

Vol. 220  
No. 7

Tuesday  
3 August, 2010  
12 Sravana, 1932 (Saka)

PARLIAMENTARY DEBATES

RAJYA SABHA

OFFICIAL REPORT

CONTENTS

Member Sworn (page 1)

Obituary Reference (page 1)

Re. Demand for suspension of Question Hour (pages 2-5)

Written Answers to Starred Questions (pages 5-22)

Written Answers to Unstarred Questions (pages 22-178)

Papers Laid on the Table (pages 178-184)

Messages from Lok Sabha-

    The State Bank of India (Amendment) Bill, 2010 - *Laid on the Table*  
        (page 185)

    The Securities and Insurance Laws (Amendment and Validation) Bill,  
        2010 - *Laid on the Table* (page 185)

    To elect one member of Rajya Sabha to the Joint Committee on Offices  
        of Profit - *Reported* (page 238)

Reports of the Department-Related Parliamentary Standing Committee on  
Agriculture - *Laid on the Table* (page 185)

Report of the Department-Related Parliamentary Standing Committee on  
Chemicals and Fertilizers - *Laid on the Table* (page 185)

Leave of Absence - *Granted* (page 186)

Supplementary Demands for Grants (General), 2010-11 - *Laid on the  
Table* (page 186)

    Supplementary Demands for Grants (Jharkhand), 2010-11 - *Laid on the  
Table* (page 186)

Motion for Election to All India Institute of Medical Sciences  
(AIIMS), New Delhi - *Adopted* (page 186)

Statement by Minister-

    Status of implementation of recommendations contained in the First  
    Report of the Department-related Parliamentary Standing Committee  
    on Petroleum and Natural Gas - *Laid on the Table* (pages 186-88)

©

RAJYA SABHA SECRETARIAT

NEW DELHI

PRICE : Rs. 50.00

Calling Attention of the Matter of Urgent Public Importance-

Serious safety problems faced by airline industry in the country in the context of Mangalore air craft crash (pages 188-99)

Matters raised with permission-

Diversion of funds earmarked for SCs/STs to Delhi Commonwealth Games 2010

(pages 199-208)

Government Bills-

The Industrial Disputes (Amendment) Bill, 2009 - *Passed* (pages 208-238)

The National Commission for Minority Educational Institutions (Amendment) Bill, 2010 - *Under Consideration* (pages 239-259)

The Clinical Establishment (Registration and Regulation) Bill, 2010 - *Passed*  
(pages 259-277)

RAJYA SABHA

*Tuesday, the 3rd August, 2010/12 Sravana, 1932 (Saka)*

The House met at eleven of the clock,  
MR. CHAIRMAN in the Chair.

**MEMBER SWORN**

1. Shri Birender Singh (Haryana)

---

**OBITUARY REFERENCE**

MR. CHAIRMAN: Hon'ble Members, I refer with profound sorrow to the passing away of Shri Maruti Dnyanoo Mane (Patil), a former Member of this House on 27th of July, 2010 at the age of 72 years.

Born in December, 1937 at Kavathepiran in Sangli District of Maharashtra, Shri Mane (Patil) was Sarpanch of village Gram Panchayat Kavathepiran for 25 years and was Chairman of Sangli District Centre Cooperative Bank Ltd. He was the acting President of the Akhil Bhartiya Kustigir Mahasangh and was founder of the Saptarishi Shikshan Prasarak Mandal and Hind Kesari Sports, Kavathepiran.

A well-known wrestler, Shri Mane (Patil) participated in several wrestling competitions all over the world. He won Gold medal in the Free Style category and Silver medal in the Greek Roman category at the Asian Games in Jakarta in 1962. Shri Mane (Patil) was also the recipient of Hind Kesari Puraskar in 1964, Dalit Mitra Puraskar for the year 2003-04, Jeevan Gaurav Puraskar awarded by the Maharashtra Government and the Dhyanchand Krida Puraskar in the year 2005.

Shri Mane (Patil) represented the State of Maharashtra in this House from July, 1985 to July, 1986.

In the passing away of Shri Maruti Dnyanoo Mane (Patil), the country has lost a sportsman par excellence and an able parliamentarian.

We deeply mourn the passing away of Shri Maruti Dnyanoo Mane (Patil).

I request 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 deep sense of profound sorrow and sympathy.



RE: DEMAND FOR SUSPENSION OF QUESTION HOUR

MR. CHAIRMAN: Question No. 121.

श्री सतीश चन्द्र मशि (उत्तर प्रदेश): मान्यवर, हमने क्वेश्चन ऑवर suspend करने के लिए एक नोटिस दिया है कांग्रेस पार्टी की दिल्ली सरकार ... (व्यवधान) ...

श्री सभापति : आप इस सवाल को ... (व्यवधान) ...

श्री सतीश चन्द्र मशि : मान्यवर, 750 करोड़ रुपए ... (व्यवधान) ...

श्री सभापति : आप इसे discussion के लिए उठाए ... (व्यवधान) ...

SHRI D. RAJA (Tamil Nadu): Mr. Chairman, Sir, this is a serious matter. ... (Interruptions) ...

SHRIMATI BRINDA KARAT (West Bengal): Mr. Chairman, Sir, I have also given ... (Interruptions) ...

श्री सतीश चन्द्र मशि : 750 करोड़ रुपए Special Component Plan में दलित समाज के लिए ... (व्यवधान) ...

श्री सभापति : आप इसको discussion के लिए उठाए ... (व्यवधान) ... I request you to take it up for discussion. ... (Interruptions) ... Please take it up for discussion. ... (Interruptions) ...

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Mr. Chairman, Sir, here also, we have ... (Interruptions) ...

श्री सतीश चन्द्र मशि : उसको इन्होंने कॉमनवेल्थ गेस्स के लिए ... (व्यवधान) ...

MR. CHAIRMAN: Please. ... (Interruptions) ... Please do not disrupt the Question Hour. Please take it up for discussion. ... (Interruptions) ... This is not the way to do it. ... (Interruptions) ... This is incorrect. ... (Interruptions) ... Take it up for discussion. ... (Interruptions) ... One minute, please.

श्री सतीश चन्द्र मशि : सर, कॉमन वेल्थ गेस्स में 750 करोड़ रुपये ... (व्यवधान) ...

श्री ब्रजेश पाठक (उत्तर प्रदेश): सर, हमारा आपसे अनुरोध है ... (व्यवधान) ...

श्री सभापति : आप लोग अपनी जगह वापस जाइए ... (व्यवधान) ...

SHRIMATI BRINDA KARAT: Sir, I have given a notice. ... (Interruptions) ...

श्री सभापति : आप लोग बैठ जाइए ... (व्यवधान) ...

श्री सतीश चन्द्र मश्रि : 750 करोड़ रुपए Special Component Plan में दलित समाज के लिए ...(व्यवधान)...

MR. CHAIRMAN: Stop interrupting the Chair. ...(Interruptions)... Please. ...(Interruptions)... The House is adjourned for ten minutes.

The House then adjourned at six minutes past eleven of the clock.

The House re-assembled at fifteen minutes past eleven of the clock,

MR. CHAIRMAN in the Chair.

MR. CHAIRMAN: Question No. 121.

SHRIMATI BRINDA KARAT: Sir, an amount of Rs. 744.35 crores from the Dalit Sub-Plan has been diverted to the Commonwealth Games. This is the information obtained through the RTI, Sir. ...*(Interruptions)*...

श्री सतीश चन्द्र मथि : मान्यवर ...*(व्यवधान)*...

MR. CHAIRMAN: Please give a Call Attention notice. ...*(Interruptions)*... Please do not disrupt the proceedings. ...*(Interruptions)*... Please give a Call Attention notice. ...*(Interruptions)*...

SHRI MOTILAL VORA (Chhattisgarh): Question No. 121, Sir. ...*(Interruptions)*...

MR. CHAIRMAN: Misraji, I request you to...*(Interruptions)*... आप बैठ जाइए। ...*(व्यवधान)*... Please allow the Question Hour to proceed. ...*(Interruptions)*...

SHRIMATI BRINDA KARAT: Sir, Rs. 744.35 crores meant for Dalits has been diverted. ...*(Interruptions)*...

श्री ब्रजेश पाठक : महोदय ..*(व्यवधान)*...

MR. CHAIRMAN: Please give a Call Attention notice. ...*(Interruptions)*... Misraji, please. ...*(Interruptions)*... Please go back to your seats. ...*(Interruptions)*... आप बैठ जाइए पाणिजी ...*(व्यवधान)*...

The Chair appreciates the concern you want to express. But if you want a structured discussion or a structured way of expressing yourself, rather than in noise, then, please give a Call Attention notice. It will be admitted. There is a proper procedure for it and the Government will respond to it. Why don't you take that route which is available to you under the Rules? Nobody is listening to anybody else. If you continue like this, the Chair has no option but to say that we do not have the Question Hour. That's all.

श्री ब्रजेश पाठक : सर, ...*(व्यवधान)*...

श्री सभापति : मुझे जो कहना था वह मैंने कह दिया। अब आप बैठ जाइए। ...*(व्यवधान)*...

श्री ब्रजेश पाठक : सर, यह एक गम्भीर मसला है। ...*(व्यवधान)*... हमारे नेता को पाँच मिनट का समय दीजिए ...*(व्यवधान)*...

वज़ान और प्रौद्योगिकी मंत्रालय के राज्य मंत्री ; पृथ्वी वज़ान मंत्रालय के राज्य मंत्री ; प्रधान मंत्री कार्यालय में राज्य मंत्री ; कर्मिक , लोक शक्तियत और पेंशन मंत्रालय में राज्य मंत्री ; तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री पृथ्वीराज चव्हाण ) : आपइसके लिये कल नोटिस दीजिए , प्लीज़। ...*(व्यवधान)*... He has given the Ruling. Give a notice tomorrow. Let us discuss it in a structured manner.

...(Interruptions)...

श्री ब्रजेश पाठक : सर, कोई हंगामा करना नहीं चाहता। ... (व्यवधान) ...

श्री सभापति : आप लोग हंगामा ही तो कर रहे हैं। आप लोग और क्या कर रहे हैं ? ... (व्यवधान) ...

श्री ब्रजेश पाठक : सर, यह एक गंभीर मसला है। ... (व्यवधान) ... हमारे नेता को पाँच मिनट का समय दीजिए। ... (व्यवधान) ...

श्री सभापति : आप उसके लिए नोटिस दीजिए आपको वक्त मल्लिगा , मगर यह उसका वक्त नहीं है। ... (व्यवधान) ... No, Mrs. Karat, please resume your place. ... (Interruptions) ... No, करीमपुरी जी, आप बैठ जाइए प्लीज़। ... (व्यवधान) ... आप लोग बैठ जाइए। बैठ जाइए प्लीज़। ... (व्यवधान) ...



श्री राजपाल सहि सैनी (उत्तर प्रदेश): सर,  
...(व्यवधान)... यह दलितों का मामला है। ... (व्यवधान) ...

श्री सभापति : आप बैठ जाइए प्लीज़। ... (व्यवधान) ... प्लीज़ आप  
बैठ जाइए। ... (व्यवधान) ...

श्री सतीश चन्द्र मशि : मान्यवर , स्पेशल कॉम्पोनेंट  
प्लान का 750 करोड़ रुपया , जो शैड्यूल कास्ट के लिए पछिले  
चार वर्षों का था , उसको इन्होंने कॉमनवैलथ गेम्स में लगा  
दिया ... (व्यवधान) ... यह तो न्याय नहीं हुआ ... (व्यवधान) ...

श्री सभापति : आप उस पर डिस्कशन माँगिए ... (व्यवधान) ...

श्री सतीश चन्द्र मशि : सर, ... (व्यवधान) ... करोड़ों रुपए  
... (व्यवधान) ...

MR. CHAIRMAN: Again the same thing is taking place. Please ask for  
a discussion.

श्री सतीश चन्द्र मशि : मान्यवर , आप इसमें नर्णिय दे  
दीजिए। ... (व्यवधान) ...

MR. CHAIRMAN: No. This is Question Hour. I am bound by the Rules. I  
can't waive it. ... (Interruptions) ...

SHRI PRITHVIRAJ CHAVAN: The Chair has already ruled.  
... (Interruptions) ...

MR. CHAIRMAN: I am sorry. ... (Interruptions) ... आप लोग बैठ जाइए  
... (व्यवधान) ...

श्री सतीश चन्द्र मशि : मान्यवर , आप कोई समय फक्स कर  
दीजिए। ... (व्यवधान) ...

श्री सभापति : आप नोटिस दीजिए , उसके लिए समय फक्स हो  
जाएगा ... (व्यवधान) ... That is an assurance from the Chair. What  
more do you want? ... (Interruptions) ...

श्री सतीश चन्द्र मशि : मान्यवर , हम इसकी नोटिस दे चुके  
हैं। ... (व्यवधान) ... आप सर्फ़ इसके लिए समय फक्स कर दीजिए  
वरना हम लोगों की उत्तेजना रुकेगी नहीं। ... (व्यवधान) ...

श्री सभापति : हम समय फक्स कर देंगे। ... (व्यवधान) ... Fine!  
We will have a discussion on it. You give a Call Attention notice.  
That's all.

श्री सतीश चन्द्र मशि : मान्यवर , आप इसके लिए कल का समय  
देने या आज का समय देंगे ? ... (व्यवधान) ...

MR. CHAIRMAN: I will have to look into the time-schedule and I will  
give you time.

श्री सतीश चन्द्र मशि : मान्यवर , हम चाहते हैं कि आप  
इसके लिए कोई समय फक्स कर दें। ... (व्यवधान) ...

श्री सभापति : ऐसे तो समय फक्स नहीं होते हैं। आप यह बात

जानते हैं। आप एक सीनियर मैम्बर हैं। ... (व्यवधान) ...

श्री सतीश चन्द्र मन्त्रि : मान्यवर . कुछ इश्यूज में आप समय फक्स कर सकते हैं , दबि भी फक्स कर सकते हैं। ... (व्यवधान) ...

श्री सभापति : मैंने कहा कि आपको इसके लिए समय मल्लिगा। अब आप और क्या चाहते हैं ? ... (व्यवधान) ...

श्री जुगुल कशोर (उत्तर प्रदेश) : सर, ... (व्यवधान) ... इस पर सदन में चर्चा कराई जाए ... (व्यवधान) ...

वर्षिक के नेता (श्री अरुण जेटली) : सर, ... (व्यवधान) ... जो वषिय raise कथि गया है वह एक बहुत आवश्यक और महत्वपूर्ण वषिय है। सरकार भी इस पर इंस्ट्रक्शंस ले ले क्योंकि जो मैटीरियल है वह यह इंडिकेट करता है कि आर.टी.आई. के एक उत्तर में इसको कन्फर्म कथि गया है। अगर यह सच है तो यह एक बहुत गंभीर मामला है और इस पर आप तुरन्त डिस्कशन फक्स करिए। ... (व्यवधान) ...

SHRIMATI BRINDA KARAT: Not only that, Sir ... (Interruptions) ...

MR. CHAIRMAN: I have agreed to it.

MR. CHAIRMAN: I have agreed to it. ...(*Interruptions*)...

SHRI SITARAM YECHURY (West Bengal): Sir, one amendment...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, this is a serious issue...(*Interruptions*)...

MR. CHAIRMAN: I can hear only one person at a time. ...(*Interruptions*)...

श्री सतीश चन्द्र मन्नि : सर, हमने नोटिस दिया हुआ है।  
...(*व्यवधान*)...

SHRI SITARAM YECHURY: Sir, this is a serious matter. We want this discussion to be held this week. You please say that we will have this, discussion would be held this week, that you will allow this...

MR. CHAIRMAN: As far as the Chair is concerned, it is prepared to have a discussion even at 12 o'clock midnight. That is not the issue. But, the question is, will you allow things to be done in an orderly manner or disorderly manner?

SHRI SITARAM YECHURY: Sir, only in an orderly manner. ...(*Interruptions*)... Sir, the notice has been given.

श्री एस.एस. अहलुवालिया (झारखंड) सर, यह बहुत ही गंभीर सवाल है। ...(*व्यवधान*)...

MR. CHAIRMAN: I am sorry to say that this is not the way. ...(*Interruptions*)...

SHRI PRITHVIRAJ CHAVAN: Sir, you have already said that it can be taken up as a Call Attention. Let there be a notice for the Call Attention. Let it be discussed in the morning meeting. We will discuss it. You have already given a ruling that it can be taken up as a Call Attention. What more do they want? ...(*Interruptions*)...

श्री ब्रजेश पाठक : सर, हम भी चाहते हैं कि हाउस चले। ...(*व्यवधान*)... जब-जब देश में इस तरह का सवाल आया है, प्रश्न काल को स्थगित करके चर्चा हुई है। ...(*व्यवधान*)... सर, इससे बड़ा गंभीर सवाल नहीं हो सकता। ...(*व्यवधान*)...

SHRIMATI BRINDA KARAT: Sir, please give us time. ...(*Interruptions*)...

MR. CHAIRMAN: The House is adjourned till 12 o'clock.

The House then adjourned at twenty-one minutes past eleven of the clock

---

The House reassembled at 12.00 noon.

MR. DEPUTY CHAIRMAN in the Chair

**WRITTEN ANSWERS TO STARRED QUESTIONS**

**Theft of baggage of IGIA, New Delhi**

†\*121. SHRI MOTILAL VORA: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether it is a fact that loaders have been caught while stealing the baggage of passengers at the Indira Gandhi International Airport (IGIA), New Delhi;

---

†Original notice of the question was received in Hindi.

(b) if so, the details thereof;

(c) the details of baggage stolen from IGIA, New Delhi during the last one year and the compensation paid to the passengers therefor; and

(d) the steps being taken by Government to check theft and to keep an eye on loaders at IGIA, New Delhi?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) and (b) Yes, Sir. After a complaint of a passenger regarding missing of Rs. 10,000/- from registered baggage, two loaders namely, Anup Kumar and Kuldeep Kumar who were involved in this theft, were apprehended by CISF at IGI Airport and handed over to the local police for further legal action.

(c) Information in respect of some of the airlines is given below and in respect of other airlines is being collected from concerned agencies, i.e. Police, Airlines etc. and being complied:-

Airline	No. of theft	Compensation
Spicejet	Nil	Nil
Indigo	Nil	Nil
Kingfisher	08	@Rs. 450/- per kg.
Go Air	Nil	Nil

(d) The following steps have taken by the Government to check the theft and keep an eye on loaders:-

- (i) Passengers are advised not to carry their Jewellery and cash in their checked-in baggage;
- (ii) In-house vigilance team of airlines at major airport to check cases of theft/pilferage;
- (iii) Surprise frisking of loaders before and after the loading;
- (iv) Loading/unloading of checked-in baggage under supervision of security/airport services staff;
- (v) Utilization of CCTVs, available at airport.
- (vi) Automated Baggage Reconciliation system to reduce instances of such mishandling;
- (vii) Extensive training is imparted to ramp staff (especially loaders) on baggage handling;
- (viii) Establishment of dedicated baggage handling units at Metros.

#### **Knowledge Kiosks in Panchayats**

\*122. SHRIMATI VIPLOV THAKUR: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether Government proposes to set up Knowledge Kiosks in Panchayats

for extending the benefits of information and communication technology to the rural people;

(b) if so, the details thereof;

(c) the extent to which the rural people are likely to be benefited therefrom; and

(d) by when these Knowledge Kiosks are likely to be set up in all the Panchayats of Himachal Pradesh?

THE MINISTER OF PANCHAYATI RAJ (SHRI C.P. JOSHI): (a) to (c) No, Madam.

(d) Does not arise.

**Routing payments of Government schemes through banks**

\*123. MS. MABEL REBELLO: Will the Minister of FINANCE be pleased to state:

(a) whether the Centre has initiated discussions with the State Governments to mandatorily route payments of all Government schemes and programmes through banks;

(b) whether the schemes and programmes to be covered in this plan would include the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) with a Central outlay of over Rs. 40,000 crore, proposed direct fertilizer subsidy of around Rs. 50,000 crore, old age pension, social security payments, insurance scheme for Below Poverty Line (BPL) people as well as other rural development programmes and State Government schemes; and

(c) if so, by when this mechanism is likely to be introduced and to what extent it would be helpful?

