announced that it is my intention to locate the National Green Tribunal in Bhopal because Bhopal is the scene of humanity's worst environmental disaster that took place 26 years ago. I believe that through a small step to be taken by my Ministry, my Government and Parliament Bhopal should also be known for an important step forward in a positive sense in the matters relating to the environment. Today Bhopal is associated only with environmental tragedy and I hope that with the establishment of National Green Tribunal Bhopal would also be known for environmental jurisprudence that would bring to individual citizens the benefits of implementation of laws relating to environment and forests. Sir, this is not an answer to our problem; this is only one aspect of environmental governance. I am introducing this Bill today and moving it in the Rajya Sabha in the Monsoon Session. I intend to introduce another Bill to establish a National Environment Protection Authority that would strengthen the executive's capability to implement and monitor the laws relating to environment and forests.

The National Green Tribunal Bill is confined to giving to individual citizens civil damages arising out of the non-implementation of the laws. I think, this matter has become very crucial. There have been Supreme Court rulings. There has been the 186th Report of the Law Commission. And, I might mention here that this Report of the Law Commission was submitted in 2003 to the then Law

Minister, who happens to be the Leader of the Opposition today. So, there is certain continuity in what we are proposing, and I hope that the hon. Members of the Rajya Sabha would extend to this Bill the same support that came in the Lok Sabha as well. But, I do want to assure hon. Members that if there are suggestions and if there are points that will be made, I will certainly take them into consideration while framing the rules. I will lay the rules on the Table of the house before the Green Tribunal becomes actually operational.

The question was proposed.

SHRI BALAVANT alias BAL APTE (Maharashtra): Sir, this is one of those Bills which are initiated in this Parliament to comply with certain international commitments. In fact, I would say that the entire legislation on environment, right from the laws protecting water, air and environment, are because of certain international Conventions. For this Bill, we have the Convention at Stockholm in 1972, and then the next Convention in Rio in 1992. There were two non-starter Bills passed, but never implemented. So, we don't know the efficacy of those Bills, if they were to be implemented. And, therefore, we have no opportunity of correcting those mistakes. So, I am afraid we will be committing the same mistakes again in this Bill. Both the Acts, namely, the National Environment Tribunal Act, 1995, and the National Environment Appellate Authority Act, 1997, were passed and were never implemented. Now, we have this new Bill for the same subject in implementation of the same international Convention of 1992.

Sir, I have some objection to the Title of this Bill. Use of a word, which is part of the media slang of terming something 'red', something 'saffron', something 'yellow', and something 'green', has found place in a serious legislative business. You can't call a Bill 'Green Bill'. The media may introduce it as such. The media may describe it as such. But, this has to be an Environment Protection Bill. So, calling it 'green' is, according to me, trivializing the issue. It should not have been done. Serious legislation should be dealt with seriously.

Now, when I go to contents of this Bill, I find that we have four Bills coming one after the other — the National Green Tribunals Bill, the Biotechnology Regulatory Authority Bill, and the Nuclear Civil Liability Protection Bill, and fourthly, we have the Seeds Bill. All these Bills represent a madness which has a method. Bills are ordinarily made to protect the citizen. The formation of these Bills is such that they are made to protect the culprits, to narrow down the ambit of the law which punishes, to exempt people who ought to be punished.

And, therefore, these Bills are an attempt to protect the culprits, and, I would like to demonstrate that after some time. This has happened earlier. We had the Biological Diversity Bill, which is an act for quite some time. That was to protect the diversity of plants in this country. The number of plants, species which were protected was 900 at the time of introduction of this Bill, and, now, almost by a sleight of executive hand, that number is reduced to 190. So, the Bill for Biological Diversity protection has resulted in exposing the diversity to the culprits.

When I say that these Bills are more to protect the culprits, it has the background of 800 rare species being lost to multinationals, and, that shows, as they say, इस सरकार की नीयत है, To protect the culprits. And, this has been happening. The entire month's debate told us how food was dealt with. Export it cheap; allow it to go waste, and, import it dear. So, helping those who are culprits is the policy of this Government. We have seen it about the food, and, now, we are seeing it about the environment.

The first objection to this Bill, in the context that it is seeking to protect the culprits, is that the tribunals are not easily approachable. We are told that there will be one central place and there will be four Benches, in all, having a maximum of 20 members. Environment is being attacked in almost every State, every Union Territory and it affects not only large communities but also the small communities and individuals who are dependent upon the nature, and, those individuals, those small communities will have no redress because they will have to go to far off places. The hon. Minister mentioned about the circuits. Where will they go? We have 28 States and 07 Union Territories, which means, 35 places minimum. Then, the 20 Members will divide it amongst themselves, and, therefore, one place will get the judicial member, another will get the technical member, both places losing justice. The Bill creates a forum which is wholly unapproachable to the common man. That also is not provided. 'Five benches' came up in the speech of the Minister, came in the memorandum of finance but not in the Bill. The Bill does not even assure five benches. The Bill says, 'one or more'. Therefore, this is a very defective legislation.

Then, there is that famous word 'aggrieved'. Earlier, this 'person aggrieved' created such a control on people approaching the courts that the courts had to expand the meaning of the 'person aggrieved'. Now, the stage has come where even though there is no legislation, it is said that when a

person comes to a court because of infraction of any law, the question is not who is coming, the question is what infraction is being challenged, and, if it is worth challenge.

All these developments in law are put to naught by this Bill saying that only 'aggrieved persons' will be entitled to go to that tribunal. The 'aggrieved person' is one who has suffered some personal loss. The 'aggrieved person' has been interpreted by courts for the last hundred years. Narrowing down the jurisdiction of a tribunal, which is not normally available, will lead to protecting the culprits, because the complainant cannot approach it. If my community is affected I cannot approach it, because I am not an 'aggrieved person.' This legislation unadvisedly has defined that. Why should it be? It has put fetters on the complainant. My serious objection to this, therefore, is because there is no remedy available to the ordinary citizen.

Then the question is: Who can be appointed on the Tribunal? We have great faith in the judiciary, particularly the Supreme Court, and the Chief Justices of the High Courts. Therefore, it is provided that it will be either a judge of the Supreme Court or Chief Justice of the High Court. Now fears are being expressed that the number of these persons being quite few, everybody is aspiring to go to these places after retirement. It creates an unhealthy desire in the minds of the judges which can be avoided by widening your choice to High Court judges generally. There is no difference between a Chief Justice and an ordinary judge except their seniority. Therefore, appoint any judge from any High Court instead of confining it to either the Chief Justice of High Courts or a judge of the Supreme Court. In that, the category is limited, aspirants are limited, and aspirations grow in an undesirable way. That is the history of appointments in this country and we must be aware of the dangers in it. That affects the entire judicial process, because the judge has no free mind, because he has other aspirations. This should be avoided. Therefore, don't confine it to the Chief Justices of High Courts and Supreme Court judges. For all the appointments the net should be widened.

Sir, in so far as the provisions of this Bill are concerned, what is missing is certain basic approach to what the people lose. There are certain principles which were developed by courts without this legislation. These are: sustainable development principle, the cautionary principle, and the polluter pays principle. These principles are mentioned in this legislation. But the most important, the most basic principle, which is 'no-fault liability' that is, in other words 'strict liability,' is absent. In the law of torts, it is known as Rylands vs. Fletcher principle. No-fault liability is if you are harbouring

something which is per se dangerous and if it causes harm, even though you are careful, you must pay. That strict liability principle is conspicuous by its absence in that one clause, which just mentions this principle without giving them the legislative teeth. The court developed principles because it does not have legislative teeth. You are the legislature; you have legislative teeth; you avoid using them and mentioning them only as principles, that is saying 'Ram Ram'. You do not say that this is a must. Those who deal with environment are bound by these principles, and there is a consequence, and that consequence is, without any exception, we have not provided for that, mentioned three solemn principles and the fourth is conspicuous by its absence. I believe that makes the legislation more academic than real.

There is one more aspect. You have avoided, deliberately excluded the jurisdiction of the ordinary civil court which is available to every citizen of this country. According to you, if it is a substantial claim, then it has to go to this Tribunal. My objection to this limit is two-fold. One is, what is substantial, is not defined, and then we are giving the reasons, examples that section 100 of the Civil Procedure Code talks about substantial question of law. Substantial question of law is not defined, but section 100 is working. The result is, in the parlance of lawyers, substantial question of law becomes substantial if the court wants to interfere. So, the substantiality of a question depends upon the approach of a judge and nothing more. There are hundreds of decisions of this, but they are irrelevant. In the same way, whether this loss is substantial, whether this damage is substantial, will be dependent upon your so-called expert or the judicial member. There is no objective criterion, and therefore, most of the claims are liable to be dismissed because this is not substantial. Now, what is substantial? If it affects the community of hundred, does it become substantial? If it affects the community of 10, a small hamlet of 10, then only 10 people are affected, it is not substantial. Who knows this, who decides this, is totally vague? And then whose claim is not substantial for the purposes of this Tribunal as a grievance, as an injury, an injury which must be remedied. This is not a case of *damnum sine injuria*.

[THE VICE-CHAIRMAN (PROF. RAM GOPAL YADAV) in the Chair.]

Sorry, there is no law conforming to this. *Damnum sine injuria* is not known to the modern civil world. If a citizen suffers, he must have a remedy. According to this Act, what remedy is available? Technically, a person whose damage is not substantial, can approach a civil court. There again, the

question comes whether it is substantial or not. A civil court will say that this is substantial, I cannot deal with this, and the Tribunal can say, because none control each other, that is not substantial. So, this is a classic case of the citizen falling between two stools because we have created an unapproachable forum; we have created a forum for a certain category which is not defined, and we have created a forum which is not judicial proper. This forum is created because the judicial process is long. Therefore, we are told that CPC is not applicable, Evidence Act is not applicable, and this is the case, for example, with the arbitration laws and we find that the arbitrator does both things. At some stage, he uses the principle of Civil Procedure Code, at some other stage, he does not, and he is free, he is supreme. That will happen to this Tribunal also unless there is a laid down procedure.

It cannot be left, and I am using the word 'advisedly' to the whim of the court. Here, the procedure is left to the whim of members of the Tribunal. Why? Because it cannot be used for that purpose. If the aim is to protect the culprits, then, this suits them. The question, therefore, is: does this legislation want to protect the culprit or the citizen? The legislations, so far, show that they are protecting the culprit. Please find out what you can do about this because these are very serious matters.

The Schedule mentions six enactments, and it becomes an appellate authority for those enactments. It also becomes the implementing authority. I just do not understand how it will deal with those six different kinds of pollutions. And you have experts. So, multipolar experts will be there. Or, there will be real experts. There are niceties in matters of air, water and forests. And all these enactments will have different kinds of appeals, different kinds of issues involved. All of them are clubbed together in the name of 'environment', and this Authority is to be an appellate authority over them. I do not know how it can really function as an appellate authority. An appellate authority becomes 'appellate' because the law provides for that. But that does not confer competence on it, and this appellate authority will be incompetent to deal with the niceties of each of these enactments unless there are that many experts in that many fields. And the number minimum and the maximum is 10 to 20. Whether you can afford to have a tribunal with 100 members is something which you will have to look into; in any case, your Financial Memorandum has not provided, and will never provide.

And there comes the question of 'judicial impact'. I know, the concept of 'judicial impact' is used mainly because a court is likely to be burdened because of an enactment. And now they say that look at the judicial impact before creating any tribunal because you create a Tribunal for efficiency. You avoid delays, expertise, and when you find that the Tribunal which you have created is

as bad as the civil court in terms of delays, is as bad as the civil court in procedural wrangles, then, the same thing that occurs in a civil court will occur in the Tribunal also. Then why are you having it, just another forum? We do not know why. Your statistics are collected to know what kind of litigation is there in terms of 'environment' and its affection. Maybe, there can be citizens who will try to approach this Tribunal and will languish for years together. And the lessons of Bhopal are very much there. We have a judicial system; we are very proud of our judicial system. But Bhopal tells us what that system can be paying and what the Government can do to that system. So, placing this tribunal at Bhopal may be symbolic of, both, a history and a remedy. Whether, ultimately, it represents that history or whether it is really a remedy, probably, only the time will tell.

Why do you provide for an appeal to the Supreme Court? The Supreme Court is the highest judicial authority and if any tribunal, whether a statutory appeal is provided or not, errs, then, under article 136 a party has a right to approach the Supreme Court. But there is a basic distinction. Article 136 is a right of a party to approach the Supreme Court to ask for an appeal. So, the larger discretion is with the Supreme Court to say, "No, this isn't worth an appeal". But when you provide a statutory right to appeal, the Supreme Court can't dismiss it at the threshold because an appeal is substantially provided. It is not the discretion of the Supreme Court whether I should be permitted to appeal. I am under the authority of a statute. So, in some cases the Supreme Court will have to necessarily correct the Tribunal and everywhere the higher court is necessary. Unfortunately, the Supreme Court is the highest court and, therefore, whatever it decides is correct because it is final. But that is a different story. But what I am saying is that if you create a right, then it is a right. Article 136 is not a right to appeal. It is a right to approach the Supreme Court. So, why not leave it at that instead of providing a substantial statutory appeal?

There is one small thing. I don't know why we are following this practice in many statutes. We have clause 37. Clause 37 is for removal of difficulties. This is an elaborate legislation. An elaborate legislation covers everything. Still by a bureaucratic practice or design this clause is provided. This removal of difficulties clause is notorious. It is called "Henry VIII clause". King Henry, when there was a dispute or when there was a direct conflict between the King and the Parliament, used to have this clause. The Parliament will do something for the people, but the King would say, "I would agree to this if you put this clause of removal of difficulties". Then, under the garb of that clause he would

change the entire legislation to his benefit, that is, the King's benefit. Now, why do modern Governments, who fortunately are not the Kings, want this clause? Parliament meets through the whole year. Why do you want this clause? If you want to amend and you are prone to amendments, you can amend it. If we can amend the Constitution 100 times, then, we can amend anything. But they say, 'No, the removal of difficulties clause should be there. We will not go to the Parliament. We will change it ourselves'. Why is this bureaucratic attitude prevailing even today? Probably, because it is convenient to the Government. Therefore, I believe that the/Para intentions are good. I was about to say 'may be good'. The intentions are good. But the legislation is totally defective. It is counterproductive, will help the defaulter and will not be available to the citizens, and, therefore, it will be another piece of paper in the long list of statutes. Thank you.

SHRI RAMA CHANDRA KHUNTIA (Orissa): Sir, I support this National Green Tribunal Bill, 2010 which has been brought to the Parliament to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.

Sir, at the outset, I must say, as has been stated by the hon. Member, that this is an international obligation and a commitment made to the UNO in Stockholm in 1972 and, again, in Rio in 1992.

And also we have a commitment that India will endeavour to reduce the emission intensity by 20 to 25 percent of its GDP by 2020. We all know that this is the demand from all sections of the society to bring this National Green Tribunal Bill to expedite these cases, to make all other legislations effective. It will also cover for appeal purposes the Water (Prevention and Control of Pollution) Act, 1974, the Water (Prevention and Control of Pollution) Cess Act, 1977, the Forest (Conservation) Act, 1980, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 the Public Liability Insurance Act, 1991 and the Biological Diversity Act, 2002. So it was the responsibility of the Government to bring this Bill. I would like to inform the House that this UPA Government has always come forward with unique, innovative and progressive legislations like the

Right to Information Act, the Mahatma Gandhi National Employment Guarantee Act, the Right to Education Act, etc. The Government has now brought this National Green Tribunal Bill for the overall development of the country, for protection of environment and conservation of forests in the country. Saying that naming it as the Green Tribunal Bill is not correct, I do not agree with this. Sir, the word 'Green' is a symbolic message which is very much indicative that this Bill is for the purpose of protecting environment and conserving forests. This is the message it is giving to the general public. It has also been said that as the number of States is 30 and the number of members is 20, there will be no access to the Tribunal. It is not correct. There is the Supreme Court. There are High Courts. There are Tribunals. Have all the people, especially those who are working in villages, access to the Supreme Court? Definitely, not. They are taking the help of lawyers or somebody else. Likewise, this is also not the only Tribunal which is coming up. There are many Tribunals and many courts. There is the Supreme Court and also High Courts. Saying that this Tribunal will have no access to general public, is not correct. As he has exactly stated, this Bill has come in view of the National Environment Tribunal which was established in 1995 with a limited jurisdiction over cases involved in absolute liability for hazardous substances as also the National Environment Appellate Authority set up in 1997, which could not work well. I think this National Green Tribunal Bill will be able to address these issues and these pending cases. Therefore, this Government has brought this Bill with good intentions.

So far as the composition is concerned, appointing the Chief Justice or Supreme Court Justice or professionals, etc., I think, it is very good. The fine or penalty which has been mentioned in this Bill is up to a limit of Rs. 25 crores. It can also be raised further as and when it is required because in view of its hazardous nature, sometimes, it may require more money. Then about the status of pending cases, It has been clearly mentioned that as per the recommendation of the Law Commission, the new body shall exercise jurisdiction over all cases formerly allocated to the NET, 1995 and the NEAA, 1997. The Act itself has repeal and saving clause. With all these facilities, this legislation would do well. Apart from this, at this moment, there are also some concerns which have been raised by many people and by many hon. Members in the other House also.

I would also appeal to the hon. Minister, who is a very competent person and an expert in this field, that these things should be addressed by him. Somehow or the other, either at the time of framing the rules or by bringing an amendment, these queries should be addressed. The National

Environment Tribunal was established in 1995 and the National Environment Appellate Authority in 1997. The apprehension, that this Tribunal too would not work well, should not happen. It should start its work immediately so as to give confidence to the people that the Green Tribunal will work well in future and will address issues which relate to environment.

As regards the penalty provision of Rs.25 crores, it is, generally, felt that this cap should be removed. The limit could be raised, and the cap of Rs. 25 crores should be taken out from the Bill.

Then, in the definition, it has been said that this is applicable in all cases where the Workmen's Compensation Act is applicable. I do not agree on this point because this is something wrong. Apart from the Workmen's Compensation Act, we also have the Industrial Disputes Act and the Payment of Wages Act. Workmen are also sometimes limited to those who are members of trade unions. Likewise, the Workmen's Compensation Act is applicable to those limited persons working either in a factory or an industry or any other establishment. There may be many more employees who are in the higher categories as well. So, the scope of definition of 'workmen' should be enlarged. Instead of 'workmen', I think, the word 'employees' will be better. Instead of saying that it will be applicable in cases where the Workmen's Compensation Act is applicable, it should be made applicable to all the employees working either in a factory or an industry where the accident occurs.

Another thing is that this Tribunal restricts access to justice by establishing a number of small tribunals and bars. We wanted a clarification from the hon. Minister that this would not create a problem in the delivery of justice. And the limited period of five years and its extension by another six months, which has been given, is also not correct because the asbestos mine or the asbestos factory creates silicosis and cancer, and the manifestation of these diseases occurs after 10 or 15 years. So, keeping the period as five years, and giving powers to the Tribunal to extend it just by six months, is also not correct because in some cases, it may have to be more.

Now the objective of the Tribunal is to protect forests and environment of the country. Here, I would like to mention some of the issues which have been of concern to the general public. It has been said that the Indian forest cover rises to 21 percent and that this rises by .3 percent every year. And, the Report was given in 2007. This Forest Report comes every two years. I do oppose it because nowadays we get report of any department, either every year, or, it is given periodically

every six months. So, why should the Forest Report of our country come only once every two years? Why cannot it be given every year? Secondly, as regards forest area cover, which has been given in the Report, I want a clarification from the hon. Minister whether this geographical area, the forest cover of 2007 which has been given, includes the sugarcane area as well as the afforestation area. Secondly, has it excluded the forest areas, which were lost from 1947 till today, for setting up of industries or mines? I would like to know whether that has also been taken into consideration. Without taking that into account and showing a subtle picture saying that it has been increased, that is also not correct.

People must believe that the report given by the Government is correct. I request the hon. Minister to go into the details and give correct figures pertaining to the Wildlife Census as also the report on forests.

Coming to wildlife protection, our Forest Departments have all sorts of rules but we are all aware of what is happening at various places. Sir, many things have been said about forest clearance. In Niyamgiri, people have been complaining that due to forest clearances, development work is not begin taken up, roads and other infrastructure work is suffering, coal mines are not being exploited for coal and industries are not coming up there. I want to know about the report which has been given some times back about the cases that are pending, the cases that have been cleared and so on. What is the time-frame within which an application for forest clearance in respect of a project is either rejected or cleared? Will the hon. Minister inform the House about the total number of applications received for forest clearance from 2009-10? How many applications have already been cleared? How many applications have been rejected? How much forest land has been lost since 1947 till today? I would also like to know whether the forest land that we have lost has been deducted from the total forest over. Has sugarcane afforestation been included in the total forest cover? That is very important. If we get some information on how much is the forest cover minus sugarcane afforestation and minus the land which we have lost, that would be very useful.

Now, talking of Orissa, it is distressing to note the inaction on the part of the Ministry of Environment and Forests over the issue of ongoing violation of the Forest Conservation Act in the Dhamra Port and Vedanta cases in the Niyamgiri area. These are cases where the Forest Department has been saying that the work was illegal and that they had not issued any forest clearance.

Unfortunately, exploration work has been going on in Niyamgiri. Work on the Dhamra Port Project has also been going on without any forest clearance. That being the case, what is the meaning of forest clearances given by the Department of Environment and Forests? What is the role of a Tribunal? What is the role of the High Courts or even the Supreme Court? It means that anybody can carry on work without forest clearance using money power, muscle power and so on. In such a situation, the Green Tribunal or any other tribunal will not be useful. While this Bill has been proposed as a mechanism to fast-track such issues, it is shocking to note that there is no end to the violation which has been going on in the Dhamra Port Project since 2000 and at Niyamgiri since 2006, and no violator has been punished because of the gross negligence of the Department. I would like to know from the hon. Minister how best we can punish the violators, so that the rule of law can prevail.

Sir, I wish to make a point on wildlife protection. The subject of wildlife protection and protection of forests was originally in the State List. Subsequently, it had been included in the Concurrent List. I think it is high time we gave a serious thought to this issue.

Sir, the Finance Commission has also given a directive that those States which are protecting the wildlife and protecting the environment, they should be given more money. Sir, in this year's Budget the hon. Finance Minister has given some token money to States, like Orissa, Assam, West Bengal, Chhattisgarh, and some States in the North-east, to encourage them to protect forests, wildlife and environment. The question is, whether it is happening or not, if not, why is it not happening? We should go into the details as to why it is not happening. It is not happening in some States because their Forest Departments are not sincere in implementing the rules and regulations. Secondly, some States like Chhattisgarh, West Bengal and Orissa are affected by violence of Naxalites. These States also have to do it. For doing it, they are engaging the CRPF. Without engaging the CRPF, they cannot protect the forest areas and the wildlife. At present, the arrangement is, if the Central Government engages the CRPF, then the State Government has to pay money for that. If the Central Government is engaging the CRPF and the State Government is not making the payment, then, it creates a problem. The Project Tiger areas, Elephant Projects and the Reserved Forests which are fully financed by the Central Government, it can be done without disturbing the Centre-State relations. But where the Central Government on its own engages the

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CRPF for protection of forests and protection of naxal affected areas, in consultation with the State Governments, some alternative arrangement should be made for that, so that these areas can be protected.

Sir, the Forest Guards and forest officials work in dense forests in the midst of Naxalites, militants, forest mafias and contractors. As has been reported, the total staff required in that area is not adequate to give protection to forest area. Moreover, they don't have any weapon to protect themselves. Except a lathi, they don't have anything. They don't have a gun or a pistol or anything to protect themselves and to protect forests. Sir, through this august House, I urge upon the Central Government and the State Governments to provide proper weapons to the staff working in forest areas. The staff who are working well should be rewarded and action should be taken against those who are not working well. So, we should keep the needs of the staff in mind.

Sir, I want to mention here one thing. Last time also, I had mentioned that there is shortage of funds to protect forests and animals. Now, the UPA Government has decided to give as much money as is required under the National Employment Guarantee Fund. In the forest areas mainly the inhabitants are tribals. Yesterday, in this House, there was a mention that the tribals are leaving their places to work as migrant labour. So, my suggestion is, in order to retain them there, we should allocate money from the National Employment Guarantee Fund to the Forest Departments which can engage the tribals in digging trench, laying roads and for watch and ward work also. So, once we do it, then we will not have shortage of funds for various projects whether it is a reserved forest or a Tiger Project or an Elephant Project. In this way, the National Employment Guarantee Fund can be best used for the protection of our environment and our wildlife.

Sir, here, I want to mention one thing about this Bill. Many people have expressed their doubts whether this legislation will work effectively or not.

I request the hon. Minister to take appropriate steps as also to frame rules so that this could be implemented as soon as possible. I draw the attention of the hon. Minister also to the problem of Project Tiger in Orissa, like Simlipal, Satkosia; like Jim Corbett Park and Ranthambore and many other areas, where the tiger census and other animal census is not correct and some times it is, as

has been said in case of Sariska. My personal view is to protect wild life; in this regard, everybody should take interest. But, the Government should have correct information. How to get the correct information? The census done earlier was manual; now it is done using satellite system. Yet, people are not able to believe that the information given is correct. I do believe, the Government should try to give the correct information.

Lastly, I would like to say that be it protection of wild life or forest and environment, it is not only the job of the Central Government or the State Government or the Ministers. Everybody in this country has a role. As a Parliamentarian, as a student, as a Government officer, as a worker, everybody has a role. As long as each individual in the country does not understand what environment is or what threat the climate change brings on the human beings and the society. I think, no law in this country can fight climate change or improve forest cover and environment. So, forest, environment and climate change are such issues where everybody should get involved. These require everybody's cooperation and help in the implementation of the provisions of the laws. That is why I believe that we all Parliamentarians have a role.

When such a legislation is coming, which is beneficial to the human civilization, which is beneficial for the country as also to fulfil our commitments and obligations towards the international community and the UNO, I request all to not only support the Bill but also try to implement the provisions of the Bill to see to it that our commitments are met and our civilization is protected.