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): (a) to (c) The Ministry of Finance has been urging State Governments to provide the necessary support required for extending banking services to the rural hinterland. State Governments have also been requested to route payments of all Government schemes and programmes through banks.

The Ministry of Rural Development has reported that under the

Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGs), in 2009-10 Rs. 12,760 crore was disbursed as wages through 5.1 crore individual and joint bank accounts. It has stated that the routing of wage payments through banks has facilitated timely and transparent disbursements. Further, the Ministry has reported that in the case of old age pension under the Indira Gandhi National Old Age Pension Scheme (IGNOAPS), as per Government decision, the pension has to be disbursed through post offices/bank accounts where feasible. So far, pension to 77 lakh (approx.) beneficiaries across States is being disbursed through bank accounts, which amounts to about 46% of the total beneficiaries under the Scheme. As regards disbursement of



fertilizer subsidy, Department of Fertilizers has not initiated discussions with the State Governments to route payments through banks.

In order to extend the reach of the banks in the rural hinterland, various measures are being taken by the Government of India and the RBI. The Government of India has directed banks to draw up roadmaps for extending banking facilities to all rural habitations with a population over 2000 by March, 2012. The banks will leverage the use of technologies to extend these services to areas without bank branches through the Business Correspondent (BC) model. The banks have been advised to select their technologies for branchless banking through the BC mode, procure the required hardware/software, identify their business correspondents' State wise and roll out their financial inclusion plans in a time bound manner.

Earlier, the Reserve Bank of India (RBI) had advised banks to provide the facility of 'no-frills' accounts with 'nil' or very low minimum balances as well as charges that would make such accounts accessible to a vast section of the population. The 'Know Your Customer' (KYC) requirements for opening these bank accounts have also been relaxed since August, 2005.

#### **Health care services in the country**

†\*124. SHRIMATI BIMLA KASHYAP SOOD: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government is aware that due to poor health care services in various parts of the country, a large number of people are dying every year;

(b) if so, the details thereof;

(c) whether Government has any proposal to include health care services in the Concurrent List for monitoring the services in various States;

(d) if so, the details thereof; and

(e) if not, the reasons therefor?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) and (b) No, Sir. As per the Sample Registration System of the RGI Census of India, Crude Death Rate in Himachal Pradesh in 2008 was 7.4, which is the same as the national average. At the national level, the Crude Death Rate has declined from 8.0 in 2003 to 7.4 in 2008 thereby indicating a decline in untimely deaths.

(c) to (e) No, Sir. As per the Constitution of India, health is a State subject and primary healthcare is in the domain of the Local Governments. The National Health Policy, 2002, also lays emphasis upon the implementation of public health programmes through local self Government institutions. However, Government of India launched the National Rural Health Mission in 2005 to supplement the efforts of the State Governments to strengthen the Public Health System and provide quality and affordable health care to the rural population.

---

†Original notice of the question was received in Hindi.

### Profit made by ONGC

†\*125. SHRI K.N. BALAGOPAL: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) the per barrel cost of production of crude being produced by Oil and Natural Gas Corporation (ONGC) in India;

(b) the selling price ONGC is charging from Indian Oil Companies; and

(c) the details of profit made by ONGC during the last five years?

THE MINISTER OF PETROLEUM AND NATURAL GAS (SHRI MURLI DEORA): (a) and (b) The per barrel cost of production of crude oil produced by Oil and Natural Gas Corporation (ONGC) during the last five years is given below:—

Year	Cost of production of crude oil (in US \$/ Barrel)
2005-06	24.11
2006-07	27.14
2007-08	33.21
2008-09	31.21
2009-10 (provisional)	35.94

Subsequent to deregulation in crude oil prices from April, 2002 ONGC is supplying crude oil to Public Sector oil companies viz. Indian Oil Corporation, Bharat Petroleum Corporation Limited, Hindustan Petroleum Corporation Limited and Mangalore Refinery and Petrochemicals Limited as per signed Memorandum of Understandings.

ONGC is sharing the financial burden of Oil Marketing Companies through discount on Crude Oil prices. The post discount selling price of crude oil supplied by ONGC during last five years is give below:—

Year	Selling Price (US \$/Barrel)
2005-06	42.34
2006-07	44.22
2007-08	52.90

2008-09

47.70

2009-10

55.94

---

†Original notice of the question was received in Hindi.

(c) The net Profit After Tax (PAT) earned by ONGC during last five years is given below:-

Year	PAT (Rs. in crore)
2005-06	14,431
2006-07	15,643
2007-08	16,702
2008-09	16,126
2009-10	16,768

#### **Participative development in Fifth Schedule areas**

\*126. SHRI MANI SHANKAR AIYAR: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether funds have been placed at the disposal of the States concerned to promote participative development in Fifth Schedule areas;

(b) if so, the quantum thereof;

(c) whether the States concerned have been directed under paragraph 3 of the Fifth Schedule to disburse these funds in strict conformity with the provisions of Panchayats (Extension to Scheduled Areas) PESA Act, 1996; and

(d) the steps being taken to monitor the compliance thereof?

THE MINISTER OF PANCHAYATI RAJ (SHRI C.P. JOSHI): (a) No specific funds have been placed at the disposal of the States concerned to promote development in Fifth Schedule areas.

(b) to (d) Do not arise.

#### **Health care for all**

\*127. SHRI DHIRAJ PRASAD SAHU : Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government proposes to provide uniform health care facilities in the country;

(b) if so, the details thereof and the steps taken or proposed to be taken in this regard;

(c) whether keeping in view the objective of creation of rural health manpower in the country, Government proposes to introduced new

alternative model of medical education; and

(d) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) to (d) Health is a State subject and the Central Government supplements the efforts of State

Governments. To cover the gaps in basic facilities, the National Rural Health Mission (NRHM) was launched in 2005 and Indian Public Health Standards (IPHS) developed to promote uniform health care facilities in rural areas.

The Central Government in consultation with the Medical Council of India is considering the introduction of a 3½ year course viz., Bachelor of Rural Health Care (BRHC). The objective of the course is to provide trained persons to work in Sub-Centres to provide treatment for minor ailments, early diagnosis, stabilization and referral and promoting public health activities and to reduce dependence of rural population on unqualified persons.

#### PMGSY in Kerala

\*128. SHRI K.E. ISMAIL: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) the details of the projects proposals submitted and financial assistance sought by the State Government of Kerala under the Pradhan Mantri Gram Sadak Yojana (PMGSY); and

(b) the amount sanctioned for the State under the programme during the last three years?

THE MINISTER OF RURAL DEVELOPMENT (SHRI C.P. JOSHI): (a) The details of the project proposals sent and financial assistance sought by the Government of Kerala is as under:—

Sl. No.	Phase	Financial year	Number of roads	Length of roads (in km.)	Value of projects (Rs. in crore)
1.	I	2000-01	33	113.25	19.90
2.	II	2001-03	178	282.44	56.48
3.	III	2003-04	52	97.96	20.54
4.	IV	2004-05	91	172.61	50.58
5.	V	2005-06	77	155.95	46.56
6.	VI	2006-07	322	733.27	294.21
7.	VII	2007-08	420	1155.00	486.74

Out of above, the project proposals sent by the State Government of Kerala have been cleared by the Ministry except the project proposals for Phase-VII (2007-08). For Phase-VII, the Ministry had accorded 'in principal' approval for 420 road works, out of which 200 road works

valued at Rs. 230.47 crore covering a length of 533.54 km. have been cleared, which were under Bharat Nirman, the remaining road works being beyond Bharat Nirman.

(b) The details of the amount sanctioned to the State during the last three years is as follows:-



Sl. No.	Financial Year	Amount sanctioned (Rs. in crore)
1.	2007-08	294.21
2.	2008-09	230.47
3.	2009-10	Nil

#### **Creation of Departments for Direct and Indirect Taxes**

\*129. SHRI RAMA CHANDRA KHUNTIA : Will the Minister of FINANCE be pleased to state:

(a) whether Government is considering to create two new Departments of Direct and Indirect Taxes;

(b) whether there have been any recommendations by Parliamentary Committee and other committees constituted by Government in this regard; and

(c) if so, the details thereof?

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): (a) No, Sir.

(b) and (c) As per available information, the Estimates Committee of 10th Lok Sabha in its 17th Report had, *inter-alia*, recommended as follows:-

“that two independent Department viz. Department of Direct Taxes and Department of Indirect Taxes may be established in place of the existing Revenue Boards with two full fledged Secretaries in lieu of the Revenue Secretaries reporting directly to political executive. However, for the purpose of policy formulation Finance Secretary would be the Coordinating Authority as at present.”

The above recommendation was carefully examined by the Government, but not found feasible and therefore not accepted.

#### **Proposals for establishing Medical Colleges in Haryana**

\*130. DR. RAM PRAKASH: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the number of proposals received for establishing Medical Colleges in the country during the last three years, State-wise;

(b) the present status of these proposals;

(c) whether Government has received any such proposal from the State Government of Haryana for establishment of Medical Colleges in the State; and

(d) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD): (a) and (b) A total of 130 proposals for establishing of new medical colleges in various States/UTs were received during the last three years out of which 61 were returned to the applicant on account of deficient/incomplete documents. State-wise status of the proposals is laid on the Table of the House and enclosed as Statement (See below).

(c) No, Sir.

(d) Does not arise.

**Statement**

*Number of proposals received from Government and Non-Government Sectors for establishing  
medical college during last three years*

Sl. No.	State/UT	In 2007 for the academic year 2008-09			In 2008 for the academic year 2009-10			In 2009 for the academic year 2010-11		
		Received	Forwarded to MCI	Approved	Received	Forwarded to MCI	Approved	Received	Forwarded to MCI	Approved
1	2	3	4	5	6	7	8	9	10	11
1.	Andhra Pradesh	7	4	2	5	1	-	4	1	3
2.	Assam	1	1	-	0	-	-	0	-	1
3.	Bihar	3	1	1	5	3	-	2	1	-
4.	Chhattisgarh	1	-	-	2		-	2	-	-
5.	Delhi	1	-	1	1	-	-	1	-	-
6.	Gujarat	0	-	-	5	4	3	5	5	-
7.	Himachal Pradesh	0	-	-	3	3	-	2	1	-
8.	Haryana	1	1	-	0	-	-	1	-	1
9.	Jammu and Kashmir	0	-	-	0		-	1	-	-
10.	Jharkhand	3	-	-	2	2	-	0	-	-
11.	Karnataka	1	-	-	3	1	-	0	-	1
12.	Kerala	4	2	2	3	1	2	2	1	-

1	2	3	4	5	6	7	8	9	10	11
13. Madhya Pradesh		2	1	-	3	2	2	0	-	-
14. Maharashtra		1	1	1	1		-	1	1	-
15. Manipur		0		-	1	1	-	0	-	1
16. Orissa		3	2	-	1	-	-	0	-	-
17. Puducherry		1	1	-	0	-	-	0	-	-
18. Punjab		0	-	-	0	-	-	1	1	-
19. Rajasthan		2	2	2	0	-	-	0	-	-
20. Tamil Nadu		9	7	5	8	4	2	11	2	5
21. Uttar Pradesh		3	3	3	3	3	2	1	1	-
22. Uttarakhand		0	-	1	2	1	-	1	1	-
23. West Bengal		0	-	1	2	1	-	2	1	1
TOTAL		43	26	19	50	27	11	37	16	13

Total Proposals received : 43+50+37 = 130

Proposals forwarded to MCI : 26+27+16 = 69

Proposals approved during the last three years\* : 19+11+13 = 43

*\*It may also include the applications of the previous year.*

### **Seizure of fake currency in Jammu and Kashmir**

†\*131. SHRI SATYAVRAT CHATURVEDI: Will the Minister of FINANCE be pleased to state:

(a) the value of fake currency seized in the years 2008-09 and 2009-10;

(b) whether it is a fact that agencies investigating the smuggling of fake currencies have indicated the connivance of some bank officers of frontier States;

(c) whether large number of fake currency notes have been recovered from a senior bank officer of Gandarbal area in Jammu and Kashmir (J & K); and

(d) if so, the steps being taken by Government to tackle this situation?

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE) : (a) to (d) The details of Value of fake currency seized during the years 2008, 2009 and 2010 (upto 31st May, 2010) as provided by National Crime Record Bureau, are as under:-

Year	Total value (in rupees)
2008	75,681,060
2009	89,220,402
2010	56,238,409
(upto 31st May, 2010)	

\*The figures are provisional.

The involvement of bank officers in FICN was revealed in a recent case, involving head cashier in the Mehru Murtia, Distt. Sarasvati Branch of Allahabad bank. Earlier a cashier at currency chest of a SBI branch at Dumariaganj Uttar Pradesh was found involved in circulation of fake currencies in 2008.

The recovery of large quantum of fake currency from senior bank officers in the Gandarbal area of Jammu and Kashmir has not come to notice.

### **Losses of AI and IA**

†\*132. SHRI NARESH CHANDRA AGRAWAL: Will the Minister of CIVIL AVIATION be pleased to state:

(a) the details of loss incurred by Air India (AI) and Indian Airlines (IA) during the last three years, year-wise;

(b) whether it is a fact that the main reason behind its losses is spending of most of its earnings on establishment;

(c) if so, the plans being made by department to make up the loss; and

(d) if not, the reasons therefor?

---

†Original notice of the question was received in Hindi.

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) Yes, Sir. Air India had incurred a loss of Rs. 2226.16 crores and Rs. 5548.26 crores during the financial year 2007-08 and 2008-09 respectively. Air India is expected to incur a loss of Rs. 5,656.52 crores during the year 2009-10.

(b) to (d) The reasons for losses are mainly due to the prevalent economic recession, and low yields and load factors coupled with higher fuel costs.

NACIL has initiated action as part of the Turnaround Plan along with a cost reduction and revenue enhancement programme focusing on Fleet Rationalization, Route profitability, Manpower Rationalization and Structural Changes. Additional measures to cut costs that include wage rationalization and other expenses are also part of the turnaround process.

#### **Promotion on medical tourism in Punjab**

†\*133. SHRI AVINASH RAI KHANNA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government is planning to promote medical tourism in the country;

(b) if so, the details thereof;

(c) whether Government is aware of the fact that two large hospitals of Bhakra Beas Management Board (BBMB) situated at Nangal and Talwara in Punjab have picturesque locations;

(d) whether Government proposes to use these two hospitals for promoting medical tourism; and

(e) if not, the reasons therefor?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD): (a) to (e) Ministry of Tourism has included the promotion of Medical Tourism as a new initiative. The Marketing Development Assistance Scheme (MDA), administered by the Ministry of Tourism, Government of India, provides financial support to approved tourism service providers.

MDA scheme has also been extended to Medical and Wellness Tourism service providers. Financial support under the MDA Scheme will be provided to approved medical tourism service providers, i.e. Hospitals accredited by Joint Commission for International Accredited Hospitals (JCI) and National Accreditation Board for Hospitals and Healthcare

Providers (NABH) and Medical Tourism facilitators (Travel Agents/Tour Operators) approved by Ministry of Tourism, Government of India and engaged in Medical Tourism.

Actions required from individual Hospitals are:-

- (i) Obtain Accreditation with National Accreditation Board for Hospitals and Healthcare Providers [NABH].

---

†Original notice of the question was received in Hindi.



(ii) Build specific capabilities to improve service to foreign patients (e.g., Call Centre, Travel Agency and Welcoming staff).

(iii) Increase awareness about low price and high quality through websites targeting individual patients.

Two hospitals of Bhakra Beas Management have to get either NABH or JCI accreditation before becoming eligible for assistance under the Marketing Development Assistance Scheme (MDA), administered by the Ministry of Tourism.

#### **Total Sanitation campaign**

\*134. SHRI NAND KUMAR SAI: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether Government has revised the unit cost of a School and Anganwadi Toilet being constructed under the Total Sanitation Campaign (TSC) in the country;

(b) if so, the details thereof;

(c) the details of the additional financial expenditure likely to be incurred by such a revision;

(d) the details of the revised plan and new specifications approved by Government;

(e) the number of School and Anganwadi toilet unit constructed so far against the targets; and

(f) the reasons for delay in achieving the targets?

THE MINISTER OF RURAL DEVELOPMENT (SHRI C.P. JOSHI): (a) Yes, Sir.

(b) Cost of School Toilet unit has been revised from Rs. 20,000/- to Rs. 35,000/- (Rs. 38,500/- for hilly and difficult areas) and unit cost of Anganwadi Toilet has been revised from Rs. 5,000/- to Rs. 8,000/- (Rs. 10,000/- for hilly and difficult areas) under the Total Sanitation Campaign (TSC).

(c) The total additional financial expenditure likely to be incurred under TSC by such a revision shall be Rs. 554.43 crore. Government of India contribution as central share would be Rs. 388.11 crore.

(d) There is no change in plan and specifications.

(e) and (f) As against the cumulative project objective of 13,04,783 school toilet units, 10,18,189 school toilet units have been constructed as on 30.06.2010 as per the progress reported by the States under Total Sanitation Campaign (TSC) through online data monitoring system maintained by the Department. Similarly, as against

the cumulative project objective of 4,64,914 anganwadi toilets, 3,41,857 anganwadi toilets have been reported to be constructed as on 30.06.2010.

**Incidents of tyre bursting/technical snags involving airlines**

†\*135. SHRI KAPTAN SINGH SOLANKI: Will the Minister of CIVIL AVIATION be pleased to state:

---

†Original notice of the question was received in Hindi.

(a) the total number of incidents of tyre bursting and other technical snags involving aircrafts of private and public airlines during the last three years;

(b) the measures being taken by Government to tackle all such incidents;

(c) whether Government has also decided to punish concerned airlines; and

(d) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) Twenty nine incidents of tyre burst involving airplanes of scheduled airlines were reported to Directorate General of Civil Aviation (DGCA) during the last three years. As regards technical snags, only those technical snags leading to notifiable incidents are reported to DGCA, details of which are under compilation.

(b) All incidents, including tyre burst incidents are investigated as per the laid down procedure. Safety recommendations emanating from investigation of accidents/incidents are implemented by the concerned agencies so as to prevent recurrence of similar incidents. Various preventive programmes have been initiated by Directorate General of Civil Aviation (DGCA), to avoid air accidents/incidents, which include safety audits, surveillance inspections, dissemination of safety information, issue of Air Safety Circular/Civil Aviation Requirements, etc.

(c) and (d) DGCA takes appropriate actions depending on the severity of incident and culpability of the airlines.

#### **Inclusion of farmers in MGNREGS works**

\*136. SHRI SYED AZEEZ PASHA : Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether it is a fact that the Andhra Athirasu Association has represented to Government to include farmers in the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) works in West Godavari district and elsewhere;

(b) if so, the details thereof;

(c) whether it is also a fact that the farmers are being excluded from MGNREGS works in a systematic and determined way; and

(d) the steps proposed to revise the entire policy, so as to include farmers and minorities in the scheme?

THE MINISTER OF RURAL DEVELOPMENT (SHRI C.P. JOSHI): (a) No, Sir. No representation from Andhra Adhirasu Association has been received

in the Ministry in this regard.

(b) Does not arise.

(c) and (d) No, Sir. The Government has extended the benefits as stipulated in para 1(iv) of Schedule I of Mahatma Gandhi NREG Act to small and marginal farmers *vide* Notification dated 22.7.2009. Para 1(iv) of Schedule-I of the Act as amended from time to time is as given below:-

“Provision of irrigation facility, horticulture plantation and land development facilities to land

owned by households belonging to the Schedule Castes and Schedule Tribes or below poverty line families or to beneficiaries of land reforms or to the beneficiaries under the Indira Awas Yojana of Government of India or that of the small farmers or marginal farmers as defined in the Agriculture Debt Waiver and Debt Relief Scheme, 2008."