Thank you, Sir.

श्री समन पाठक (पश्चिमी बंगाल) : धन्यवाद उपसभाध्यक्ष महोदय, यह जो नेशनल ग्रीन ट्रिब्यूनल है, इसके कंसेप्ट और नाम से हमें कोई आपत्ति नहीं है। देश में, किसी अंतर्राष्ट्रीय प्रतिबद्धता के कारण से हो या किसी भी कारण से हो, यह जो पहली बार नेशनल ग्रीन ट्रिब्यूनल बनने जा रहा है तो यह एक हिस्टोरिकल अपार्च्युनिटी और एक मौका हमारे सामने है। लेकिन दुख की बात है कि इसका सही तरीके से फायदा उठाने के लिए सरकार बिल्कुल नाकाम रही। सरकार की नव उदारवाद नीति के और उनके सैद्धांतिक जुड़ाव के कारण सरकार इस मौके का सही तरीके से इस्तेमाल नहीं कर पाई। वैसे तो विश्व स्तर पर पर्यावरण संबंधी जो भी मुद्दे हैं, जिस तरह से हम अपने देश का एजेंडा तैयार कर सकते थे, जिस तरह से हम लोग दुनिया के सामने खड़ा हो सकते थे परन्तु हमारी सरकार की नीति के कारण नव उदारवाद सैद्धांतिक जुड़ाव के कारण वह ऐसा नहीं हो पाया। मैं दूसरे इश्यू पर नहीं आऊंगा। आज के नव उदारवाद के युग में तथाकथित विकास और पर्यावरण और आर्थिक सामाजिक चिंताओं के बीच विश्व भर में और हमारे देश में जो एक विरोध पनप रहा है।

प्राकृतिक संसाधनों का निजी लाभ के लिए शोषण करने की एक प्रतिस्पर्धा आई है और यह प्रतिस्पर्धा बढ़ती जा रही है। इस प्रतिस्पर्धा ने हमारे प्राकृतिक संसाधनों का शोषण किया है, इसलिए यह प्रकृति और पर्यावरण के बचाव की लड़ाई है। यह ट्रिब्यूनल आम आदमी से कहीं ज्यादा कारपोरेट हाउस का हथियार बन जाए, इसकी मुझे चिंता है। इसलिए इसको बड़ी गंभीरता से देखना चाहिए।

उपसभाध्यक्ष महोदय, जब यह बिल स्थायी समिति में गया, तो इस बिल पर विस्तार से चर्चा हुई और स्थायी समिति के सदस्यों ने इसके बारे में अच्छे-अच्छे सुझाव दिए और कमेटी में इस बिल की खामियों को दूर करने का प्रयास किया गया। स्थायी समिति ने इस बिल के बारे में कई सुझाव भी दिए थे। अच्छा होता कि जो सुझाव कमेटी के सदस्यों ने दिए थे, जो कमेटी का आब्जर्वेशन और सुझाव थे, सरकार ने उन सब पर ध्यान दिया होता। लॉ कमीशन की जो रिकमेंडेशन्स हैं, उनको भी सरकार ने अच्छी तरह से देखा होता, तो यह ट्रिब्यूनल आम आदमी के हित में बन जाता और यह कारपोरेट हाउस के हित में नहीं चला जाता। ...**(व्यवधान)**...

DR. K. KESHA RAO (Andhra Pradesh): We should also know that. ...**(Interruptions)**... I am totally with you. ...**(Interruptions)**...

SHRIMATI BRINDA KARAT (West Bengal): Please give him time so that he can explain. ...**(Interruptions)**...

उपसभाध्यक्ष (प्रो. राम गोपाल यादव) : आप बोलिए। ...**(व्यवधान)**...

श्री समन पाठक : सर, मैं बिल पर आता हूँ। हम इस तरह से क्यों कह रहे हैं कि इसमें कारपोरेट हाउस के हित की रक्षा हो सकती है, हमने यह आशंका इसलिए की है कि पहले किसी प्राईवेट कम्पनी या मालिक को एनवायरनमेंट क्लियरेंस नहीं मिलता था, तो प्राईवेट कम्पनी या मालिक अदालत में नहीं जा सकते थे। लेकिन यह ट्रिब्यूनल आने के बाद उनको एक रास्ता, मिल जाएगा। प्राईवेट कम्पनी जो फिफ्थ शैड्यूल एरिया या सिक्सथ शैड्यूल एरिया और पंचाट का जो डिजीज़न है, उसके खिलाफ ट्रिब्यूनल में उन्हें जाने का एक रास्ता खुला मिल गया है, हमें इसकी आशंका है। इस बिल में कम से कम फिफ्थ शैड्यूल या सिक्सथ शैड्यूल, पंचाट एक्सटेंशन एक्ट, 1996 और ट्रेडिशनल फॉरेस्ट टूटलर्स एक्ट इसको कम से कम ओवरराइट करे, यह तो कम से कम इस बिल में होना चाहिए। महोदय, इस ट्रिब्यूनल ने पहले से ही डरा कर रखा है, क्योंकि कोई कम्पनी के विरोध में हिम्मत करके नहीं जा सकता है। इस एक्ट की क्लॉज 22 (2) सैक्शन है, इसमें यह है कि अगर कोई कम्पनी के विरोध में या उसके खदानों के मालिक के विरोध में कम्प्लेंट करता है, तो इसमें यह प्रावधान है कि अगर वह ट्रिब्यूनल के सामने कम्प्लेंट को, केस को प्रूव नहीं करता है, तो जो कम्प्लेंट करने वाला है, उसके ऊपर दंड हो सकता है, कम्प्लेंट को प्रमाणित नहीं करने पर उसको दंडित किया जाएगा। सर, यह तो गलत है। माननीय सदस्य बोलते समय कह रहे थे कि यह पीड़ितों के स्वार्थ में है या यह अपराधियों के स्वार्थ में है। जो पर्यावरण को दूषित करने वाली कम्पनी है, जो खदानों के मालिक हैं, ये आर्थिक और सामाजिक रूप से बहुत शक्तिशाली और प्रभावशाली होते हैं।

ये अपने केस को रिफ्यूज करने के लिए किसी हद तक भी जा सकते हैं। इस स्थिति में एक साधारण आदिवासी, आम आदमी या पिछड़े क्षेत्र से कोई भी साधारण आदमी सीधे-सीधे ट्रिब्यूनल में जाने से कतराता है, वह डर जाता है। इस विधेयक में दूसरी सबसे बड़ी खामी समय की पाबंदी है। इसमें जो आवेदन का पीरियड है, उसमें माननीय मंत्री जी ने पांच साल या दस साल समय की पाबंदी रखी है। यह खुला होना चाहिए, कोई पाबंदी नहीं होनी चाहिए। हमें पता है कि जब हमने भोपाल रेफर किया, तो माननीय मंत्री जी ने कहा कि आप भोपाल के लिए मत करिए, हमने यह देख लिया है। मैं यह कहना चाहता हूँ कि भोपाल भी हमारे सामने एक example है। कैमिकल एक्सपोजर और रेडिकल एक्सपोजर से जो दुष्प्रभाव होता है, वह हमें ही प्रभावित करता है, बल्कि हमारी आगे की जेनरेशन तक उसका दुष्प्रभाव होने की संभावना है। इसलिए इस विधेयक में जो समय की पाबंदी है, इसको हटाना चाहिए।

महोदय, इस विधेयक में क्षतिपूर्ति के क्षेत्र को जो सीमित कर दिया गया है, यह सीमित क्षेत्र नहीं होना चाहिए। संविधान के अनुच्छेद-21 में पर्यावरण संरक्षण के लिए अधिकार दिया गया है। इसलिए पर्यावरण संबंधी हर विषय को एड्रेस करना चाहिए। प्रदूषण गतिविधि और परिभाषा को अधिक क्लीयर और समावेशी होना चाहिए। महोदय, मेरा मंत्री जी से अनुरोध है कि इस पर गौर करने की कृपा करें।

महोदय, यह प्रावधान होना चाहिए कि जब किसी भी कम्पनी के विरोध में या मालिक के विरोध में कोई कम्प्लेंट होती है, तो जितने दिन तक केस चलेगा, उतने दिन तक उस प्रोजेक्ट का काम बंद करना चाहिए। इसके साथ ही इस विधेयक में पर्यावरण से संबंधित आर्थिक व सामाजिक प्रभाव का कोई उल्लेख नहीं है। जो अधिकांश प्रोजेक्ट्स हैं, वे ग्रामीण क्षेत्रों में या आदिवासी क्षेत्रों में स्थित हैं। ...**(समय की घंटी)**... इसलिए तथाकथित विकास और स्थानीय समुदाय में livelihood और उनके अधिकारों के बीच में जो संघर्ष है, पर्यावरण मुद्दे के साथ-साथ सामाजिक व आर्थिक प्रभाव को तथा जो स्थानीय समुदाय के राइट्स हैं, उनको भी कम से कम अधिनियम में जो ट्रिब्यूनल है, एड्रेस करना जरूरी है।

महोदय, जो यह ट्रिब्यूनल बैंच की बात है, यह पांच जगह के लिए होगा। एक तो सैन्टर और उसके बाद चार, ये लॉ कमीशन की रिकमेंडेशन है कि कम से कम और स्टेट में न हों और कम से कम तीन स्टेट में एक करके यह ट्रिब्यूनल आना चाहिए, यह मेरा सुझाव है। जो इसका कम्पोजिशन है, non-bureaucrats and social scientists को लेकर नियुक्ति का अधिकार केन्द्र सरकार के पास है, मेरा सुझाव है कि माननीय चीफ जस्टिस के साथ-साथ concerned relevant State Government को भी इसमें involve करना चाहिए। इस विधेयक में सबसे बड़ी बात यह है कि सैक्शन-33(1) में शैड्यूल-1 में

(श्री उपसभापति पीठासीन हुए)

संशोधन करने का पूरा अधिकार केन्द्र सरकार को है। डेमोक्रेसी में पार्लियामेंट सबसे शक्तिशाली है, इसलिए यह अधिकार पार्लियामेंट को होना चाहिए। माननीय मंत्री जी ने एक अच्छी नीयत के साथ इस संशोधन को लाने की कोशिश की है। मेरा मंत्री जी से अनुरोध है कि वे मेरे सुझावों को अवश्य ध्यान में रखें।

श्री जयराम रमेश : माननीय उपसभापति महोदय, मैं जब उत्तर दूंगा तब विस्तार से इन बिन्दुओं पर टिप्पणी करूंगा। मैं एक छोटी सी चीज यहां पर बता देता हूँ कि स्टैंडिंग कमेटी की 12 सिफारिशें थीं, मैंने 12 में से 10 को स्वीकार किया है। मैं उस पर टिप्पणी करूंगा। पाठक जी, बारह में से दस स्वीकार हुई हैं और हम लोक सभा में ये जो संशोधन लाए हैं, वे सारे दस के दस संशोधन स्वीकार हुए हैं। वे दो सिफारिशें, जो हमने स्वीकार नहीं की हैं, मैं उन पर जरूर बातचीत करूंगा।

श्री बृजभूषण तिवारी (उत्तर प्रदेश) : उपसभापति जी, आज यह ट्रिब्यूनल का बिल सदन में लाया गया है। जैसा कि माननीय वक्ताओं ने बताया कि संयुक्त राष्ट्र संघ के अधिवेशन में, जिसका कि भारत पक्षकार रहा है, उसकी सिफारिशों के आधार पर, सुप्रीम कोर्ट के फैसलों की सिफारिशों के आधार पर और लॉ कमीशन की सिफारिशों के आधार पर "ग्रीन ट्रिब्यूनल" का यह बिल सदन में पेश किया गया है। लोक सभा ने इसे पारित कर दिया है। माननीय सदस्यों ने कुछ आशंका जताई है और मुझे भी यह लगता है, क्योंकि पर्यावरण से संबंधित कई कानून हमारे पास हैं। अभी जो वर्तमान विधेयक आया है, इसी किस्म का विधेयक 1995 में भी पारित हुआ था, जो कि क्रियान्वित ही नहीं हुआ और वह ठण्डे बरस्ते में पड़ा रह गया। इसलिए मैं समझता हूँ और लोगों को भी आशंका है कि यह विधेयक तो हमने पारित कर दिया, परन्तु इस विधेयक की जो मंशा है, इसका जो उद्देश्य है, हम उस मंशा को, उस उद्देश्य को प्राप्त कर पाएंगे कि नहीं कर पाएंगे। आज पर्यावरण की एक बहुत बड़ी समस्या हमारे सामने उपस्थित हो गई है। मान्यवर, प्रधानमंत्री जी ने एक बार कहा था कि हमारे सामने सबसे बड़ी चुनौती यह है कि जो व्यक्ति है और प्रकृति है, उनके बीच में हम संतुलन कैसे बिठाते हैं। उसी के साथ ही साथ, जिस तरीके से हम विकास के पथ पर आगे बढ़ रहे हैं, उसमें स्वाभाविक है कि अगर विकास होगा, तो विकास के लिए जंगल काटने पड़ेंगे, पेड़ भी काटने पड़ेंगे, विकास के लिए जो प्राकृतिक संपदा है या प्राकृतिक संसाधन हैं, उनका दोहन भी करना पड़ेगा, परन्तु इस दोहन के साथ-साथ अगर हम समन्वयन या संतुलन स्थापित नहीं करते हैं, तो यह जो विकास है, यह विकास ही हमारे लिए विनाश साबित हो जाएगा। मैं यह देखता हूँ कि अपने देश के अंदर जो भी ताकतवर वर्ग है, चाहे वह औद्योगिक घराने का हो या उसके पास चाहे किसी भी प्रकार की ताकत है, माफिया है, आपराधिक तत्व हैं, वे मनमाने तरीके से जंगल काट रहे हैं, वे मनमाने तरीके से वाइल्ड लाइफ, चाहे शेर हों, चाहे अन्य वन्य पशु-प्राणी हों, उनका शिकार कर रहे हैं। उसी के साथ ही साथ वे मनमाने तरीके से नदियों के पानी का दोहन कर रहे हैं। मान्यवर, आज यह स्थिति है कि हमारे देश में सारी नदियां प्रदूषित हैं। आज जो बड़े-बड़े मल्टी नेशनल्स या देशी कारखाने हैं, वे इस तरीके से हमारे पानी का दोहन कर रहे हैं, जिसके कारण हमारे सामने साफ पानी, पीने के पानी का संकट पैदा हो गया है। ये सारी परिस्थितियां हैं। इन सारी परिस्थितियों के मद्देनजर हमें यह देखना है कि यह जो ट्रिब्यूनल है,

यह ट्रिब्यूनल कितना कारगर साबित होता है। यह सही है कि आपने नेशनल ट्रिब्यूनल बना दिया है। अभी माननीय मंत्री जी ने सदन को यह आश्वासन दिया है कि हमने इसके पांच बेंचे स्थापित करने का विधेयक इस सदन में पेश किया है। मैं यह समझता था और जब मैंने विधेयक पढ़ा कि भारत एक विशाल देश है और आप केवल बीस या चालीस लोगों का एक ऐसा नेशनल ट्रिब्यूनल बना देंगे, लेकिन पर्यावरण से संबंधित जितने मामले हैं, वे हर क्षेत्र में हैं, तो लोगों की पहुंच नहीं होगी, क्योंकि आपने इस पहुंच को ही दृष्टि में रखकर इस प्रकार का ट्रिब्यूनल बनाया है। अगर उनकी पहुंच नहीं होगी और वे केवल बहुत ही सीमित दायरे में काम करेंगे, अगर यह ट्रिब्यूनल आम आदमी की पहुंच के बाहर होगा, तो हम कैसे पर्यावरण से संबंधित मामलों का निस्तारण कर सकते हैं। आपने ठीक कहा कि हम 5 बेंचे स्थापित करेंगे, मगर मैं समझता हूं कि इसका कोई आधार होना चाहिए और आपकी दृष्टि में यह जरूर हो कि ज्यादा-से-ज्यादा लोगों की पहुंच आपके ट्रिब्यूनल तक हो।

दूसरी बात यह है कि आपने इसका एक मकसद बताया - Speedy trial, क्योंकि जो मामले तमाम कोर्ट्स में, सिविल कोर्ट्स में, हाई कोर्ट्स में या विभिन्न जगहों पर बहुत देर तक लम्बित रहते हैं, तो उनका भी फायदा नहीं हो पाता है, न्याय नहीं मिल पाता है और जो इसके अपराधी हैं, जिन्होंने पर्यावरण नियमों का उल्लंघन किया है, वे सजा से बच जाते हैं। इसलिए आपने ट्रिब्यूनल स्थापित करने का यह विधेयक रखा है। परन्तु यह भी बात है कि आपने इसमें जिस तरीके से अपील की व्यवस्था की है, हमको यह लगता है कि आपने जो procedure अख्तियार किया है, क्योंकि इसमें भी तमाम litigations होंगे, तमाम मुकदमेबाजियां होंगी, तो मैं माननीय मंत्री जी से भी आश्वासन चाहूंगा कि हमें इस ट्रिब्यूनल में यह व्यवस्था जरूर करानी चाहिए, ताकि उसमें शीघ्रतापूर्वक न्याय हो और जो सजा पाने योग्य हों, उनको सजा दी जाए। जैसा आपने कहा कि "Substantial question relating to environment, which shall include an instance where there is direct violation of statutory environment obligation by a person by which the community, at large, other than individual or group of individuals, is affected". इसमें भी जो Substantial question है, हमारे पूर्व वक्ता ने ठीक ही कहा कि इसके भी interpretation में अंतर्विरोध है। अगर इस बिल में इस ambiguity की, इस अस्पष्टता की सफाई नहीं होगी, तो इसका भी फायदा आम आदमी को नहीं मिल पाएगा। ...**(समय की घंटी)**...

इसी के साथ, मान्यवर, इस विधेयक में एक प्रावधान 22(2) है। अगर हम कोई शिकायत करते हैं और उस शिकायत में कोर्ट ने या ट्रिब्यूनल ने किसी तरह से यह observation कर दिया कि शिकायत झूठी है, शिकायत झूठी भी हो सकती है, परन्तु अगर हम उसमें यह penal विधान कर दें कि कोई झूठी शिकायत, मगर मान लीजिए हमने कोई शिकायत की और हम उसमें aggrieved हैं और अगर हमारी दरखास्त इसके प्रभाव का इस्तेमाल करके खारिज हो जाए और हमारे ऊपर यह दबाव बन जाए, तो नतीजा यह होगा कि बहुत से लोग शिकायत करने से दूर जाएंगे और शिकायत करने से डरेंगे। यह प्रावधान भी मेरी समझ में नहीं आता है, क्योंकि अगर कोई शिकायत है और शिकायत की जांच-पड़ताल हो रही है और अगर यह लगता है कि किसी व्यक्ति ने या कर्पोरेट ने या कंपनी ने,

जिसने भी पर्यावरण संबंधी कानूनों का उल्लंघन किया है, तो उसको सजा मिलनी चाहिए, परन्तु मैं समझता हूँ कि शिकायतकर्ता के बारे में जो प्रावधान है, वह प्रावधान हटा देना चाहिए। यह ठीक है कि हमारे देश में कानून बहुत बनते हैं, कानूनों को तो हमारे यहां अम्बार है, परन्तु सबसे बड़ी दिक्कत यह है कि कानूनों का compliance नहीं होता है। कानून आप कम बनाइए, परन्तु अगर आप उन कानूनों का compliance करें और लोगों में डर पैदा करें, विशेषकर जो ताकतवर लोग हैं और आज के संदर्भ में, तब मैं समझता हूँ कि इस पर्यावरण संकट से हमें मुक्ति मिल सकती है। जैसा हम मानते हैं कि Article 21 के अन्दर "जीवन का अधिकार" एक मौलिक अधिकार है, अगर हम उस मौलिक अधिकार को, "जीने के अधिकार" को क्रियान्वित करना चाहते हैं, तो हमें environment, चाहे जल का हो, चाहे वायु का हो, चाहे जमीन का हो, चाहे जंगल का या wild life का हो, सबसे संतुलन बनाने की आवश्यकता है। हम environment-friendly विकास, पर्यावरण मित्र विकास की तरफ जाएं ...**(समय की घंटी)**..., विनाश की तरफ न जाएं, तभी हम अपने लक्ष्यों को प्राप्त कर सकते हैं।

इन्हीं शब्दों के साथ, मैं इस विधेयक का स्वागत करूंगा और मंत्री जी से उम्मीद करूंगा कि जो शंकाएं हैं, वे उन शंकाओं का निवारण करेंगे। धन्यवाद।

DR. V. MAITREYAN (Tamil Nadu): Mr. Deputy Chairman, Sir, at the outset, I would like to welcome the initiative taken by my esteemed friend and the Minister of State (Independent Charge) of the Ministry of Environment and Forests, Shri Jairam Ramesh, to set up a mechanism to deal with the cases relating to environment and forests. I welcome this initiative, primarily, because of the fact that the Parliamentary Standing Committee on Science and Technology, Environment and Forests, had under my Chairmanship, in its 192nd Report on the functioning of the Central Pollution Control Board observed that the courts are overburdened with civil and criminal cases and they could not be expected to spend time to expeditiously take up and dispose of environment-related cases.

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

The Committee had recommended that the Government should set up environmental courts in each and every State and Union Territory to deal exclusively with environment-related matters. I also welcome it because the Supreme Court had desired that the Law Commission should consider the question of review of environmental laws and the need for constitution of environmental courts. Accordingly, the Law Commission also, in its 186th Report, had recommended the setting up of environmental courts. The Ministry also deserves special commendation because this initiative will help the Ministry, I feel, in dispelling the impression that is somehow gaining ground over the last

couple of years that the Ministry of Environment and Forests is being run more by judiciary, through judicial intervention, rather than by executive orders. My honeymoon with Jairam Ramesh stops here. ...*(Interruptions)*... I greatly differ on a number of provisions in this Bill. The first and the foremost flaw that I find with the Bill is the proposal of tribunal and not a court, as decided by the Parliamentary Standing Committee, as decided by the Supreme Court and as decided by the Law Commission. The performance and efficacy of a number of tribunals functioning in the country including the ones tried to be set up by the Ministry itself under the National Environment Tribunal Act, 1995, and the National Environment Appellate Authority Act, 1997. It is there before everybody to see and assess. The National Environment Tribunal could never see the light of the day and even while the National Environment Appellate Authority was created, it remained, virtually, irrelevant because the posts of Chairman and Vice-Chairman have been vacant for the last so many years, whatever may be the reasons. Even the Supreme Court in its various judgments has expressed its serious concern and reservations over the functioning of the Tribunals in India. The Supreme Court of India in the case of R.K. Jain Versus Union of India (1993) observed, "sufficient time has passed and it is time that the experience gained in these last few years for taking stock of the situation with a view of finding out if Tribunals have served the purpose and the objectives for which they were constituted. Complaints have been heard in regard to the functioning of other tribunals as well and it is time that a body like the Law Commission of India has a comprehensive look-in with a view to suggesting measures for their improved functioning." So, I strongly recommend that the Law Commission of India should under taken such an exercise on priority basis. The Supreme Court has further observed and I quote from the Law Commission Report, "The various Tribunals have not performed up to the expectations. It is self-evident and widely acknowledged truth." The Supreme Court while emphasizing the need for changes in respect of appointment to Tribunals and supervision of their functioning by an independent body or authority held. "We are of the view that until a wholly independent agency for the administration of all such Tribunals can be set up, it is desirable that all such Tribunals should be as far as possible under a single nodal Ministry, which will be in a position to oversee the working of these Tribunals."

In view of the above facts, I express sincere apprehensions on the success and efficacy of the National Green Tribunal which is proposed to function under the overall command and control of the Ministry of Environment and Forests. I, therefore, strongly urge upon the Government that the environmental courts as emphasized by the Committee on Science and Technology, Environment and Forests, the Supreme Court and the Law Commission could be an appropriately preferred mechanism to deal with the environment-related cases rather than the Tribunal, as proposed by the Government through this Bill.

Secondly, it is nowhere made clear in the Bill as to under which Act this Tribunal is proposed. I want to know whether it would be set up under the Environment Protection Act, 1986 or under Article

323(B) of the Constitution of India. This is very important for the Ministry to spell it out because it will determine the autonomy or otherwise of the proposed Tribunal.

On the issue of the composition of the Tribunal, I would like to focus on three issues. First, the proposed Tribunal, as provided in Clause 3 of the Bill, shall have a full-time Chairman, full-time judicial Members and full-time expert Members. According to Clause 6 (1) of the Bill, these authorities are to be appointed by the Central Government. It is fair enough that the Chairman is appointed in consultation with the Chief Justice of India, but the appointment of the rest of the two categories, i.e., Judicial Members. (Time bell rings).

Sir, I need some more time to speak on the scientific subject which pertains to a Department which comes under the purview of the Standing Committee of which I had the privilege of holding the position of Chairman.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay. But be brief.

DR. V. MAITREYAN: Sir, I require another three-four minutes. So, the appointment of these authorities, i.e., Judicial Members and Expert Members will be done on the recommendation of a Selection Committee. Now the question is, who is going to form this Selection Committee? Naturally, it is going to be the Ministry of Environment and Forests which will do it but such an arrangement will put a big question mark on the credibility, objectivity and independence of the Selection Committee. In the given scenario, it is presumed that it will act as a puppet in the hands of Ministry of Environment and Forests, so as to accommodate and rehabilitate the Members of its own choice or likings in the proposed National Tribunal. I, therefore, want the Ministry to spell out the details of the composition of the Selection Committee and also want the Ministry to ensure greater transparency and objectivity.

Secondly, Sir, the Bill as mentioned, envisages that the Tribunal will consist of Chairman, Judicial Members and Expert Members and all of them will have equal rights, equal say in the decision-making process. Clause 20 of the Bill provides that the decision of the Tribunal by a majority of Members shall be binding. Now, we see here that in the given scheme of things, the Chairperson comes under a particular category and the Judicial Members come under a different category, but all of them are put under the same pedestal. Again, in the context of the contention of the Ministry to have not less than 5 and not more than 10 Judicial Members and not less than 10 and not more than

20 Expert Members, it becomes quite obvious that the Ministry, somehow, is trying to nurture a nefarious design of giving priority and prevalence to Expert Members over their judicial counterparts. ...*(Interruptions)*...

SHRI JAIRAM RAMESH: It is 10 and 20 for both.

DR. V. MAITREYAN: Even there, the Law Commission had envisaged the role of Expert Members to be only advisory and not participatory, as provided in this Bill. The Law Commission after detailed examination, public consultation and deliberations had recommended that the environmental courts should consist of 3 Judicial Members — Chairman and 2 other Members, assisted by 3 scientific/technical experts known as Commissioners whose role will be advisory only.

Thirdly, I take strong exception to Clause 5(2) of the Bill which enumerates qualification for appointment of Expert Members. Masters or Doctorate Degree with experience of 15 Years in the relevant field, including 5 years of practical experience, administrative experience of 15 years in the Central or the State Government, etc., are the qualifications which are tailor-made to suit the qualification of IAS officers on the one hand and to exclude the Members of the other services.

Sir, lastly, I shall come to the most harmful and the damaging provisions of the Bill. Clause 16(e) of the Bill confers upon the proposed Tribunal, appellate jurisdiction of the Tribunal against the orders by the State Government or other authority under the Forest (Conservation) Act, 1980. This is fraught with the risk of opening of floodgates for diversion or leasing of forest land for non-forestry purposes. It will not only result in *de facto* dilution of Forest (Conservation) Act, 1980 but also defeat the very purpose for which the Forest (Conservation) Act was enacted.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Yes, Yes, please conclude.

DR. V. MAITREYAN: I will just finish. I am coming to the last point; I am skipping certain things.

The last point that I would like to make pertains to Clauses 21 and 28(1) and (2) of the Bill which provide that every order of the Tribunal shall be final and seek to oust the jurisdiction of civil courts, as regards the original and appellate jurisdiction of the proposed tribunal respectively. So far as the Clause 21 of the Bill is concerned, we have been told that the Ministry has proposed amendments to Clause 21 of the Bill by providing that the decisions of the National Green Tribunal can be appealed in the Supreme Court.

But, I personally feel that the proposed amendment is not enough, particularly, in view of the observations of Justice Ramaswamy of the Supreme Court. The learned Judge had observed, *inter alia*, "The remedy of appeal by special leave under article 136 to this Court also proves to be costly and prohibitive and far-flung distance too is working as a constraint to litigant public who could ill-afford to reach this court. An appeal to a Bench of two judges of the respective High Courts over the orders of the Tribunal within its territorial jurisdiction on questions of law could assuage a growing feeling of injustice of those who can ill-afford to approach the Supreme Court". This point needs to be taken care of.

Lastly, Sir, with regard to clause 28 of the Bill, I would like to emphasize that the Law Commission had in its report categorically stated that the jurisdiction of civil courts should not be ousted and the powers of High Court under articles 226 and 227 and of the Supreme Court under Article 32 of the Constitution of India shall not be ousted. But the Government had deliberately overlooked this recommendation of the Law Commission. What I feel is that such an ouster of the jurisdiction of the civil court would seriously affect the accessibility of the rural and tribal people living in far-flung areas of the country to redressal of their genuine grievances and their problem would get further aggravated, because the Tribunal is proposed to be initially set up at only a few places. Since India has a vast geographical area, the Government should seriously look into these issues and reconsider it in the light of the recommendations made by the Law Commission.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, hon. Members, we have to take up other Bills also. ...*(Interruptions)*... So, I request everybody to be brief. Now, Shri M.P. Achuthan; please take only four minutes.

SHRI M.P. ACHUTHAN (Kerala): Sir, I shall abide by your advice as most of the points have already been dealt with by many hon. Members and I do not wish to repeat them.

Sir, one objectionable aspect of the Bill is the over-centralization of powers under this Bill in the matter of constitution and mandate of the tribunals. It is not good because in many cases, one of the parties would be the Central Government. So, we have to find out some way to contain the overriding powers of the Central Government. The other point relates to the provision for limiting the number of the tribunals to five or six it won't be sufficient. Ideally, we can think of having one tribunal in each State but it is not possible in the present circumstances. But we can have, at least, one

tribunal for three States. One of the most objectionable aspects of the Bill is clause 15(3). According to that, application for compensation must be made within five years. In many Bills, including the recent much talked-about Nuclear Liability Bill, a time-frame is incorporated. I think it is a conscious move on the part of the Government. How can we appeal in the case of limiting the damage due to radiation or chemical exposure within five years? It is not possible. So, we need to delete the clause limiting it to five years. There is another very objectionable clause. Previously, private companies could not appeal in the court against the refusal by Government to grant environmental clearance. But now, in this Bill, it is proposed that private companies can approach the Government against the order of the tribunal. The problem is, it is not the State Government only, under the Panchayati Raj law, the power rests with the Panchayats and other local bodies. So, it is the local bodies which give the environmental clearance in many cases.

In Kerala, hon. Minister will be knowing it, we have got the cases of Coca Cola and Pepsi. They were excessively using the ground water. Local Panchayat refused to give them permission. In this Bill it is said that even if the local-self Government or the State Government refuses environmental clearance, they can go to the Tribunal. This clause encroaches upon the rights of tribal people also. So, this clause must be deleted. Other points have already been dealt with by colleagues. So, I conclude here.

THE VICE-CHAIRMAN (Prof. P.J. KURIEN): Dr. Ashok S. Ganguly. Not present. Shri Kumar Deepak Das.

SHRI KUMAR DEEPAK DAS (Assam): Sir, it is a Bill for environment protection and conservation of forests. It is introduced in the spirit of the decision taken at the United Nations Conference on the Human Environment held at Stockholm in June 1972 and in the spirit of the decision taken at United Nations Conference on Environment and Development held at *Rio de Janeiro* in June 1992. This Bill is introduced to provide effective access to judicial and administrative proceedings including redress and remedy. Sir, we are the victims of pollution and other environmental damages. So far as the compensation is concerned, this Bill will definitely give us some relief. We are given right to life under Article 21 and the right to healthy environment in the Constitution of India. I support this Bill and congratulate the efficient and dynamic Minister, Shri Jairam Ramesh, for taking this initiative. He has introduced this Bill to give protection and compensation through the Tribunal on various disputes arising out of matters relating to environment.

This Bill has developed rational laws regarding liability and compensation to the victims of pollution and other environmental damage. Before this Bill, the National Environment Tribunal Act, 1995 was there. It is known to everybody that a large number of environmental cases are pending in courts. The reason is that this Act of 1995 had very limited mandate and also less jurisdiction like other similar old Acts. I have been impressed that this Bill will cover some of such limited jurisdiction. But setting up of four Benches and one Central Bench will not be adequate and will not serve the purpose. I also suggest a permanent Bench, at least, in the North-Eastern Region. Some hon. Members have given suggestions regarding composition of Tribunal. This five-member composition will not be effective and I suggest that this composition of members should be, at least, ten. The autonomy of the Tribunal and the constitution of the Select Committee should be clarified by the hon. Minister. Again it will create some problems for those who are living in the far-flung rural areas.

In Chapter V, clause 29(1) states, "With effect from the date of establishment of the Tribunal under this Act, no civil court shall have jurisdiction to entertain any appeal in respect of any matter, which the Tribunal is empowered to determine under its appellate jurisdiction." Then, clause 29(2) states, "No civil court shall have jurisdiction to settle dispute or entertain any question relating to any claim for granting any relief or compensation or restitution of property damaged or environment damaged which may be adjudicated upon by the Tribunal..."

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please conclude now.

SHRI KUMAR DEEPAK DAS: I am just concluding. I believe that hon. Minister should reconsider this clause. It will create some problems for those people who are living in rural areas, in far-flung areas, especially in North-Eastern Region where facilities of transportation and communication are very few.

With these few words, I support this Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, Ms. Sushila Tiriya; please complete in seven minutes.

सुश्री सुशीला तिरिया (उड़ीसा) : धन्यवाद उपसभाध्यक्ष महोदय, आपने मुझे नेशनल ग्रीन ट्रिब्यूनल बिल पर बोलने के लिए मौका दिया। सर, मंत्री जी ने लोक सभा में पास होने के बाद राज्य सभा में जो नेशनल ग्रीन ट्रिब्यूनल बिल पेश किया है, इसके लिए मैं मंत्री जी को बधाई इसलिए देना चाहूंगी कि वे चार दिन से इस बिल को पास कराने के लिए बैठे हुए थे, क्योंकि हाउस नहीं चला था। उन्होंने आज बताया कि इसको पास कराना है, तो मैं उनकी इच्छा शक्ति और पेशेंस के लिए उनकी तारीफ करूंगी। उनकी इस इच्छा शक्ति से जाहिर होता है कि वे कुछ करना चाहते

हैं। लेकिन सर, मैं यह कहना चाहती हूँ कि इससे पहले बहुत सारे बिल पास हुए हैं - जल प्रदूषण बिल, वन संरक्षण, वायु प्रदूषण बिल, पर्यावरण बिल, ये सब बिल बहुत हैं, जैसा कि मेरे पूर्व वक्ताओं ने कहा है। लेकिन मुझे यह लगता है कि बिल को मंत्रिमंडल और विभाग द्वारा पास कराना एक कानूनी जिम्मेदारी है। इसके द्वारा हम जो करना चाहेंगे, उसके बारे में मंत्री जी ने बहुत अच्छी चीजें बताई हैं कि relief and compensation to the victims of pollution and other environmental damage arising under the enactment. इसी के तहत उन सब को कवरअप करके रिलीफ और कंपेंसेशन देंगे। लेकिन पर्यावरण की यह जो बात है, मैं कहना चाहूंगी कि हमें पर्यावरण में केवल जंगल, वन्य, जन्तु को नहीं देखना चाहिए वरन इसमें वायु भी, जल भी, भूमि भी सब पर्यावरण के साथ बिल के तहत आने चाहिए, इसके डेमेज के लिए भी कंपेंसेट करना चाहिए और इन सब को मिलाकर पर्यावरण को काउंट करना चाहिए। पर्यावरण एक विस्तृत विषय है इसलिए इनको पर्यावरण के तहत लेना चाहिए। लेकिन, सर, मैं यह कहना चाहूंगी कि ये सब बिल - जैसे प्रदूषण बिल, 1977 है, उससे पहले जल प्रदूषण निवारण बिल, 1974 में हुआ, फिर वन संरक्षण 1980 में, फिर वायु का 1981 में हुआ, यह बहुत लम्बे समय पहले हुआ था। आपने जो सैटअप किया है इसमें जज, चीफ जस्टिस के नीचे नहीं रखा है। मैं यह कहना चाहूंगी कि जैसे मंत्रिमंडल और कोर्ट तथा दोनों हाऊस की यह डिमांड रही कि हर व्यक्ति कमीशन के माध्यम से अच्छी तरह से अपनी बात व्यक्त कर सकता है, तो कमीशन सैटअप होना चाहिए। इस तरह सभी से संबंधित - मॉयनोरिटी का, एस.सी. एस.टी. का, महिलाओं का, सभी से संबंधित कमीशन बने हैं। अगर कमीशन में हम राज्यों के हिसाब से काउंट करें तो किसी कमीशन में 5, किसी में 6 मंबर हैं। इस प्रकार कमीशन चल रहे हैं। मुझे यह लगता है कि इसमें कम से कम 10 और अधिक से अधिक 20 से ज्यादा नहीं करेंगे। इसके चेयरमैन हाई कोर्ट के चीफ जस्टिस से नीचे का नहीं होना चाहिए और उनकी आयु 67 से कम नहीं होगी। जिसने लाइफ साइंस पढ़ा है, जिसने इंजीनियरिंग की है, इसमें आपने मंबरों में उन सबको रखा है, जो हाई कोर्ट के जज हैं या उनसे नीचे जो जज हैं, उनको आपने इसमें मंबर रखा है।

मैं यह कहना चाहूंगी कि पर्यावरण गांव के समेत, जंगलों के समेत, रूरल बेस्ड है, जैसा कि पूर्व वक्ताओं ने कहा है। क्यों न इसमें जो 20 सदस्य होंगे, उन 20 सदस्यों को आप बांटकर रखिए या जुडिशियल मेम्बर्स को रखिए। जहां तक पर्यावरण की बात है, इसके लिए मैं यह कहना चाहूंगी कि जो लोग रूरल बेस्ड में, जो सोशल फील्ड में काम करते हैं, जो पर्यावरण की अवेयरनेस के लिए देहात में आदिवासी, दलितों के बीच में काम करते हैं, क्यों न हम उनमें से ही कुछ सदस्य इसके लिए ढूँढ़ें, जो भले ही इंजीनियर नहीं हों, जो किसी फील्ड के एक्सपर्ट नहीं हों, लेकिन जो सोशल फील्ड में काम करके एक्सपर्ट हुए हों, जिनको पर्यावरण से लगाव हो, जिनको पर्यावरण से अटैचमेंट हो, इस तरह के लोगों को भी इसमें रख सकते हैं। आप ट्रिब्यूनल की बैंच चाहे राज्य स्तर तक ले जाएं, लेकिन ट्रिब्यूनल में गांव के इफेक्टिव लोग हैं, उनमें से किसी को रखें, क्योंकि दलित और आदिवासी स्वयं रिलीफ नहीं ले सकते हैं। मैं मंत्री जी से अनुरोध करना चाहूंगी कि आप ट्रिब्यूनल में इस तरह के लोग भी रखिए, ताकि उन लोगों को भी लगे कि वहां पर हमारे कुछ लोग हैं, जो हमारी बात को सुन सकते हैं, हम इफेक्टिव हैं, हमें दरखास्त करनी है, तो उनको कुछ रिलीफ और कम्पनसेशन मिलेगा।

सर, मैं दूसरी बात यह कहना चाहूंगी कि नेशनल पॉलिसी के तहत पूरे देश में 33 प्रतिशत जंगल रहना चाहिए। लेकिन 2009 के सर्वे के हिसाब से केवल छः राज्यों में 33 प्रतिशत से अधिक जंगल हैं। मध्य प्रदेश, अरुणाचल प्रदेश, छत्तीसगढ़, महाराष्ट्र, उड़ीसा, आंध्र प्रदेश तथा कर्नाटक राज्य में जंगल अधिक हैं। मैं यह कहना चाहती हूँ कि आप पर्यावरण को तो तब रखेंगे, जब आपके पास जंगल हों, हमारे देश में जंगल खत्म होते जा रहे हैं, कहीं विकास के नाम पर इंडस्ट्री लगाकर, कहीं पर माइन्स के कारण। जहां पर रिहैबिलिटेशन मिलता है, कम्पनसेशन मिलता है, एम.ओ.यू. साइन करने के बाद उनसे जो वायदा किया जाता है, उनको जो रिलीफ या कम्पनसेशन देने की बात कही जाती है, वह भी उनको नहीं दिया जाता है और आखिर में उन लोगों को सुप्रीम कोर्ट तक जाना पड़ता है। सुप्रीम कोर्ट में भी काफी समय तक उनको कम्पनसेट नहीं किया जाता है। उपसभाध्यक्ष महोदय, मैं आपके माध्यम से मंत्री जी से यह निवेदन करना चाहूंगी कि इस ट्रिब्यूनल को सशक्त करना चाहिए, ताकि जो लोग इफेक्टिव हैं, वे इस ट्रिब्यूनल का कुछ फायदा ले सकें। मैं वेदांत के बारे में कहना चाहती हूँ कि वहां पर गरीब लोगों की जमीन, जंगल, खेती को ले लिया गया और उनको कम्पनसेशन नहीं मिला और कोर्ट का आश्रय लेने के बाद अभी कोर्ट ने उनको कुछ राहत दी है। वहां पर 116 परिवार बेघर हो गए और उनमें से 76 लोग ऐसे हैं जो नौकरी पाने के लायक हैं, उनको नौकरी नहीं दी गई। ...**(समय की घंटी)**... सर, मैं खत्म कर रही हूँ। अब उनको नौकरी देने के लिए एग्री किया है। उपसभाध्यक्ष महोदय, मैं आपके माध्यम से मंत्री जी से आग्रह करना चाहूंगी कि इस नियम को सरल करना चाहिए कि जो गांव के गरीब लोग हैं, उनका रिहैबिलिटेशन होना चाहिए। इस ट्रिब्यूनल को बनाने के जो उद्देश्य हैं, वे सफल होने चाहिए।

सर, मैं सिमलीपाल के बारे में कहना चाहूंगी...

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) : आप समाप्त करिए।

सुश्री सुशीला तिरिया : सर, मैं खत्म कर रही हूँ। सर, पहले आपने 15 मिनट का समय बताया और 7 मिनट का समय बताया है।

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) : नहीं, ज्यादा समय नहीं है।

सुश्री सुशीला तिरिया : सर, मैं गांव से आकर यहां पर्यावरण की बात कर रही हूँ। सर, अगर आप नहीं सुनेंगे, तो कैसे होगा? सर, मैं वेदांत की बात कर रही थी। आखिरी में सुप्रीम कोर्ट की इंटरवेंशन के बाद इधर फोरेस्टेशन की जिम्मेवारी ली है, कुछ डेवलपमेंट की जिम्मेवारी ली है, ट्राइबल लोगों के रिहैबिलिटेशन की जिम्मेवारी ली है। कलिंगानगर में जो ट्राइबल की हत्या हुई, उसको भी कम्पनसेशन नहीं मिल पाया। सर, ट्रिब्यूनल में ऐसे मामलों को लीजिए, जो इफेक्टिव लोग हैं, जो केवल पर्यावरण से इफेक्टिव नहीं हैं, सिमलीपाल में हर साल मलेरिया से कुछ लोग मरते हैं। मैं मंत्री जी से पूछना चाहूंगी कि उनको कम्पनसेशन कौन देगा? मेरा निवेदन है कि जो मलेरिया से इफेक्टिव हैं, उनको भी रिलीफ मिलनी चाहिए। ...**(समय की घंटी)**.. सर, मैं खत्म कर रही हूँ। हाल ही में, एक माओवादी ने सिमलीपाल जंगल में एक हाथी को मारा, उसको छः गोली लगी। उसको छः गोली लगने के बाद एक महेन्द्र नाम का गार्ड उसको लेकर आया, उसका ट्रीटमेंट किया और उसकी छः गोली निकाली।

वहां पर साइक्लोन आया, बारिश हुई तो उस महेन्द्र नाम के हाथी के ऊपर एक लकड़ी का पेड़ गिर गया और माओवादियों ने उसको मारा। मैं माननीय मंत्री जी से यह पूछना चाहूंगी कि उस महेन्द्र हाथी को कौन कम्पनसेट करेगा? ...(समय की घंटी)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Rest you can write to the Minister.

शुश्री सुशीला तिरिया : सर, मेरा लास्ट प्वाइंट है। 90 days apply करने के बाद पांच साल में यह ट्रिब्यूनल डिस्पोज ऑफ करेगा, लेकिन इसमें कहा गया है कि आप 90 days के बाद भी कोर्ट में जा सकते हैं। अगर आप 90 days के case of merit के हिसाब से जाएंगे, तो merit को स्कूटिनाइज कैसे करेंगे, that case is merit or not. 90 days को सेटिस्फाई करने के लिए after the application date को merit देखने के लिए कौन सुपरवाइज करेगा? Can somebody then go to the court after 90 days? मैं यह जानना चाहती हूँ।

श्री राजीव प्रताप रूडी (बिहार) : उपसभाध्यक्ष महोदय, मूल रूप से यह National Environment Appellate Authority बिल था, उसको रिप्लेस करने के लिए यह बिल लाया गया है। इसमें मूल रूप से जो विषय लाए गए हैं, वे इनिशियल अपील के संदर्भ में हैं और जो पर्यावरण से संबंधित हैं या फिर कोई और संस्था हो, जिस पर निर्णय लिए हों, इन सभी बिलों को लेकर इस पर निर्णय किया गया है। ...(व्यवधान)... जी, मेरा समय पहले ही खत्म कर दिया गया। ...(व्यवधान)... आप जब भी घंटी बजाएंगे, मैं बैठ जाऊंगा, अगर विषय से बाहर गया तब। मूल रूप से निर्णय लिया गया है कि विभिन्न कोर्ट्स में जो केसेज पेंडिंग पड़े हुए हैं, उनको खत्म करने के लिए क्या कर रहे हैं। पहले दो नियम थे। एक 1995 का नेशनल एन्वायरमेंट ट्राइब्यूनल एक्ट था। आज तक कभी उस पर बहस हुई होगी, सब लोगों ने चर्चा की होगी। पहले जो भी सरकार हो, 1995 की सरकार ने इसे नोटिफाई किया, नोटिफाई नहीं किया, पता नहीं। जिस National Environment Appellate Authority का निर्माण किया गया था, उसमें क्लेम्स और एन्वायरमेंटल क्लीयरेंस में जो रूल्स रिलेटेड थे या उससे केसेज डिस्प्यूट होते थे, मात्र उसके बारे में था। लेकिन मूल रूप से इन दोनों पुराने बिलों को रिपील करके यह तय किया गया है कि इसके आधार पर यह किया जाएगा। National Environment Appellate Authority की जो सजा है, उसको बढ़ाया गया है और इसमें तीन साल व 25 करोड़ किया गया है, उसमें यह अच्छा प्रस्ताव दिया गया है। महोदय, मैं यहां तीन-चार बिन्दु रखूंगा और जो विषय से संबंधित एक-दो बिन्दु हैं, उनको रखकर अपनी बात समाप्त करूंगा। इसमें इन्होंने सिविल कोर्ट्स का जुरिस्डिक्शन समाप्त कर दिया और साथ-साथ यह भी कर दिया है कि जो इंडिविज्युल्स की जो कम्प्लेंट्स होंगी, उन पर विचार नहीं होगा And there should be a matter of substantial issue. मैं मंत्री महोदय से सिर्फ यह जानना चाहूंगा कि कई बार समाज में बहुत सारे इंडिविज्युल्स प्रभावित होते हैं और इसमें कहा है कि जो गुप्स होंगे, यदि मैं सही समझ रहा हूँ, तो सामूहिक तौर पर व्यक्तियों को देंगे।

श्री जयराम रमेश : हर एक व्यक्ति को देंगे।

4.00 P.M.

श्री राजीव प्रताप रूडी : अगर आपने यह प्रोविजन कर दिया है, तो ठीक है। आपने इसमें कहा है कि there would only be five benches across the country. यह बड़ी चिंताजनक बात है क्योंकि अभी तक हमारा जूरिसडिक्शन सिविल कोर्ट में हैं, बाकी छोटे कोर्ट्स में है या राज्यों के कोर्ट्स में है, लेकिन अगर आप जूरिसडिक्शन पांच स्थानों पर सीमित कर देंगे, तो महोदय यह देश इतना बड़ा है कि आखिर सामान्य रूप से कितने लोग इन पांच बेंचों के पास जाएंगे? मुझे विश्वास है कि इस पर निश्चित रूप से कार्यवाही होगी कि सौ करोड़ के देश में जहां हजारों केस पूरे देश में पड़े हुए हैं, जिन पर निर्णय नहीं हुआ है, आप तय कर रहे हैं कि वे पांच बेंच उनको समाप्त कर देंगी। मुझे अपने आप में यह बहुत अव्यवहारिक लग रहा है और मंत्री जी को इस पर निश्चित रूप से विचार करना चाहिए, क्योंकि यह व्यवहारिक रूप से संभव नहीं है। जहां पर 32 राज्य और यूनियन टेरेटरीज़ हैं, उनको मिलाकर कहा है। आपने यह कहा है कि substantial issues of law. Substantial की क्या परिभाषा है? इसकी बड़ी कठिनाई है। मेरे लिए substantial हो सकता है कि इस क्षेत्र के जंगल काट दिए गए हों, सौ पेड़ काट दिए गए हों। यह मेरे लिए substantial हो सकता है, लेकिन यह सरकार की नज़र में substantial नहीं होगा। मेरे लिए कुछ गिद्धों को मारा जाना और कुछ जानवरों को मारकर सड़क पर गिरा देना substantial हो सकता है, आपके लिए नहीं हो सकता है। आखिर subatantial का डेफिनेशन क्या होगी? मैं माननीय मंत्री जी से अनुरोध करूंगा कि वे इस पर प्रकाश डालें कि substantial का डेफिनेशन इस पूरे लॉ में क्या है? अगर वे इसको परिभाषित करेंगे, तो शायद आने वाले दिनों में कोर्ट्स को भी सुविधा होगी और जो complainants होगा, उसको भी सुविधा होगी कि भाई आखिर इसका दायरा क्या है? आपने दायरा तो एक अंग्रेजी के शब्द में सीमित कर दिया है substantial issue of law.