#### **Cancer units in civil hospitals**

\*137. DR. JANARDHAN WAGHMARE: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government is aware of the fact that the dreadful disease of cancer is widely spreading across the country;

(b) if so, whether Government proposes to open cancer units in every civil hospital;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) to (d) The Indian Council of Medical Research has estimated that there are about 25 lakh cases of cancer in the country with about 9 lakh new cases every year.

The Government does not propose to open cancer units in every civil hospital. However, the Government has approved the National Programme for Control of Cancer, Diabetes, Cardiovascular Diseases and Stroke (NPCDCS) for implementation in 100 Districts in the remaining period of the 11th Five Year Plan. The outlay for Cancer is Rs. 731.52 crore out of the total outlay approved for the NPCDCS programme.

#### **Promotion of graduate messengers in banks**

\*138. SHRIMATI BRINDA KARAT: Will the Minister of FINANCE be pleased to state:

(a) whether there is a special provision for promotion of graduate messengers in many public Sector Banks;

(b) whether the Syndicate Bank has sent similar proposal for its sponsored Regional Rural Banks (RRBs); and

(c) if so, whether Government is considering such a proposal?

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): (a) As a part of the Agreement with the Representative Unions and with a view to encourage self development, some of the Public Sector Banks have provisions for promotion of graduate sub-staff, which include

messenger, to the clerical grade.

(b) and (c) The Syndicate Bank in consultation with National Bank for Agriculture and Rural Development (NABARD) is considering a proposal for promotion of graduate messenger cum sweeper in the Regional Rural Banks (RRBs) sponsored by it, to the clerical grade.

### Hijacking of Indian vessels by Somalian pirates

†\*139. SHRI BALAVANT ALIAS BAL APTE: Will the Minister of SHIPPING be pleased to state:

(a) whether Government's attention has been drawn towards the pirates of Somalia who are using lost boats/ships/vessels of India;

(b) if so, the details thereof;

(c) whether Indian ships/vessels seized or abducted along with the sailors/travellers by the Somalian pirates during the last two years and current year have been searched for and got freed;

(d) if so, the details thereof;

(e) if not, the steps taken by the Government in this regard; and

(f) the steps taken or proposed to be taken with the help of other affected countries for permanent solution of this problem?

THE MINISTER OF SHIPPING (SHRI G.K. VASAN): (a) and (b) As per information available with the Government, there is a possibility, of Indian dhows being used as mother ships by pirates.

(c) and (d) No Indian merchant ship has been seized by pirates so far. Also no Indian Mechanized Sailing Vessel is reported to be in the captivity of Somalian pirates at present. The particulars of Indian Mechanized Sailing (commonly known as dhows) hijacked in 2008, 2009 and current year with Indian sailors are given below:-

Sl. No.	Name of Vessel	Flag	Hijacked on	No. of Indian Nationals	Released on
1	2	3	4	5	6
1.	MSV Shiv Shamboo	Indian	20.10.2008	14	25.10.2008
2.	MSV AL Rafiqui	Indian	21.03.2009	15	Released
3.	MSV Shehenshah - E-Madina	Indian	Exact date not known	16	Released
4.	MSV Vishwa Kalyan	Indian	14.6.2009	15	Released
5.	MSV Nafeya	Indian	10.07.2009	14	In July end 2009
6.	MSV Shri Narayan	Indian	22.11.2009	14	08.12.2009
7.	MSV Nafaya	Indian	18.12.2009	14	23.02.2010
8.	MSV Lasmi Sagar	Indian	11.12.2009	14	14.12.2009

---

†Original notice of the question was received in Hindi.



1	2	3	4	5	6
9.	MSV Faize Osmania	Indian	28.01.2010	14	01.02.2010
10.	MSV Jayshree Sagar	Indian	26.01.2010	18	23.03.2010
11.	MSV AL-Kadri	Indian	28.03.2010	14	04.04.2010
12.	MSV Krishna Jyot	Indian	24.03.2010	15	03.04.2010
13.	MSV Nar Narayan	Indian	28.03.2010	19	07.04.2010
14.	MSV Faize Osamani	Indian	28.03.2010	12	05.04.2010
15.	MSV Sea Queen	Indian	28.03.2010	11	03.04.2010
16.	MSV Safina Al Gayatri	Indian	03.04.2010	21	04.04.2010
17.	MSV Vishwa Kalyan	Indian	27.03.2010	15	10/11.4.2010

(e) Does not arise.

(d) The problem of piracy off the Somali coast has been deliberated extensively and periodically in International Maritime Organisation (IMO) by the member States in the Maritime Safety Committees and Council meetings. Based on the recommendations of IMO, the matter was raised in the United Nations Security Council and it has passed a number of resolutions to encourage international cooperation to address the menace of piracy. IMO has also issued several resolutions and Best Management Practices which are shared with stakeholders regularly. The UN-supported Contract Group for Piracy off the Coast of Somalia, in which India is also a party, is also addressing the matter on a regular basis in order to find a lasting solution to the problem.

#### **Crumbling of ground level in KG basin**

\*140. SHRI K.V.P. RAMACHANDRA RAO: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether any complaint has been made about the crumbling of ground level in KG basin due to extraction of gas;

(b) if so, whether any study has been conducted in this regard; and

(c) if so, the details thereof?

THE MINISTER OF PETROLEUM AND NATURAL GAS (SHRI MURLI DEORA): (a) to (c) A write petition no. 13341/08 has been filed by Krishna Godavari Deltala Parirakshana Simiti and other before Hon'ble High Court of Andhra Pradesh expressing apprehensions that exploitation of oil and gas in Krishna Godavari onland area is likely to cause geo-hazards like Land subsidence, earthquakes and even sliding of delta

land into the deep sea, as happened in similar situations in other parts of the world.

The Hon'ble High Court has directed (29th June, 2009) Ministry of Environment and Forests (MoEF) to constitute an expert appraisal committee (EAC) to study and submit a report on the

issue of land subsidence. The Committee interacted with oil companies and petitioners and visited (October, 2009) oil and gas fields of both onland and offshore of Krishna Godavari (KG) Basin. The committee submitted its report to the MOEF in October, 2009. Based on this report a draft affidavit was submitted by MOEF to Assistant solicitor General of India on 5th November, 2009.

The matter is subjudice in the Hon'ble High Court of Andhra Pradesh.

---

**WRITTEN ANSWERS TO UNSTARRED QUESTIONS**

**Internal maintenance of aircrafts**

866. SHRI PARVEZ HASHMI: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether Government has received complaints regarding internal maintenance of aircrafts including toilets etc.;

(b) whether maintenance of Air India aircrafts is very poor compared to private aircrafts; and

(c) if so, the reasons therefor and the action taken by Government in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) and (b) No, Sir.

(c) Does not arise.

**Entry passes issue by private operators**

867. SHRI RAJEEV CHANDRASEKHAR: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether it is a fact that private airport operators can issue three-day entry passes that would give the holders access to sensitive areas both in the terminal and the aircraft operational area, without any background check or verification of the applicant;

(b) whether such passes can be issued without informing any Government security agency; and

(c) if so, how does Government propose to address the security threat inherent in such a practice?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) Temporary Airport Entry Passes (AEPs) up to three days can be issued by the Private Airport Operators that would give

the holders access, on operational purpose, to Security Hold Area, Apron and Airside of the Airport. However, while entering such area, the holders of these AEPs are escorted by a permanent valid AEP holder.

(b) Yes, Sir.

(c) The following security procedures are followed in issuing these AEPs:-

1. All the Airport Operators to whom this authority is delegated are made responsible for the temporary AEPs issued by them.
2. One time entry permits shall not be issued unless proper identity of the person to whom such permit is issued, is established.
3. Only Indian nationals on behalf of the airport operator are authorized to issue these Temporary AEPs.
4. These passes can only be issued to Indian nationals.
5. These temporary AEPs are issued only after ascertaining the need and purpose to access the airport premises.

**Non-filling of vacant posts in BCAS**

868. SHRI RAJKUMAR DHOT: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether it is a fact that top posts in Bureau of Civil Aviation Security (BCAS) remained vacant this year despite danger from terrorist groups like Jaish-e- Mohammed, Laskhr-e-Tayeba, etc. targeting the major airports;

(b) if so, the details thereof and the reasons for not filling these posts on priority basis;

(c) what kind of stop-gap arrangements have been made during the vacancies; and

(d) what steps have been taken to beef-up security at the airports?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) to (c) The post of Commissioner of Security (Civil Aviation) [COSCA], Bureau of Civil Aviation Security fell vacant on 31.01.2010. consequent upon the superannuation of the then COSCA. Steps to fill up this post were initiated from August, 2009. However, this post could not be filled up by a regular incumbent due to procedural delays despite best efforts of the Ministry. A Joint Secretary in the Ministry has been assigned the additional charge of COSCA, until a regular incumbent is appointed. Action to position the two Addl. COSCA that were vacated late as in hand. In the interim there is an officiating arrangement.

(d) The Government have taken following measures to strengthen safety and security arrangements at the airports that include roadblocks at approach roads, checks for IEDs, surveillance by several methods, perimeter patrolling, secondary security checks and deployment of Quick Reaction Teams (QRTs).

**Development of Tirupati airport**

869. SHRI K.V.P. RAMACHANDRA RAO: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether it is a fact that the Tirupati airport is likely to be developed into an international airport; and

(b) if so, the present status of the proposal?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) and (b) Yes, Sir. Union Government has approved the proposal to declare Tirupati airport as an International airport subject to the condition that the airport will be made operational only after requisite facilities have been put in place.

Out of total requirement of land measuring 718 acres, 293 acres has been handed over by the State Government to Airports Authority of India (AAI). Extension of runway and allied works is subject to handing over of balance land free from all encumbrances by the State Government. Presently, the project estimate is Rs. 174 crores and includes:-

- (i) Construction of new terminal building of cater 700 passengers (500 domestic + 200 international).
- (ii) Construction of new apron and link taxiway to park 4 nos. aircrafts  
(AB-321/AB-320/B-737-900W)

#### **Airports unsafe for landing**

870. DR. JANARDHAN WAGHMARE: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether Government is aware that some of the airports in the country are unsafe for landing; and

(b) if so, the names of those airports and what steps are being taken to ensure safe landing?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) There is no aerodrome which can be termed as unsafe.

(b) Does not arise.

#### **Non-availability of qualified technical personnel at DGCA**

871. SHRI B.S. GNANADESIKAN: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether the US Federal Aviation Agency (FAA) has informed Government that India continues to remain in Category I of the FAA's International Aviation Safety Assessment Programme;

(b) whether the FAA has also raised its concern about availability of qualified technical personnel in the Directorate General of Civil Aviation (DGCA); and

(c) if so, the details thereof and the steps taken by Government to place qualified technical personnel in DGCA?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) Federal Aviation Administration (FAA) has informed that India not only continues to meet FAA's International Aviation Safety Assessment (IASA) category-I status but is also considered to be a Role Model for other nations in Asian aviation environment.



(b) and (c) FAA did raise its concern about availability of qualified technical personnel in Directorate General of Civil Aviation (DGCA). Thereafter, Government has given sanction to create 427 additional Group "A" technical posts and 129 non-technical posts in Group "B" and "C" in May, 2009. As many as 132 posts were revived. DGCA has hired 40 safety inspectors on secondment for the industry. 48 technical officers have been hired on short-term contract basis and 178 technical officers have been selected for appointment as consultants on short - term contract basis. The FAA team has appreciated the initiatives taken by DGCA and has stated that DGCA has demonstrated amazing improvement in continuing to enhance and improve its safety oversight system beyond expectation.

**Life jacket for every air passenger**

872. SHRI SANJAY RAUT: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether it is a fact that economy class passengers in the aircrafts have not been provided with life jackets, but are advised to hold on to their seat cushions and the business and first class passengers are asked to take out the life jackets placed below each premium class seat;

(b) whether the Directorate General of Civil Aviation (DGCA) has now made it mandatory for Indian carriers to provide life jackets for every passenger; and

(c) whether these orders have been issued to save Indian aviation International status of Category I accorded by Federal Aviation Administration's (FAA's) International Aviation Safety Assessment Programme?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) and (b) Earlier, some private airlines provided individual flotation devices (seat cushion) in place of life jackets to economy class passengers. However, the regulation has been revised making it mandatory for airlines to provide life jackets for each person on board.

(c) No, Sir. The safety regulations are reviewed periodically and during review, the amendment was proposed and accepted.

**Air-cargo centres at Surat and Rajkot airports**

873. SHRI NATUJI HALAJI THAKOR: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether the national carrier proposes to set up dedicated air-

cargo centres at Surat and Rajkot airports including perishable air cargo centres for improving their bottomline;

(b) if so, the details thereof;

(c) if not, the reasons therefor;

(d) whether the modalities have been worked out for setting up of such centres;

(e) if so, the details thereof; and

(f) if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) No, Sir. However, as and when more demand arises at these airports, cargo facilities would be made available.

(b) Does not arise.

(c) Air India currently operates scheduled services on Mumbai-Rajkot and Delhi-Surat sectors. While it carries cargo on Mumbai-Rajkot sector, the aircraft on Delhi-Surat sector does not have adequate cargo carrying capacity.

(d) to (f) Do not arise.

#### **New ground handling policy**

874. DR. T. SUBBARAMI REDDY: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether the Cabinet Committee on Security allowed existing ground handling policy to continue for one more year till 31 December, 2010 after which new proposed ground handling policy will come into effect whereby from 1 January, 2011 private airlines will be permitted to conduct ground handling "only on terminal side where there is interface with passengers" at six metro airports in the country;

(b) whether according to original proposed ground handling policy announced in 2008 this was to be initially effective from 1 January, 2009; and

(c) if so, the main reasons for this delay and whether Government is considering to have ground handling policy from 2010 onwards only instead of 2011?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) to (c) The New Ground Handling Policy has come into force with effect from October, 2007. The exist of non-entitled entities was however fixed on 31.12.2008 which was further extended on the request of Airline Operators upto 31.12.2009. In the New Ground Handling Policy the competent authority has now further approved the following:

(i) All private airlines, including foreign airlines, may undertake self handling in respect of 'passenger and baggage handling activities at the airport terminals' and 'traffic service including the passenger check-in', which require passenger interface, at all airports; (ii) All cargo airlines, which have their own cargo aircrafts, may undertake self handling in their hub

airports; (iii) The limit for non-entitled entities be extended beyond 31.12.2009 upto 31.12.2010; and (iv) Foreign airlines and private independent ground handling service providers not be permitted self ground handling/groundhandling at joint user Defence airfields.

In the light of representations received from airlines operators that the policy provision would result in retrenchment of personnel, investment becoming redundant and de-linkage of direct passenger interface, the date of exist of non-entities was extended and the amendments in the policy were finalized in due consultation with all the Stake-holders.

**Unavailability of weather radars with ATCs**

875. SHRI R.C. SINGH: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether it is a fact that the Meteorological Department sends the weather data to airports which is then followed by the Air Traffic Controller (ATC) for guiding aircraft;

(b) the normal time that ATC takes to feed the weather data into their systems;

(c) whether it is also a fact that ATCs doesn't have weather radars of their own as has been the case in other countries; and

(d) if so, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) Yes, Sir.

(b) It is done immediately on receipt.

(c) In India, the weather radars are procured, installed, manned and maintained by India Meteorological Department, Ministry of Earth Sciences, Government of India.

(d) It is as per the existing guidelines and distribution of work.

**Procurement of accident investigation kits**

876. SHRI RAJEEV CHANDRASEKHAR: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether it is a fact that the Directorate General of Civil Aviation (DGCA) is yet to procure accident investigation kits that are critical for crash probes, despite funds had already been allocated for the same;

(b) if so, the reasons therefor; and

(c) the steps Government proposes to take in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) to (c) Investigation equipments like camera, GPS, Compass, Magnifying mirror, small tool kit, face mask and other necessary equipment required for investigation are already available with Directorate General of Civil Aviation (DGCA) and accident investigations have been effectively carried out using these equipment. However, procurement and upgradation of such equipment is a continuing process and requests for purchase and upgradation of

equipment are considered as per the laid down procedures.

**Branding make over of Air India**

877. SHRI A. ELAVARASAN: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether it is a fact that the state owned carrier Air India has proposed to hire an International consultancy firm to give it a branding make over for the forth coming Commonwealth Games;

(b) whether Australian firm Cato Punell Partners has been shortlisted for the exercise which may cost as much as 1.6 million dollars;

(c) if so, the details thereof;

(d) whether tie-ups of this sort will give an image to Air India and provide unmatched flying experience to the participating officials and athletes on board; and

(e) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) to (c) Yes, Sir. Since NACIL (Air India) has been designated as the official carrier of the Commonwealth Games, M/s. Cato Purnell Partners have been appointed by NACIL to revitalize its brand identity and the fees payable to them would be around USD 1,612,750 plus taxes.

(d) and (e) Yes, Sir. The tie-up will help developed an identity and broader visual language that will allow NACIL to be seen as meaningful partner to the Games. It will also assist in designing and constructing State of art international and domestic lounges at Terminal 3 that would reflect the Air India of the future. It would also develop a migration strategy and design to continue the momentum to revitalize the Air India brand beyond the common Wealth Games.

#### **Critical airports in the country**

878. SHRI PARIMAL NATHWANI: Will the Minister of CIVIL AVIATION be pleased to state:

(a) how may airports in the country have been marked as Critical Airports;

(b) whether the Directorate General of Civil Aviation (DGCA) has recently sent teams to these airports in the wake of Mangalore accident;

(c) if so, their observations for each airports; and

(d) the steps being taken to enhance safety at the airports?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) 11 airports have been identified as Critical airports from flight operations point of view.

(b) and (c) Inspection of these Airports is being carried out by team of officials from Directorate General of Civil Aviation and reports are being forwarded to the respective aerodrome Operators.

(d) Various steps have been initiated to enhance the safety at the aerodromes, which include (i) provision of Runway End Safety Area; (ii) ensure proper marking on runway; (iii) proper maintenance of basic strip and ensuring frangibility criteria; (iv) periodic calibration of Nav aids; (v) maintenance of runway surface within appropriate friction level; (vi) removal of obstructions and proper marking and lighting of permissible obstacles; and (vii) safety risk assessment in respect of non-compliance.



#### **Public opinion on CAR**

879. SHRI N.K. SINGH: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether the Directorate General of Civil Aviation (DGCA) has invited public opinion on the draft Civil Aviation Rule (CAR) about facilities to be provided to the passengers by airlines due to denied boarding, cancellation of flights and delays in flights;

(b) if so, the details of views expressed by public on CAR;

(c) whether in view of the opinions on CAR, Government proposes to protect the interest of passengers as well as airlines; and

(d) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) and (b) Yes, Sir. The comments received in this regard are being compiled.

(c) and (d) Yes, Sir. After the enforcement of the Civil Aviation Requirements (CAR), airlines will be required to pay compensation and/or provide facilities to the passengers in case of denied boarding, cancellations and delays of flights.

#### **Security lapses in the first class of Air India**

†880. SHRI PRABHAT JHA: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether it is a fact that the incidents of security lapses in the first class in Air India have increased during recent days;

(b) if so, the details thereof; and

(c) the steps to be taken by Government in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) No, Sir.

(b) and (c) Do not arise.

#### **Land for development of Rajkot airport**

881. SHRI PARSHOTTAM KHODABHAI RUPALA: Will the Minister of CIVIL AVIATION be pleased to state the details of steps taken by the Ministry to resolve land issue with Railways and for development of Rajkot airport?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): The steps taken to resolve the matter with Railways are as under:—

- (i) Chairman, Airports Authority of India (AAI) wrote to Chairman, Railway Board in July, 2007 for according 'in principle' approval for transfer of railway land on lease to AAI. In this regard, Railway Board had requested for Rs. 37.5 crores for shifting of quarters, in addition to cost of land.

---

†Original notice of the question was received in Hindi.

(ii) In February, 2008, Chairman, AAI once again took up the matter with Chairman, Railway Board on this issue.