मुझे लगता है कि शायद आप, हमारे जो बाकी मित्र पीछे बैठते हैं, अलग-अलग भाषा का प्रयोग करते हैं, उस भाषा से बचकर इसकी परिभाषा निकाल देंगे। उसके बाद आपने कहा कि इसकी अपील would be final. The jurisdiction of the High Court and the Supreme Court would not be there. This would be quite unfair. I think there would be issues which should be taken to a higher court of law. And if you are suggesting that this would have no jurisdiction of the High Courts and the Supreme Court, I would say that it is not correct to curtail democratic process and say that it is over at that point. मैं जिस विषय पर बोल रहा हूँ, क्योंकि बहुत दिनों के बाद पर्यावरण मंत्रालय ने एक अच्छा मंत्री बनाया है, we all appreciate it. You are doing a good job. I have no qualms in saying that this Ministry is being looked after very well. We all appreciate it and we are all with you in your endeavours as far as environment is concerned. आप पर्यावरण के अभियान को जहां तक ले जाना चाहते हैं, उसको लेकर जाएं, लेकिन मैं यह समझना चाहूंगा कि आपने "वाइल्ड लाइफ प्रोटेक्शन ऐक्ट" को इस अपेलेट ट्रिब्यूनल से बाहर क्यों रखा? आप, आपकी सरकार, आपके अधिकारी, आप सब लोगों ने "वाइल्ड लाइफ एन्वायरमेंट ऐक्ट, 1972" के बारे में, जो वन्य प्राणी, पशु-प्राणी के बारे

में है, उसको इसके प्रावधान से बाहर रख दिया है। मैं इस विषय पर नहीं जाऊंगा, क्योंकि वह राजनीतिक विषय है - Forest Dwellers (Recognition of Forest Rights) Act. आपने इन दो ऐक्ट को इसकी परिभाषा से बाहर कर दिया है। शायद यह बाल आपटे जी ने रेफर किया होगा, लेकिन ये दोनों विषय बाहर हैं। मैं इसमें से एक विषय पर इसलिए नहीं जाऊंगा, क्योंकि वह सेंसिटिव है और हमारे पास समय नहीं है। मैं केवल "वाइल्ड लाइफ प्रोटेक्शन ऐक्ट" पर जाना चाहूंगा। मैं इसको केवल इसलिए प्रमाणित करना चाहूंगा, क्योंकि इसको भी इसके दायरे में लाने की आवश्यकता है। इसका एक मूल कारण है। मैं आपको दो छोट-छोटे उदाहरण दूंगा। मैं आपको "हनी बी" का एक उदाहरण दूंगा। महोदय, हमारे देश में जो अस्सी प्रतिशत खाद्य उत्पादन होता है, उसके पॉलिनेशन का काम या तो बीज करती हैं या इन्सेक्ट्स करते हैं, या वाटर से होता है या एयर से होता है। इस देश में निःशुल्क सेवा करने वाली जो जन प्राणी हैं, वे बीज हैं। महोदय, अगर इस धरती से मधुमक्खियां गायब हो जाएंगी तो Pollination का अस्सी प्रतिशत कार्य समाप्त हो जायेगा, घास का Pollination समाप्त हो जाएगा, जो डीयर्स होते हैं, इस धरती से की जो फूड चेन है, वह भी मधुमक्खी के इस धरती पर से मर जाने के बाद मात्र तीन वर्ष में समाप्त हो जाएगी। Lion is the last link in the food chain. जिस दिन, मान लीजिए इस देश में मधुमक्खियों की संख्या समाप्त होने लगती है, is it a cause of individual concern? Is it a cause of social concern? Is it the concern of the Ministry of Environment? हम उस विषय को कैसे उठाएंगे? मैं आपको उदाहरण दे रहा हूं, एक मधुमक्खी की कहानी से बिल के प्रावधानों को इसलिए चुनौती दे रहा हूं, क्योंकि इस धरती पर से एक मधुमक्खी के बाहर चले जाने पर, उनके समाप्त हो जाने पर, संकट पैदा हो जाएगा। एक मधुमक्खी, अपने पूरे दिन में अस्सी किलोमीटर तक यात्रा करती है। वह अस्सी किलोमीटर यात्रा करके इतने सारे पोलिनेशन्स करती है। वह अपने जीवन में चल करके एक चम्मच शहद बनाती है। मैंने उस मधुमक्खी की चर्चा करके इस बिल के बड़े विषय पवर आगे बढ़ाया है। सबसे बड़ी बात है कि मधुमक्खियों नेताओं, कार्यकर्ताओं और कर्मचारियों की तरह कभी स्ट्राइक पर नहीं जाती हैं। ऐसी चीजों को आप किस अध्याय से जोड़कर देखेंगे? महोदय, मैं दूसरा उदाहरण देना चाहूंगा। "वाइल्ड लाइफ ऐक्ट" और इन सबके बारे में मैं इसलिए कह रहा हूं, क्योंकि आज इस देश में 1.4 बिलियन कैटल हैं। प्रत्येक वर्ष में लगभग 300 मिलियन के आसपास जानवर मरते हैं। उनके मरने के बाद हमारे पास उनके डिसपोजल का औसतन क्या सिस्टम है। मैं यहां पर बताना चाहूंगा कि पिछले दस वर्षों में इस देश में 87 million vultures had died. I am sure this figure must be there. अगर दुनिया में कहीं सबसे ज्यादा वल्वर्स थे, तो वे भारत में थे। आज भारत में पिछले दस वर्षों में 87 million vultures had died. आज मुश्किल से प्रंद्रह से बीस हजार वल्वर्स रह गए हैं, गिद रह गए हैं। Now what happens when animals die? जब मैं कह रहा हूं कि तीन सौ मिलियन जानवर मरते हैं, when animals die, their bodies decay, but vultures are not there. अगर वे गिद आकर उनको न खाएं, तो उनके साथ क्या होता है। उनका शरीर एक तरह से putrefy हो जाता है और putrefaction के बाद, उनके ऊपर का जो स्तर होता है, उसमें एन्थ्रेक्स की तरह एक केमिकल का फॉर्मेशन होता है। उस एन्थ्रेक्स के फॉर्मेशन होने से, अगर

वे गिद्ध उनको न खाएं, वे धूप में न सड़ें और अगर आप उस एन्थ्रेक्स का एक puff inhale कर लें, तो पांच से दस मिनट में आपके प्राण जा सकते हैं। मान लीजिए कि आज बीकानेर के बाहर सैंकड़ों मवेशी सड़ रहे हैं, गिद्ध आसमान में नहीं है, Wild Life Protection Act में हम अपील नहीं कर सकते हैं, हमारा appellate jurisdiction नहीं है, अगर वहां से उठी हुई गर्म हवा या जो putrefied layers हैं, if it crosses to Sahara, it goes across in the world, it reaches the stratosphere, what will happen to the world? Now, I am trying to link something which you have thought that it is not important. I do not know the reasons why it has been done. But it is because there is a chemical called dicyclofenac. I do not know what is it called? How is it pronounced? It is being used in cattle in a big way. Now, cattle are being given this steroid which is being used by them and when the vultures eat this cattle, they die. Now who stops them? It is a matter of wildlife conservation; it is a matter of appeal; it is a matter of concern. Where do we go? Where do we go when such issues arise and that is the reason why I have said so. महोदय, अभी मैंने मंत्री जी से क्वेश्चन किया था, आप सब भूल गए होंगे, आप लोगों को अपने बचपन की बात याद होगी, हम गांव-देहात में बैठते थे, शहर में बैठते थे, पेड़ों के ऊपर देखते थे, एक चिड़िया, जो हमेशा हम सबको दिखती थी, वह थी गोरेया। महोदय, अगर आप भी कभी बाहर चलें, पार्लियामेंट के इर्द-गिर्द घूमें, दिल्ली घूम कर देखें, where are these sparrows? We are not finding any sparrows anywhere. यह गोरेयों की संख्या, जो इस देश में सबसे सुन्दर, छोटी-सी, खुदबुदी, जो चारों तरफ घूमती रहती थी, नजर नहीं आती है। मैं यह बताने के लिए किसके पास जाऊंगा, मैं कहां अपील करूंगा? That is why I wanted to say कि यह जो एक्ट है, इसमें Wild Life Protection Act include करना चाहिए। आपकी सरकार में आपके लोगों ने क्या कारण दिए हैं, मैं नहीं कह सकता, लेकिन। I personally feel that the Wildlife Protection Act should be brought within the purview of the Tribunal. (Time Bell rings) सर, मैं दो-तीन अच्छी बातें बता कर खत्म कर देता हूं।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): All your points are very good points.

SHRI RAJIV PRATAP RUDY: Sir, I will take two, three minutes.

आपने कहा कि ट्रिब्यूनल आप appoint करेंगे। बड़ी अच्छी बात है, सरकार को करना चाहिए। कल आपकी कुर्सी पर मैं भी बैठूंगा, तो मैं भी करूंगा, लेकिन शंका है। शंका है कि अगर आपके जैसे अच्छे मंत्री आएंगे, तो सही आदमी की पहचान करके बहाल करेंगे, लेकिन अगर कोई राजा और अमीर आदमी बैठ गया, क्योंकि पहले राजा, अमीर लोग इस कुर्सी पर बैठ चुके हैं...(व्यवधान)... आप समझने की कोशिश कीजिए। इस कुर्सी पर बैठने वाले व्यक्तियों पर निर्भर करेगा कि हम किसको नियुक्त करते हैं। How do you do this process of selection? आप कह रहे हैं कि जजों को नियुक्त करेंगे, आपको क्या पता है कि जज कौन हैं और कहां है? What is the process of finding out who would be the Judicial Members? Have you constituted a Panel? क्या आपने किसी Panel का निर्माण किया है? How would you find out?

मुझे एक चीज से बड़ा डर लगता है, वह है IAS - Indian Administrative Service. वे बहुत बुद्धिमान हैं, देश को 55-60 साल से नेताओं के साथ मिल कर चला रहे हैं, लेकिन वे लिखने-पढ़ने में हम लोगों से बेहतर हैं, क्योंकि final drafting वहां से होकर आती है। आपने इसमें संख्या तय नहीं की कि कितने लोग इसके मैम्बर्स रहेंगे? 15 होंगे, 10 होंगे, 25 होंगे? That has to be notified by the Government. मंत्री जी आप वहां permanent नहीं हैं, लेकिन सरकारी कर्मचारी permanent हैं, यह याद रखिएगा। हम और आप आते रहेंगे, 4-5 साल के लिए आएंगे और जनता हरा देगी, तो बाहर चले जाएंगे, सरकार से बाहर चले जाएंगे, लेकिन ये सरकारी अधिकारी permanent हैं। उनके बारे में जब आप notification करें, तो आप निश्चित रूप से इसके बारे में जरूर ध्यान दें। मैं आपको और बता रहा हूँ, महोदय, आप घंटी बजा रहे हैं, मैं इतना ही कहना चाहूंगा ...(व्यवधान)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I will have to listen to your speech. But what can I do?

SHRI RAJIV PRATAP RUDY: I am concerned now that you are saying so. I will not take much time. My only concern is, I was going through a newspaper and that was one of the tabloid newspapers. I saw a photograph. That photograph I was showing to my senior Member, Mr. Apte. It is a photograph of the Arab Sea in the Central Asia. Now, from 1970 to 2010, the Arab Sea has shrunk by almost 90 percent. आपको जानकर आश्चर्य होगा कि अब वहां की तस्वीरें आ रही हैं, जो आज से 200 साल पहले, 300 साल पहले बड़े-बड़े समुद्री जहाज डूब गए थे, आज वहां की वीरान धरती पर वे सतह पर चले आए हैं और वे सभी बड़े-बड़े shipwrecks उस धरती पर उस समुद्र के पेट में दिख रहे हैं और इसके इर्द-गिर्द बड़े-बड़े ऊंट उस खेत में चर रहे हैं। हम नहीं चाहते हैं कि पर्यावरण के साथ इस प्रकार का कोई खिलवाड़ हो।

आपने यह अच्छा प्रस्ताव लाया है। आशा है कि आप इसे effective बनाएंगे और इस पूरे प्रस्ताव को immediately notify करके जितनी भी अपीलें हैं, उनको consider करवाएंगे। इस पर हमने कुछ विषयों का बयान किया है, उन पर आप विचार करेंगे। हम इस बिल का स्वागत करते हैं और आपका समर्थन करते हैं।

श्री किशोर कुमार मोहन्ती (उड़ीसा) : महोदय, आज जो विधेयक इस सदन में आया है, मैं जानना चाहूंगा कि इसके पीछे सरकार की नीयत क्या है? अगर सरकार की नीयत अच्छी है, तब तो कोई बात नहीं है, लेकिन अगर नीयत खराब रहेगी तो ऐसे कई विधेयक पिछले सालों में भी बने हैं और आगे आने वाले सालों में भी बनते रहेंगे। यह विधेयक एक अच्छा विधेयक है, लेकिन मैं इतना ही कहूंगा कि आने वाले दिनों में उस पर कोई राजनीति नहीं होनी चाहिए। अगर इस पर राजनीति होती है, तो इसमें कोई संदेह नहीं है कि पर्यावरण की आज जो स्थिति है, आने वाले कल में भी वही स्थिति बनी रहेगी। मैं यह बात इसलिए कह रहा हूँ क्योंकि हम लोगों ने स्वयं देखा है कि अपने राजनीतिक स्वार्थ के लिए कोई भी कहीं पर एक कंप्लेन डाल देता है, और पर्यावरण के नाम पर वहां की डेवलपमेंट को बंद कर दिया जाता है।

हमारे उड़ीसा में अनगूल, झारसुगुडा, करुंगा इत्यादि कुछ ऐसी इंडस्ट्रियल सिटीज हैं, जहां पर ऐसा हुआ है। केन्द्र सरकार ने पर्यावरण के नाम पर वहां के लिए एक नोटिस जारी किया कि इस एरिया में आगे और कोई इंडस्ट्रियलाइजेशन नहीं हो सकता है। अगर केन्द्र सरकार या एन्वायरमेंट डिपार्टमेंट यह कहते कि एन्वायरमेंट प्रोटेक्शन के लिए यहां पेड़ लगाए जाएं या उन इंडस्ट्रीज को पर्यावरण संरक्षण के लिए हिदायत दी जाती, तो अलग बात होती। जहां से केन्द्र और राज्य सरकार को हजारों करोड़ रुपया आता है, वहां पर्यावरण के नाम से इन इंडस्ट्रीज को बंद करवाने का काम किया गया। शायद इस विधेयक के माध्यम से आने वाले समय में यह काम बंद हो जाएगा।

सर, आन्ध्र प्रदेश में एक पोलावरम प्रोजेक्ट चल रहा था, जिससे उड़ीसा के एक आदिवासी जिले कोरापुट के लगभग 30 गांव अफैक्टिड थे। वहां पर कई जंगल सबमर्ज हो रहे थे, इसलिए उड़ीसा गवर्नमेंट ने केन्द्र सरकार को इसके लिए कंप्लेंट की। सर, मैं आपको बताना चाहूंगा कि केन्द्र सरकार के माध्यम से उसको बंद करने के बजाए, उसे नेशनल प्रोजेक्ट डिक्लेयर कर दिया गया। ऐसी स्थिति तब हुई, जब आज केन्द्र सरकार इस प्रकार का विधेयक यहां ला रही है। केन्द्र सरकार के माध्यम से अगर आने वाले कल में इस कार्य के लिए एक्सपर्ट मैम्बर्स को एपॉइंट किया जाएगा, तब यह कार्य आसान हो सकता है। इसमें प्रावधान है कि सारे मैम्बर्स चीफ जस्टिस के कंसल्टेशन में रखे जाएंगे, यदि ऐसा है, तब तो शायद हमारी आशंका दूर हो सकती है। यदि आप ऐसा ही चाहते हैं कि चीफ जस्टिस के कंसल्टेशन से चेयरमैन या एक्सपर्ट मैम्बर्स की टीम को नियुक्त किया जाएगा, तो यह बहुत ही अच्छी बात है और इससे लोगों का आशंका कम होगी और उनको न्याय मिल सकेगा। यदि ऐसा न हुआ तो आज जैसा पोलावरम प्रोजेक्ट के संबंध में हुआ कि राज्य सरकार उसका विरोध कर रही थी क्योंकि उसके कारण वहां पर बहुत सी प्रॉब्लम्स आ रही थीं, गांव के गांव डूब रहे थे, एन्वायरनमेंट की प्रॉब्लम खड़ी हो रही थी, लेकिन केन्द्र सरकार ने उसका नेशनल प्रोजेक्ट घोषित करके उसका 90% केन्द्र फंड से देने की घोषणा कर दी। मैं आपसे यही चाहूंगा कि इसमें आप ऐसा कोई प्रावधान न करें, जिससे आने वाले दिनों में हम लोगों को इस कानून पर ही शक होने लगे।

सर, एक अनुरोध मैं और करूंगा। इसके लिए पांच बेंचिज बनाई जाएंगी, एक सैंट्रल बेंच और चार अन्य बेंचिज। एक तरफ आपने इसमें एक इंडीवीज्वल गरीब आदमी को भी कंप्लेंट करने का अधिकार दिया है, जो बहुत अच्छी बात है, लेकिन आखिर एक इंडीवीज्वल आदमी कंप्लेंट करने के लिए जाएगा कहां पर? इसके लिए एक ऐपिलेट भोपाल में बनाया जाएगा, बाकी के तीन शायद मुम्बई, मद्रास और बंगाल में बनाए जाएंगे, लेकिन मेरे ख्याल से हर स्टेट में इसके लिए एक-एक ऐपिलेट बनाया जाना चाहिए। अगर आप इसके लिए कोशिश करेंगे, तो एक आम आदमी को भी इसका फायदा पहुंच सकेगा। आपने मुझे बोलने के लिए समय दिया उसके लिए आपको धन्यवाद देते हुए मैं अपना वक्तव्य समाप्त करता हूं।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Shri Bharatkumar Raut. Please take 4-5 minutes only, not more than that.

SHRI BHARATKUMAR RAUT (Maharashtra): Thank you, Sir. While talking on this Bill, let me say that it is a well-intended, good-intended Bill, but the execution part of the Bill is wrongly drafted. The execution is not correct. Many times such exercise can prove to be non-productive or sometimes anti-productive. I am afraid, this type of a Bill can prove to be anti-productive which definitely is not the desire of the Minister.

Sir, right in the beginning I reiterate what my senior colleague, Shri Bal Apte, has said that he basic title of the Bill shows that you are being governed and guided by some foreign concepts which are not really conducive to the Indian environment. Sir, I am in media and in media we keep giving names to various Bills and Acts. When the Indo-US nuclear law was being enacted, we were talking about the Hyde Act and we were talking about 123 Agreement. Are they the real titles of the Bill or the Agreement? No. They are being given by the media like the Hyde Act. But when you give an actual title, a legal title, to a Bill, it should only say the subject, not your adjectives. "Green" is your adjective. We used to call Mandal Commission, Mandal Report, Mandal Act, etc. But that was not the title of the Commission. The title of the Commission was something different. So, why are you getting governed by such adjectives which are not good for the implementation of the Bill?

Having said that, now I come to the actual Bill. I come to the qualifications part of the Bill. In clause 5, sub-clause (2) on page 4 of the Bill, the qualification for appointment as an Expert Member is that he should have a degree in Master of Science with a Doctorate degree or Master of Engineering or Master of Technology. I accept that you want well-qualified people. But is that all? I know that many people who work in the field don't have such qualifications. I worked with Medha Patkar's movement from a very close distance. Medha Patkar's name was given for the sake of it. There are many experts in her outfit who are working in tribal areas for environment for years together, for more than two decades. They are, in my opinion, the real experts. But none of them is a Ph.D. and none of them is a Master's Degree holder. Does it mean that this type of people who have ground experience, ground knowledge, have no place in our Tribunal? So, we want the bookworms who are sitting in Delhi, in Mumbai and in big cities, taking Ph.D and have no grassroots level knowledge. I think, if you really want to make the Tribunal comprehensive, then these qualifications are not required, or, in addition to this, there could be a provision so that who have spent years in this field should get some scope in the Tribunal.

Another thing is that this Bill mainly affects the Tribal people. Where is the representation for them? Where is the representation for the Tribal people in our Tribunal? So, is it going to be an urban Tribunal? Where is it going to be located? It is going to be located in Mumbai or Delhi. So, who is going to be affected? It is the grassroots level man, the ground level man, the son of the soil. If he does not get representation in the Tribunal, this will become anti-productive and as Mr. Bal Apte has said, it will only support those who will be breaking the law. *(Time-bell)* Sir, I will take a couple of minutes. More than that, if something happens, there are some roving panels or bodies and one central body. I like that idea.

There are only four roving panels. I am just giving the example of Maharashtra. On the Western Coast, there is Thana, which is a jungle area. If something happens there and if at that time your roving panel is somewhere in Vidarbha. 1,300 kilometers away, where does the tribal, the aggrieved party go? How does he get the redressal, immediate redressal? Because once a tree is cut, it is cut. You cannot put it back. So, why shouldn't we give some powers to the local courts where the problem is? You are depriving the tribal or the affected man to go to the local court because the party will say, "It is substantial matter and it has to go to the Tribunal" A good lawyer will go to the Tribunal and say it is not a substantial matter. So where does the man go? There are many suggestions. But because of lack of time, I would like to conclude. Therefore, I would like to request the Minister to have a relook at this Bill. Definitely it is well-intended, but let us make it well-executed also. Thank you.

श्री राजनीति प्रसाद (बिहार) : सर, सबसे पहले तो मैं मंत्री महोदय को इसके लिए धन्यवाद देना चाहता हूँ। यह बिल यहां आया है, अगर यह बहुत पहले आ गया तो भोपाल में जो कांड हुआ और उसके कारण जो लोग victim हुए, उन्हें उसका compensation मिलने में इतनी देर नहीं होती। आपने यह बहुत अच्छा काम किया है। लेकिन, मुझे एक और बात की चिन्ता है कि जहां सड़कें बहुत चौड़ी की जा रही हैं या जैसे SEZ में बहुत बड़ी जगह की जरूरत होती है, तो वहां पर जो पेड़ लगे होते हैं, उनको भी कटवाया जा रहा है और जंगलों को उखाड़ने का काम हो रहा है। उसके बारे में क्या उपाय है या क्या करना चाहिए?

कहीं आप flyover बना रहे हैं, लेकिन उस जगह के जंगल को काटा जा रहा है। मैं इसका एक उदाहरण देता हूँ। मैं किसी जमाने में हजारीबाग में रहता था। वहां पर एक कनेर हिल था, जहां मैं कैम्प में जाया करता था। वहां बाघ, चीता आदि रहते थे। उनसे हमें protect करते हुए वहां कैम्प लगाया जाता था। और हमसे कहा जाता था कि आप बाघ और चीता देखो। लेकिन, जब मैं आज वहां 20, 25 या 30 सालों के बाद जाता हूँ तो देखता हूँ कि वहां

का पूरा जंगल उखड़ गया है और वहां कॉलोनी बन गई है। अब उस जंगल के स्थान पर कॉलोनी बन गई है। उसके बारे में आपकी क्या राय है या आप उसके लिए क्या विचार कर रहे हैं? सड़क के किनारे जो पचासों-सैंकड़ों सालों से जंगल के दोनों किनारों की मेहराब की तरह जो पेड़ थे, अब आप सड़क चौड़ी कर रहे हैं, आपकी मजबूरी है, आप उसे चार लेन और छः लेन बना रहे हैं और वहां के सारे पेड़ कट रहे हैं। तो यह जो आप Green Tribunal बना रहे हैं, उसमें इस बारे में क्या विचार होगा?

सर, मैं उदाहरण के लिए एक और बात कहना चाहता हूं। आपने वाटर के बारे में भी लिखा है। हमारे यहां गंगा मीलों दूर चली गई। यह क्यों चली गई, इसके बारे में आपका क्या रिसर्च है? 50 साल पहले गंगा कहां थी और अब कहां चली गई है, यह इससे पता चलता है कि अब हम लोगों को देहात में जब किसी का दाह-संस्कार करना होता है तो इसके लिए वहां लोगों को पैदल 4-5 किलोमीटर जाना पड़ रहा है। आप इसके बारे में भी कोई विचार कीजिए, रिसर्च कीजिए कि हमारी गंगा क्यों दूर हो रही है। आप इस पर भी विचार कीजिए कि राम तेरी गंगा मैली क्यों हो गई है। आपकी गंगा कितनी polluted हो गई है, यमुना कितनी polluted हो गई है और अगर ऐसा हो गया है तो उसके बारे में आपका क्या कानून है या आप क्या कानून बनाने जा रहे हैं? ...**(व्यवधान)**...

आपके बारे में हमको यही कहना है कि आप बहुत अच्छे आदमी हैं। आप दिल से भी अच्छे आदमी हैं। मैं जो दूसरी बात कहना चाह रहा हूं, अगर वह बात कहूंगा तो लोग कहेंगे कि मैं ऐसा क्यों बोल रहा हूं। आप दिल के अच्छे हैं, आप खूबसूरत भी हैं, लेकिन आपको वातावरण को भी खूबसूरत बनाना पड़ेगा। ...**(व्यवधान)**...

श्री राजीव प्रताप रूडी : सर, कोई मासूम कह रहा है और कोई खूबसूरत कह रहा है, यह मामला क्या है?

श्री राजनीति प्रसाद : सर, इस वातावरण को खूबसूरत भी बनाना पड़ेगा। हमारी गंगा दूर चली गई है और यमुना प्रदूषित हो गई है। अब तो हमको कभी-कभी शक होता है कि गंगोत्री में भी pollution होने वाला है और pollution होगा, यदि आप four lane, six lane, बीस लेन बनाएंगे, तो गंगोत्री के तरफ के भी पेड़ कटने वाले हैं और जब पेड़ कटेंगे, तो हम और आप कहां रहेंगे? जब आदमी सड़क पर दूर तक पैदल चलता है, तो सड़क के किनारे लगे पेड़ की छाया में बैठ जाता है। अब वह पेड़ खत्म हो गया है। मुझे पता नहीं कि गंगा में स्नान किए हुए 40 साल हो गए या 42 साल हो गए हैं। गंगा में स्नान करने से पवित्रता का बोध होता था, लेकिन अब हमें लगता है कि गंगा में स्नान करना चाहिए या नहीं करना चाहिए, यमुना में स्नान करना चाहिए या नहीं करना चाहिए। सर, यह यमुना भगवान कृष्ण की यमुना है। गंगा एक पवित्र नदी है। इसके बारे में हम लोगों को विचार करना चाहिए। जब इस पर विचार करेंगे, तभी कुछ हो जाएगा।

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) : राजनीति जी, अब आप समाप्त कीजिए।

श्री राजनीति प्रसाद : सर, मेरा समय समाप्त हो गया है।

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) : पांच मिनट हो गया है।

श्री राजनीति प्रसाद : सर, क्या मैं बैठ जाऊं?