(iii) Again in May, 2010, AAI wrote to Chairman, Railway Board to arrange a meeting at an early date to resolve the issue of transfer of 14.7 hectares of railway land to AAI for development of Rajkot airport. No response was received from the Chairman, Railway Board.

(iv) Again in July, 2010, a letter was sent from AAI to Railway Board to resolve the matter at an early date. No response has been received from Board in this matter. It has now been decided to take up this matter at the Ministry level.

**Issue of licenses by DGCA to airports**

882. SHRI P. RAJEEVE: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether it is a fact that out of fifty functional airports in the country only eight have license issued by the Directorate General of Civil Aviation (DGCA);

(b) if so, what is the impact of this situation; and

(c) whether the Bajpai Airport, Mangalore had a license issued by the DGCA at the time of Aircraft crash?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) and (b) Licensing of aerodrome is a relatively new phenomenon and was initiated as part of International Civil Aviation Organisation's (ICAO's) Standard and Recommended Practice for certification of Aerodromes as mentioned in ICAO Annex 14. Licensing process is meant to ensure that compliance with the specifications for safe operation at aerodrome is effectively enforced. The Directorate General of Civil Aviation (DGCA) has issued licences to 14 airports for scheduled flight operations of which 5 are operated by Airports Authority of India (AAI) and 9 by others.

(c) Yes, Sir. The aerodrome was issued with a licence in December, 2009 which was valid on the date of the accident.

**Daily air traffic in the AI and A category cities**

883. SHRIMATI KANIMOZHI: Will the Minister of CIVIL AVIATION be pleased to state:

(a) what is the average daily air traffic in the A1 cities i.e. Delhi, Mumbai, Kolkata, Chennai, Bangalore and Hyderabad airports, according to the latest figures with the Ministry;

(b) whether the air traffic of A1 cities is comparable to A cities i.e. Ahmedabad, Pune, Surat, Kanpur and Coimbatore etc.;

(c) the details of steps taken by the Ministry to decongest air traffic in A1 and A cities;

(d) whether the Ministry has studied the possibility of upgrading the Madurai airport to an international airport;

(e) if so, the details thereof; and

(f) if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) The average daily air traffic in the A1 cities, Delhi, Mumbai, Kolkata, Chennai, Bengaluru and Hyderabad was 71575, 70155, 28553, 22043 and 17844 passengers respectively during the year 2009-2010.

(b) The average daily passenger traffic at A cities Ahmedabad, Pune, Surat, Kanpur, Coimbatore are 9660, 6168, 88, 15 and 3039 passengers respectively during the year 2009-10. The air passenger traffic of A1 cities are not comparable with those of cities.

(c) The following measures have been taken by the Airports Authority of India (AAI) to decongest air traffic at various airports:-

1. Performance Based Navigation [PBN] Procedures are already in place at Delhi, Mumbai Ahmedabad, Chennai and Hyderabad.
2. Cross Runway Operations at Mumbai and simultaneous use of two runways at Delhi has been implemented.
3. Rapid Exit Taxiways have been constructed at Delhi, Kolkata and Mumbai to reduce runway occupancy time.
4. AAI has already undertaken the upgradation at 35 non-metro airports to handle increased air traffic at these airports.
5. Advanced Surface Movement Guidance and Control System [ASMGCS] along with Surface Movement Radar is operational at Delhi airport.
6. At the time of slot allocation during Winter and Summer Schedules, number of hourly movements is maintained in accordance with the runway capacity.
7. CAT-II ILS has been installed at Kolkata.
8. Improved ATC Procedures have been framed and Clearance Delivery Position have been established at Mumbai and Delhi airports.
9. At Delhi airport, a third runway has been made operational.

(d) to (f) There is possibility of international operations to Madurai Airport and accordingly AAI has undertaken construction of New Integrated Terminal Building Complex along with associated infrastructure to handle 500 domestic and 200 international passengers, at a time as per the norms.

#### **FDI in domestic aviation sector**

884. SHRI JAI PRAKASH NARAYAN SINGH: Will the Minister of CIVIL

AVIATION be pleased to state:

(a) whether Government is considering a proposal to allow foreign airlines to take up 26 per cent stake in domestic airlines;

(b) if so, the details thereof and the reasons therefor;

(c) whether allowing 26 per cent Foreign Direct Investment (FDI) to foreign airlines is a security threat to national carriers; and

(d) if so, the reasons for allowing 26 per cent FDI to foreign airlines?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) to (d) The proposal to allow foreign airlines to invest in domestic airline is being examined.

**Better infrastructure for air services in Himachal Pradesh**

†885. SHRIMATI BIMLA KASHYAP SOOD: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether Government is aware that Shimla, Kullu, Kangra and Dharamshala districts in Himachal Pradesh, where lakhs of foreign tourists visit every year, have tremendous tourism potential;

(b) whether the airports in these places are equipped with the infrastructure for landing of only small aircrafts, having no night landing facility, thus affecting the tourism there;

(c) whether the lack of adequate air services and relatively higher air fare are also affecting the tourism there;

(d) if so, whether Government proposes to extend air strips, make available night landing facilities and provide better air services in the State; and

(e) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): (a) Yes, Sir.

(b) Airports at Shimla, Kullu and Kangra are Visual Flight Rules (VFR) airports, to be used in fair weather conditions. However, Aeronautical Ground Lighting facilities have been provided at these airports for smooth operation.

(c) Government had laid down route dispersal guidelines with a view to achieve better regulation of air transport services taking into account the need for air transport services of different regions of the country including North-East region. It is, however, upto the airlines to provide air services to specific places including airports in Himachal Pradesh depending upon the traffic demand and commercial viability.

Airfares are not being regulated by the Government. Airlines are free to charge airfares as per market forces. Over the past few years

airfares have varied in line with demand and market dynamics.

(d) and (e) Airports Authority of India (AAI) has plans for runway extension to the extent feasible at Shimla, Kullu and Kangra airports in Himachal Pradesh. However, night operation to Kullu, Kangra and Shimla airports are technically not feasible due to the difficult terrain.

---

†Original notice of the question was received in Hindi.



### Loan disbursal target of banks

886. SHRIMATI T. RATNA BAI: Will the Minister of FINANCE be pleased to state:

(a) whether banks must achieve their loan growth target and check Non- Performing Assets (NPAs);

(b) if so, the details thereof; and

(c) the steps being taken in this direction so far in the current year and compared to other years in the Eleventh Plan?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) and (b) The details of gross Advances and gross Non-Performing Assets and their annual growth in respect of public sector banks are given as under:-

(Amount in Rupees crore)

Bank Group	Value Name	At the end of Mar.-08	At the end of Mar.-09	At the end of Mar.-10
Public Sector Bank	Total Gross Advances	1,696,333	2,103,763	2,519,331
	Annual Growth Rate- Advances	23.48%	24.02%	19.75%
	Gross NPAs	39,749	44,039	57,301
	Gross NPAs to Gross advances ratio	2.34	2.09	2.27
Private Sector Bank	Total Gross Advances	472,345	519,655	584,591
	Annual Growth Rate- Advances	20.54%	10.02%	12.50%
	Gross NPAs	12,976	16,888	17,384
	Gross NPAs to Gross advances ratio	2.74	3.25	2.97

(c) To improve the health of financial sector, to reduce the NPAs, to improve asset quality of the banks and to create a good recovery climate, Reserve Bank of India (RBI) and the Government have taken various steps over the years which, *inter-alia*, include prescribing prudential norms for provisioning and classification of non-performing assets, guidelines for prevention of slippages, Corporate Debt Restructuring and other restructuring schemes, One Time Settlement schemes, enactment of the Securitisation and Reconstruction of

Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, the Credit Information Companies (Regulation) Act, 2005 and the Recovery to Debts due to Banks and Financial Institutions (DRT) Act, 1993 etc.

**Success of loan waiver of farmers' scheme**

†887. SHRI PRABHAT JHA: Will the Minister of FINANCE be pleased to state:

(a) whether Government is of the view that the farmers' loan waiving scheme has been completely successful;

(b) if so, the details thereof along with the beneficiaries, State-wise;

(c) whether it is a fact that the Comptroller and Auditor General (CAG) has asked the Reserve Bank of India (RBI) to provide relevant data for verifying the success of farmers' loan waiving scheme; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) and (b) As per reports received from Reserve Bank of India (RBI), the Scheduled Commercial Bank, Local Area Banks and Urban Cooperative Bank have allowed a Debt Waiver of Rs. 18,547 crore to approx.. 91 lakh farmers accounts under the Scheme. Further, National Bank for Agriculture and Rural Development (NABARD) has reported that Regional Rural Banks and the Rural Cooperative Credit Structure have disbursed Rs. 27,211 crore against audited claims for Debt Waiver to 1.42 crore farmer accounts.

The Bank-wise details for the Scheme as provided by RBI is given in the

Statement-I (See below). The State-wise information provided by NABARD for the Scheme is given in the Statement-II (See below). The One Time Settlement (OTS) portion of Scheme for 'other farmers' has closed on June 30, 2010 and the last date of receiving grievances by the Grievance Redressal Officers was 31st July, 2010.

(c) and (d) A performance Audit of the implementation of the Agricultural Debt Waiver and Debt Relief (ADWDR) Scheme, 2008 has been initiated by the Office of the Comptroller and Auditor General (CAG) to India. In this regard, the Department of Financial Services has requested RBI/NABARD which are the Nodal agencies for implementation of the Scheme to provide relevant information with regard to the ADWDR Scheme to the Office of CAG.

**Statement-I**

*Agricultural Debt Waiver and Debt Relief Scheme 2008  
Details of claims (Debt Waiver) received by RBI*

Sl. No.	Public Sector Banks	No. of farmer's A/c (in thousands)	Amount (Rs. in crore)
1	2	3	4
1.	State Bank of India	2462.00	5287.97
2.	SB of Bikaner and Jaipur	131.66	402.30

†Original notice of the question was received in Hindi.

1	2	3	4
3.	State Bank of Hyderabad	295.10	549.88
4.	State Bank of Indore	161.65	160.48
5.	State Bank of Mysore	70.83	240.84
6.	State Bank of Patiala	37.84	141.18
7.	State Bank of Travancore	117.00	321.45
8.	Allahabad Bank	398.31	1040.80
9.	Andhra Bank	399.10	747.62
10.	Bank of Baroda	218.67	509.56
11.	Bank of India	341.14	646.72
12.	Bank of Maharashtra	88.00	222.65
13.	Canara Bank	471.00	1257.17
14.	Central Bank of India	447.00	974.62
15.	Corporation Bank	42.25	115.26
16.	Dena Bank	27.54	76.92
17.	IDBI Bank	10.89	27.22
18.	Indian Bank	236.23	457.40
19.	Indian Overseas Bank	309.11	574.47
20.	Oriental Bank of Commerce	88.44	375.90
21.	Punjab National Bank	337.19	1139.44
22.	Punjab & Sind Bank	15.32	48.23
23.	Syndicate Bank	292.82	734.54
24.	Union Bank of India	276.99	744.47
25.	United Bank of India	141.29	211.19
26.	UCO Bank	246.97	525.28
27.	Vijaya Bank	48.54	152.97
TOTAL:		7712.84	17686.56
<b>Private Sector Banks</b>			
1.	Bank of Rajasthan Ltd.	4.10	5.21
2.	Catholic Syrian Bank Ltd.	1.55	2.73

1	2	3	4
3.	City Union Bank Ltd.	5.77	10.15
4.	Dhanalakshmi Bank Ltd.	837.56	4.85
5.	Federal Bank Ltd.	18.75	105.69
6.	HDFC Bank Ltd.	0.43	2.90
7.	ICICI Bank Ltd.	473.88	188.54
8.	Karnataka Bank Ltd.	8.99	23.13
9.	Karur Vysya Bank Ltd.	16.43	34.86
10.	Kotak Mahindra Bank Ltd.	0.19	0.52
11.	Lakshmi Vilas Bank Ltd.	9.68	17.64
12.	Nainital Bank Ltd.	0.99	2.63
13.	Ratnakar Bank Ltd.	1.10	3.00
14.	South Indian Bank Ltd.	4.82	9.66
15.	Tamilnad Merc Bank Ltd.	4.15	6.80
16.	Axis Bank Ltd.	6.40	45.53
17.	ING Vysya Bank Ltd.	14.78	38.74
18.	Jammu and Kashmir Bank Ltd.	8.27	21.20
TOTAL:		1417.84	523.76
<b>Name of the Local Area Bank</b>			
1.	Subhadra Local Area Bank	0.04	0.11
2.	Coastal Local Area Bank Ltd.	0.06	0.17
3.	Krishna Bhima Samruddhi LAB Ltd.	0.01	0.93
TOTAL:		0.11	1.21
<b>Summary</b>			
Public Sector Banks		7712.84	17686.56
Private Sector Banks		1417.84	523.76
Local Area Banks		0.11	1.21
TOTAL:		9130.79	18211.53
Urban Co-op banks		NA	335.00
GRAND TOTAL:		9130.79	18546.54

**Statement-II**

State-wise agency-wise amount released to various ROs as on date in  
respect of

Cooperatives and RRBs under ADWDR Scheme - 2008

(Rs. in lakh)

Sl. No.	State	Consolidated Position				
		Debt Waiver	Debt Relief	GRM claims	Total refunds	Total
1	2	3	4	5	6	7
1.	Andaman and Nicobar Islands	81.33	0.00	0.00	0.00	81.33
2.	Andhra Pradesh	448026.53	8490.97	38.72	110.33	456445.89
3.	Arunachal Pradesh	472.17	0.00	17.27	0.00	489.44
4.	Assam	9222.29	171.07	0.00	100.23	9293.13
5.	Bihar	114499.71	0.00	576.55	159.76	114916.50
6.	Chhattisgarh	29372.20	9675.05	18.42	0.00	39065.67
7.	Delhi	254.55	0.00	0.00	0.00	254.55
8.	Goa	478.32	15.68	0.14	0.00	494.14
9.	Gujarat	80442.73	1544.78	0.00	12.42	81975.09
10.	Haryana	110251.01	19245.69	130.36	6.71	129620.35
11.	Himachal Pradesh	22349.91	333.06	10.03	157.41	22535.59
12.	Jammu and Kashmir	4241.17	0.00	0.00	0.00	4241.17
13.	Jharkhand	18942.97	0.00	0.00	0.00	18942.97
14.	Karnataka	107259.11	23419.21	3450.89	0.00	134129.21
15.	Kerala	146110.15	984.02	9.22	46.09	147057.30
16.	Madhya Pradesh	140820.65	4556.16	73.17	2.86	145447.12
17.	Maharashtra	419248.74	105851.79	231.89	151.77	525180.65
18.	Manipur	2262.53	0.58	15.17	0.00	2278.28
19.	Meghalaya	1343.95	3.77	0.00	0.00	1347.72
20.	Mizoram	1791.08	7.98	0.00	0.00	1799.06
21.	Nagaland	1264.62	1.93	0.00	0.00	1266.55
22.	Orissa	181457.66	2444.97	83.60	11.22	183975.01

1	2	3	4	5	6	7
23. Puducherry		1516.21	9.22	0.00	0.00	1525.43
24. Punjab		38942.42	816.81	3.06	0.00	39762.29
25. Rajasthan		110675.56	47708.00	250.49	21.84	158612.21
26. Sikkim		82.69	0.46	0.00	0.00	83.15
27. Tamil Nadu		19364.78	507.74	0.79	474.58	19398.73
28. Tripura		4092.02	2.92	25.12	3.75	4116.31
29. Uttar Pradesh		388430.70	0.00	0.00	0.00	388430.70
30. Uttarakhand		8210.36	92.38	1.70	0.00	8304.44
31. West Bengal		79968.91	0.00	45.45	0.00	80014.36
GRAND TOTAL:		2491477.03	225884.24	4982.04	1258.97	2721084.34

#### **Excise duty exemption under GST regime**

888. SHRI RAMA CHANDRA KHUNTIA: Will the Minister of FINANCE be pleased to state:

(a) whether Government is considering undertaking studies to examine if the fiscal benefits being provided are being passed on to the final consumer;

(b) whether the existing area based exemptions for central excise would continue under the forthcoming Goods and Service Tax (GST) regime; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): (a) There is no such proposal under consideration at this stage.

(b) and (c) According to the First Discussion Paper on Goods and Service Tax released by the Empowered Committee of State Finance Ministers, the tax exemptions, remissions etc. related to industrial incentives would be converted, if at all needed, into cash refund schemes and Special Industrial Area schemes would continue upto legitimate expiry time both of for the Central and the States. In such cases, the Central and the State Governments could provide reimbursement after collecting GST.

#### **Roadmap for fiscal consolidation**

889. SHRI R.C. SINGH: Will the Minister of FINANCE be pleased to



state:

(a) whether the Thirteenth Finance Commission has worked out a roadmap for fiscal consolidation for 2010-15;

(b) if so, the details of the roadmap prepared by the Commission;

(c) whether Government has studied the proposed roadmap; and

(d) if so, the details thereof and how Government is planning to implement the same?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) Yes, Sir.

(b) The Commission has assessed the finances of the Union and States and specified a combined debt target of 68% of Gross Domestic Product (GDP) to be met by 2014-15. It has worked out a roadmap for Fiscal Deficit (FD) and Revenue Deficit (RD) for the award period. For Centre, it has recommended RD to be eliminated and FD to be brought down to 3% of GDP by 2013-14. For States, the Commission has worked out fiscal roadmap for each State depending on its current deficit and debt levels. The States are required to eliminate RD and achieve FD of 3% of their respective Gross State Domestic Product (GSDP) during the Commission's award period in stages, in a manner that all the States would eliminate RD and achieve FD of 3% of GSDP latest by 2014-15. The Commission has also recommended that the borrowing limits of the States should be fixed by the Centre in line with these targets.

(c) and (d) The Government has accepted these recommendations in principle. As part of the Medium Term Fiscal Policy (MTFP) Statement laid down in the Parliament along with the Budget documents for 2010-11, the roadmap for fiscal consolidated has been outlined. The Fiscal Deficit for 2010-11 BE has been projected at 5.5% of GDP on the basis of improvement in Tax Revenues, primarily due to increase in the Central Value Added Tax (Cenvat), increase in the non-debt capital receipts and reforms in expenditure management. Further, the Fiscal Deficit is projected to come down to 4.8% and 4.1% of GDP for the years 2011-12 and 2012-13 respectively.

#### **Circulation of fake currency**

890. SHRI N.K. SINGH:

SHRIMATI SHOBHANA BHARTIA:

Will the Minister of FINANCE be pleased to state:

(a) whether Government has planned to set up a Directorate of Currency as a permanent body to address the circulation of counterfeit currency in the country;

(b) if so, the details thereof; and

(c) what other measures, if any, Government is taking to curb the rise in circulation of counterfeit currency?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN

MEENA): (a) to (c) Yes, Sir. The Directorate of Currency has been set up in the Ministry of Finance as a permanent body to monitor and review the efficacy of the existing security features in currency notes, study best practices prevailing in other countries, drive and fund research and Development (R&D) on continuous basis and act as a clearing house on research on the subject. Setting up of the Directorate will result in development of indigenous security features for bank notes apart from faster indigenization of other inputs and continuous R&D in related field.

The steps taken by the Government to curb circulation of FICN in the country include stepping up of vigilance by the Border Security Force and Custom authorities to prevent smuggling of fake notes; dissemination of information on security features through print and electronic media and formation of Forged Note Vigilance Cells in all the Head Offices of the banks. Additional security features have also been incorporated in the bank notes in 2005 to make counterfeiting very difficult. To strengthen the security of bank notes further, incorporation of latest security features is underway. A High Level Committee headed by the Union Home Secretary comprising officials from central agencies and other senior police officials has been constituted to monitor and draw a comprehensive strategy to combat FICN. Similar bodies have also been set up in the States. In addition, Government of India have nominated the Central Bureau of Investigation as the Nodal Agency to monitor investigation of fake currency note cases. The RBI has also strengthened the mechanism for detection of counterfeit notes by the Banks.

#### **Unbanked villages in Rajasthan**

891. DR. GYAN PRAKASH PILANIA: Will the Minister of FINANCE be pleased to state:

(a) whether at present out of 40,000 villages there are 3,973 unbanked villages in Rajasthan; and

(b) if so, by when they are likely to be covered as per the Reserve Bank of India (RBI) directive?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) and (b) The State Level Bankers Committee Convener Bank (Bank of Baroda) of Rajasthan has reported that as per census 2001, there are 41,353 villages, out of which 39,753 are inhabited villages, in the State. As on 31.03.10 there are about 37,830 unbanked villages in Rajasthan. In terms of directives of Reserve Bank of India (RBI), a banking outlet may be made accessible to each village having a population of over 2,000, at least once a week on a regular basis. The services may not necessarily be through a brick and mortar branch but can be provided through various forms of branches banking including through business correspondents. In every district, a Sub-Committee of the District Consultative Committee (DCC) was constituted to identify such villages and to draw up a road map for providing banking services

by March, 2012. On the basis of the district road map prepared and approved by DCCs, 3,911 villages having a population over 2,000 have been identified for providing banking services by March, 2012.

**Guidelines for operation of chit funds**

892. SHRI MOINUL HASSAN: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that many Chit Fund Organisations collect money from common people all over the country;

(b) whether there is any guideline from the Reserve Bank of India (RBI) or Government for the Chit Fund Organisations; and

(c) if so, the details of plan to protect the small investor?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) to (c) Under the provisions of the Chit Funds Act, 1982, no chit shall be commenced or conducted without obtaining the previous sanction of the State Government/officer empowered by the State Government within whose jurisdiction the chit is to be commenced. The Chit Fund Act, 1982 is a model law to regulate the conduct of chit funds for adoption by all the State Governments. In order to prevent chit fund companies from operating unregistered chits, the Act makes stringent provisions including provision for punishment with imprisonment for a term which may extend two years or fine or both. The Reserve Bank of India does not regulate chit fund business but only regulates certain aspects relating to deposit acceptance of chit fund company through the provisions of Miscellaneous Non-Banking Companies (Reserve Bank) Directions, 1977. These directions prohibit chit fund companies from accepting deposits from public except from shareholders which are not treated as deposits. The term 'deposit' as defined under Reserve Bank of India Act, 1934 does not include subscriptions to chits.

#### **Credit facilities to minorities**

893. SHRI SABIR ALI: Will the Minister of FINANCE be pleased to state:

(a) the details of credit facilities given to minorities, community-wise during the last two years and the current year, so far;

(b) what are Government's instructions in this regard; and

(c) to what extent these instructions are being observed by different banks?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) As per the information furnished by Reserve Bank of India (RBI), the details of credit facilities given to minority communities (community-wise) as on 31st March, 2008, 2009 and 30th September, 2009 (latest available) was as under:-

(Amount in Rupee crore)

Communities	As on		
	31st March, 2008	31st March, 2009	30th Sept., 2009

Muslim	34027.16	49252.28	51915.93
Sikh	16245.08	23566.22	24480.41
Christian	20804.36	21677.25	25677.56
Zoroastrian	96.18	355.83	1597.08
Buddhist	1308.47	1950.03	3140.68

Source: RBI

(b) Government of India introduced the "Prime Minister's New 15-Point Programme for the Welfare of Minorities", an important objective which is to ensure an appropriate percentage of the Priority Sector Lending (PSL) is targeted for the minority communities and the benefits of various Government sponsored schemes reach the disadvantaged sections of minority communities.

Accordingly, RBI has issued necessary instructions to all Scheduled Commercial Banks (SCB) vide its circular No. RPCD.SP.22/09.10.01/2006-07 dated September 1, 2006 advising them to ensure that within the overall target of 40% of Adjusted Net Bank Credit (ANBC) for PSL and the sub-target of 10% for the Weaker Sections of PSL, sufficient care is taken to ensure that minority communities also receive an equitable portion of the credit. This is also required to be kept in view by Lead Banks while preparing District Credit Plans.

Further, consequent to Cabinet decision, the Public Sector Banks (PSBs) were advised in October, 2007 to step up their lending to Minority Communities to the extent of 15% of their PSL by the end of March, 2010.

(c) With a view of ensure smooth credit flow to minority communities. PSBs have set up special cells headed by a senior 'Nodal' Officer; PSBs organize publicity/awareness campaigns for various programmes in identified minority concentration districts/areas; to ensure easy access to credit, new bank branches are being opened by PSBs in identified minority concentration districts/areas; disposal of loan applications of minority communities and share of minority women in total micro-credit are also being monitored by PSBs.

#### **Economic growth during current fiscal**

894. SHRI MOHD. ALI KHAN: Will the Minister of FINANCE be pleased to state:

(a) whether Government is set to achieve 8.5 per cent growth for the current fiscal;

(b) if so, the details thereof; and

(c) the present position thereof, sector-wise?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) to (c) Data on real gross domestic product (GDP) growth



for the current fiscal is not available. The Reserve Bank of India in its First Quarter review of Monetary Policy 2010-11 has revised the baseline projection of real GDP growth for 2010-11 to 8.5 per cent.

**Performance of CPC at Bangalore**

895. SHRI PRAVEEN RASHTRAPAL: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that the experiment of the Centralized Processing Centre (CPC) at Bangalore has failed in providing proper results;

(b) whether CPC has raised demands in the IT returns where refund was due; and

(c) the details of total expenditure incurred for CPC at Bangalore during 2008-10?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): (a) No, Sir. Centralized Processing Centre at Bangalore is performing successfully. Till date, 26.99 lakh returns have been processed and over 3 lakh refunds have been issued at the Centralized Processing Centre, Bangalore.

(b) The Centralized Processing Centre is processing returns as per the provisions of the Income Tax Act. In a few cases of refund claim, after processing, the final computation has resulted in a demand. This could be because of incorrect reporting, a wrong claim or a mismatch in tax payments or tax deducted at source (TDS).

(c) The total expenditure for Centralized Processing Centre, Bangalore for the Financial Year 2009-10 (the first year of operation of Centralized Processing Centre) was Rs. 4.57 crores. This consists of mainly office expenses, rent/rates and salaries, etc. to the departmental employees.

#### **Seizure of assets of defaulting borrowers**

896. SHRIMATI SHOBHANA BHARTIA: Will the Minister of FINANCE be pleased to state:

(a) whether Government plans to amend existing laws to facilitate the seizure of assets from defaulting borrowers to help banks reduce their Non-Performing Assets (NPAs) which are on the rise after the recent economic downturn;

(b) if so, the details of any such instructions/guidelines issued by Government to the banks; and

(c) to what extent will the recent instructions/guidelines help in reducing the rising NPAs of the banks?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) to (c) The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002 was enacted to regulate securitisation and reconstruction of financial assets and enforcement of security interest and for matters connected

thereto. The Act enables the banks and financial institutions to realize long-term assets, manage problems of liquidity, asset liability mis-match and improve recovery by exercising powers to take possession of securities, sell them and reduce non-performing assets by adopting measures for recovery or reconstruction. The Act was amended in November, 2004 in view of the Supreme Court judgement in the case of Mardia Chemicals Ltd. vs Union of India.

Recently, Indian Banks' Association (IBA) has suggested a few amendments to the Act, which are being examined in consultation with Reserve Bank of India.

### **Levying of service tax**

897. SHRI RAMDAS AGARWAL: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that a host of new services have become costlier from 1 July, 2010 as the date from which service tax levy would be applicable;

(b) if so, the details of new services which will attract service tax and such other new services which will be allowed exemption from payment of service tax; and

(c) whether the Ministry proposes not to charge any service tax from 1 July, 2010 on health care, for sales of under construction houses and electricity and water services, so as to give some relief to the common man?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): (a) No, Sir. There is no report with the Government indicating that services on which service tax levy has become effective from 1 July, 2010 have become costlier.

(b) Following new services have started attracting service tax with effect from 1st July, 2010: (i) organizing games of chance service; (ii) medical treatment under insurance and health check-up; (iii) maintenance of medical records service; (iv) promotion or marketing of goods/events service; (v) commercial exploitation of events service; (vi) electricity exchange service; (vii) copy right (temporary transfer or permit temporary use of cinema and music); (viii) special services of builders. Some service tax exemptions have been provided as part of Budget exercise, in public interest. They are: (i) exemption for construction of residential complex under Jawaharlal Nehru National Urban Renewal Mission and Rajiv Awaas Yojana; (ii) exemption for training courses under Skill Development Initiative meant for employment of semi-literates, semi-skilled and socially disadvantaged; (iii) exemption for transmission and distribution of electricity; (iv) packaged software meant for single user; (v) exemption for road transport food grains and pulses; (vi) exemption for erection, commissioning and installation of grain handling system, cold storage, food processing units; (vii) exemption for Indian news agencies, subject to conditions.

(c) No, Sir. There is no proposal to refrain from charging service tax on any service, the tax on which was introduced *vide* the Finance Act, 2010.

**Representations for changes in DTC**

898. SHRI MAHENDRA MOHAN: Will the Minister of FINANCE be pleased to state:

(a) whether Government has received representations to make necessary changes in the Direct Taxes Code (DTC) and also consider changes in as many as 11 areas including the rate of the Minimum Alternate Tax (MAT);

(b) if so, the details thereof and the reaction of Government in this regard;

(c) whether Government proposes to set up an independent authority to examine the aspect of DTC and MAT structures; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): (a) and (b) The draft Direct Taxes Code (DTC) alongwith a Discussion Paper was released in August, 2009 for public comments. Since then, a number of valuable inputs on the proposals outlined in these documents have been received from a large number of organisations and individuals. These inputs have been examined and the major issues on which various stakeholders have given their views have been identified. A Revised Discussion Paper on the draft Direct taxes Code (DTC) was released on June 15, 2010 addressing these major issues and inviting responses upto June 30, 2010. This issues which the Revised Discussion Paper addresses are:-

- i. **Minimum Alternate Tax (MAT)** - IT is proposed to compute MAT with reference to book profit instead of gross assets value.
- ii. **Tax treatment of savings** - It is proposed to provide the Exempt-Exempt- Exempt (EEE) method of taxation for Government Provident Fund (GPF), Public Provident Fund (PPF) and Recognised Provident Funds (RPFs), the pension scheme administered by Pension Fund Regulatory and Development Authority and approved pure life insurance products and annuity schemes.
- iii. **Taxation of income from employment** - An employer's contribution to an approved provident fund, superannuation fund and New Pension Scheme within the limits prescribed shall not be considered as salary in the hands of the employee. Also, retirement benefits received by an employee will be exempt subject to specified monetary limits. The method of valuation of perquisites will be appropriately provided in the rules. It is proposed that perquisites in relation to medical facilities/ reimbursement provided in the rules. It is proposed that perquisites in relation to medical facilities/reimbursement provided by an employer to its employees shall be valued as per the existing law with appropriate enhancement of monetary limits. It is clarified that the DTC does not propose to compute perquisite value of rent free accommodation based on market value.
- iv. **Taxation of income from house property** - In case of let out

house property, gross rent will be the amount of rent received or receivable for the financial year. Gross rent will not be computed at a presumptive rate of six per cent of the rateable value or cost of construction/acquisition. In case of house property which is not let out, the gross rent will be nil. As the gross rent will be taken as nil, no deduction for taxes or interest etc., will be allowed, However, in case of any one house property, which has not been let out, an individual or HUF will be eligible for deduction on account of interest on capital borrowed for acquisition or construction of such house property

(subject to a ceiling of Rs. 1.5 lakh) from the gross total income. The overall limit of deduction for savings will be calibrated accordingly.

- v. **Taxation of capital gains** - Income under the head "Capital Gains" will be considered as income from ordinary sources in case of all taxpayers including non-residents. It will be taxed at the rate applicable to that taxpayer. Capital gains arising from transfer of an investment asset, being equity shares of a company listed on a recognized stock exchange or units of an equity oriented fund, which are held for more than one year shall be computed after allowing a deduction at a specified percentage of capital gains without any indexation. This adjusted capital gain will be included in the total income of the taxpayer and will be taxed at the applicable rate. As there will be a shift from nil rate of tax on listed equity shares and units equity oriented funds held for more than one year, an appropriate transition regime will be provided, if required.
- vi. **Taxation of non-profit organisation (NPOs)** - It is proposed to tax the specified surplus of NPOs after providing a basic exemption at the rate of 15 per cent.
- vii. **Special Economic Zones (SEZs)** - The current profit linked deductions available to developers of Special Economic Zones (SEZs) have been protected for their unexpired period in the DTC. It is proposed not to extend the scope or the period of profit linked deductions. However, specific provisions for protecting such deduction for the unexpired period are proposed for SEZ developers as well as SEZ units. MAT is proposed to be levied on SEZ developers as well as SEZ units and Dividend Distribution Tax (DDT) is proposed on SEZ developers.
- viii. **Concept of Residence in the case of a company incorporated outside India**- It is proposed that a company incorporated outside India will be treated as resident in India if its "place of effective management:" is situated in India. As an anti-avoidance measure, in line with internationally accepted practices, it is also proposed to introduce Controlled Foreign Corporation provisions so as to



provide that passive earned by a foreign company which is controlled directly or indirectly by a resident in India, and where such income is not distributed to shareholders resulting in deferral of taxes, shall be deemed to have been distributed. Consequently, it would be taxable in India in the hands of resident shareholders as dividend received from the foreign company.

- ix. **Double Taxation Avoidance Agreement (DTAA)** - It is proposed to provide that between the domestic law and relevant DTAA, the one which is more beneficial to the taxpayer shall apply. However, DTAA will not have preferential status over the domestic law in specified circumstances.
- x. **Wealth Tax** - Specified "unproductive assets" will be subject to the wealth tax. However, it will be payable by all taxpayers except non-profit organizations.

The threshold limit rate of tax will be suitably calibrated in the context of overall tax rates.

- xi. **General Anti Avoidance Rule (GAAR)** - The proposed GAAR provisions do not envisage that every arrangement for tax mitigation would be liable to be classified as an impermissible avoidance arrangement. It is only in a case where the arrangement, besides obtaining a tax benefit for the assessee, is also covered by one of the four conditions i.e. it is not at arms length or it represents misuse or abuse of the provisions of the Code or it lacks commercial substance or it is entered or carried on in a manner not normally employed for bona-fide business purposes, the GAAR provisions would come into effect.

The Revised Discussion Paper is available on the websites of the Ministry at: *finmin.nic.in* and *incometaxindia.gov.in*.

(c) No, Sir.

(d) Does not arise.

#### **Tax free infrastructure bonds**

899. SHRI B.S. GNANADESIKAN: Will the Minister of FINANCE be pleased to state:

(a) whether Government has proposed to issue tax free infrastructure bonds with a minimum tenure of 10 years to help overhaul a crumbling infrastructure sector; and;

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) and (b) Yes, Sir. The Finance Act, 2010 has inserted a new section 80CCF in the Income Tax Act, 1961, which provides that an amount upto the extent of Rs. 20,000/- paid or deposited during the financial year 2010-11 as subscription to long-term infrastructure bonds shall be allowed as deduction in computing the income of an individual or a Hindu Undivided Family. This deduction will be over and above the existing overall limit of Rs. 1,00,000/- available under section 80C, 80CCC and 80CCD of the said Act on savings and other prescribed investments. This amendment takes effect from 1.4.2001 and is applicable for the subscriptions to eligible/notified infrastructure bonds made during the Financial Year 2010-11.

Consequent to this amendment, 'long-term infrastructure bonds' have

been notified *vide* Department of Revenue, Central Board of Direct Taxes, notification No. 48/2010 [S.O. 1639 (E)] dated 9.7.2010, specifying the details such as the tenure, interest rate, agencies which can issue the bonds, etc.

**“CAG for more accountability of flagship schemes”**

900. SHRI SANJAY RAUT: Will the Minister of FINANCE be pleased to state:

(a) whether Government's statutory auditor, the Comptroller and Auditor General (CAG)

has sought greater powers to audit the spending of the flagship schemes for bringing more accountability in the administration of such programmes; and

(b) if so, what is Government's response thereto?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) A revised draft bill seeking to replace the existing Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971 by a new law titled "Audit of Public Money and the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 2010" has been forwarded by C&AG Office in June, 2010.

(b) The proposals in the draft bill impact various areas of governance and therefore a process of consultation has been initiated with concerned Ministries/Departments and State Governments, on completion of which the bill is likely to be placed in Parliament.

#### **High Inflation rate in the country**

†901. SHRI RAVI SHANKAR PRASAD: Will the Minister of FINANCE be pleased to state:

(a) whether Government's attention has been drawn towards the news-item captioned "India's inflation highest among developing nations" appeared in a national daily;

(b) if so, whether it is a fact that inflation rate in India is almost on higher side in comparison to developing countries of the world; and

(c) if so, the reasons therefor and what is Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) Yes, Sir.

(b) and (c) Inflation has been showing varying movements - upward or downward- in the developing countries. The comparative movement of Consumer Price Index (CPI) based inflation rates of India and some developing countries are given in Table 1 below:-

*Table 1. Inflation (year-on-year) based on CPI in selective countries*  
(%)

Country	June-2010	June-2009
1	2	3
India*	13.7	9.3
Pakistan	12.7	13.1
Argentina	11.0	5.3
Egypt	10.7	10.0
Venezuela	31.8	27.4

†Original notice of the question was received in Hindi.

1	2	3
Malaysia	1.7	-1.4
Thailand	3.3	-4.0
Indonesia	5.1	3.7
Brazil	4.8	4.8
China	2.9	-1.7

\*CPI-IW

Source: RBI and Economist.

In India, Inflation based on Consumer Price Index for Industrial Workers (CPI-IW) remains in double digit since July, 2009. The reason behind double digit inflation was high food inflation and industrial growth. As a result of the measures taken by Government and continuous decline in food inflation since January, 2010, the inflation in CPI-IW has declined to 13.7 per cent in June, 2010. The Government monitors the price situation regularly, with price stability being high on its agenda.

#### Shortage of manpower in IT Department

902. SHRI PRAVEEN RASHTRAPAL: Will the Minister of FINANCE be pleased to state:

(a) whether there is a huge shortage of man-power in the Income Tax (IT) Department as claimed by two recognized federations of employees and officers; and

(b) if so, the details regarding sanctioned strength and existing strength of Income Tax inspectors, Income Tax officers, Assistant Commissioners as on 1 January, 2009?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): (a) and (b) The sanctioned and working strength of the Income Tax Inspectors, Income Tax Officers and Assistant Commissioners/Deputy Commissioners in the Income Tax Department as on 31.03.2009 is as under:-

Name of Post	Sanctioned strength	Working strength	Shortage of field level	Shortage as a percentage of sanctioned strength
Assistant Commissioner of Income	2094	1555	539	26

Tax/Duty Commissioner of  
Income Tax

Income Tax Officer	4329	4181	148	3
Income Tax Inspector	9198	8027	1171	13

---

The shortage at field level arises mainly on account of superannuation. In the case of Assistant Commissioners, two batches of probationers undergo training at the National Academy of District Taxes, Nagpur, at any point of time and they are posted to the field only after completion of their training.

#### **Weighted deductions in IT for donations**

903. SHRI NARESH GUJRAL: Will the Minister of FINANCE be pleased to state:

(a) whether there is a scheme in the current budget that if a corporate donates money to an educational institute or a hospital it is allowed weighted in deduction by Income Tax; and

(b) whether Government would consider adding orphanages to this scheme, so that, corporate are encouraged either to set up or donate money to orphanages?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): (a) The Income Tax Act, 1961, before amendment by Finance Act, 2010, allowed a weighted deduction of 125% of any sum paid out of business income to a university, college or other institution in case the amount is used for scientific research. Similar weighted deduction of 125% was also allowed for any sum paid out of business income to a national laboratory or a university or Indian Institute of Technology for the purpose of an approval scientific research programme. The Finance Act, 2010 has increased the above-mentioned weighted deduction from 125% to 175% with effect from 1st April, 2010. Any sum paid to a hospital does not qualify for weighted deduction under the Income Tax Act, 1961.