उपसभाध्यक्ष (प्रो. पी.जे. कुरियन) : आपको एक मिनट और मिलेगा।

श्री राजनीति प्रसाद : सर, आपने कहा है कि individual has the right to make a complaint. आपने individual कहा है। आप शहरों में देखिए, वहां कूड़े का ढेर लगा रहता है। जिस सड़क पर हम लोग चलते हैं, उस सड़क के किनारे कूड़ा फेंका रहता है। अभी हमारे रूडी साहब ने कहा कि अगर कूड़े को पशु-पक्षी या गिद्ध नहीं खाएंगे तो इससे pollution होगा तथा वहां की हवा प्रदूषित हो जाएगी और इससे लोग मर जाएंगे। अगर हम कूड़ा-करकट के बीच से जा रहे हैं, तो हमारा भी अधिकार है कि हम tribunal में जाकर कहें कि वहां कूड़ा महकता है, यह मोहल्ला गंदा हो गया है। इसके बारे में आपका क्या विचार है? आप इनको जरूर देखिए। आपका यह बिल बहुत ही सराहनीय है और इसके बारे में जरूर विचार कीजिए। धन्यवाद।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Dr. Barun Mukherjee. Not present. Now, Mr. Minister to reply.

SHRI MOINUL HASSAN: Sir, I want to say something. We still have four minutes left for our party.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You just take two minutes.

SHRI MOINUL HASSAN (West Bengal): Sir, it is a fact that every citizen's dream is a green India. We are protected by article 21 of the Constitution, and we should uphold it. I have two or three small queries as far as the Bill is concerned. I am in favour of the good intention of the Bill. But my point is that we should not encourage multinational or private companies to engulf the forest or tribal land. That is No. 1. Secondly, do not encroach upon the powers of the State Governments or the local Panchayats or any local self-Governments. My third point is this. The polluter should pay, and there should not be any upper limit. Then, Sir, there are four Benches. My question is: What is the mechanism of accountability? How would a common man, who is living in the remotest part of the country, appear before the Bench? My last point is this. Everybody knows that Sunderbans is the national heritage. It was affected by a heavy cyclone, Aila, last year. Now, if we do not protect the Sunderbans, we will lose the great national heritage of our country. In this connection, I would request our Minister to do something so far as the Sunderbans is concerned. Thank you, Sir.

SHRI JAIRAM RAMESH: Mr. Chairman, Sir, first of all, I want to express my gratitude to the 13 speakers who have spoken today. They have been very generous in their comments on me and fairly critical as far as the Bill is concerned. I am grateful for both those sentiments.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Not to the Chair?

SHRI JAIRAM RAMESH: I also thank the Chair, Sir, for being very indulgent to those people who made positive comments towards me.

Sir, I know I have limited time. I will not have an opportunity of responding to every individual point or criticism that has been made by the 13 speakers. I will make it a point in the next couple of days to respond to each individual Member in writing on each of the individual points that have been made. That is an assurance that I am giving in this House.

However, Sir, I would like to address some big concerns that have been raised by many hon. Members.

First of all, it is the Standing Committee. The Standing Committee made 12 recommendations. I have accepted ten out of the 12 recommendations. Secondly, Sir, I am sorry that my very good friend, Mr. Bal Apte, started by जैसे हिन्दी में कहते हैं कि छक्का मार दिया उन्होंने कि ग्रीन ट्रिब्यूनल कैसे आ गया, हमने trivialize कर दिया है ग्रीन ट्रिब्यूनल का, और अंत में जो हमारे टेलेंडर थे - भारतकुमार राऊत जी, उन्होंने भी इन्हीं पॉइंट को पकड़ा। Sir, I plead guilty. Mr. Bal Apte used many Latin phrases. Let me also demonstrate my knowledge of Latin. Mea culpa! Mea maxima culpa! I was at fault because we already had the National Environment Tribunal in the past. The experience was not positive. We are planning on a legislation for a National Environment Protection Authority. So, the National Environment Protection Tribunal was ruled out. One option that I did consider was National Environment and Forest Protection Tribunal. It was too much of a tongue-twister. Sir, I am a creature of the modern age. I plead guilty. The word 'green' in the minds of many is associated with environment and that is why I called it, instinctively, the National Green Tribunal. I am not trivializing it. But if hon. Members feel that I am trivializing it, I am more than happy to go back and think of an alternative title and come back in the Monsoon Session with an alternative title. But I would request you take my word for it; let the National Green Tribunal stand and let the seriousness of this Tribunal be demonstrated by its work, irrespective of the fact that it is called the National Green Tribunal.

Sir, one of the problems that we have faced is that many speakers today commented on the legislation 'as introduced in the Lok Sabha, which came to the Rajya Sabha. There is a big difference between the legislation 'as introduced in the Lok Sabha' and the legislation 'as passed by the Lok Sabha'. I wish my good friend, Mr. Bal Apte, had seen the legislation somewhat carefully. Take his

criticism, for example, that this National Green Tribunal ignores the principle of no-fault liability. Section 17.3 amendment introduced in the Lok Sabha on the 30th of April reads, and I quote, "The Tribunal shall in case of an accident apply the principle of no-fault", which is exactly the sentiment expressed by Mr. Bal Apte. So, there are some points which have been taken care of. The 'polluter pays' principle, the principle of sustainable development, the principle of inter-generational equity and the principle of no-fault have found place in the revised legislation as passed by the Lok Sabha.

Sir, my good friend, Mr. Rudy, said, why the Wildlife Protection Act is not in Schedule-I.

Sir, the basic purpose of this Tribunal is to decide on civil cases. The Wildlife Protection Act leads us into criminal cases. But, if there are civil issues, civil damage issues, and you yourself have brought out a very colourful example of the birds and the bees, and it is perfectly within the domain of the National Green Tribunal to adjudicate. But the larger issues of the Wildlife Protection Act of 1972 involve criminal cases. Sansar Chand is being prosecuted for a criminal offence, whereas the purpose in the National Green Tribunal is to provide civil damages from the non-implementation of the environment protection laws.

Sir, many Members, particularly my friends from Kerala, Bengal and Orissa, are concerned about Schedule 1. Their concern is that we have listed seven laws in Schedule 1, and they feel that we have got the freedom to amend Schedule 1. No, Sir. This is a complete misreading of Schedule 1. Under no circumstances is the Government of India going to take the right to amend the Forest Conservation Act which is in Schedule 1. No. All that we are saying is, to add a number 8 or a number 9 to Schedule 1, we will do it by notification. We will not amend the Act, we will do it by notification, and we will lay the notification on the Table of the House. So, Schedule 1 law does not we will amend the laws in Schedule 1. We will only add or subtract by notification and lay the notification on the Table of the House because the process of amending the Act is very cumbersome. And, incidentally, Sir, that is one of the recommendations of the Standing Committee, which we did not accept.

Sir, I am entirely in agreement with the criticism of the Bill that five benches is insufficient for our country. Sir, Mr. Bal Apte raised the question about the number of cases which are there. Sir, 5,616 cases, as available from the Manu Patra, today are pending in various courts of our country on

matters relating to environment and forest. Now, it is anybody's guess how long these cases are going to continue. Sir, I faced a dilemma. On the one side, the Law Commission, the Supreme Court, Justice Bhagwati in the famous *Oleum* case of 1987, all of them said, set up specialized environment courts. So, the ideal situation would have been to upgrade the district and sessions courts, the High Courts, the Supreme Court, but we know how difficult that is. I agree that the tribunal approach is somewhat like a bypass surgery approach. It is because in a Tribunal you have more flexibility, you devise your own procedures, you can bring in outside experts and you can have speedier adjudication. We have provided, for example, a normal time limit of six months to adjudicate cases in the National Green Tribunal. So, Sir, I am entirely in sympathy with this criticism that has been made. Today, anybody can go to the district and sessions courts judge and say that my leg has been damaged because of a hazardous waste in the nearby water source. And he can spend the next 30 years fighting that case. So, do we want that system, or, do we want a specialized system with the prospect of a speedier redressal of the grievance? I opted for the latter, and I am entirely in agreement with the sense of the House that five benches is certainly insufficient for our country. And, I instinctively will agree with the Law Commission's recommendation, Dr. Maitreyan had raised this, the Standing Committee of which he was a distinguished Chairman in the past had also raised this, and I said in the Lok Sabha, and I had the advantage of the Law Minister sitting next to me, but today I don't have that advantage. In the Lok Sabha, I looked at the Law Minister and I said that one of the first things that I would go to him is for expansion of benches. I have got the financial allocation for five benches, and the House has my assurance that I will expand the network of benches.

But, let us begin with this. If the workload increases, if the caseload increases, we will expand. This is my assurance to you and this expansion can come in the first year itself.

Sir, there has been a lot of criticism on the manner of selection. I debated also on how to select and, I think, more than specifying a procedure by an Act, conventions have to develop by which we select people. Sir, it is my intention to consult the Leader of the Opposition; of course, the Prime Minister will be involved, the Law Minister will be involved and I will be involved in the selection of the chairperson of the National Green Tribunal. Now, once the chairperson of the National Green Tribunal is selected, we will in the rules —that I will bring forward in the Monsoon Session,

hopefully—stipulate the procedure for selecting the judicial members and the expert members. Normally what happens is, the Minister selects chairperson and all the members. No, I do not want to do that because, Sir, I am not bringing this Bill to my tenure. I am doing this for the future. This is not a *mein hoon na* principle here. It has to outlive.

DR. V. MAITREYAN: Chidambaramji only said *mein hoon na*.

SHRI JAIRAM RAMESH: I must echo in my senior colleague that it is not a *mein hoon na* principle here. We have to institutionalize the selection process. So, my approach is, we will select the chairperson of the National Green Tribunal; in consultation with the National Green Tribunal, we will devise a transparent set of rules which Parliament will be in the know of for selecting the judicial members and the technical members.

Sir, in response to my friend Mr. Raut, I would like to say that we need technical members. Environment is a scientific topic. Environmental activism is one thing. You can be the world's greatest environmental activist. But, you need specialized knowledge; for example, to adjudicate a claim that comes to you which says that my respiratory disease has increased because of the pollution, because of the air that I am breathing. This will be one of the cases that will come before the National Green Tribunal. Mr. Raut, while I have the greatest respect for environmental activists; in fact, the accusation against me is that I am friendlier towards activists than any of the community in this country. The fact of the matter is, when we are doing a tribunal, we need judicial members because these are matters of law involved here; and we need technical members who can provide the scientific and technical inputs. Environment is becoming increasingly an interdisciplinary scientific issue. So, we will not rule out the people. But, all I am saying is that environmental activism will have its place and adjudication based on legal and technical criteria will have its place.

Sir, there was also a concern as to who can approach the National Green Tribunal. I want to say clearly, categorically and unequivocally that anybody can approach the National Green Tribunal. Not any aggrieved person, but anybody. Any NGO, any journalist, any media organization, any social activist group, any State Pollution Control Board, any State Government, the Central Government or anybody can approach the National Green Tribunal. This is the amendment that was passed in Lok Sabha and I want to assure the hon. Members that we are not choking access to the National Green Tribunal. In fact, in our country, it would be difficult for individuals to come to the National Green

Tribunal, to begin with. So, we will necessarily find representations being made to the National Green Tribunal on behalf of individuals by NGOs, by social action groups, by activists that Mr. Raut so rightly talks about.

So, in this way, I think, we have opened up the doors of the National Green Tribunal. But, as I said and I repeat, geographically, we need a much larger footprint for the National Green Tribunal and five benches simply is not enough.

Sir, I will address two or three important points very quickly.

Both Mr. Apte and Mr. Rudy, and many others, talked about this issue of 'substantial claim'. Now, Sir, this word 'substantial claim', I have not invented it, as Mr. Apte knows, Mr. Apte is a distinguished lawyer. I have not invented it; it is there in many statutes. It is a legislative device that is used in other to define what the gravity of claim is. But, in fact, if I just request the hon. Members to look at Schedule II of this Bill, this is the substantial claim. For the first time we are giving operational meaning to what is substantial claim. What is substantial claim—death, what is substantial claim — permanent, temporary or total or partial disability or any other injury of sickness, this is the substantial claim. Loss of wages is a substantial claim; damage to private property is a substantial claim. I have listed here 15 grounds under which individuals or organizations can approach the National Tribunal. ...*(Interruptions)*... It is an interesting point that you have made that we go back and give you a off the cuff remarks. As of now, there is no omnibus of any other category. So, this is an exhaustive list. As of now, it is an exhaustive list. As the Tribunal gains jurisprudence experience, we will review the Scheduled II. Mr. Apte's criticism, while I take in the right spirit, I have tried to give in fact, more operational meaning to what is a substantial claim. A person in a critically polluted area can come to the National Green Tribunal and make a substantial claim under any of these headings. This, I think, is a big step forward. Sir, some Members, both in the Rajya Sabha and the Lok Sabha, said that this fine of Rs. 25 crores is a very small sum. Sir, there is some confusion on what this Rs.25 crore is. This Rs.25 crores is a fine on a party who does not implement the orders of the Tribunal. Rs.25 crores is not the penalty or the damage limit which an individual can get. If a company or a party does not implement the order of the Tribunal, he has to pay a fine of Rs.25 crores. So, it is only for the non-compliance of the orders of the Tribunal. The Tribunal is free to award any damage, there is no limit. In fact, one of the Acts in Schedule I is the Public Liability Insurance Act of 1991. As you know,

Sir, the maximum you can claim under the Public Liability Insurance Act is Rs.25,000 plus Rs.12,500 or near about, for medical expenses. So, Mr. Apte knows this. So, under this National Green Tribunal Bill, the NGT can well award a few lakhs of rupees under the Public Liability Insurance Act whereas today under the Public Liability Insurance Act the maximum cap is Rs.37,500. So, this is an example of how much flexibility we are bringing into the system through the National Green Tribunal. Sir, final point I want to make. This criticism has been repeated that this is a pro-culprit Bill, to use Mr. Bal Apte's language, this is a Bill that will protect the culprits and it will not protect the citizens. Sir, Bal Apte is very, very unfair. He will be unfair to me personally because in the last 11 months if anything is there, the clamour is that I have tightened up and not opened up. But, as I said, Mr. Bal Apte's concern is not with an individual, it is with the system. But what this Bill does is actually contrary to what Mr. Bal Apte fears. It actually puts pressure on the offenders, on the polluters, on the encroachers because it is for the first time that you are providing a legal redress to individual citizens, to NGOs, to State Pollution Control Boards who actually can go to the National Green Tribunal and claim civil damages.

This is not there today. It is there. It takes a long time. But, here we are providing a specialized, faster track system in order to ensure that people who are habitual offenders, habitual polluters do get the message that if in case they keep indulging in this kind of behaviour, there is a legal system to take care of people who are badly affected by the non-implementation of these laws. Sir, I have just got a note that there are two more Bills and I must finish. I would like to say that while I am grateful to the hon. Members; my request to them is...

SHRI BALAVANT ALIAS BAL APTE: Before the Minister completes, I have only one sentences to say that 'no fault liability' under Section 17 in respect of death is one thing and the principle of strict liability in Rylands versus Feltcher is a law of torts principle which is missing in Section 20.

SHRI JAIRAM RAMESH: Sir, I will certainly look into it.

SHRI RAJIV PRATAP RUDY: Fortunately, in the House, we have two *Main Hoon Na*. Not one, but two.

SHRI JAIRAM RAMESH: It cannot be on the *Main hoon na* principle.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, please come back to the Bill.

SHRI JAIRAM RAMESH: Sir, I have said that while I appreciate the sentiments of the hon. Members, I would request them to give the National Green Tribunal a chance to get off the ground. In the next five to six months, we hope that the five Benches in five different parts of the country, the main one anchored in Bhopal, as I mentioned, will take off. They will develop procedures of work. Case law will develop over a period of time and I think, as experience accumulates will always have an opportunity of reviewing the functioning of these tribunals. I would be the first to come back to Parliament and seek further amendments to the National Green Tribunal Act, if the need so arises.

DR. (SHRIMATI) NAJMA A. HEPTULLA (Rajasthan): Sir, there are three questions. You said that anybody, activists, environmental activists or anybody can go. But, Sir, there are environmental activists and activists. They don't leave it open ended because there is a very thin line between development and activism. So, you will have to take care of it. The second point is that you are going to bring the rules. I am very happy because for every legislation I would like that the Government brings draft rules, subject to change as in the future but that rules remain with the Ministry and it takes more than six months to submit the rules. I am Chairman of the Committee on Subordinate Legislation and we have seen that the rules have not been submitted for six years and the Government continues to implement without the rules being submitted to the Parliament. So, please take care that what rules you bring in the next Session, that you have said, will be protected and they will also take care that it should not remain open ended tribunal where anybody can stop and blackmail development.

SHRI JAIRAM RAMESH: Sir, I will just say one thing. The hon. Member has my assurance with the rulings. As I have said, it will be my serious endeavour to bring it in the monsoon Session of Parliament. But before that, I will have an opportunity of putting the tribunals on our website for larger public comment. Sir, the hon. Member has raised a concern. In fact, Sir, I was being criticized by some of our party colleagues for introducing a section in the Bill which provides for 'vexatious' petitions. Now, there are petitions here for the tribunal to throw out petitions which are doctored, which obviously fulfil political objectives, and, not necessarily environmental objectives. So, there is a fine dividing line that we have to draw but my sense is with a sensitive Chairperson in the National Green Tribunal, with rules and procedures properly drafted, we will be able to follow this middle path between environment and forests.

SHRI BHARATKUMAR RAUT (Maharashtra): When I said that the people and NGOs working in tribal areas, it does not mean that I am opposing the experts. I am saying, with judiciary, experts, why cannot you have some people who are working in that area that gives human face to it and become more authentic. Thank you.

SHRI SHANTARAM LAXMAN NAIK (Goa): Sir, I am on High Court jurisdiction. Since the Government is constituting the Tribunal, people will go to the High Court under article 32 and also to the Supreme Court. So, what is the use of the Tribunal? Thank you.

SHRI JAIRAM RAMESH: Sir, I don't want to get into this debate once again. But, all I want to say is: these points that had been raised earlier had been debated by the hon. Law Minister who just walked in. The hon. Home Minister also was very much part of this discussion. And, we debated this issue of allowing concurrent jurisdiction. In fact, it was the hon. Home Minister, who is a very distinguished lawyer, used the word 'firm shopping.' But, we should avoid 'firm shopping.' We should not give people the availability of multiple forums. That is why, we chose specialization and speed Vs. larger network. Let us give this a chance. And, as I have said in response to the sentiments of the hon. Members, we are provided for an appeal in the Supreme court which, I think, is adequate for the purpose of our discussion. Thank you.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, the question is:

That the Bill to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now we shall take up Clause-by-Clause consideration of the Bill. In Clause 2, there is one amendment No. 1 by Shri Saman Pathak and Shri Moinul Hassan. Mr. Pathak is not present. Are you moving the amendment, Mr. Moinul Hassan?

Clause 2 — Definitions

SHRI MOINUL HASSAN (West Bengal): Yes, Sir. I move:

1. That at page 3, *for* lines 11 to 22, the following be *substituted*, namely:-

"(m) "substantial question relating to environment" shall include all instances of environmental damage and violation of statutory environmental obligation and shall include but not be restricted to acts of commission, omission or accident following the principle of absolute no-fault liability."

The question was put and the motion was negated.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 4 — Composition of Tribunal

THE VICE CHAIRMAN (PROF. P.J. KURIEN): There is one amendment no. 2 in Clause 4 by Shri Saman Pathak and Shri Moinul Hassan. Mr. Pathak is not present. Are you moving, Mr. Moinul Hassan?

SHRI MOINUL HASSAN (West Bengal): Sir, I move:

2. That at page 4, *after* line 3, the following proviso be *inserted*,

Namely:-

"Provided that there is at least one bench for a maximum of three neighbouring States/Union Territories".

The question was put and the motion was negated.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 6 — Appointment of Chairperson, Judicial Member

And Expert Member

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): There is one amendment no. 3 in Clause 6 by Shri Sarman Pathak and Shri Moinul Hassan. Mr. Pathak is not present. Are you moving, Mr. Moinul Hassan?

SHRI MOINUL HASSAN (West Bengal): Sir, I move:

3. That at page 4, line 44, *after* the word "Government" the words "in consultation with the concerned State Governments" be *inserted*.

The question was put and the motion was negated.

Clause 6 was added to the Bill.

Clauses 7 to 9 were added to the Bill.

**Clause 10 – Removal and suspension of Chairperson, Judicial
Member and Expert Member**

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): There is one amendment no. 4 in Clause 10 by Shri Saman Pathak and Shri Moinul Hassan. Mr. Pathak is not present. Are you moving, Mr. Moinul Hassan?

SHRI MOINUL HASSAN (West Bengal): Sir, I move:

4. That at page 5, line 23, *after* the word "India" the words "and concerned State Governments" be *inserted*.

The question was put and the motion was negatived.

Clause 10 was added to the Bill.

Clauses 11 to 13 were added to the Bill.

Clause 14 – Tribunal to settle disputes

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): There are two amendments no. 5 and 6 in Clause 14 by Shri Saman Pathak and Shri Moinul Hassan. Mr. Pathak is not present. Are you moving, Mr. Moinul Hassan?

SHRI MOINUL HASSAN (West Bengal): Sir, I move:

5. The at page 6, *after* line 21, the following proviso be *inserted*,
namely:-

"Provided that in case there is any conflict, the provisions of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; the Panchayats (Extension to Scheduled Areas) Act, 1996 and in the Fifth and Sixth Schedule areas shall override this Act."

6. That at page 6, lines 24 to 29, be *deleted*.

The question were put and the motions were negatived.

Clause 14 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): There is one amendment no. 7 in Clause 15 by Shri Saman Pathak and Shri Moinul Hassan. Mr. Pathak is not present. Are you moving, Mr. Moinul Hassan?

SHRI MOINUL HASSAN (West Bengal): Sir, I move:

7. That at page 6, lines 40 to 46, be *deleted*.

The question was put and the motion was negatived.

Clause 15 was added to the Bill.

5.00 P.M.

Clause 16 — Tribunal to have appellate jurisdiction

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): In clause 16, there are four amendments No. (8) (9) (10) and (11) by Shri Moinul Hassan. Are you moving?

SHRI MOINUL HASSAN (West Bengal): Sir, I move:

- (8) That at page 7, lines 30 to 32 be *deleted*.
- (9) That at page 7, *after* line 36, the following shall be *inserted*, namely:-
"(k) environment impact assessment procedures, proceedings and clearances granted".
- (10) That at page 7, line 37, *for* the word "thirty" the word "ninety" be *substituted*.
- (11) That at page 7, line 41, *for* the words "not exceeding sixty days" the words "not less than sixty days" be *substituted*.

The question were put and the motions were negatived.

Clause 16 was added to the Bill.

Clauses 17 to 22 were added to the Bill.

Clause 23 — Cost

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): In clause 23, there is one amendment No. (12) by Shri Moinul Hassan. Are you moving?

SHRI MOINUL HASSAN (West Bengal): Sir, I move:

- (12) That at page 9, lines 41 to 44, be *deleted*.

The question was put and the motion was negatived.

Clause 23 was added to the Bill.

Clause 24 — Deposit of amount payable for damage to environment

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): In clause 24, there is one amendment No. (13) by Shri Moinul Hassan. Are you moving?

SHRI MOINUL HASSAN (West Bengal): Sir, I move:

- (13) That at page 9, *after* line 49, the following proviso be *inserted*, namely:-
"Provided that the Fund so established shall be maintained and managed by the respective State Governments".

The question was put and the motion was negatived.

Clause 24 was added to the Bill.

Clause 25 was added to the Bill.

Clause 26 — Penalty for failure to comply with orders of Tribunal

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): In clause 26, there are three amendments No. (14), (15) and (16) by Shri Moinul Hassan. Are you moving?

SHRI MOINUL HASSAN (West Bengal): Sir, I move:

- (14) That at page 10, line 21, *for* the words "three years" the words "fourteen years" be *substituted*.
- (15) That at page 10, lines 26 and 27, *for* the words "which may extend to twenty-five crore rupees" the words "and cancellation of contracts, clearances and other permissions to carry out its activities" be *substituted*.
- (16) That at page 10, lines 30 to 32 be *deleted*.

The question were put and the motions were negatived.

Clause 26 was added to the Bill.

Clause 27 — Offences by companies

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): In clause 27, there is one amendment no. (17) by Shri Moinul Hassan. Are you moving?

SHRI MOINUL HASSAN (West Bengal): Sir, I move:

- (17) That at page 10, line 38 to 41, be *deleted*.

The question was put and the motion was negatived.

Clause 27 was added to the Bill.

Clause 28, the First Schedule, the Second Schedule and the Third Schedule were added to the Bill.

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

SHRI JAIRAM RAMESH: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

(MR. DEPUTY CHAIRMAN in the Chair)

The Payment of Gratuity (Amendment) Bill, 2010

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): Sir, I beg to move:

"That the Bill further to amend the Payment of Gratuity Act, 1972, as passed by Lok Sabha be taken into consideration."

Mr. Deputy Chairman, Sir, it is a very small amendment and it is going to help a large number of workers. The earlier limit of Rs. 3.5 lakhs has, now, been enhanced to Rs. 10 lakhs, which will be payable to employees. The Payment of Gratuity Act, 1972, provides for scheme for payment of gratuity to the employees employed in factories, mines, oilfields, plantations, ports, railway companies, shops and other establishments. The Government proposes to take immediate steps by way of amendment in the Payment of Gratuity Act, 1972 to enhance the ceiling on maximum amount of gratuity from Rs. 3.5 lakhs to Rs. 10 lakhs, payable to employees.

By amending the Payment of Gratuity Act, 1972, crores of workers will be benefited in establishments where ten or more workers are employed. Also, once the Bill is passed, Income-Tax benefits will go to the worker due to enhancement of the ceiling to Rs. 10 lakhs from existing Rs. 3.5 lakhs.

In view of these benefits, I hope this august House will pass this amendment in the Payment of Gratuity Act, 1972.

The question was proposed.