(b) The weighted deduction from business income is allowed for incentivising research and development in the country. Consequently, the weighed deduction is allowed with a condition that the donation received by the recipient organisation will be used for scientific research and development. As an orphanage is not engaged in any research and development, it can not be included in the scheme specifically meant for encouraging research and development. However, donation to a hospital approved under section 80G of the Income Tax Act, 1961 qualifies for deduction at the rate of 50% of the donation.

#### **Controlling on illegal funds' flow from Mauritius**

904. SHRI SYED AZEEZ PASHA: Will the Minister of FINANCE be pleased to state:



(a) whether India has signed a treaty with Mauritius to avoid double taxation;

(b) if so, the details thereof;

(c) whether investors are using the Mauritius route to bring in un-accounted and tainted money to India;

(d) whether it is a fact that Government has sent investigators to Mauritius to detect false address and false residency certificates; and

(e) the details of steps to be taken to control the flow of illegal funds from Mauritius?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): (a) Yes, Sir.

(b) India has signed a Convention in 1982 with Mauritius for the avoidance of Double Taxation and prevention of fiscal evasion with respect to taxes and for the encouragement of mutual trade and investment. This also provides for sharing of taxation rights between two countries in respect of various categories of income like business profits, dividends, interest, royalties, capital gains, etc., method for elimination of double taxation, Mutual Agreement Procedure and exchange of information between two countries.

(c) Mauritius based companies are subjected to minimal or nil taxes in Mauritius. Capital gains in fully exempt from taxation in Mauritius. India-Mauritius Double Taxation Avoidance Convention (DTAC) provides for taxation of capital gains arising from alienation of shares only in the country of residence of the investor. Thus, an investor routing his investments through Mauritius into India does not pay capital gains tax either in India or in Mauritius resulting in relief from taxation. Mauritius, thus became an attractive route for investment into India through treaty shopping.

(d) No, Sir.

(e) Government has proposed to review the India-Mauritius DTAC to incorporate appropriate changes in the DTAC for prevention of treaty shopping and to strengthen the mechanism for exchange of information on tax matters between India and Mauritius.

#### **Operationalising Direct Tax Code**

905. SHRI K.N. BALAGOPAL: Will the Minister of FINANCE be pleased to state:

(a) whether Government has finalized the draft of Direct Tax Code (DTC);

(b) if so, from which date onwards it will become operational; and

(c) what are the major changes proposed from the existing system and what is the likely advantage thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): (a) to (c) The draft Direct Taxes Code is in the process of finalization. The provisions of Draft Direct Taxes Code propose that it will be operational from 1st April, 2011.

Some of the major policy initiatives are:-

- i. Concept of Residence based on “place of effective management” instead of “wholly controlled from India” in case of a company incorporated outside India.
- ii. Proposal of introduce Controlled Foreign Corporation (CFC) regulations of tax the income of foreign companies controlled by residents in India, if such companies are deferring repatriation of their income to India.

- iii. Taxation of the surplus (above a specified limit and after allowing for specified (accumulation) of non-profit organizations.
- iv. Proposal of limit tax benefits to instruments which represent long term savings for social security (i.e. provident funds etc.)
- v. Replace profit linked deductions with investment linked deductions.
- vi. Introduction of a General Anti Avoidance Rule to curb tax avoidance in a moderate tax regime.

**Upscaling of livelihood programmes by NABARD**

906. SHRIMATI T. RATNA BAI: Will the Minister of FINANCE be pleased to state:

(a) whether the National Bank for Agriculture and Rural Development (NABARD) is planning to upscale and deepen the livelihood programmes, particularly in the resource poor regions;

(b) if so, the details worked out so far especially for the backward districts in Andhra Pradesh and other States also;

(c) if not, the reasons therefor; and

(d) the views of the people and the experts in this regard for future programmes which are to be taken up in the Eleventh Plan?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) to (c) National Bank for Agriculture and Rural Development (NABARD) has reported that it is not directly implementing any specific livelihood programme in the resource poor regions. However, the following schemes are being implemented by them:—

1. **Dairy and Poultry Venture Capital Fund Scheme :** The Dairy and Poultry Venture Capital Fund Scheme of the Department of Animal Husbandry, Dairying and Fisheries (DAHD&F) of Ministry of Agriculture, Government of India is being implemented by NABARD. The scheme provides 50% of the total project cost as Interest Free Loan (IFL) through financial institutions to farmers for setting up of dairy units for production, processing, transport and marketing, sale of poultry products such as egg and poultry meat preparations under the scheme.

The balance 40% as bank loan and 10% as beneficiary's margin has to be brought in. This scheme is being implemented throughout the country including the resource poor regions of Andhra Pradesh.

2. **Watershed Development Programme :** NABARD is implementing participatory Watershed Development Programme through Watershed Development Fund (WDF), Indo-German Watershed Development Programme (IGWDP), Integrated Watershed

Development Programme (IWDP) in 15 States through Village Watershed Committees and NGOs as project facilitating agencies. Watershed Programmes are prioritized in dry land areas. Livelihood for landless persons and women of watershed villages is a component of the watershed projects. NABARD is upscaling the implementation of watershed projects as per the availability of funds.

- 3. Tribal Development Programme :** NABARD has been supporting Tribal Development Projects by providing sustainable livelihood to tribal families inhabiting resource poor and backward regions of the country mainly through tree based farming system/development of small orchard called WADIs. NABARD has been supporting these projects since 2005-06 from Tribal Development Fund (TDF) created out of its own resources for the purpose. As on 30.06.2010, NABARD has sanctioned 207 projects in 22 States and in the Union Territories of Dadra and Nagar Haveli and Andaman and Nicobar Islands benefiting 1.72 lakh tribal families. The amount committed for already sanctioned projects is Rs. 606.06 crore. NABARD is envisaging upscaling the programme to enhance the coverage of more tribal families through this approach. To enable the process, NABARD has increased the corpus from 575 crore in 2008-09 to 1150 crore in 2009-10 and expects to sanction the remaining fund available by March, 2012.

(d) NABARD has reported that the studies conducted by various agencies such as Central Research Institute for Dryland Agriculture (CRIDA), Hyderabad, Action for Food Production (AFPro), Pune, etc. revealed that the watershed programme are useful in improving agricultural productivity and livelihood opportunities. Further, NABARD, while preparing its plan to upscale the tribal development activities, takes into account the potential of the area, willingness of the community to participate, availability of good implementing agencies and decides the course of action in consultation with its regional units.

**Leakage of Ultra-secret template of currency notes**

907. SHRI RAJEEV CHANDRASEKHAR: Will the Minister of FINANCE be pleased to

state:

(a) the value of fake currency seized over the last three years, year-wise;

(b) whether it is a fact that the leakage of an ultra-secret template for making Indian currency notes was the reason behind the counterfeit currency worth hundreds of crores in circulation;

(c) if so, whether Government has been able to identify the elements involved in such leakage, in view of the mounting counterfeit currency problems in the country; and

(d) if so, the steps Government proposes to take to address the problem?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) The details of Value of fake notes seized for the last three years as provided by NCRB are as under:—

Year	Total value (in rupees)
2007*	67,083,295
2008*	75,681,060
2009*	89,220,402
2010* (upto May, 2010)	56,238,409

\*The figures are provisional.

(b) No, Sir. The leakage of ultra-secret template for making Indian currency notes has not come to the notice of the Government.

(c) and (d) Does not arise.

#### **Revenue loss due to subsidy on petroleum products**

908. SHRI PARIMAL NATHWANI: Will the Minister of FINANCE be pleased to state:

(a) the amount of subsidy being paid by Government on different petroleum products prior to decontrol and after decontrol;

(b) the amount of resources mobilized by the Centre through taxes on petroleum products; and

(c) what is the net revenue loss to Government if taxes are reduced and subsidy totally eliminated on petroleum products?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) The amount of subsidy approved by the Government on different petroleum products in respect of the year 2009-10 (prior to decontrol) is Rs. 28,789 crore. The Total Under Recoveries of the State run Oil Marketing Companies in 2009-10 have, however, been Rs. 46,051 crore. The Total Under Recoveries in F.Y. 2010-11, [based on average crude oil price of Indian basket at US\$ 75 per barrel] was expected to be Rs. 72,000 crore before the revision of price on 26.06.2010. With the revision, it is expected to be about Rs. 53,500 crore. The Under Recoveries will go up further in case the average price of India basket of crude oil rises. The amount of subsidy to be paid by the Government subsequent to petrol price decontrol effected on 25.06.2010 is not ascertainable as yet, and shall only be known during the course of the year.

(b) The details of amount of resources mobilised by the Centre through taxes on petroleum products for the financial year 2009-10 are as follows:—



Customs Revenue	Central Excise Revenue	Total
Rs. 7,755 crore	Rs. 64,013 crore	Rs. 71,768 crore

(c) The net revenue loss to Government of India would depend upon the quantum of reduction of taxes and the actual subsidy level, part from the quantum of total under recoveries suffered by the Oil Marketing Companies, which will in turn be dependent on the crude oil prices in international market.

**“Overseeing of regulator’s decisions by CAG”**

909. SHRI A. ELAVARASAN: Will the Minister of FINANCE be pleased to state:

(a) whether the Comptroller and Auditor General (CAG) has asked Government to allow it to oversee decisions taken by regulators that do not have tribunals to listen to appeals against their verdict;

(b) whether the other regulators such as Insurance Regulatory Development Authority, Petroleum and Natural Gas Regulatory Authority and the other number of regulatory bodies could come under its ambit, if allowed;

(c) if so, the details thereof; and

(d) whether Government has taken any decision in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) to (d) Comptroller and Auditor General has asked Government to ensure that statutes of regulatory bodies do not have restrictive provisions for CAG audit, as in the Telecom Regulatory Authority of India (TRAI) Act, 1971, and Petroleum and Natural Gas Regulatory Board (PNGRB) Act, 2006 whose provisions relating to audit specifically exclude, decisions taken by the Regulatory Authority in the discharge of its functioning from audit jurisdiction. Government has solicited the views/comments of the concerned Ministries/Departments in the matter.

**Realization of pending tax arrears**

910. PROF. ANIL KUMAR SAHANI: Will the Minister of FINANCE be pleased to state:

(a) the quantum of indirect tax arrears lying pending for realization as on date;

(b) the quantum of indirect tax arrears recovered during each of the last three years; and

(c) the details of measures taken to recover the pending arrears?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S.

PALANIMANICKAM): (a) The quantum of indirect tax arrears lying pending realization as on date is given below:-

(Rs. in crore)

Tax	Pending arrears as on 31.5.2010
1	2
Central Excise	27872.74

1	2
Customs	8185.33
Service Tax	10971.90
TOTAL	47029.97

(b) The quantum of indirect arrears recovered during each of the last three years is as follows:-

(Rs. in crores)			
Tax	2007-08	2008-09	2009-10
Central Excise	1956.99	1748.37	1360.67
Customs	1380.36	1120.92	934.39
Service Tax	1697.70	2062.59	2090.52
TOTAL	5035.05	4931.88	4385.58

(c) The details of measures taken to recover the pending arrears include the following:-

A dedicated office of Chief Commissioner of Tax Arrears Recovery (TAR) has been set up to exclusively monitor progress in this area of work in all field formations. From time to time, instructions are issued by the Ministry in this regard. The purport is to:-

- i. To get stay orders by CESTAT/Courts vacated.
- ii. To file early hearing applications in CESTAT/Courts in matters involving high amount of revenue.
- iii. To take action under Section 11 of the Central Excise Act in appropriate cases.
- iv. To take action under the Customs (Attachment of Property of Defaulters for recovery of Government Dues) Rules, 1995.
- v. To follow up cases pending before BIFR/Debt Recovery Tribunal/Official Liquidator/Committee on Disputes.
- vi. To ensure quick implementation of favourable orders of CESTAT/Courts.

#### **Tax reforms**

911. SHRI VIJAY JAWAHARLAL DARDA: Will the Minister of FINANCE be pleased to state:

(a) whether there is any proposal for holistic tax reforms to be introduced aiming at removing distortions in the indirect tax regime currently mired in a web of levies such as excise, value added tax, service tax, etc. coupled with various surcharges and large number of "cesses" imposed;

(b) if so, the details thereof; and

(c) whether any initiative has been taken to arrive at a consensus or broad agreement in principle to proceed further as these sensitive reforms may result in reduction of State tax revenues?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): (a) and (b) Yes, Sir. There is a proposal to introduce Goods and Services Tax (GST). It will subsume a large number of indirect taxes levied by the Central and State Governments.

(c) Through a series of meetings of the Empowered Committee of State Finance Ministers, broad agreement has been reached between the Centre and the States on various design parameters of the proposed GST. The Union Government has assured the States that compensation would be provided to them, if they lose revenue because of introduction of GST.

**Renegotiation of India-Mauritius Avoidance of Double  
Taxation Agreement**

912. SHRI MANI SHANKAR AIYAR: Will the Minister of FINANCE be pleased to state:

(a) whether India-Mauritius Avoidance of Double Taxation Agreement is running in conformity with aims and objectives that Government had in mind when they entered into this agreement in 1983;

(b) whether the outcome was then envisaged of the agreement enabling Mauritius to emerge as the single most important global source for the flow of Foreign Institutional Investment (FII) into our capital markets;

(c) if not, the reasons for Mauritius emerging target foreign source of funding in the country;

(d) whether Government is satisfied with measures put in place by both Governments to avoid "round-tripping" of black money originating in India or parked in foreign banks and tax havens; and

(e) whether Government proposes to renegotiate the terms of the agreement?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM): (a) Yes, Sir.

(b) No, Sir.

(c) In early nineties; Mauritius enacted the Mauritius Offshore Business Activities Act (MOBAA), 1992 (later succeeded by the Financial Services Development Act, 2001 (FSD Act), and the Financial

Services Act of 2007) which allowed the setting up of Global Business Category 1 (GBC-1) companies, on payment of a certain license fee in Mauritius. These GBC 1 Companies though owned by persons resident outside Mauritius and operating outside Mauritius are allowed to be registered in Mauritius and become its tax residents. These companies are

subjected to minimal or nil taxes in Mauritius. Capital gain is fully exempt from taxation in Mauritius. India-Mauritius Double Taxation Avoidance Convention (DTAC) provides for taxation of capital gains arising from alienation of shares only in the country of residence of the investor. Thus, an investor routing his investments through Mauritius into India does not pay tax on capital gains either in India or in Mauritius resulting in relief from taxation. Mauritius, thus became an attractive route for investment into India for residents of countries other than Mauritius through treaty shopping.

(d) Government has proposed to review the India-Mauritius DTAC to incorporate appropriate changes in the DTAC for prevention of treaty shopping and to strengthen the mechanism for exchange of information on tax matters between India and Mauritius.

(e) Yes, Sir.

#### **RBI's measures to check inflation**

†913. SHRI SHIVANAND TIWARI: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that the measures have been taken by the Reserve Bank of India (RBI) several times to reduce the inflation rate in the country during the last two years;

(b) if so, the details thereof and the financial measures taken from time to time during years 2009-10 and 2010-11 up to the end of June, 2010;

(c) whether these measures have helped to reduce the inflation rate; and

(d) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) and (b) Yes, Sir. The Reserve Bank of India (RBI) has taken monetary measures to reduce inflation rate in the country beginning with the first phase of exit from the expansionary monetary policy in the Second Quarter Review of October, 2009, by terminating some sector-specific facilities and restoring the statutory liquidity ratio (SLR) of scheduled commercial banks to its pre-crisis level. The exit process was carried further in the Third Quarter Review of Monetary Policy 2009-10 (January, 2010), when the cash reserve ratio



(CRR) was increased by 0.75 per cent of scheduled banks' net demand and time liabilities (NDTL) in two stages. The repo rate and the reverse repo rate were increased under the liquidity adjustment facility (LAF) by 25 basis points each w.e.f. March 19, 2010. The Monetary Policy Statement 2010-11 (April, 2010) further raised the repo rate and the reserve repo rate, under the LAF by 25 basis points each to 5.25 per cent and 3.75 per cent, respectively, with immediate effect. The CRR of scheduled banks was also raised by 25 basis points to 6.0 per cent of their NDTL with effect from April 24, 2010. On July 02, 2010 the repo and the reserve repo rates under the LAF were increased by 25 basis points each to 5.50 per cent and 4.00 per cent respectively. The repo and

---

†Original notice of the question was received in Hindi.

the reserve repo rates under the LAF were again increased by 25 basis point and 50 basis points respectively in the First Quarter Review of Monetary Policy (July 27, 2010).

(c) and (d) As a result of measures taken by Government and Reserve Bank of India, Wholesale Price Index (WPI) inflation has declined from 11.04 per cent in March, 2010 to 10.55 per cent (provisional figure) in June, 2010. Inflation on monthly basis in food has declined to 12.73 per cent in June, 2010. Inflation on weekly basis for 17th July, 2010 for food articles declined to 9.67 per cent and for 18 essential commodities it has declined to 10.94 per cent.

Government constantly monitors the prices situation and suitable measures are taken from time to time.

#### **Lending to minorities**

914. SHRI MOINUL HASSAN: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that lending to the minorities is treated as priority sector; and

(b) if so, the performance report of different Public Sector Banks, particularly lending to the minorities?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) and (b) Lending to Minority Communities has been included as part of lending to Weaker Sections in Priority Sector Lending (PSL) of all domestic Scheduled Commercial Banks.

Further, consequent to Cabinet decision, the Public Sector Banks were advised in October, 2007 to step up their lending to Minority Communities to the extent of 15% of their PSL by the end of March, 2010.

As per report from Public Sector Banks (PSBs), the total outstanding credit of different PSBs to Minority Communities, as on 31st March, 2010 (Provisional) stood at Rs. 1,12,038 crore.

#### **Computerisation of State Treasuries**

915. SHRI NAND KUMAR SAI: Will the Minister of FINANCE be pleased to state:

(a) whether Government has approved the Mission Mode Project for computerisation of State Treasuries in the country;

(b) if so, the details thereof;

(c) the details of the estimated expenditure likely to be incurred in this project; and

(d) the extent to which the efficiency and transparency of the financial administration of the States will be improved through such measures?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) Yes, Sir.

(b) The Scheme, to be implemented in about three years beginning 2010-11, would support States and UTs to fill the existing gap in their treasury computerization, upgradation, expansion, and interface requirements, apart from supporting basic computerization. The scheme covers installation of suitable hardware and application software systems in networked environment on a wide area basis and building interfaces for data sharing among various stake holders. Complete guidelines are available in public domain at [http://finmin.nic.in/the\\_ministry/dept\\_expenditure/plan\\_finance/TreasuryComp\\_NeGP.Pdf](http://finmin.nic.in/the_ministry/dept_expenditure/plan_finance/TreasuryComp_NeGP.Pdf).

(c) The overall cost of the scheme is Rs. 626 crore at Rs. 1 crore per district in existence on 1 April, 2010.

(d) The treasury computerization project is expected to make budgeting processes more efficient, improve cash flow management, promote real-time reconciliation of accounts, strengthen Management Information Systems (MIS), improve accuracy and timelines in accounts preparation, bring about transparency and efficiency in public delivery system, better financial management alongwith improved quality of governance in States and Union Territories.

#### **Licences to foreign fund investment by SEBI**

916. SHRI ISHWARLAL SHANKARLAL JAIN: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that the Securities and Exchange Board of India (SEBI) is not giving licences to foreign funds investment vehicles based out of Mauritius;

(b) if so, the reasons therefor; and

(c) the likely impact of this SEBI measure in future?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) Securities and Exchange Board of India (SEBI) has informed that the regulations for registration of Foreign Institutional investors (FIIs) and Foreign Venture Capital Investors (FVCIs) do not discriminate on the basis of the country of incorporation of applicants.

(b) and (c) In view of (a) above, not applicable.