श्री रुद्रनारायण पाणि (उड़ीसा) : उपसभापति महोदय, हम कई सालों से यह मांग करते आ रहे थे कि श्रम विभाग को कैबिनेट मंत्री के अंतर्गत लाया जाए, जिसे बाद में यूपीए सरकार ने मान लिया। हमारे श्रम मंत्रालय के कैबिनेट मंत्री, जो कि राजनीति में एक बड़े नेता हैं, उन्होंने इस प्रकार का एक छोटा-सा बिल अभी इस सदन के सामने प्रस्तुत किया है। हालांकि इससे पहले श्रम मंत्रालय की ओर से ग्रेच्युटी से संबंधित जो विधेयक प्रस्तुत किया गया था, उसे हमारे श्रम राज्य मंत्री ने प्रस्तुत किया था और वह भी सर्वसम्मति से पारित हुआ था।

महोदय, जो मजदूर है, जिसे आप श्रमिक या कर्मचारी कह सकते हैं, वह जिन्दगी भर काम करता है। जब वह रिटायर होने लगता है, जब उसके टेंशन लेने का टाइम आता है, उस समय उसको pensionary benefit के रूप में ग्रेच्युटी मिलती है। हिन्दी में इसको 'उपदान' कहा जाता है। मेरी समझ से अगर इसको 'उपवेतन' कहा

जाएगा तो इसका सही अर्थ निकलेगा, क्योंकि जिसने जिंदगी भर काम किया, जिसने 30 साल या 40 साल तक काम किया और उसके बाद जब वह रिटायर हो जाता है तो उसको सालाना, उसके 15 दिनों के वेतन के बराबर एकमुश्त जो राशि मिलती है, वह ग्रेच्युटी कहलाती है। अभी महंगाई का जमाना है, इसलिए इसकी ceiling में बढ़ोत्तरी करना इस विधेयक का मुख्य उद्देश्य है। इस उपदान संदाय की ceiling जो कि साढ़े 3 लाख तक की थी, वह साढ़े 3 लाख तक की गई थी जब 1972 के इस कानून में 1997 में संशोधन हुआ था। इसमें अब जो संशोधन लाया गया है, उसके अनुसार इस सीमा को अब साढ़े 3 लाख से बढ़ाकर 10 लाख तक करने की बात है। यह विधेयक ऐसे समय में लाया गया है कि इसको स्टैंडिंग कमेटी में भेजने की भी कोई आवश्यकता महसूस नहीं की गई। तमाम राजनीतिक दलों, श्रमिक संगठनों और सेंट्रल ट्रेड यूनियन्स, सब की यह आम सहमति है कि इस ceiling को बढ़ाया जाना चाहिए। यह सबकी मांग है और सरकार इसको लेकर आई है।

महोदय, हम रचनात्मक विपक्ष की भूमिका अदा करते हैं। हमने कई बार कहा कि जो सही बात है, जो सही कदम है, उसकी हम सराहना करते हैं। आज ग्रेच्युटी के पेमेंट की समस्या कर्मचारियों के साथ है। यह विशेषकर प्राइवेट सेक्टर के लिए किया गया है। जहां तक सरकारी क्षेत्र का सवाल है, इसमें एक तो सेंट्रल गवर्नमेंट सेक्टर होता है जिसमें रेलवे, पोस्टल, कम्युनिकेशंस आदि क्षेत्र आते हैं और दूसरे राज्य सरकार के भी कई सारे सेक्टर्स आते हैं। चाहे केन्द्र सरकार के हों या राज्य सरकार के, सरकारी क्षेत्र के कर्मचारी एक होते हैं। दूसरी ओर घरेलू उद्योग हैं। आज यह कहा जाता है कि पब्लिक सेक्टर का जमाना गया। यह Congress-led यूपीए सरकार नेहरू जी को बिल्कुल नकार चुकी है। नेहरू जी की सोच जो रशियन मॉडल में थी, पब्लिक सेक्टर इकॉनॉमी में थी, इसको तो यह बिल्कुल तहस-नहस करने के मूड में है। उस समय भारतीय जनसंघ की जो theory of economy थी, लोग यह कहते हैं कि सरकार क्या व्यापार करेगी, इसलिए अब ये घरेलू उद्योग की ओर जा रहे हैं और ये बिना कारण, बेवजह पुंजी विनिवेश करते हैं।

महोदय, मैं सही बात कहता हूं। जब एनडीए की सरकार थी तो हमने विनिवेश मंत्रालय बनाया। विनिवेश मंत्रालय के कारण जो हमें भुगतना था, वह हम भुगत चुके। पहले एनडीए के 6 साल का जमाना था अब यूपीए के भी 6 साल पूरे होने जा रहे हैं। ये कभी यह नहीं कह पाएंगे कि एनडीए के समय में ऐसा हुआ था। आपने वित्त मंत्रालय के अधीन जो विनिवेश विभाग रखा है, एनडीए के समय का जो विनिवेश मंत्रालय था, उससे ज्यादा जहरीला काम आप इस विनिवेश विभाग के माध्यम से करते हैं।

महोदय, मैं उड़ीसा से आता हूं। उड़ीसा में सार्वजनिक क्षेत्र की एक संस्था National Aluminium Company (NALCO) है। उसके पास अभी भी 5000 करोड़ का रिजर्व फंड है। उसके पास इसे expense करने के बहुत सारे मौके भी हैं, लेकिन बगैर दिमाग लगाये उस फंड से पुंजी विनिवेश किया जाता है।

महोदय, कहने का उद्देश्य यह है कि यह सरकार सामंतवादी अर्थ नीति लाने के लिए बिल्कुल तत्पर है और घरेलू उद्योग पर ज्यादा महत्व दे रही है। अगर आप private industry का मामला करते हैं, तो private industry में जो कामगार काम करते हैं...(व्यवधान)...

श्री उपसभापति : पाणि जी, यह बिल gratuity के संबंध में है।

श्री रुद्रनारायण पाणि : महोदय, यह भी बिल से संबंधित है। जो घरेलू उद्योग है, उसमें जो कर्मचारी काम करते हैं, जो मजदूर काम करते हैं, अगर आप उनको gratuity के रूप में साढ़े तीन लाख रुपए से बढ़ाकर दस लाख रुपए देने की सोच रहे हैं, तो इसमें मेरा इतना कहना है कि केन्द्र सरकार, राज्य सरकार, प्राइवेट सैक्टर, पब्लिक सैक्टर, इन सभी क्षेत्र के जो कर्मचारी हैं, यह सबके लिए कीजिए। आज दुनिया में परिभाषा बदलती है। आप कभी ऐसा विधेयक लाए हैं कि हम वहां employee ले आए, इनमें चार categories होती थीं; ग्रुप थ्री होते थे, क्लास फोर होते थे। आज तो लगता है कि सरकारकी अर्थ नीति ऐसी हो गई है कि वह Class V या Group E जैसी एक श्रेणी का सृष्टि कर रही है। Sir, what is the position of contract labourer? What is the position of unorganized sector? आप कर्मचारी तक मान लीजिए, लेकिन उसके नीचे जो बिल्कुल मजदूरी करता है, जो बिल्कुल मेहनत करता है, जिसको daily wages earner कहते हैं, इन लोगों की social security के बारे में आपको सोचना चाहिए। हम यहां पर चर्चा कर रहे हैं कि gratuity को साढ़े तीन लाख रुपए से बढ़ाकर दस लाख रुपए करना है, यह सर्वमान्य है, सर्वथा मान्य है। इसमें कोई दो राय नहीं है। आज आप वाह-वाही लूट रहे हैं कि आप "मनरेगा" योजना चला रहे हैं, लेकिन आप "मनरेगा" के तहत न्यूनतम मजदूरी कितनी देते हैं? इसमें सौ दिन काम देते हैं या नहीं देते हैं, यह तो दुनिया को पता है, लेकिन आप जो न्यूनतम मजदूरी दे रहे हैं, इस संबंध में मैं आपसे अपील करना चाहता हूं कि आप fair wages तो देते नहीं हैं, Fare wages तो दूर की बात है, आप जिंदगी जीने के लिए कम से कम living wages तो दे दीजिए। जिंदगी जीने के लिए जो wages दिया जाता है, वह living wages कहलाता है। आज की तारीख में अगर बिल्कुल मापा जाए, तो मैं मंत्री जी से आंख से आंख मिला कर यह कह सकता हूं कि एक गरीब मजदूर को living wages के रूप में 261 रुपए देना चाहिए। आप तमाम देश और दुनिया में जीडीपी ग्रोथ की बात करते हैं। ...**(समय की घंटी)**...। लेकिन इस महंगाई के जमाने में और छठे वेतन आयोग की हैं। सिफारिश के आधार पर आप जो बढ़ोतरी करने जा रहे हैं, इसमें गरीबी और महंगाई की बात सबसे महत्वपूर्ण है। इस सत्र में जितने भी भाषण हुए, महामहिम राष्ट्रपति महोदय का अभिभाषण कहिए, नक्सलवाद पर चर्चा कहिए, वित्त विधेयक पर चर्चा कहिए, बजट पर चर्चा कहिए, जितने भी विषयों पर चर्चा हुई, सबमें गरीबी और अमीरी के बारे में सोचा गया। ...**(समय की घंटी)**...। महोदय, यह जो गरीबी की बात कही जाती है, आप जीडीपी की बात कह देते हैं, लेकिन आम आदमी को गेहूं, चावल, दाल, प्याज, आदि चाहिए होता है। आज गेहूं की कीमत कितनी है, दाल की कीमत कितनी है, प्याज की कीमत कितनी है? इस महंगाई के जमाने को देखते हुए आपको सोचना होगा कि हम कामगार या मजदूर को कितना देते हैं। आप सामाजिक सुरक्षा की बात करते हैं। आपने social security का enactment कर दिया। मैं आपसे अपील करना चाहता हूं कि National Social Security Fund के लिए 11,06,449 करोड़ रुपए का बजट पेश हुआ, उसमें से National Social Security Fund के नाम से मात्र 1,000 करोड़ रुपए का प्रावधान किया गया। हमारे बार-बार मांग करने के बाद आपको यह भी किया है। यह कुंट के मुंह में जीरा के बराबर है।

श्री उपसभापति : पाणि जी, यह gratuity का बिल है, इसलिए इसका जवाब आपको नहीं मिलेगा।

श्री रुद्रनारायण पाणि : महोदय, आज gratuity के payment की जो समस्याएं हैं, उनकी स्थिति क्या है? गरीब लोग, मजदूर और कर्मचारी काम करते हैं ...(समय की घंटी)...

उसके पेमेंट के लिए इतने सारे जो ट्रिब्यूनल वगैरह होते हैं उनकी स्थिति क्या है? मैंने यहां एक सवाल लगाया था कि इस देश में जो लेबर की इकॉनोमी का केपिटल है पश्चिमी बंगाल, वहां कलकत्ता में सी.बी.आई.टी. में प्रिजाइडिंग अफसरों की स्थिति क्या है और उनकी कितनी रिक्तता है? छ:-छ: प्रिजाइडिंग ऑफिसर्स की कलकत्ता महानगर में अभी भी रिक्तता है। आप इन ट्रिब्यूनलों का गठन कर देते हैं और इसमें कर्मचारियों का ग्रेच्युएटी डिस्प्यूट कहा जाता है? इसलिए कर्मचारियों के ग्रेच्युएटी का जो डिस्प्यूट है, उसका कैसे समाधान किया जा सकता है और सभी कर्मचारियों को कैसे ग्रेच्युएटी प्राप्त हो सकती है, इस ओर आपको ध्यान देना होगा। छटे वेतन आयोग में अभी भी विसंगतियां दूर नहीं हुई हैं। सिफारिशों के आधार पर छठा वेतन आयोग 2006 से लागू हुआ था। ये सिफारिशें कुछ जगह लागू हुई हैं और कुछ जगह अभी तक लागू भी नहीं हुई हैं। सर, उड़ीसा में जो सरकार है मेरा उसके साथ मतभेद है। वहां पिछले मई में जो चुनाव हुआ था, उसका पहला चरण पूर्ण हो गया था। लेकिन चुनाव के दूसरे चरण से पहले ही छठे वेतन आयोग की सिफारिशें लागू कर दी गईं। मैं छठे वेतन आयोग की सिफारिशें लागू करके हर एक कर्मचारी को उसकी बकाया धनराशि देने का पक्षधर हूं। 2004 में मैं जब संसद सदस्य बनकर आया था, माननीय प्रधान मंत्री जी को छठे वेतन आयोग के गठन के लिए अगर किसी सांसद ने पत्र लिखा था तो उसमें मैं था। इसलिए माननीय प्रधान मंत्री जी ने भी मुझको पत्र लिखा था। अतः छठे वेतन आयोग की सिफारिशों को सर्वसम्मति से सभी जगह लागू किया जाए।

कल हमने देखा कि मुम्बई में रेल कर्मचारियों ने किस प्रकार का आंदोलन किया था। इसलिए मैं आपसे यह गुजारिश करता हूं कि भारतीय रेल में लगभग एक लाख इंजीनियर्स काम करते हैं और इनकी वेतन विसंगति अभी भी कायम है।...(व्यवधान)...

श्री उपसभापति : बस, हो गया।

श्री रुद्रनारायण पाणि : जहां लोग काम करते हैं और जिनके परिश्रम के आधार पर दुनिया चलती है, उनके प्रति आप सदैव दया रखिए। यहां तक कि यहां पर जो कर्मचारी काम करते हैं, आप कहेंगे कि यह सदन संचालन का मामला है, लेकिन आपको यहां भी दया से काम करना होगा और राज्य सभा तथा लोक सभा के जो कर्मचारी काम करते हैं, उनको जितना देय है वह मिलना चाहिए, उनके प्रति भी आप दया रखिए। महोदय, आपने मुझे उपदान संदाय (संशोधन) विधेयक पर बोलने का जो मौका दिया, और उसी बारे में मैंने आपके सामने कुछ बातें रखीं, उसके लिए धन्यवाद।

SHRI G. SANJEEVA REDDY (Andhra Pradesh): Thank you, Sir, for giving me an opportunity to speak on the Bill.

Sir, the Minister has proposed some amendments to the Gratuity Act. We welcome them and support this Bill. But we have some suggestions to make. The provisions of the Bill are not applicable

with retrospective effect, whereas for the Central Government employees, the Sixth Central Pay Commission has recommended a gratuity of ten lakh rupees. The same provision is adopted here in the Gratuity Act also but it is not being done with retrospective effect. This means denying benefits to those people who retired during the period from 2006 to 2010. All the recommendations of the Sixth Central Pay Commission have been implemented and gratuity has been paid to employees with retrospective effect whereas in this case, if the private employers are going to give these benefits in this manner, who is going to benefit? It is not going to be taxed on public sector companies. It is for giving benefit to private sector employees. Those employees who retired before this Bill was brought forward, would get only Rs.3,50,000. If implemented with retrospective effect, this would benefit people who retired from 2006 onwards.

Sir, it is without retrospective effect. So, it is really depriving workers of their genuine right. I can submit to the hon. Minister to please reconsider this. After passing the Gratuity Bill in 1970, this is for the first time that this Gratuity (Amendment) Bill is being considered here. You have not changed the quantum. Every worker, if he completes one year of service, is entitled to 15 days gratuity only. For quite a long time, this 15-days entitlement is there. We thought that the Government is considering favorably to increase this 15-days gratuity to 30 days gratuity. It has been the demand of all the trade unions. Since the cost of living is very high and the prices are soaring high, the quantum of 15 days gratuity should be increased to 30 days gratuity. But that has not been done. In this case, you are discriminating between the Government and private employees. Why? Whom are you going to give benefit? Only Birlas, Tatas and other people are going to get the benefit, not the working class. You are denying this right to employees who are working in the private sector. It is the grave injustice to these employees. The hon. Labour Minister also comes from the depressed class. Poor workers should not be denied this right. Another point is that, Sir, gratuity is given in lieu of service rendered to the industry. For thirty or forty years workers render service to the industry and that industry has to pay gratuity to workers because workers are not entitled to pension scheme at this moment. A large number of workers do not get any pension. They get only gratuity benefit on retirement. Today you are neither increasing the quantum of gratuity entitlement nor are you implementing it with retrospective effect. It is really a grave injustice to workers. I can only say that our Government should reconsider this matter. Therefore, I request the hon. Minister to pass it with retrospective effect. If it is not passed with retrospective effect, it will be an injustice to the working

class. I once again appeal to the Government to please reconsider it otherwise working class people may start agitation saying that you are discriminating between the Government employees and private sector employees and you are bringing this Act without retrospective effect only to benefit the private employers. It is not good for the prestige of the Government. Therefore, I appeal to the hon. Minister to reconsider this. There are no financial consequences on the Government and there is no excess burden on the Government. There is burden only on the private sector. Therefore, I earnestly request the hon. Minister to please reconsider this small thing. This is a social security benefit that you have to give. If this benefit is denied, then nothing else can compensate workers.

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, when the Bill was amended in the last Session, I spoke on this Gratuity Bill. At that time, I reminded the hon. Minister that seasonal workers working in the seasonal industry are not getting benefited by the existing law. Secondly, after the Pay Commission recommendations the income Tax Law has been changed for the Central Government employees. The industrial labour should also be given this concession. The gratuity provision should be fully amended in the Income Tax law for employees and for seasonal workers. Today seasonal workers and unskilled workers are not getting such benefits. Last time the hon. Minister agreed that he would bring a full-fledged Gratuity (Amendment) Bill. He should feel sorry because that has not happened. Again you are coming with some other amendment which is not going to help the working class. I request the hon. Minister to come back with a full-fledged Gratuity (Amendment) Bill.

श्री आर. सी. सिंह (पश्चिमी बंगाल) : सर, मैं संक्षेप में दो-चार बातें ही कहूंगा, क्योंकि आपने पहले ही कहा है कि समय बहुत कम है। मैं मंत्री महोदय को धन्यवाद देना चाहता हूँ कि उन्होंने ग्रेच्युटी की रकम साढ़े तीन लाख से दस लाख तक किया है। लेकिन यह बात भी याद दिलाना चाहता हूँ कि छठे पे-कमीशन के बाद यह रकम बहुत कम होती है। हमने पूरी चालीस साल की जिंदगी का समय उस कम्पनी को दिया होता है, इसलिए इसका जो रेट है, जैसा कि संजीव रेड्डी साहब ने कहा है कि एक साल में 15 दिन के स्थान पर एक साल में 30 दिन की ग्रेच्युटी होनी चाहिए, वह 30 दिन की बात संशोधन में आनी चाहिए और मैं इस बात की मांग करता हूँ।

दूसरी बात यह है कि छठा-पे कमीशन 2006 से लागू हुआ है और कम से कम इसको तब से लागू किया जाना चाहिए, क्योंकि आपने इसमें कहा है, "It shall come into force on such date as the Central

Government may, by notification in the Official Gazette, appoint." इससे जो ग्रेच्युटी प्राप्त कर चुके हैं, उनको भी लॉस होने वाला है, इसलिए कम से कम 2006 से इसको इम्प्लीमेंट किया जाए और मैं इस बात की मांग करता हूँ, जो 2006 से 2010 तक के बीच में रिटायर हुए हैं, उन तमाम लोगों का बहुत नुकसान होगा।

सर, मैं एक और बात की ओर मंत्री महोदय का ध्यान दिलाना चाहता हूँ कि आजकल इलेक्ट्रॉनिक्स इंडस्ट्रीज़ आ गई है, जहां पर कम से कम लोगों से ज्यादा से ज्यादा काम कराया जाता है। मंत्री महोदय ने कहा कि जहां दस या दस से अधिक लोग होते हैं, मेरा ट्रेड यूनियन करने का अधिकार होता है जहां सात या सात से ज्यादा लोग काम करते हैं, वहां पर मैं ट्रेड यूनियन कर सकता हूँ, लेकिन अगर दस से नीचे की संख्या होगी, तो मुझे ग्रेच्युटी का अधिकार नहीं होगा। इसलिए इसमें मंत्री महोदय को संशोधन करना चाहिए जिससे कि सारे लोगों को ग्रेच्युटी का हक मिले। क्योंकि यह हमें काम के बदले में दिया जाता है। जो लोग जिस कम्पनी में काम करते हैं, वहां पर उन्होंने पूरी जिंदगी का समय दिया होता है और हम अपने बुढ़ापे में उससे गुजर-बसर कर सकें, इसलिए इसकी आवश्यकता है।

सर, मैं घड़ी देख रहा हूँ और मैं ज्यादा समय नहीं लूंगा। मैं माननीय मंत्री जी को एक बात और याद दिलाना चाहता हूँ कि जो चाय-बागान के मजदूर लोग हैं, एक सौ करोड़ रुपये से ज्यादा ग्रेच्युटी की लायबिलिटी उनकी पेंडिंग है, इसके लिए मंत्री महोदय क्या प्रावधान कर सकते हैं कि हमारी जो बुढ़ापे की कमाई है, वह नहीं मारी जा सके, वह हमको मिल सके, इसके लिए भी कोई प्रावधान करते, तो अच्छा रहता। एक बात हमारे माननीय एम.पी. साहब ने भी कही कि सीजनल वर्कर्स को भी इसमें शामिल कर लेना चाहिए। इन बातों के साथ, मैं आपको धन्यवाद देते हुए अपनी बात समाप्त करता हूँ।

SHRIMATI RENUBALA PRADHAN (Orissa) * : Mr. Deputy Chairman Sir, I am thankful to you for giving me this opportunity to speak on the Payment of Gratuity (Amendment) Bill, 2010. I welcome this bill. Human resource is one of the most important resources of the country. The labourers working in different sectors have been playing an important role for the development of the country. Thousands of labourers are engaged in the field of agriculture, port, plantation, mines, railways in the country.

Sir, it has been observed that these labourers are not able to get their rightful demands fulfilled. If the interest of the labourers are not secured then the development of the country will certainly be hampered.

Sir, thousands of employees are engaged in unorganized sector in our country. The genuine interests of the agricultural labourers are always hampered because they are working in the largest unorganized sector.

Sir, under the provision of this bill the government proposes to increase the amount of gratuity from 3.5 lacs to 10 lacs. This is a welcome step.

*English translation of the original speech in Oriya.

Sir, through you I wish to draw the attention of the hon'ble Minister of Labour and Employment to the problem of the workers working under MNREGA. I demand that the labourers working under MNREGA be also provided the benefit of this enhanced gratuity. It is also essential that a proper mechanism should be devised for safeguarding the interest of the employees working in different unorganized sectors in our country.

I once again support this bill. Thank you.

SHRI SILVIUS CONDPAN (Assam): Mr. Deputy Chairman, Sir, I thank you for giving me time to make a few submissions in support of this Bill. Before me, our senior trade union leader, and, leader of our working group, Shri Sanjeeva Reddy, has already mentioned in his speech the requirements which are yet to be completed to improve the Act which provides for payment of gratuity to the workers. I fully support him on the points which he has made.

At the same time, Sir, this piece of legislation, which has been brought by the Government, is very, very encouraging for the workers. The workers will be very happy to get the news that this Bill has been passed soon after the May Day, which is dedicated to the workers, or, in the month of May itself. Sir, as has been said by my friend, Mr. Pany, as far as payment of gratuity is concerned, at the receiving level, there is a lot of discrepancy. No law is working to make people get payment of gratuity when it is due. At the State level, we see that the plantation workers — we are mostly concerned with the plantation workers — after they leave the industry, they forget about getting the payment of gratuity. Some sort of legislation must be there, and, if there is some legislation, it must be given effect. Otherwise, merely passing this kind of legislation will have no effect if the workers do not get their legitimate due, which has been legalized through this piece of legislation.

I also demand that retrospective effect should be given, and, support the proposal made by my leader Shri Sanjeeva Reddy, who is dealing with the Government and the workers on these matters since long. We follow him. Today, this Bill has come. I consider it as one of the achievements of INTUC under his leadership. I am grateful to the Government for bringing forward this legislation. I am also grateful to Soniaji; I am grateful to Manmohan Singhji; I am grateful to the hon. Labour Minister for taking initiative to bring this Bill for the welfare of the workers of the private sector in this country.

My only request is that retrospective effect should be given as has already been desired. With these words, Sir, I fully support the Bill. Thank you very much.

MR. DEPUTY CHAIRMAN: Now, hon. Minister to reply.

श्री मल्लिकार्जुन खरगे : उपसभापति जी, इस बिल पर आरंभ में जो बातें कही गई हैं, इसमें रुद्रनारायण पाणि साहब, विपक्ष के नेता, श्री संजीव रेड्डी जी, टी.के. रंगराजन, आर.सी. सिंह साहब, श्रीमती रेणुबाला प्रधान और श्री सिलवियस कोंडपन, इन छह लोगों ने इस छोटे से बिल पर बात की है। सभी नेताओं ने इसका सपोर्ट किया है, इसके लिए मैं उनका आभारी हूँ और उनका धन्यवाद करता हूँ। खासकर रेट्रोस्पेक्टिव अफैक्ट के बारे में, पंद्रह दिन की बजाए तीस दिन का वेजेस देना चाहिए, आदि बहुत सी बातें हुई हैं।

इसलिए ये सारी बातें हमारे सामने हमारे मैम्बर्स ऑफ पार्लियामेंट ने रखी हैं, लेकिन उनको भी मालूम है कि ये जो चीज़ें तय की गई हैं, वे ज्यादा से ज्यादा consensus से तय की जाती हैं। Tripartite में जब हम बैठते हैं, उससे जो नतीजा निकलता है, उस नतीजे के ऊपर ज्यादा से ज्यादा ध्यान देकर एक consensus बना कर हम आपके सामने आते हैं। हम बहुत कुछ देना चाहते हैं, लेकिन देने वाले की भी क्षमता होनी चाहिए और जिनके लिए हम कोशिश करते हैं, उनको वह मिलना भी चाहिए, यानी उसकी implementation भी होनी चाहिए। सिर्फ भाषण देने से, सिर्फ कहने से हम कुछ भी हासिल नहीं कर सकते हैं। हम सबको पूरी कोशिश करनी है कि इन वर्कर्स को ज्यादा से ज्यादा फायदा मिले।

आप सब इस बात से खुश हैं कि 4 मार्च से पहले, जिस Gratuity Act का amendment हुआ, पहले वह 3,50,000 पर रुका था, उसे बढ़ा कर हमने अब 10 लाख कर दिया है, यानी यह लगभग तीन गुना बढ़ गया है। सभी लोग इससे खुश हैं। गवर्नमेंट का रवैया यही रहेगा कि pro-labour और labour-friendly Acts पेश किए जाएं। आज तक सदन में हम जो भी Acts लाए हैं, उनको सभी लोगों का समर्थन मिला है। सभी माननीय सदस्यों ने उनको support किया है, खास कर वह Plantation Act हो या टीचर्स के लिए हम लोगों ने Provident Fund में Gratuity की जो definition थी, सुप्रीम कोर्ट के आदेश के अनुसार उसको change करके लाखों टीचर्स के लिए वह सुविधा दी। आज भी लाखों-करोड़ों वर्कर्स के लिए हम यह सुविधा दे रहे हैं। इससे सभी कर्मचारी बहुत खुश हैं।

आपने बाकी अन्य जो सलाह दी हैं, हमारे रुद्रनारायण पाणि जी भी Tripartite में रहते हैं, हमारे संजीव रेड्डी साहब भी रहते हैं, हम जो कुछ भी और ठीक कर सकते हैं, सुधार सकते हैं और अगर ज्यादा-से-ज्यादा कुछ करने का मौका आया, तो हम सब मिल कर करेंगे। वर्कर्स के संबंध में गवर्नमेंट को हमेशा बहुत चिंता रहती है। इसी तरह से इंडस्ट्रीज भी survive हो, इंडस्ट्री को भी जिंदा रखने के लिए हमें जो कुछ भी मदद करनी चाहिए, हमें वह भी देना है। हमें एक balanced way में चलना है। हम यह purposely तो नहीं कर रहे हैं, क्योंकि यह कहा जा रहा है कि इसे 30 दिन क्यों नहीं किया गया, यह anti-labour है। अगर 30 दिन यानी एक महीने की तनखाह gratuity के रूप में देने की ताकत किसी small scale industry में आती है, तो definitely हम सभी मिल कर उसके बारे में सोच

सकते हैं। लेकिन इस वक्त वह क्षमता नहीं रहने की वजह से जो भी सुविधाएं पहले थीं, वे continued हैं। सिर्फ ceiling, जो पहले 3,50,000 थी, उसे हमने बढ़ा कर 10 लाख कर दिया है। इसलिए मैं सभी सदस्यों से ...(व्यवधान)... उसके बारे में मैंने पहले ही बता दिया है। इसलिए मैं आप सभी से अपील करता हूँ। ...(व्यवधान)... मैंने कहा कि जब क्षमता आएगी, तो retropective भी देंगे और 30 दिन की भी देंगे, लेकिन आज के हालात में यह ठीक है। इसलिए आप सभी से मैं अपील करता हूँ कि इसे पास कर दिया जाए।

MR. DEPUTY CHAIRMAN: The question is,

That the Bill further to amend the Payment of Gratuity Act, 1972, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now, we shall take up clause by clause consideration of the Bill.

Clause 2 was added to the Bill.

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

SHRI MALLIKARJUN KHARGE: Sir, I beg to move:

That the Bill be passed.

The question was put and the motion was adopted.

The Tamil Nadu Legislative Council Bill, 2010 (Contd.)

SHRI M. VEERAPPA MOILY: Sir, I beg to move:

That the Bill to provide for the creation of Legislative Council for the State of Tamil Nadu and for the matters supplemental, incidental and consequential thereto, be taken into consideration.

The question was proposed.

SHRI M. VENKAIAH NAIDU: Sir, this Bill has been introduced today and it has now been taken up for consideration and passing. I have no quarrel with regard to the spirit of the Bill. The BJP, from the beginning, is of the view that there is a need to have a bicameral legislature across the country. We have a bicameral legislature at the Centre in the form of the Lok Sabha and the Rajya Sabha. If similar arrangement is there in any State, nobody should have any objection. But the question is this. I would like to impress upon the Chair and also the hon. Members of the House of all shades that we

should seriously ponder whether the time has come to revisit Article 168 and then take a fresh look into the entire thing. The framers of the Constitution, our elders, felt that it should be left to the States if they want to have a bicameral legislature. It can be done by passing a resolution in the State Assembly with the approval of the State. They can recommend to Parliament and the Centre can take further steps. They did it in their collective wisdom. There is nothing wrong in it. But, unfortunately, today, just see what is happening in different parts of the country. Out of all the States, we have the Upper House only in Uttar Pradesh, Maharashtra, Karnataka, Bihar, and of late in Andhra Pradesh. In other States, there is no Upper House. There is no Legislative Council. There are demands for it in certain States and there is no demand for it in certain States.

The thrust of my argument today is this. We will discuss it and come to a conclusion. I hope the Law Minister will understand the spirit of my submission. We have to think seriously about this issue and come to the conclusion for the country as a whole once and for all. If both the Lok Sabha and the Rajya Sabha discuss it in their collective wisdom and take the views of the States and come to the conclusion that there is a need for bicameral legislature for the entire country, let us have it. If the collective view is not to have it, then we should not have it. There is no rationale in one State having two legislatures and other States having only one. There is no principle in it. It should not be left to — I do not want to use the phrase whims and fancies — liking and disliking of the successive ruling parties. What exactly happened in Tamil Nadu? We are all aware that there was a Legislative Council. Once upon a time the Tamil Nadu Legislative Council was very popular also. As a student I used to follow its debates and discussion. Great people were there. Subsequently, the regime changed and the Legislative Council was abolished. Then another regime came. It approved a resolution and sent it to the Centre. Before the Centre could take a final view on it, the House was dissolved. Then the subsequent Government which came there, they have withdrawn in the Resolution. They said that there is no need for an Upper House. Again now, a new Government has come, and the new Government has come out with a proposal saying that there is a need to have an Upper House in Tamil Nadu. Same is the case with regard to Andhra Pradesh also. There was a Legislative Council there. It was also functioning effectively. Then there was a change of regime. Late N.T. Rama Rao came and he thought that this Legislative Council has become a rehabilitation centre for all the defeated politicians and they are wasting time. That was one view. And then, he moved a Resolution and got the Legislative Council dissolved. The Parliament also approved it. Subsequently,

there was a change of regime in Andhra Pradesh, and again, the Congress Party came to power. They took an initiative, passed a Resolution and sent it for our approval in Parliament. The Parliament, in its collective wisdom, has approved it, and now, there is a Legislative Council revived in Andhra Pradesh. Sir, going by two examples of Tamil Nadu and Andhra Pradesh, is it a casual matter or is it a serious matter to create an Upper House? It is not just like you make a grade-1 panchayat, and then upgrade it to a municipality, and then say there is no income and then make it again grade-1 panchayat. Can we deal with the States like this? What is the respect and what is the authority we are giving to those institutions? That is why I suggested that the Law Minister should really start discussing with all the political parties in the country and then revisit this article 168 which gives power for a bicameral legislature in the country, wherever there is a demand from a particular State. Tomorrow again, whenever there is a change of regime in Tamil Nadu, nobody knows, it happened in the past....

SOME HON. MEMBERS: It will happen definitely.

SHRI M. VENKAIAH NAIDU: And that regime again comes to a view that there is no need for a Legislative Council. They pass a Resolution, and then they send a Resolution, and then, the House approves it.

SHRI P. KANNAN (Puducherry): There is no chance for that. ...*(Interruptions)*...

SOME HON. MEMBERS: No, no. Time will change. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, my point is, I do not want to say either way whether it is going to change or not. I leave it to the people of Tamil Nadu. They are the better judges and they will decide accordingly, and we have experience of both the parties. That is not the matter for consideration today. On such a crucial issue, as soon as the Tamil Nadu Assembly has passed a Resolution and sent it to the Centre, the Government should have referred it to a Standing Committee for discussion, consideration, and then take a final view upon this, or the Law Minister should have called a meeting of political parties to take a view after this experience. We are seeing the States from 1956. From 1956 to 2010, so much water has flown and so much experience has come. What is the experience? What are the advantages? What are the disadvantages? What are the plus points? What are the minus points? You should analyze it in a dispassionate manner without any political

consideration, and then come to a final conclusion. I understand the compulsion of Coalitions. I understand the compulsion of the Law Minister. I know the ground reality why this has come. As I told in the beginning itself, I have no quarrel with regard to the principle of creating an Upper House in the State of Tamil Nadu. The State of Tamil Nadu also is a big State. It requires an Upper House. But the question is, should we leave it to the successive regimes? This is the issue. I would suggest to my friend, Arun Jaitley, who is our leader also, to study this further and then try to help the Law Minister also to come to some conclusion. I am not saying that you do it today. You bring a Bill, we will give our views and the House will decide in whatever manner it wants, and as a principal Opposition Party, I will tell that we will support the Bill. But is it final? Is there any guarantee that the next regime is not going to again reverse this decision? Are we not becoming a laughing stock in the minds of the people? What is happening? One regime comes and they create an Upper Chamber, the other regime comes and they abolish the Upper Chamber, and then another regime comes, they recreate an Upper Chamber. This is not a good thing. This is not a healthy thing for the country. It does not behave well for the functioning of our democracy also. This is the point I just wanted to stress today. I gave these two examples of Tamil Nadu and Andhra Pradesh. In these two States, three times, these changes have been made. So, it is high time that the Law Minister calls an all-party meeting, has wider consultations, takes a final view and, then, proceeds further to create Upper Houses in States whenever the demand comes. That is my view, Sir. I hope that the Minister will understand the spirit of our suggestion and, then, act accordingly. Thank you, Sir.

DR. E.M. SUDARSANA NATCHIAPPAN (Tamil Nadu): Mr. Deputy Chairman, Sir, I support the Bill, the Tamil Nadu Legislative Council Bill, 2010. It is, actually, based on the election manifesto in which the ruling party of Tamil Nadu, DMK, has made a promise that if they come to power, they will restore this Legislative Council. And also, the Congress Party and all other parties feel that there should be a representation for the Panchayati Raj institutions. We feel that it is a must for that. Under the Constitution, for the Panchayati Raj institutions, both in the Nagar Palika and in the Panchayats, they are having the position that if they are elected and if they want to come for any other post, they have to resign from it because that is the third-tier institution contemplated in the Constitution. Therefore, their representation is to be made on the legislative side. When the people are making a law, which will affect the Panchayati Raj and the Nagar Palika institutions, they should have a participation. Therefore, their participation is now contemplated in this particular provision of clause 4 where it is said:

"1. Municipalities, as referred to in article 243Q of the Constitution.

(4) Panchayat Union Councils.

(5) Cantonment Boards.

(6) District Panchayats referred to in the Tamil Nadu Panchayat Act, 1994."

On the basis, on the 12th April, 2010, the Tamil Nadu Legislative Assembly passed a resolution according to the provision of article 169, clause (1), of the Constitution of India, by having the feeling that the Tamil Nadu State wants this Legislative Council. When the Tamil Nadu State wants this Legislative Council and is seeking the help of Parliament to make a law according to the Constitution, then, I feel, Sir, that we have to help them in coming out with this legislation.

Sir, as Chairman of the Parliamentary Standing Committee, I was having the benefit of dealing with this issue of Andhra Pradesh Legislative Council. We made a very detailed Report on that aspect. We told them that the graduate constituency teachers are given the Right to Vote, and their representatives will be there. That is a great thing which is also given to the teachers' community. But, at the same time, we have to make a Constitutional amendment for providing that primary teachers at the Panchayat level should also become voters. That was recommended in the Report also, except that there is no need for referring it again, because in 2005 only, the Standing Committee has considered it, in detail, having the representation of all the political parties in all the political spectrums. Members were there; they considered it, in detail, and submitted the Report. There is no need for further consideration by referring that again. When the people of Tamil Nadu like it, we have to oblige them. Thank you very much, Sir.

SHRI MANI SHANKAR AIYAR (NOMINATED): Sir, I associate myself with Mr. Natchiappan's remarks.

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, I oppose the Tamil Nadu Legislative Bill, 2010. I oppose because I do not know why, urgently, this Bill has been brought. The Legislative Council in Tamil Nadu has correctly abolished this Bill in 1986, and this House also endorsed it. This is brought, again, only to suit the UPA partner. As correctly pointed out by Mr. Venkaiah Naidu, only to satisfy their partner, they have brought it. I am surprised; Tamil Nadu leaders, normally, used to say in public meetings (Spoken in Tamil.) I translate it in English. "Governor's post is a waste post. We do not want Governor's post in Tamil Nadu or anywhere. For a goat, beard is not a must. For a State, there is no need for a Governor!"

When they want the Governor's post to be abolished, I don't know why they want an Upper House in Tamil Nadu. The Legislature in Tamil Nadu is different because it is not like the Upper House, the Rajya Sabha, in the Parliament. It has been discussed in the Constituent Assembly very elaborately. It has come to the conclusion that India is a multi-linguistic State; we have got different culture; we have to protect the federal system. That is why this House was created. It was left to the pleasure of the State under article 168 of the Constitution. So, it was not necessary. Out of 28 States, only six States have this Upper Legislature. So, my point is that it is not necessary. I would like to quote what Dr. Ambedkar has said in the Constituent Assembly. He said, "In the States, in the Assembly, the Upper House is not necessary. It is a waste of money". I would like to quote Rajiv Gandhi also. He once said, "Today, when you spend one rupee only 15 paise goes to the people". If you have another Legislature in Chennai, even five paise will not go to the people. ...*(Interruptions)*... I can show the record. Rajiv Gandhi has gone on record. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Rangarajan, you please address me. Don't address him. ...*(Interruptions)*...

SHRI T.K. RANGARAJAN: I am just telling him to remind the Congress benches. ...*(Interruptions)*...

AN HON. MEMBER: It was in a different context. ...*(Interruptions)*...

SHRI T.K. RANGARAJAN: Now, we will spend more on this Upper Legislature and the money that goes to the people will be cut down. It is a waste.

The third point is that the Assembly election is going to take place in Tamil Nadu next year. Some people say that the election is going to take place in November. Then, why don't you wait for one year? What is the urgency? You can have the people's verdict. As Mr. Venkaiah Naidu has correctly pointed out, we don't know what will happen, how the people will decide. So, my point is: What is the urgency? You can wait for one more year. I know that the ruling party has brought a lot of pressure. They want to create a parking place. To create a parking place, why should this House oblige them? That is my point. So, I oppose the Bill fully. Thank you.

DR. V. MAITREYAN (Tamil Nadu): Thank you, Mr. Deputy Chairman. On behalf of the All India Anna DMK, I strongly oppose the Tamil Nadu Legislative Council Bill, 2010. In fact, this Bill is being

hurriedly brought to the House bulldozing all other items which are duly listed in today's agenda. By bringing forward this Bill the UPA Government has exposed its total helplessness and it has succumbed to the bullying and * tactics of its alliance partners. ...*(Interruptions)*...

SHRI JESUDASU SEELAM: Sir, the word * is unparliamentary. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: The word * should be removed. ...*(Interruptions)*... I have removed the word. ...*(Interruptions)*... I have expunged it. ...*(Interruptions)*...

DR. V. MAITREYAN: If it is unparliamentary, you expunge it. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Yes. ...*(Interruptions)*... Mr. Seelam, why are you intervening? ...*(Interruptions)*... You don't intervene. ...*(Interruptions)*... When the Chair is there, you need not intervene. ...*(Interruptions)*...

DR. V. MAITREYAN: My challenge to the UPA Government is that if you have real guts, get the Women's Reservation Bill passed in the Lok Sabha in the next two days. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: This is House. ...*(Interruptions)*...

डा. वी. मैत्रेयन : उपसभापति महोदय, मैं आपके माध्यम से कहना चाहता हूँ कि अगर मोडली जी में हिम्मत है तो वह लोक सभा में महिला बिल लाकर दिखाए ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Mr. Kannan, please sit down. ...*(Interruptions)*... Please sit down, Mr. Kannan. ...*(Interruptions)*...

DR. V. MAITREYAN: Instead of pleasing your bullying ally, try to please. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Use the words properly, Mr. Maitreyan. ...*(Interruptions)*...

DR. V. MAITREYAN: I used the word "bullying", Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I am suggesting to you to use the words properly. ...*(Interruptions)*...

DR. V. MAITREYAN: I am using the words very properly, apt words at apt times. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Kannan, please. ...*(Interruptions)*... Why are you interrupting? ...*(Interruptions)*...

*Expunged as ordered by the Chair.

6.00 P.M.

DR. V. MAITREYAN: Try to please 50 crores women of this country. As far as AIADMK under the leadership of Dr. Puratchi Thalaivi is concerned, out of the 26 alphabetical letters in English, the three golden letters "MGR" are more sacrosanct for us. The three letters "MGR" are our "tarak mantra". Anybody who tries to trample upon the vision of MGR, we will oppose it with all the might at our command.

The Tamil Nadu Legislative Council was abolished on 1st November, 1986 by AIADMK Government led by the late legendary MGR. The State has been without a Council for the last 24 years and we have absolutely no regrets for it. Just because MGR abolished the Tamil Nadu Legislative Council, our political opponent, the DMK, has been trying to bring in the Council whenever they are in power. The DMK Government passed a resolution in the Tamil Nadu Assembly on 20th February, 1989 for the revival of the Council. In May, 1990, a Bill was introduced in the Lok Sabha but it could not be taken up because of the stiff opposition. After the AIADMK Party, led by Dr. Puratchi Thalaivi came to power in May, 1991, on 4th October, 1991 the State Assembly passed a unanimous resolution repealing the earlier resolution passed in 1989.

Again after the DMK came to power in 1996, on 26th July, 1996, the Assembly passed a resolution for the revival of the Council. But again, after Dr. Puratchi Thalaivi became the Chief Minister of Tamil Nadu in May, 2001, on 12th September, 2001, the State Assembly passed a resolution repealing the 1996 DMK sponsored resolution. Now again this Bill today.

I would like to draw the attention of the House to what the founding father of our Constitution, Dr. Ambedkar had said on the issue of the Second Chamber, "All that we are doing by this Constitution is to introduce the Second Chamber purely as an experimental measure. We have not, by the Draft Constitution, given the Second Chamber a permanent place. We have not made it a permanent one. We have not made it a permanent part of our Constitution. It is purely an experimental measure and, as I said, there is a sufficient provision in the present article for getting rid of the Second Chamber". This is what Dr. Ambedkar had said.

At present, in our country, out of 28 States, Legislative Councils are in place only in six States. The very fact that there are only six States which have opted for the Legislative Council out of 28, it shows how weak the argument is for the need for a Legislative Council in a democratic set up.

I urge the Union Government that it should take a very comprehensive, holistic and overall view about the need for a bicameral legislative system rather than succumbing to the pressure of the allies partners.

A Legislative Council cannot be good for one State and bad for another State. No study has been undertaken so far about the need for a bicameral system, efficacy of the Second Chamber in States where it is existing, what have been their achievements and what is the expenditure incurred. It is rather ironic that on the one hand the UPA Government talks about austerity measures and on the other hand it is supporting unnecessary and unwanted expenditure by bringing this Bill for reviving the Council in Tamil Nadu.

The AIADMK, as a party, has its strong view on the Legislative Council. We had opposed the Legislative Council in the past. We oppose the Tamil Nadu Legislative Council Bill today and we will oppose the Bill in future also.

I caution the House that next year once the AIADMK Government led by Dr. Puratchi Thalaivi is installed in Tamil Nadu, we will, through this very same UPA Government, bring a fresh Bill repealing the Legislative Council that is being tried to be resurrected today. Thank you.

SHRI D. RAJA (Tamil Nadu): Mr. Deputy Chairman, Sir, as a matter of principle, my party is not in favour of creating the Legislative Council in the State of Tamil Nadu. My party made its position clear even when the resolution was passed by the Tamil Nadu State Assembly. Having said that, I must make certain points more clear. I do not think this is the way to bring a Bill to the Rajya Sabha and get it passed. It was introduced in the afternoon and it is being passed now. I think the House should consider: is it the proper way to get such legislative Bills passed by the House?

Sir, I tend to agree on one point with Shri Venkaiah Naidu that we will have to address a larger issue with regard to having a Legislative Council in States. It is a larger issue.

Presently, six States have Legislative Councils; the other States do not have the Legislative Council. Then, it is an issue, a larger issue, and we need to address this issue. If not now, in the coming days, we will have to address this larger issue.

Then, coming back to Tamil Nadu, we have various experiences in Tamil Nadu. We had the Legislative Council in the past, and many eminent personalities were there in the Legislative Council. Even Shri Rajaji was in the Legislative Council. But the point here is, in 1952, after the State Elections, a coalition led by the Communist was about to come to power. That was the time Shri Rajaji was made the Chief Minister. He was brought through the Legislative Council. I don't want to get into those historic details. But the point here is that Tamil Nadu has gone through various experiments, various experiences.

Coming to the very bill, in the Statement of Objects and Reasons, Para 3 makes it very clear that on the 26th July, 1996, the Tamil Nadu Legislative Assembly passed a Resolution for creation of a Legislative Council in the State, and a Bill, namely, the Legislative Council Bill, 1997, which provided for creation of Legislative Council in the States of Punjab and Tamil Nadu was introduced in the Lok Sabha on the 14th August, 1997. But the Bill lapsed on the dissolution of the Eleventh Lok Sabha. However, the Tamil Nadu Legislative Assembly passed another Resolution on the 12th September, 2001, rescinding its earlier Resolution dated 26th July, 1996. Hence no further action for revival of the proposal could be taken. Now, on 12th April, 2010, the Tamil Nadu Legislative Assembly passed a Resolution in terms of clause 1 of article 169. Now, the point is, it is not that we wish certain things to happen. It is a question of people's judgement. It is a question of people's experience. Tamil Nadu is passing through many political experiences. Now the State is going to have elections very soon. If not in this year, in any case, in 2011, the State will have to face elections. And, I do not want to take my own people for granted. It is their wisdom to decide what type of Government they will elect, what parties they are going to elect. Having said that, when such political changes are expected, why should there be an urgency in getting this Bill passed by Parliament and how can things be properly organized in the State of Tamil Nadu? That is where, I think, we should not show haste, and we should have the time. And, this Bill is not necessary at this point of time. I am not arguing in terms of how money is going to be spent, how time is going to be spent, etc. These are not the arguments. But the argument is: Is it the right time to get this Bill passed by the Rajya Sabha? Why is there an urgency? It should be explained as to why there is this urgency because there is going to be election to the State Assembly. That is why, my party thinks that it is not a necessary thing to be done by the Rajya Sabha or Parliament at this point of time, and we should wait. As a matter of principle, as I said, my party is not in favour of creation of the Legislative Council, not only in Tamil Nadu but also in other States.

The final point is this. Even my friend, Dr. Sudarsana Natchiappan, has said that when it came to Andhra Pradesh, it was referred to the Standing Committee. Now, is there any time to refer this Bill to the Standing Committee? This is a genuine question I am putting to the entire House. It is not politics. I am not entering into any partisan politics. When a legislative Bill is brought to the House like this, is it not proper to refer it to the Standing Committee?

What is the response of this House?

With these words, I conclude my speech. I have stated my objections to the Bill. I have also made my Party's position clear on this.

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I rise to support the Tamil Nadu (Legislative Council) Bill, 2010, on behalf of my Party, the D.M.K.

One step of man on the moon was regarded as a giant leap for mankind. Similarly, this Bill paves the way for a historic legislation in order to tap the knowledge of eminent personalities in various fields in this country. ...*(Interruptions)*... who for some reasons or the other shun the mainstream of electoral politics. Realizing the intensity and the imperative need for their contribution of governance, the architects of our Constitution have enshrined in our Constitution with a clear foresight, under article 168 providing for the constitution of two Houses in the States. The discretion is purely left with the State. Sir, ours being a federal structure, the States have been given equal importance and this discretion of forming two Houses rests with the State Government.

Sir, the erstwhile Legislative Council which was in vogue earlier in Tamil Nadu before its abolition has witnessed very vibrant debates between great stalwarts like Sir Ramaswamy Mudaliar and the then Congress leader, Shri Satyamurthy. Also, the first and the last Governor-General of independent India, Rajaji, was a Member of the Council. The never-surpassed leader, and our mentor, Dr. Anna, the incumbent Chief Minister, Dr. Kalam, and the great leader with three golden letters, MGR, the former Chief Minister, were also Members of that House.

Sir, it is not out of place to mention that but for this House, we may not have had the expert opinions of Dr. Kapila Vatsyayan, Dr. Raja Ramanna, who was a Member of this House, and many other eminent people like Shri Kuldip Nayyar, a journalist, who expressed their views on various legislations. Considering all this, it is felt that the views and expert opinion of people who do not want to enter into electoral politics are also needed in a democracy. So, Sir, to make the legislating body, the debating forum, more vibrant in the State of Tamil Nadu, the Government of Tamil Nadu has passed a Resolution in April, 2010 with a majority for the creation of the Legislative Council. I do not want to elaborate much on this. The essentiality is very much felt, Sir. Clause 1 of article 169 of the Constitution provides that 'Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a Resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the Members present and voting'. That has been done and the marginalized, differently-abled, transgenders,

representatives of teachers, graduates — unemployed and employed — and the local representatives could also find a place in the Legislative Council. They could also play a role in governance and decision-making. The rich and vast experience of our leader and Chief Minister, Dr. Kalaignar, has prompted him to pass this Resolution on resurrecting the Legislative Council in Tamil Nadu.

With these words, I support the Bill.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Sir, I do not wish to take much time of the House. I just want to point out, endorsing what Mr. Siva has said, that it will be a forum for different shades of opinion to be represented in the House, not necessarily on Party lines. My colleague, Dr. Natchiappan, has already spoken before me. It should not be viewed through a political prism. Our founding fathers have put it in the Constitution. I understand the reasons why Dr. Maitreya is so forcefully opposing it, and what Mr. Raja said and what Mr. Rangarajan said.

I only want to point out to this House, Sir, it is a properly elected Government and a properly elected Assembly which has expressed through popular will its opinion in Tamil Nadu, and has passed that Bill in the Assembly of Tamil Nadu, and, the Bill is now presently before the House. Sir, this House too is an Upper House. I find it extremely strange that sitting in an Upper House, we are saying that only a Lower House is enough. That means, Sir, the fact of the matter is, we are saying that this august House itself is not necessary. Mr. Siva said it in much more elegant terms by mentioning the contribution of so many eminent nominated Members, like Mr. M.S. Swaminathan. I would like to say that the Upper House, the Legislative Council in Tamil Nadu will reflect various constituencies; the teachers' constituency and various other constituencies. The Panchayat representatives and all those who do not presently find a House in a highly politically vitiated atmosphere that is present in Tamil Nadu today.