#### **Insufficient loans to priority sectors by banks**

†917. SHRI SHIVANAND TIWARI: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that agriculture, small and medium industries and export which have been marked as priority sectors to be provided loan by the banks in the country are not being given sufficient loans;

(b) if so, the details thereof;

(c) the amount by which the average annual loan being provided to these sectors is less than the amount earmarked for them;

---

†Original notice of the question was received in Hindi.

(d) whether Government has asked the banks to improve this system;  
and

(e) if so, whether any time-frame has been fixed for this purpose?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) to (c) As per extant guidelines of Reserve Bank of India (RBI) on Priority Sector Lending (PSL), Agricultural, Micro and Small Enterprises (MSE) and Export are part of the overall PSL target of 40% of the Adjusted Net Bank Credit (ANBC) for domestic Scheduled Commercial Banks (SCBs).

The sub-target for lending under Agriculture is 18% of ANBC for the domestic SCBs while there is no sub-target for MSE and Export sectors. However, for foreign banks operating in India there is a sub-target of 10% of ANBC for MSE and 12% of ANBC for Exports under the overall PSL target of 32% of ANBC.

As per information furnished by RBI the position of total advances to MSE sector is given below:

Year	All Scheduled Commercial Banks	
	No. of Accounts in lakhs	Amount Rs. in crore
March 2009	48.51	256128.07
March 2010 (Provisional)	87.29	364001.01
% increase	79.94%	42.12%

Source: RBI

Similarly, the position of total advances to Agricultural sector is given below:

(Amount in Rs. crore)			
Banks	Target	Achievement	Achievement (%)
Commercial Banks	2,50,000	2,74,962.68	109.99
Co-operative Banks	45,000	57,499.92	127.78
RRBs	30,000	34,456.22	114.85
TOTAL	3,25,000	3,66,918.82	112.90

Source: RBI

(d) and (e) The Government has convened Zone wise meetings under

the Chairmanship of the Finance Minister with Chief Ministers of States/Administrators of Union Territories (UTs) and Chief Executives of Public Sector Banks (PSBs) to review the progress made by PSBs under various sectors. During these meetings flow of credit to different sectors of the PSL, including credit to Agriculture and MSE was reviewed.

The banks have been directed, *inter-alia*, to increase the number and account of Kisan Credit Cards; ensure timely and adequate credit to small and marginal farmers, besides ensuring growth in credit to micro-enterprises.

Further, in terms of the recommendations of the Prime Minister's Task Force on MSMEs, banks have been advised that 60 per cent of MSE advances to the micro enterprises is to be achieved in stages viz. 50% in the year 2010-11, 55% in the year 2011-12 and 60% in the year 2012-13 Banks have been advised to achieve a 20 per cent year-on-year growth in credit to micro and small enterprises and a 10 per cent annual growth in the number of micro enterprise accounts.

#### **Impact of Greece crisis on Indian economy**

918. SHRI D. RAJA:

SHRI M.P. ACHUTHAN:

Will the Minister of FINANCE be pleased to state:

(a) whether the recent Greece Public Finance crisis had any impact on the Indian economy; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) and (b) With Greece's share in India's exports at 0.3 per cent in 2009-10, the channel of crisis propagation via exports has been insignificant/minimal. The crisis, however, affected the Indian economy temporarily through setback in portfolio flows, which soon rebounded due to the resilience of the Indian economy.

#### **Online money transfer services in the country**

†919. SHRI BALAVANT ALIAS BAL APTE:

SHRI SHREEGOPAL VYAS:

Will the Minister of FINANCE be pleased to state:

(a) the relevant laws to administer online money transfer service in the country;

(b) whether companies carrying out online money transfer transaction business are doing so after necessary registration and approval from the Reserve Bank of India (RBI);

(c) if so, the details thereof and if not, the reasons therefor; and



(d) the measures taken or being taken by Government/Reserve Bank of India to safeguard the interests of users in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) In terms of Section 4(1) of the Payment and Settlements Systems Act, 2007, no person

---

†Original notice of the question was received in Hindi.

other than the Reserve Bank shall commence or operate a payment system except under and in accordance with an authorization issued by the Reserve Bank under the provisions of the said Act. In terms of explanation to Section 2(1)(i) of the Act, a payment system includes money transfer operations.

In terms of Section 3(c) of Foreign Exchange Management Act (FEMA), 1999, save as otherwise provided in the said Act, rules or regulations made thereunder, or with the general or special permission of the Reserve Bank, no person shall receive otherwise (than) through an authorised person, any payment by order or on behalf of any person resident outside India in any manner.

(b) Under Money Transfer Service Scheme (MTSS), the Indian agent who has to be an Authorised Dealer Category-I/Authorised Dealer Category-II/Full Fledged Money Changer requires prior RBI approval under the provisions of FEMA, 1999 to enter into such an arrangement with an Overseas Principal for receiving cross border personal inward remittances in India. The Overseas Principals are authorized by the Reserve Bank under Section 4(1) of the Payment and Settlement Systems Act, 2007.

(c) RBI has so far given permission to 25 Indian Agents to route cross-border inward personal remittances into India under MTSS.

(d) While according permission to Indian Agents for entering into tie-ups with overseas Principals under MTSS, it is ensured that Overseas Principals are regulated entities, having sound financials, good credit rating and complying with Know Your Customer (KYC)/Anti Money Laundering (AML)/Combating the Financing of Terrorism (CFT) Guidelines as applicable in their home countries. The necessary KYC/AML/CFT Guidelines have been prescribed by the Reserve Bank for the Indian Agents under MTSS for money transfer activities. Further, collateral equivalent to 3 days' average drawings or USD 50,000 whichever is higher, is kept by the Overseas Principal with Indian Agents for mitigating credit exposures.

#### **Structural improvement in small savings**

†920. SHRI SHIVANAND TIWARI:

SHRI RAVI SHANKAR PRASAD:

Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that Government has set up a committee to get recommendation for structural improvement in respect of small savings in the country;

(b) if so, whether representatives of small saving depositors have also been included in this committee; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) Yes, Sir. The Government has set up a committee headed by

---

†Original notice of the question was received in Hindi.

Deputy Governor, Reserve Bank of India for comprehensive review of National

Small Savings Fund (NSSF) structure, interest rate, tenor and other administrative matters. The terms of reference of the Committee include, *inter alia*, review of the existing parameters for the small saving schemes, terms of lending to States and other related issues.

(b) No, Sir.

(c) Does not arise.

#### **Forming of NBFC in Kerala**

921. SHRI K.E. ISMAIL: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that a Non-Banking Financial Company (NBFC) called M/s Al Barakah Financial Services under the guidelines of the Reserve Bank of India (RBI) has been formed in Kerala with 11 per cent participation of Kerala State Industrial Development Corporation (KSIDC) and 89 per cent citizens participation from prominent citizens of Kerala and Non-Resident Keralities (NRK);

(b) whether it is also a fact that the participation of KSIDC in the new financial venture has been challenged in the High Court of Kerala and the Hon'ble High Court has issued notices to the Ministry and RBI to plead themselves in the case; and

(c) if so, the details thereof and Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): (a) Reserve Bank of India (RBI) has reported that a company name M/s AI Barakah Financial Services Ltd. (ABFL) has applied for certificate of registration with RBI. However, it is not registered as an Non-Banking Financial Company (NBFC) till date. Kerala State Industrial Development Corporation (KSIDC) has sanctioned a share contributed of 11 percent in ABFL and Government of Kerala *vide* order dated 14.10.2009 had approved the sanction of financial assistance of the proposed venture.

(b) and (c) A writ petition WP 35180/2009 has been filed by Dr. Subramaniam Swamy in the High Court of Kerala challenging the Government of Kerala Order according sanction for registration of an Islamic Finance Service Company by the KSIDC. A similar case WP No.

10662 of 2010 was also filed in the High Court of Kerala by Shri R.V. Babu in the matter. The Hon'ble High Court *vide* their Order dated 05.01.2010 has impleaded RBI along with the Union of India, directing to give its views in the matter. RBI held a view that no company can commerce the business of Non-Banking Financial Institution without obtaining the Certificate of Registration from Reserve Bank in terms of provisions of Section 45 1A of the RBI Act, 1934 and an NBFC functioning on Shariah Principles would require to comply with all extant regulations. The Government of India has advised RBI to file an affidavit to this effect in the Hon'ble High Court of Kerala.

### **Increase in expenditure on health care**

922. SHRI KALRAJ MISHRA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government is considering to increase the expenditure on health care in accordance with the recommendation of the World Health Organisation (WHO) for expenditure of minimum 5 per cent of Gross Domestic Product (GDP) on health care as 210 against Government's Common Minimum Programme 2 per cent to 3 per cent of GDP on healthcare; and

(b) if not, the reasons therefor?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) and (b) The Government is not aware of the recommendation of the World Health Organization (WHO) to raise expenditure on health care to 5 per cent of Gross Domestic Product (GDP). The total allocation of plan and non-plan resources for health remains low in the Eleventh Five Year Plan compared to the target of raising public expenditure on health to 2-3 per cent of GDP as enunciated in the Common Minimum Programme of (2004). This is an account of limited availability of resources.

### **Eradication of dengue, Malaria etc. from the country**

923. SHRI SYED AZEEZ PASHA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government has not been able to achieve the targets set for eradication of diseases like dengue, malaria, kala-azar, etc. in the country including Andhra Pradesh;

(b) if so, the reasons therefor;

(c) the funds allocated and utilized under various schemes for eradication of these diseases during the last three years; and

(d) the remedial measures taken or proposed to be taken by Government to eradicate these diseases from the country?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) and (b) The National Health Policy - 2002 has set the goals of achieving reduction of mortality on account of Dengue and Malaria by 50% by the year 2010 and elimination of kala-azar by 2010. However, these diseases are seasonal and fluctuations are observed in different geographical areas.

In case of Dengue, the Case Fatality Rate (CFR) has been brought

down from  
1.7% in 2002 to 0.6% in 2009 and 0.3% in 2010 (till 26th July)  
including Andhra Pradesh where CFR has come down to 0% in 2010 from  
4.9% in 2002.

In 2006 the deaths reported were 1707 which has been reduced to  
1144 in 2009. In Andhra Pradesh, the reported deaths due to malaria  
are ranging between 1 to 3 (3 in 2003, 2 in 2004,

2 in 2007 and 3 in 2009 whereas in remaining years since 2003, the deaths reported were zero).

Kala-azar is endemic in four States namely Bihar, Jharkhand, West Bengal and Uttar Pradesh. The number of deaths reported due to Kala-azar has shown declining trend i.e. 203 in 2007 to 93 in 2009. State of Andhra Pradesh is not endemic of Kala-azar.

(c) The details of allocation and expenditure of funds (cash and commodity) during the last three years under National Vector Borne Disease Control Programme in the country are as below:-

(Rs. in crores)

Year	BE	Expenditure
2007-08	399.50	385.38
2008-09	472.25	297.09
2009-10	442.00	338.87

(d) For prevention, treatment and control of vector-borne diseases including Dengue, Malaria and Kala-azar in the country, Government of India is implementing National Vector Borne Disease Control Programme (NVBDCP) under the overreaching umbrella of National Rural Health Mission (NRHM). The main components of the strategy for NVBDCP are integrated vector control, early case detection and complete treatment, and behavior change communications.

Government of India provides technical support and also supplements the States by providing funds and commodities as per their annual requirements approved under NRHM. However, the programme is primarily being implemented through the State Governments.

#### **Funds for preventive measures against AIDS and malaria**

924. SHRI ANIL MADHAV DAVE:

SHRI BALAVANT ALIAS BAL APTE:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the amount spent on publicity to prevent Acquired Immuno Deficiency Syndrome (AIDS) and malaria separately during the last three years, year-wise;



(b) the grants given to various Government and Non-Government Organizations (NGOs) on these accounts during the last three years, year-wise;

(c) the amount spent on research and development on measures to prevent and cure AIDS and malaria during the last three years, year-wise; and

(d) the number of cases of HIV and malaria pigment positive detected during the last three years, year-wise?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) The details of the amount spent on publicity to prevent Acquired Immuno Deficiency Syndrome (AIDS) and Malaria during the last three years, year-wise is as follows:-

Year	AIDS	Malaria
2007-08	Rs. 127.51 crore	Rs. 18.07 crore
2008-09	Rs. 131.5 crore	Rs. 12.00 crore
2009-10	Rs. 120.68* crore	Rs. 11.15 crore

\*Provisional figure.

(b) The details of the grants given to various Government and Non-Government Organizations (NGOs) on these accounts during the last three years, year-wise is as follows:-

Year	AIDS*	Malaria
2007-08	Rs. 2,00,000	Rs. 109.44 crore
2008-09	Rs. 1,00,000	Rs. 114.44 crore
2009-10	Rs. 1,50,000	Rs. 110.74 crore

\*Central level expenditure given to NGOs on publicity to prevent AIDS.

(c) The details of amount spent on research and development measures to prevent and cure AIDS and malaria in the last three years, year wise is as follows:-

Year	AIDS	Malaria
2007-08	Rs. 5.04 crore	Rs. 0.47 crore
2008-09	Rs. 9.96 crore	Rs. 1.87 crore
2009-10	Rs. 11.88 crore	Rs. 0.96 crore

(d) The details of the number of cases of HIV and malaria pigment positive detected during last three years, year-wise is as follows:-

Year	AIDS	Malaria
2007-08	3,28,621	15,08,927
2008-09	3,02,053	15,26,210
2009-10	3,19,085	15,63,574

**Shortage of manpower in rural health delivery structure**

925. SHRI PARIMAL NATHWANI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether as per the data released by the Ministry there is a shortage of doctors nurses, health assistants, radiographers and others in the rural health delivery structure;

(b) if so, the percentage shortage in each discipline in this regard;

(c) the reasons for shortage in manpower in the rural health sector; and

(d) how far funds provided for the National Rural Health Mission (NRHM) since its inception have been utilized by the States, State-wise?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) Yes.

(b) As per the data available in the Bulletin on Rural Health Statistics, updated upto March, 2009, the percentage shortage (Shortage is calculated as 'Required' minus 'In position') is as under:-

Sl. No.	Name of the Post and Centre	Percentage [approx.] of required post and shortfall
1.	Doctors at PHCs	16.2
2.	Specialists at CHCs	67.97
3.	Radiographer at CHCs	56.6
4.	Nurses Midwife/Staff Nurse at PHC & CHC	22.2
5.	Health Assistants [F] at PHCs	25.36
6.	Health Assistants [M] of PHCs	40.87

(c) The appointment of doctors and paramedical staff, on regular basis or on contractual basis is done by respective State/UT Governments, The reasons of shortage may vary from State to State i.e. from shortage of trained manpower, less development of basic infrastructure i.e. roads, connectivity, banks etc. However, after launch of National Rural Health Mission [NRHM] there has been a significant increase in the number of staff appointed on contractual basis.

(d) A details showing released and expenditure reported under NRHM for the financial year 2005-06 to 2009-10 is given in the Statement.



**Statement**

*Release and Expenditure Reported under National Rural Health Mission for the  
Financial Years 2005-06 to 2009-10*

Rs. in crores											
Sl. No.	State/UTs.	2005-06		2006-07		2007-08		2008-09		2009-10	
		Release	Expenditure	Release	Expenditure	Release	Expenditure	Release	Expenditure	Release	Expenditure
1	2	3	4	5	6	7	8	9	10	11	12
1.	Andaman and Nicobar Islands	9.11	5.32	9.90	8.28	13.01	9.01	15.67	12.76	13.98	19.64
2.	Andhra Pradesh	302.84	216.44	383.97	405.91	608.94	505.18	638.73	700.13	707.87	702.04
3.	Arunachal Pradesh	29.35	17.57	49.88	31.27	44.50	47.62	36.51	57.69	57.33	51.04
4.	Assam	137.79	84.60	346.96	212.53	602.15	547.47	606.89	698.32	813.75	730.83
5.	Bihar	255.51	186.69	361.89	235.64	350.24	423.25	821.18	783.19	648.77	815.96
6.	Chandigarh	4.27	3.14	4.50	3.48	6.45	4.11	5.31	6.47	9.44	6.82
7.	Chhattisgarh	94.13	107.37	149.11	187.69	190.85	197.77	249.72	162.12	261.65	216.66
8.	Dadra and Nagar Haveli	2.13	1.46	2.71	1.71	2.36	2.85	3.28	3.86	4.01	3.74
9.	Daman and Diu	2.24	1.64	3.48	1.86	1.98	2.43	2.86	2.41	3.96	3.41

10. Delhi	24.92	24.99	37.12	31.95	55.31	51.06	99.62	55.68	83.04	65.53	
1	2	3	4	5	6	7	8	9	10	11	12
11. Goa	5.65	3.00	3.32	4.17	5.07	6.92	14.09	8.89	12.42	14.96	
12. Gujarat	214.71	132.55	255.83	225.40	394.93	306.81	342.81	495.43	499.89	608.73	
13. Haryana	83.13	54.61	114.84	76.96	115.79	98.57	165.02	187.73	188.42	227.01	
14. Himachal Pradesh	58.57	39.47	70.99	57.04	52.41	56.55	64.21	94.84	97.98	132.84	
15. Jammu and Kashmir	69.36	17.52	49.14	51.42	160.45	75.27	76.48	111.94	130.64	154.83	
16. Jharkhand	129.00	135.35	158.64	91.89	159.15	124.99	247.27	299.30	178.90	167.14	
17. Karnataka	197.45	153.50	253.80	194.34	297.32	275.29	437.84	428.94	436.47	586.29	
18. Kerala	110.08	102.62	151.40	39.50	293.86	144.03	222.88	331.20	237.61	360.77	
19. Lakshadweep	1.72	0.77	1.71	0.93	1.08	0.62	1.22	2.18	1.80	2.34	
20. Madhya Pradesh	256.87	181.55	410.89	353.36	617.09	645.70	707.88	686.97	604.80	728.13	
21. Maharashtra	328.92	230.17	304.74	229.25	672.52	550.76	587.43	873.15	959.32	1005.28	
22. Manipur	29.99	14.99	37.26	20.40	49.27	40.99	56.58	62.06	81.44	57.96	
23. Megahalaya	20.52	10.26	35.42	19.48	43.04	32.70	44.76	51.27	79.77	50.57	
24. Mizoram	25.17	17.00	50.31	28.78	32.67	56.22	37.44	54.26	49.88	51.20	
25. Nagaland	30.41	17.72	41.69	36.23	44.75	43.45	56.23	57.65	73.87	55.36	

26. Orissa	206.43	135.39	220.18	199.19	387.16	295.07	388.05	334.05	470.19	589.10	
1	2	3	4	5	6	7	8	9	10	11	12
27. Puducherry	3.81	3.50	5.66	8.66	4.71	7.14	5.12	7.29	10.59	11.72	
28. Punjab	90.71	65.45	138.93	86.62	107.84	111.64	183.03	190.08	221.74	215.03	
29. Rajasthan	293.41	201.24	406.45	299.48	660.90	537.65	798.15	909.16	726.11	930.70	
30. Sikkim	9.12	7.84	24.15	9.87	34.27	13.39	19.88	50.62	24.91	30.87	
31. Tamil Nadu	251.22	206.17	332.64	321.48	546.56	392.74	501.60	534.42	605.81	692.73	
32. Tripura	29.09	20.34	38.40	29.85	79.04	38.28	77.58	68.73	111.75	76.22	
33. Uttar Pradesh	793.97	573.24	894.56	703.82	1258.77	956.47	1474.91	1546.06	1956.51	2246.46	
34. Uttarakhand	50.29	40.63	44.31	46.99	89.20	72.74	98.44	132.48	130.83	115.53	
35. West Bengal	281.86	190.05	379.52	263.30	525.23	335.33	539.79	563.75	729.17	696.75	
GRAND TOTAL:	4433.75	3204.17	5774.30	4518.68	8508.87	7010.07	9628.46	10565.10	11224.61	12424.19	

NOTE: The above statement excludes provision of commodity assistance (free supply of contraceptives, vaccines for Routine Immunization, needles and syringes, cold chain equipment), Oral Polio Vaccines and condoms. Further, the expenditure figures are provisional as the Statutory Audit of the Infrastructure Maintenance for the funds transferred through Treasury Route is not complete in some States by the State AGs.