And also, Sir, one final sentence. I would like to totally and categorically deny that there is any bullying. All these are uncharitable words for a very important discussion that is going on now.

DR. V. MAITREYA: Helpless Government says like that.

SHRIMATI JAYANTHI NATARAJAN: There is no question of bullying. You had your say, Mr. Maitreya; I will have mine. This is a UPA-coalition Government. My Party supports it, and, therefore, there is no question of bullying. Perhaps, Mr. Maitreya's Party only understands bullying. We believe in Coalition Government, and, therefore, Sir, I would like to congratulate the Chief Minister of Tamil Nadu for having brought this Motion. ...*(Interruptions)*...

DR. V. MAITREYA: Monday morning meeting!

SHRIMATI JAYANTHI NATARAJAN: And I would like to congratulate Mr. Moily and the Government for having brought this at an early time. Just because elections are one year away does not make the Government of Tamil Nadu any less democratically elected or the MLAs any less democratically elected. They have every right to pass it. The people of Tamil Nadu have expressed their views through their Assembly, and, today, we are expressing our views. I support the Bill, and I would request all my colleagues to also support it. ...*(Interruptions)*... Sir, it is a foregone conclusion that the same Government will come.

MR. DEPUTY CHAIRMAN: Now, Shri Prakash Javadekar.

श्री प्रकाश जावडेकर (महाराष्ट्र) : उपसभापति महोदय, मैं केवल इतना बताने के लिए खड़ा हुआ हूँ कि मैं मन से चाहता हूँ कि सभी राज्यों में विधान परिषद् होनी चाहिए। यह इसलिए होनी चाहिए, क्योंकि मैं बारह वर्ष तक महाराष्ट्र की विधान परिषद् में रहा हूँ और मैंने वहाँ देखा है कि कितनी बार विधान सभा से पारित हुए बिल या कोई विषय पर दूसरी दफा चर्चा होती है, जिसे सैकिण्ड ओपिनियन बोलते हैं, वैसी चर्चा होती है। उस चर्चा के बाद उस पर दूसरी तरह का निर्णय हुआ, फिर वापस विधान सभा में गया और विधान सभा ने भी माना कि यह व्यू टीक है। अगर लोकतंत्र का मतलब डिबेट है और डिबेट के द्वारा लोकतंत्र को सफल बनाना है, डिफरेंट ओपिनियन और सारे ओपिनियन शेड्स सामने लेकर करना है, तो लोकतंत्र की जरूरत है। हमारे कांस्टिट्यूशन अमेंडमेंट में एक कमी रही है कि इसमें एक तरह से यह जिम्मेदारी राज्यों पर डाली गई है। वे कहेंगे, तब होगा, अगर नहीं कहेंगे तो रद्द हो जाएगा। इसकी वजह से जो छह विधान परिषदें हैं, उन पर हमेशा एक तलवार लटकती रहती है यह हर विधान परिषद् में होता है। जब कभी बहुत ज्यादा चर्चा होती है, तो लोग कहते हैं कि हम विधान सभा से प्रस्ताव भेजेंगे यानी वह भी एक धमकाने जैसी चीज है। जैसे राज्य सभा है, यह कौंसिल ऑफ स्टेट है, वैसे ही विधान परिषद् भी कौंसिल ऑफ डिस्ट्रिक्ट होती है। उसमें डिस्ट्रिक्ट के प्रतिनिधि होते हैं, उसमें सभी का रीप्रेजेंटेशन है, एक सैकिण्ड ओपिनियन है bicameral system is a very good system for Parliamentary Democracy to succeed. इसीलिए, वेंकैया जी ने जो कहा है, मैं उसको एक समर्थन दे रहा हूँ। मोइली जी और सरकार को चाहिए कि संघीय ढांचे को, राज्यों के अधिकारों को समाप्त न करें, केवल उनकी मंशा पर वे रद्द होती हैं, यह भी न चले। मेरी यह मान्यता है कि सब जगह विधान परिषदें हों, हमें इस तरफ जाना पड़ेगा।

श्री उपसभापति : श्री कुमार दीपक दास जी, आप क्या कहना चाहेंगे?

SHRI KUMAR DEEPAK DAS (Assam): Sir, I would like to share my views with the hon. Members. I fail to understand the urgency. The hon. Law Minister is here, he can explain better on the urgency of the matter. But, giving better opportunity to the people in governance and decision-making there is a need of legislative council. It is enshrined in article 168 of the Constitution. Sir, there are demands from other States also. From Assam too, various times, the issue of creation of

Legislative Council was raised. The case of Assam had not been discussed and the Bill passed to that effect. I would like to seek a response from the hon. Minister on this.

SHRI B.S. GNANADESIKAN (Tamil Nadu): Sir, I support the Bill and I cannot oppose it. I would like to put only one question to Dr. Maitreyan. I was waiting to put this question to him. ...*(Interruptions)*...

DR. V. MAITREYAN: If he asks a question, I will have to give answers. I must get an opportunity.

MR. DEPUTY CHAIRMAN: I have to give the opportunity to the Minister, ...*(Interruptions)*...

SHRI B.S. GNANADESIKAN: When we create something, there should be a justification with reasons. Similarly, when you abolish something, there should be a justification with reasons. The only thing that I want to say is in 1986, when the Legislative Council in Tamil Nadu was abolished, what was the justification? The reasons given were that it was a waste, that it was financially and economically not viable. ...*(Interruptions)*...

DR. V. MAITREYAN: Let him ask this question in Tamil Nadu.

MR. DEPUTY CHAIRMAN: Dr. Maitreyan, they did not disturb you when you spoke. ...*(Interruptions)*...

SHRI B.S. GNANADESIKAN: That is why, Sir, if there is a policy decision, the court will not interfere. If it is not a policy decision, then the Government will have to explain to the people why it was abolished. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Dr. Maitreyan, there is no right to reply.

SHRI B.S. GNANADESIKAN: Sir, I support the Bill.

DR. V. MAITREYAN: I urge the Minister to explain the urgency in bringing this Bill.

MR. DEPUTY CHAIRMAN: Dr. Maitreyan, you have already said that, please do not repeat.

SARDAR TARLOCHAN SINGH (Haryana): Mr. Deputy Chairman, Sir, I just want to ask, through you, of the Law Minister that last time when this Bill was moved in Lok Sabha, it was for Tamil Nadu and for Punjab. So, what is the reason for deleting Punjab? Why have you detached Punjab? After all, in the Punjab Assembly, both the Congress Government and the Akali Dal Government have thrice passed the resolution unanimously. It is laying pending with the Government

of India. I would like to say that there is always a discrimination against Punjab. The UPA Government is doing this discrimination. If you want to pass the Bill for Tamil Nadu, you should also pass the Bill for creating the Legislative Council for Punjab too because this is the demand of all the parties and that you should not decide negatively on us. Thank you.

सरदार सुखदेव सिंह ढीडसा (पंजाब) : डिप्टी चेयरमैन सर, जैसा सरदार तरलोचन सिंह जी ने कहा है, मैं भी यही कहना चाहता हूँ कि पंजाब ने ऐसा तीन बार unanimously किया है, तो वे उसको क्यों consider नहीं कर रहे हैं? ...**(व्यवधान)**...

DR. V. MAITREYAN: Let the Minister explain this.

MR. DEPUTY CHAIRMAN: Why are you worried, Dr. Maitreyan? ...**(Interruptions)**...

सरदार सुखदेव सिंह ढीडसा : मैं मिनिस्टर साहब से assurance चाहता हूँ कि क्या वे बिल लाएंगे? मैं इसके खिलाफ नहीं हूँ, लेकिन पंजाब के साथ क्यों discrimination किया जा रहा है? तरलोचन सिंह जी ने जो कहा है, मैं उसको support करता हूँ। मंत्री जी इसका जवाब जरूर दें।

SHRI BHUBANESWAR KALITA (Assam): Sir, while supporting this Bill, I want to remind the hon. Minister, through you, that for creation of a Legislative Council in Assam, a unanimous resolution was passed in the Assam Legislative Assembly. I associate with the opinion expressed by the Opposition Member, Shri Kumar Deepak Das. In Assam also the Legislative Council should be created immediately because the Assam Legislative Assembly has passed a unanimous resolution and it is pending with the Government of India. Sir, through you, I request the hon. Minister to bring another Bill for Assam.

SHRI BIRENDRA PRASAD BAISHYA (Assam): Sir, I support the Bill creating the Legislative Council for Tamil Nadu. The Legislative Council should be created for Assam too immediately. This is our submission.

DR. (SHRIMATI) NAJMA A. HEPTULLA (Rajasthan): Sir, you also support it because you were the Chairman of the Karnataka Legislative Council. ...**(Interruptions)**...

SHRI M. VEERAPPA MOILY: Mr. Deputy Chairman, Sir, quite an interesting debate has gone on by the Members from this side and the other side. Of course, one of the Members quite interestingly said that when we talk abolition of this arrangement, or the bi-cameral arrangement, I think, Rajya Sabha Members criticizing it, of course, the propriety is questioned. But I am not questioning that. On principle you can talk on any subject, I am not objecting to it. Mr. M. Venkaiah Naidu has a point when he said that conceptually we need to discuss, there should be holistic discussion with regard to bi-cameral arrangement. I would like to say that again and again these

matters have been discussed at various forums, including in the Constituent Assembly. If you just can go through some of the debates and the speech of Dr. Ambedkar, he was very clear, there was no ambiguity at all. He said, "I would like to state to the House that the question with regard to have a Second Chamber in the Provinces or not, is to be discussed by the Provincial Constitution Committee which was appointed by this House." The decision of that Committee was that this was a matter which should be left to the decision of each Province concerned. So, he was very clear. Even if you want to go through the Report of the Sarkaria Commission, the Sarkaria Commission also discussed this matter. I do not want to quote the entire proceedings but a few excerpts where it is said at Para 2.33.06, "We would recommend that when a Resolution passed by the Legislative Assembly of a State for abolition or creation of a Legislative Council in a State is received, the President shall pass the Resolution to be placed within a reasonable time before Parliament together with comments of the Union Government. Parliament may thereupon by a simple majority of the Members present and voting declare that they adopt or reject the request contained in the Resolution. If the Resolution is so adopted by Parliament, the Union Government shall introduce necessary legislation." All that is okay, only one point that we have not adopted is with regard to the President's power to refer it. The Resolution will have to be adopted by the respective Legislative Assembly and forward it to the President of India and the President has to refer it to the Parliament. This is the only point which was discussed. As a matter of fact, any of the body of or the Constituent Assembly or thereafter the Sarkaria Commission never spoke against the creation of these bodies. Now, all the more I would like to draw the kind attention of this House, as one of the hon. Members has said, in a federal setup, why should you have it? It is enough that the States send representatives to the Rajya Sabha and the spirit of the federal concept has been fully met. We forget a fact, particularly after the Panchayats are created under the 73rd and 74th Constitutional Amendments, which became part of the Constitution, a three-tier of democracy has been created. Let us not forget that. That is the Government, for all purposes that is the Government, an autonomous Government which is created. The federal concept as it is now, when we adopted the Constitution it was nowhere available. Now it has been properly conceptualized. In that changed situation of the conceptualized form of the federalism, it become inevitable. That is what we need to understand it because Zila Panchayats, Panchayats, etc. have become an important segment of their own representative bodies. Should they not represent teachers? Sir, when I was Education Minister, I happened to have some Committee of the Union Government which I do not exactly remember, I recommended that even primary school teachers should have the voting right. I did recommend it.

I am telling you that these are the days of decentralization with proper perspective and represented all classes. Some would not like to be elected. The talent will have to be picked, brought to the various Houses. For example, even in Tamil Nadu, Council was in existence even before the Constituent Assembly. If I remember correctly, there is the tradition as far as Tamil Nadu is concerned. That concept was accepted by the people and Rajaji became the Chief Minister. He was a Member and Kalaighnar Karunanidhi and Anna Durai also became the Chief Minister by becoming a Member of that. I was told that Shri MGR was also a Member and he became a Chief Minister and in 1986 when this House was abolished, Dr. Kalaighnar Karunanidhi was a Member of the Council, not the Assembly. I am not attributing any motives. I am not here to trivialize things. But, that was a fact. It was abolished and he ceased to be a Member after the abolition. I am just telling you that I am not going to attribute any motives. So many things could be said from this side or that side. I don't want to deal with that. I can say so many things, but, I do not want to. But, it is enough if I say what is relevant today, and, I would like to say that I am more objective. You are right. It was introduced in the morning and in the afternoon the Bill was put for consideration. It is for the House to consider it. It has become the property of this House. Whether it is done hurriedly or not is not the consideration. After all, that will reflect in Rajya Sabha itself and not the Government. The understanding is, that yes, in a lighter vein, I can say you should appreciate my Department that it is so fast, so efficient.

DR. V. MAITREYAN: Show it in the Women's Bill. Only two days are left.

SHRI M. VEERAPPA MOILY: I am not seriously speaking about it. This is our way. We do it. I must tell you, after I became the Law Minister we drafted 78 Bills in a period of ten months. It is a record in the country. Now, I am not going to say that but the question is that yes, whenever things come up we have some habit. We sit overnight and finalize the Bill. We do it. If you come, I can demonstrate it in my office. If you can kindly come, you can find out how many more Bills are pending. We draft it in such a way. I am telling you. ...*(Interruptions)*... So, now, I am talking about Punjab. You are right. But you know very well that Tamil Nadu Assembly passed a Bill in their tenure now. In fact, it was part and parcel of the manifesto of their party. It is not as if suddenly they thought about it and just because one year was there they wanted to bring this. I do not consider so. It was part of the manifesto. They are doing it to fulfil the manifesto promises. They are mandated to. ...*(Interruptions)*...

SHRI PRAKASH JAVADEKAR: What has manifesto to do with this? ...*(Interruptions)*...

श्री अनिल माधव दवे : सर, ...*(व्यवधान)*...

SHRI M. VEERAPPA MOILY: In 2006, when they went for election it was part of their election manifesto.

श्री प्रकाश जावडेकर : अगर यह manifesto में नहीं है, तो क्या कुछ नहीं कर सकते? ...(व्यवधान)... We cannot do anything? ...(Interruptions)...

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

SHRI M. VEERAPPA MOILY: Some political parties....

SHRI PRAKASH JAVADEKAR: You cannot differentiate States like this. ...(Interruptions)...

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

MR. DEPUTY CHAIRMAN: Kindly wait.

SHRI PRAKASH JAVADEKAR: Sir, this is objectionable. ...(Interruptions)... What about Punjab? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Wait for a minute; please. ...(व्यवधान)... पहले उनको complete करने दीजिए ...(व्यवधान)... आप पहले उनको complete करने दीजिए।

SHRI M. VEERAPPA MOILY: Some political parties or a combination of political parties are zealously implementing election promises. Some parties think that immediately after they are elected they think that everything need not be implemented. That is a matter of perception from one political party to another party. I am not on a debate on that particular thing.

I am not going to debate on that particular thing.

Now, the next question is: Why Punjab's case is not considered. And, why Assam's case is not considered. According to my memory — of course, I need to verify this — after the present Assembly was constituted in Punjab, it has not come out with any Resolution. ...(Interruptions)...

DR. V. MAIREYAN: Sir, how can he says that any resolution passed previously is lapsed? ...(Interruptions)...

SARDAR TARLOCHAN SINGH: Sir, the first Resolution was passed in 1975 when Shri Zail Singh was Chief Minister of Punjab unanimously. Then, when Shri Prakash Singh Badal was Chief Minister again a Resolution was passed. What is the purpose of doing it again and again. ...(Interruptions)...

SHRI BHUBANESWAR KALITA: Sir, the new Legislative Assembly of Assam has passed the Resolution. ...(Interruptions)... In Assam, the Legislative Council was in existence since the Constituent Assembly days. ...(Interruptions)... We want it to be revived. ...(Interruptions)... The Assam Legislature has passed a unanimous Resolution in the recently held Session. ...(Interruptions)...

SARDAR TARLOCHAN SINGH: Sir, before partition, there was Punjab Legislative Council in Lahore. ...*(Interruptions)*... So, Punjab has the old tradition of having a Council. ...*(Interruptions)*...

SHRI M. VEERAPPA MOILY: Kindly pass a Resolution and see our reaction. ...*(Interruptions)*...

SARDAR TARLOCHAN SINGH: What is the need of passing a Resolution again and again? ...*(Interruptions)*...

DR. V. MAITREYAN: What about Assam? ...*(Interruptions)*...

SHRI M. VEERAPPA MOILY: Sir, the State Government of Punjab, vide its letter dated 18-09-2002, stated that in view of the small area of State and the involvement of financial implication there is no need for revival of the Council in the State. ...*(Interruptions)*... After that, there is no Resolution. ...*(Interruptions)*...

SARDAR TARLOCHAN SINGH: There is no necessity. ...*(Interruptions)*... The Resolution was passed in 1975 and again thereafter. ...*(Interruptions)*...

SHRI M. VEERAPPA MOILY: I am not talking about the history. ...*(Interruptions)*... I am talking about the present. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Now, you have brought to the notice of the hon. Minister. ...*(Interruptions)*... This is on Tamil Nadu. ...*(Interruptions)*... The other things can be taken up later. ...*(Interruptions)*... Now, let us confine to Tamil Nadu only. ...*(Interruptions)*...

SARDAR TARLOCHAN SINGH: Sir, let the hon. Minister assure us that he will bring Punjab Council Bill in the next Session of Parliament. ...*(Interruptions)*... Let him give that assurance. ...*(Interruptions)*...

SHRI M. VEERAPPA MOILY: Sir, as far as Punjab is concerned, they said that there is no necessity to go ahead with it. ...*(Interruptions)*...

श्री रुद्रनारायण पाणि : आज पंजाब के लिए लाइये और परसों असम के लिए लाइये। ...*(व्यवधान)*...

DR. V. MAITREYAN: What about Assam? ...*(Interruptions)*...

SHRI M. VEERAPPA MOILY: Wait, wait. I will also tell you about Assam. ...*(Interruptions)*... If I said about Assam, somebody will have to say 'shame' to somebody. ...*(Interruptions)*... I am telling you, as far as Assam is concerned, the State Government of Assam did not respond to the reminders sent to it by the Legislative Department seeking the incumbent Government's view on the proposal and hence the Central Government did not pursue the case further. In the absence of their permission, how can we do it. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: There seems to be some technical problem. ...*(Interruptions)*...

SHRI M. VEERAPPA MOILY: That means, whom to call 'shame', or, whom to be blamed. ...*(Interruptions)*... That is not a question. Now, anyway, I am very happy that many of you have supported this Bill, I the permission of the Chair to pass this Bill. Thank you.

SHRI M. VENKAIAH NAIDU: Sir, there is one important point. We should not rush through. We also understand that they want the Bill get passed today. We are here to cooperate. But, at the same time, when relevant points are raised by the senior Members of the House, the hon. Minister is expected to respond. ...*(Interruptions)*...

सरदार तरलोचन सिंह : आप हमें promise तो कर दीजिए कि इसे अगले सेशन में लाएंगे। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: You please sit down. ...*(Interruptions)*... I have identified Mr. Venkaiah Naidu. You please sit down.

SHRI M. VENKAIAH NAIDU: When the Members raised certain serious issues, the hon. Minister is supposed to respond to them, one-by-one. The main issue that was raised is responded by the hon. Minister in a casual manner without going into the substance of the suggestion by referring to Dr. B.R. Ambedkarji as well as to the Sarkaria Commission. I would like to remind the hon. Minister that Dr. Ambedkarji and the Sarkaria Commission never said that every State, after the change of Government in every five years, will have to change their Resolution and Parliament create and then wind up Legislative Councils in particular States. This issue I have raised in view of the experience and in view of the latest two examples — Tamil Nadu and Andhra Pradesh — before us. Sir, two or three times Legislative Councils have been created and then there is scope for abolition. So, from such a situation, what are the measures you are going to take to see that such situation does not recur? You are helpless. I am aware of this, because of the Constitutional provision. That is why I suggested, in view of the experience from 1952 till date, if the Government is willing to revisit articles 168 and 169, hold discussion with political parties, take experience and then move forward with regard to other States.

That is why, I suggest that in view of the experience from 1956 to now, if the Government is willing to revisit 168 and 169, hold discussion with political parties, take their experience and, then, move forward, with regard to other States. I am not saying, you do it for Tamil Nadu. Even if I say, you are not going to do it. You are in a hurry; I understand. ...*(Interruptions)*... You are more concerned about your allied parties. ...*(Interruptions)*... On that also, I have no problem, Sir. I am not

on the small issue; I am on a larger issue. My friend, Shri Prakash Javadekar said — Mr. Deputy Chairman, please take it seriously — we should not become a laughing stock. For five years, you create Council. Then, for five years, you are abolishing. This sort of a thing is not good for democracy. Keeping that in mind, will you please call an all-Party meeting, discuss this issue in the light of the experiences and then take a position on this issue for the future? This is the suggestion I am making. Make it mandatory. ...*(Interruptions)*... Sir, once a State creates a Council, it must be binding on the State to have it on a permanent basis. The suggestion is, once a State creates a Council — States respect federal system, we also agree; that is why, we are supporting the concept of raising a Council — we should not have the option, again, to go for abolition. You have seen the Punjab example, you have seen the Andhra Pradesh example, you have seen the Tamil Nadu example. ...*(Interruptions)*... That is what I am saying Sir. I am saying about Andhra Pradesh also. We have had Punjab experience, Andhra Pradesh experience, Tamil Nadu experience. Will the Government take an initiative to call an all-Party meeting, discuss this issue and then, come back to the House? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: What is this?

श्री कुमार दीपक दास : सर, असम के बारे में ...*(व्यवधान)*...

श्री उपसभापति : वह तो बता दिया ...*(व्यवधान)*...

DR. K. KESHA RAO: Sir, I am drawing your attention to 171, which clearly says, "the total number of Members in the Legislative Council shall be minimum one-third." Second clause says, "Provided that the total number of Members in the Legislative Council of a State shall in no case be less than 40." That means, the Assembly should have 120 if they want to have a Council. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no. ...*(Interruptions)*... वह तो बता दिया There is some technical problem. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, you amend 171. What is the problem? ...*(Interruptions)*... You amend 171. ...*(Interruptions)*... Earlier, there were larger States. ...*(Interruptions)*... Earlier, there was a Legislative Council in Punjab. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Keshava Rao, what is the point? ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: You amend 171. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: They are demanding. ...*(Interruptions)*...

श्री प्रकाश जावडेकर : सर, असम में 126 हैं ...*(व्यवधान)*...

श्री उपसभापति : असम के बारे में बता दिया ...*(व्यवधान)*...

श्री प्रकाश जावडेकर : सर, नहीं बताया है, जो बताया गया है, उसमें ही objection है ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: The Legislative Department has sought some clarification. That has not come; he has said that. ...*(Interruptions)*...

SHRI PRAKASH JAVADEKAR: Sir, it is not necessary. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, more than 100 amendments have taken place in the Constitution. ...*(Interruptions)*... 171 can also be amended. ...*(Interruptions)*... At that point of time, the States may not be smaller. Now, smaller States are there. It is their demand. What to do? ...*(Interruptions)*...

सरदार सुखदेव सिंह ढीडसा : सर ...*(व्यवधान)*...

श्री उपसभापति : आपने बोल दिया है, इसलिए आप बैठ जाइए! ...*(व्यवधान)*...

सरदार सुखदेव सिंह ढीडसा : सर, अगर कोई technical problem है, तो हम उसको दूर करने के लिए तैयार हैं, लेकिन हम यह assurance चाहते हैं कि अगले सत्र में पंजाब और असम के लिए इस तरह का बिल आएगा या नहीं आएगा?

श्री उपसभापति : उन्होंने कहा कि there is a letter that ...*(Interruptions)*... Please sit down. ...*(Interruptions)*...

SHRI M. VEERAPPA MOILY: Mr. Deputy Chairman Sir, the position is that the entire expenditure of the infrastructural arrangements for the Legislative Council should be borne by the respective State. A Resolution alone is not enough. Besides the resolution, commitment of the respective State Government would also be required. It is only thereafter that it would be moved. It is because of the statutory difficulty that we have written back to the Assam Government. No response has come. If you write to the Central Government about it, we are open. Certainly, we will definitely consider it. There is no problem.

As far as Punjab is concerned, as we have already told you, the last letter which was sent by the Punjab Government also disapproves it. It is written by the Punjab Government, not by us. The State Government of Punjab vide a letter dated 18.09.2002 stated that 'in view of the small area of the State and the financial implications involved, there is no need for the revival of the Legislative Council.' It is stated by them. The State Government's decision for not going ahead with the proposal was again not supported by the necessary Resolution passed by the Legislative Assembly. ...*(Interruptions)*... I am telling you that we are open to that idea. But how can the Government of India be blamed for it?

One more point which I would like to make here is that. ...*(Interruptions)*... In fact, I have noted down all the points made by all of you in your speeches and I wanted to reply to them. But seeing the mood of the House, I do not want to prolong the reply. The Minister has to go by the mood of the House. That is why I cut short my reply. ...*(Interruptions)*... I started with you only, if you remember. Yes, I do agree with you that the practice of first establishing the Council and then abolishing it is not good. I, hundred percent, agree with you that it is not good. But there is a point as to how we need to deal with the situation. Yes, there is an issue which you have raised. The political parties can discuss it and a consensus can be arrived at. I do agree with you that it can be done objectively.

MR. DEPUTY CHAIRMAN: Now, the question is,

That The Tamil Nadu (Legislative Council) Bill, 2010 be taken into consideration.

The motion was adopted.

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

Clauses 2 to 5 were added to the Bill.

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

SHRI M. VEERAPPA MOILY: Sir, I move that the Bill be passed.

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned to meet tomorrow at 11 a.m.

The House then adjourned at forty-eight minutes past six of the clock till eleven of the clock on Thursday, the 6th May, 2010.