### **Irregularities in private sector hospitals**

926. SHRI PARSHOTTAM KHODABHAI RUPALA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government is aware that there is huge number of incidents of irregularities in private sector hospitals; and

(b) if so, the steps taken by Government to monitor the private sector hospitals?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) and (b) Health being a State subject, the functioning and monitoring of private sector hospitals are the primary responsibility of the concerned State.

However, as per the provisions of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, complaints with regard to professional misconduct can be sent to the Medical Council of India or the concerned State Medical Council, as the case may be. The complaints related to medical negligence can also be filed in District/State/National Consumer Disputes Redressal Forum under the Consumer Protection Act.

Apart from the above, the Central Government has introduced in Parliament, the Clinical Establishments (Registration and Regulation) Bill, 2010. This bill *inter-alia* provides for a National Council of clinical establishments which would determine minimum standards for the registration of clinical establishments.

### **Prevention of tuberculosis**

†927. SHRI PRABHAT JHA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that inspite of Government's long time drive to prevent tuberculosis, the number of persons suffering from this disease has been constantly increasing in the country;

(b) if so, the details thereof and the reasons therefor; and

(c) the details of the achievements of various Government drives being run to prevent tuberculosis for the last three years?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) and (b) No. With implementation of Revised National TB Control Programme, the estimated rate of TB prevalence (*i.e.* number of TB cases both new and old in a year) is on the decline in India. According to WHO Global TB Report, 2009, the TB Prevalence in India is currently 185 per lakh population as compared to 283 per lakh population in the year 2007.

Periodic prevalence surveys conducted under the model of Directly Observed Treatment Short course (DOTS) project by Tuberculosis

Research Centre (TRC), Chennai has shown 12% annual decline in prevalence of TB.

(c) To control TB, the Revised National TB Control Programme (RNTCP), widely known as DOTS, which is a WHO recommended strategy, is being implemented as a 100% Centrally Sponsored Scheme in the country with an objective of detecting at

---

†Original notice of the question was received in Hindi.

least 70% of the estimated New Sputum Positive cases in the community and treatment success rate of at least 85%.

Under the programme, diagnosis and treatment facilities including supply of anti TB drugs are provided free of cost to all TB patients. More than 12700 microscopy centers have been established near the residence of patients to the extent possible. All government hospitals, Community Health Centers (CHC), Primary Health Centers (PHCs), Sub-centers are DOT Centers. Further to enhance coverage and ensure universal access, NGOs, Private Practitioners (PPs) are involved under the RNTCP and Community Volunteers, Anganwadi workers, Women Self Groups etc. also function as Community DOT Providers/DOT Centers. Presently 1885 NGOs, 8326 PPs and 274 Medical Colleges are participating in the programme.

During the last three years, the achievements are as follows:

	2007	2008	2009
Case detection rate	70%	72%	72%
Treatment success (for patients registered for treatment in the previous year)	86%	87%	87%

#### Deaths due to waterborne diseases

928. SHRI PRAKASH JAVADEKAR: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether it is a fact that the number of people dying of waterborne diseases in the country is on the rise;
- (b) if so, the details thereof and the reasons therefor; and
- (c) what action Government intends to take in this regard?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
 (a) and (b) (i) Number of people reported to have died of major water-borne disease during last three years shows a mixed trend. While the reported number of deaths caused by Enteric Fever (Typhoid) and Acute Diarrhoeal Disease (ADD) show a declining trend, the number of people who died of Cholera and viral Hepatitis have registered a marginal increase. Details of deaths due to major water borne diseases during last three years are given as under:-

Diseases	2007	2008	2009 (Provisional)
Cholera	3	1	12
Viral Hepatitis	544	536	586
Enteric Fever (Typhoid)	452	366	421
Actue Diarrhoeal Diseases (ADD)	3603	2865	1762

Source: 'National Health Profile' brought out by the Central Bureau

of Health Intelligence, Directorate General of Health Service,  
Ministry of Health and Family Welfare.

(ii) Water-borne diseases occur mainly as a consequence of consumption of contaminated water.

(c) Provision of safe drinking water is the main strategy to contain spread of water borne diseases.

Responsibility for providing safe drinking water primarily lies with the State Government. However, following programmes are being run by Government of India through State Governments/local bodies to ensure supply of safe drinking water:-

**Ministry of Rural Development – Department of Drinking Water Supply**

(i) National Rural Drinking Water Programme (NRDWP).

(ii) Rural Drinking Water Quality Monitoring and Surveillance Programme.

(iii) Jalmani Programme.

**Ministry of Urban Development**

Jawaharlal Nehru National Urban Renewal Mission (JNNURM).

National Centre for Diseases Control (NCDC) under Ministry of Health and Family Welfare issues technical guidelines to State Governments from time to time on prevention and control of water-borne diseases. NCDC also helps State Governments in carrying out investigations of outbreaks of such water-borne diseases under Integrated Diseases Surveillance Projects.

**New testing process for Ayurvedic medicines**

929. SHRI JAI PRAKASH NARAYAN SINGH: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that Government is considering some rigorous process of testing for Ayurvedic drugs on the lines of Allopathic drugs;

(b) if so, the details thereof;

(c) whether new system of testing will also apply to other traditional systems of medicines including Unani medicines; and

(d) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) and (b) Yes. The Cabinet has approved for setting up of Pharmacopoeia Commission of Indian Medicine (PCIM) on the lines of the Pharmacopoeia Commission for Allopathic Medicine, which will lead to setting pharmacopoeial standards. This compiled with regulation and certification will ensure quality, safety and efficacy of the drugs available to the public. This will also help in undertaking collaborative research and standardization work with reputed Government and private universities and research organizations like Council of Scientific and Industrial Research, Indian Council of Medical Research, Indian Council of Agricultural Research, at the national level and World Health Organization, Food and Agricultural Organization and US Food and Drug Administration, etc. at

international level which are expected to generate novel methodologies for validation of Indian System of Medicines and lead to new drug discoveries.

(c) and (d) All the Indian Systems of Medicine including Unani will come under the ambit of the PCIM and, therefore, the new system of testing will be equally applicable to them also.

**Intranasal vaccine for H1N1 virus**

930. SHRI K.E. ISMAIL:

SHRI M.P. ACHUTHAN:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that the first ever intranasal vaccine against H1N1 virus developed by the Serum Institute of India (SII) has hit the market;

(b) if so, the details thereof and the expected demand for the vaccine in the country; and

(c) the details of manufacturers of this vaccine and the production capacity at present?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) Yes.

(b) The candidate vaccine strain was obtained from World Health Organization. The H1N1 vaccine was developed by Serum Institute of India Limited at its facility in Pune. This vaccine underwent the mandatory clinical trials prescribed by the regulatory authority. The H1N1 vaccine was tested at Central Drug Laboratory and declared to be of Standard quality. Following this, Drug Controller General of India granted marketing authorization. As the course of pandemic and the population it would effect is uncertain, the expected demand for the vaccine in the country can not be forecast.

(c) Serum Institute of India Limited is the only manufacturer of the Intranasal H1N1 vaccine in India. The present capacity is 70-80 million doses per annum.

**Regulatory body for medical and paramedical education**

931. SHRI M.V. MYSURA REDDY: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that the Task Force set up to workout the modalities of setting up of regulatory body, has recommended for creation of regulatory body in the field for medical and paramedical education to achieve the objective of skilled human resources in health and paramedical education;

(b) if so, whether the proposal to set up National Council for Human Resource in Health (NCHRH) is a part of this proposal; and

(c) if so, the reasons for not setting up of the NCHRH after abolition of Medical Council of India (MCI) and what made Government to promulgate Ordinance?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) Yes.

(b) Yes.

(c) The proposal for setting up of the National Council for Human Resource in Health (NCHRH) is underway. However certain recent development in the functioning of the Medical Council of India (MCI) effecting the standard of medical education, recognition of medical institutions etc., have shaken the confidence of the general public in the functioning of the MCI necessitating urgent remedial measures. As the Indian Medical Act, 1956 does not contain any enabling provision for taking over the powers of the President of the Medical Council of India or



superseding the Council in case of necessity, it was considered necessary to entrust the affairs of the Medical Council of India to a Board of Governors till such time the Council is reconstituted or altogether a new body like National Council of Human Resources in Health (NCHRH) is established by suitable legislation.

Since both the House of Parliament were not in session and urgent legislation was required to be made, the President promulgated the Indian Medical Council (Amendment) Ordinance, 2010 on the 15th May, 2010.

**Additional PG seats in medical colleges in Andhra Pradesh**

932. SHRI NANDI YELLAIAH: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the current status of the request of the State Government of Andhra Pradesh for sanction of 395 additional Post Graduate (PG) seats and 12 additional super-speciality seats in 10 Government medical colleges in the State;

(b) the reasons for delay in sanction, if any; and

(c) by when the demanded additional seats are likely to be sanctioned and the sanction for Rs. 274 crores over five years for this purpose is likely to be given?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) to (c) Proposals have been received from 10 Government medical colleges of the State of Andhra Pradesh for central assistance under the Centrally Sponsored Scheme for strengthening and upgradation of State Government Medical Colleges for starting Post Graduate Courses/increasing postgraduate seats. As per the Scheme, grants are proposed to be released to State Government medical colleges as per their actual requirement and preference would be given to unserved and underserved States including high focus States under National Rural Health Mission (NHRM).

**Implementation of Valiathan Committee Report**

933. SHRI MOHD. ALI KHAN: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Ministry is considering to implement the Valiathan Committee Report;

(b) if so, the details thereof; and

(c) the present position thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) Yes.

(b) and (c) The recommendations of the Valiathan Committee have been divided into following two parts:-

Part "A"-recommendations not requiring structural changes (31 recommendations) and Part "B"-recommendations requiring structural changes through amendment in AIIMS Act, Rules and Regulations (7 recommendations).

The present status of recommendations under Part "A" is as under:-

Accepted and implemented	16
Accepted-in-principle	10
Long term - Futuristic	03
Not accepted	02

Since amendments in AIIMS Act, Rules and Regulations have wider implications, a High Powered Committee comprising of eminent persons having experience in the field of administration and education has been constituted under the chairmanship of Secretary (H&FW) to examine recommendations under Part "B".

#### **Achievements of National Population Policy 2000**

934. SHRIMATI SHOBHANA BHARTIA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the National Population Policy 2000 has been implemented by Government in letter and spirit;

(b) if so, the details of Government's achievements in this regard since it was implemented;

(c) whether population growth is continuing unabated and various schemes of the Central and State Governments have not been able to address the problem effectively;

(d) if so, the reasons therefor;

(e) whether Government now proposes to finalize a more comprehensive programme on population stabilization in consultation with the State Governments; and

(f) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) and (b) National Population Policy, 2000 has been implemented with varying degree of success across different States of the country. As per the Sample Registration Survey, conducted by Registrar General of India, the Total Fertility Rate (TFR) has declined from 3.2 in 2000 to 2.6 in 2008. Similarly, Infant Mortality Rate has declined from 68 to 53. The Crude Birth Rate declined from 25.8 to 22.8 and Death Rate has also come down from 8.5 to 7.4 during the same period.

(c) and (d) The Family Welfare Programme in India is voluntary in nature, which enables a couple to adopt the family planning methods, best suited to them according to their choice, without any compulsion or targets.

(e) and (f) The Government of India has launched National Rural Health Mission in the year 2005 in line with the objective of addressing the issue of population stabilisation as envisaged by

National Population Policy-2000, i.e. the need to simultaneously address issues of child survival; maternal health and contraception while increasing outreach and coverage of a comprehensive package of reproductive and child health service. The main components of the programme are convergence of service delivery at the village level for basic health care, family planning and maternal and child health related services; and empower women for improved health and nutrition to ensure child health and survival and meet the unmet need for family welfare services.

The strategy is also to promote male participation in Family Planning. Population stabilization requires greater convergent action to influence the wider determinants of health care like female literacy, sanitation, nutrition, gender and social empowerment, early childhood development, marriage after 18, spacing of children and behavioural changes etc.

The following specific initiatives have been taken in pursuance of the objectives of NPP 2000/NRHM towards population stabilisation:-

- National Family Planning Insurance Scheme has been started since November, 2005 to compensate the sterilization acceptors for failures, complications and deaths and also provides indemnity insurance cover to doctors.
- Compensation Package for Sterilization was increased in September, 2007 in family planning i.e. in Vasectomy from Rs. 800/- to Rs. 1500/- and tubectomy from Rs. 800/- to Rs. 1000/- in public facilities and to a uniform amount of Rs. 1500/- in accredited private health facilities for all categories in all States for vasectomy.
- Promoting acceptance of No Scalpel Vasectomy to ensure male participation.
- Promoting IUD 380A intensively as a spacing method because of its longevity of 10 years and advantages over other IUDs.
- Fixed day Fixed Place Family Planning Services round the year made possible on account of growing number of 24x7 PHCs and better functioning CHCs and other health facilities under NRHM.

#### **Re-emergence of measles**

935. DR. JANARDHAN WAGHMARE: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government is aware that there are signs of re-emergence of measles, the highly contagious viral disease which mostly affects children; and

(b) if so, the details of action plan to prevent it?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) and (b) As per the available data there is no re-emergence of measles, although there has been an improvement in reporting of measles cases with strengthening of surveillance in some State. Government of India is currently providing single dose of measles vaccine to infants at 9 months under routine immunization. It is planned to provide a second dose of measles vaccine to further measles cases and deaths.

**Withdrawal of cashless mediclaim facility by insurance companies**

936. MS. SUSHILA TIRIYA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that the private insurance companies have withdrawn cashless hospitalization facility;

(b) if so, the reasons therefor;

(c) whether these mediclaim insurance policies have become almost redundant; and

(d) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) and (b) The Insurance Regulatory and Development Authority (IRDA) has informed that the Insurance Companies have neither stopped nor discontinued the cashless treatment facility, but only modified the list of network hospitals to control healthcare costs in the interest of policy holders.

(c) and (d) Withdrawal of cashless facility does not make the Mediclaim Policies redundant, as the Reimbursement facility is still available in cases where cashless facility is not permitted or is not available.

#### **Cases against manufacturers of spurious drugs**

937. SHRI NARESH GUJRAL: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the details of cases registered against manufacturers and distributors of spurious drugs in the last three years, year-wise and State-wise; and

(b) how many people were convicted on this account during the same period?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) and (b) Details containing the State-wise data for the last three years regarding cases registered against manufacturers and distributors of spurious drugs and the number of people convicted on this account, as collected from the State Drugs Controllers, are given in the Statement.

#### **Statement**

*No. of Samples tested, No. of Samples declared not of Standard Quality, No. of Samples declared Spurious, No. of Prosecution Launched, and No. of cases decided, No. of persons arrested and approximate value of drugs seized during 2007-08 as per the feed back available from the States*

Sl. States/UTs No. of	No. of drugs samples tested	No. of drugs samples declared not of standard quality	No. of drugs samples declared spurious/ adultera- ted	No. of prosecution cases launched for sale and column)	No. of persons arrested in the earlier column)	No. of Approximate value (in Rs.) seized drugs
-----------------------------	--------------------------------------	---	---	--	---	---

distributiondecided  
of spurious/  
adulterated  
drugs

1	2	3	4	5	6	7	8	9
1. Andhra Pradesh	3962	82	5	1	1	Nil	250,000	



1	2	3	4	5	6	7	8	9
2.	Arunachal Pradesh Nil		Nil	Nil	Nil		Nil	Nil
3.	Assam	237	21	Nil	Nil	Nil	Nil	Nil
4.	Bihar	1471	36	Nil	Nil	Nil	Nil	Nil
5.	Goa	164	32	Nil	Nil	Nil	Nil	Nil
6.	Gujarat	1984	269	4	5	Nil	Nil	14,000
7.	Haryana	1913	108	1	27	43	2	Nil
8.	Himachal Pradesh	623	4	Nil	Nil	Nil	Nil	Nil
9.	Jammu and Kashmir	696	39	Nil	9	Nil	Nil	410,000
10.	Nil	Karnataka	3094	224	01(vet)	24	Nil	Nil
11.	Nil	Kerala	4228	222	Nil	Nil	Nil	Nil
12.	Nil	Madhya Pradesh	1848	59	Nil	1	Nil	Nil
13.	Nil	Maharashtra	7038	633	20	Nil	Nil	37
14.	Nil	Manipur	...	...	Nil	Nil	Nil	Nil
15.	Nil	Meghalaya	276	4	Nil	Nil	Nil	Nil
16.	Nil	Mizoram	4	Nil	Nil	Nil	4	Nil
17.	Nil	Nagaland	46	Nil	Nil	Nil	Nil	Nil
18.	Nil	Orissa	1133	77	7	6	Nil	4
19.	Nil	Punjab	914	30	6	4	1	Nil
20.	Nil	Rajasthan	1805	126	2	2	Nil	Nil
21.	Nil	Sikkim	20	Nil	Nil	Nil	Nil	Nil

22.	Tamil Nadu	1988	260	2	Nil	Nil	Nil
	Nil						
23.	Tripura	381	14	Nil	Nil	Nil	Nil
	Nil						
24.	Uttar Pradesh	3548	74	16	28	4	64
	700,000						
25.	West Bengal	855	66	7	11	Nil	7
	1,10,000,00						
26.	Pondicherry	Nil	Nil	Nil	Nil	Nil	Nil
	Nil						
27.	Andaman and	Nil	Nil	Nil	Nil	Nil	Nil
	Nil						
	Nicobar Islands						
28.	Chandigarh	90	2	Nil	Nil	Nil	Nil
	Nil						
29.	Delhi	52	4	2	2	1	8
	Nil						

---

1	2	3	4	5	6	7	8	9
30.	Dadra and Nagar	19		1	Nil	Nil	Nil	Nil
	Nil							
	Haveli							
31.	Daman and Diu	41		1	Nil	Nil	Nil	Nil
	Nil							
32.	Lakshadweep	Nil		Nil	Nil	Nil	Nil	Nil
	Nil							
33.	Chhattisgarh	283		31	2	Nil	Nil	Nil
	Nil							
34.	Jharkhand	131		9	4	...	...	...
	...							
35.	Uttaranchal	273		1	Nil	Nil	Nil	Nil
	Nil							
TOTAL:		39117	2429	77	120	54	122	
13,598,000								

2008-09

Sl. No.	States/UTs	No. of drugs samples tested	No. of drugs declared	No. of drugs declared	No. of prosecution cases launched	No. of cases mentioned in the earlier distribution of spurious/ adulterated drugs	No. of persons seized (in Rs.)	Approximate value
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	4839	145	6	21	Nil	Nil	19759000
2.	Arunachal Pradesh		200	Nil	Nil	Nil	Nil	Nil
3.	Assam	277	15	Nil	Nil	Nil	Nil	Nil
4.	Bihar	4372	53	40	69	Nil	33	Nil
5.	Goa	434	19	Nil	Nil	Nil	Nil	Nil

6. Gujarat	1837	296	8	3	Nil	Nil	592800
7. Haryana	2517	159	7	11	Nil	1	63143550
8. Himachal Pradesh	717	12	Nil	Nil	Nil	Nil	Nil
9. Jammu and Kashmir	921	33	1	19	Nil	Nil	1475309
10. Karnataka	3311	240	Nil	6	Nil	1	
204800							

---

1	2	3	4	5	6	7	8	9
11.		Kerala	4866	40	40	44	5	Nil
	61365							
12.		Madhya Pradesh	2183	69	Nil	Nil	Nil	Nil
	Nil							
13.		Maharashtra	7060	583	16	9	Nil	13
	9625000							
14.		Manipur	26	1	Nil	Nil	Nil	Nil
	Nil							
15.		Meghalaya	42	3	Nil	...	Nil	Nil
	...							
16.		Mizoram	156	Nil	Nil	Nil	Nil	Nil
	Nil							
17.		Nagaland	147	Nil	Nil	Nil	Nil	Nil
	Nil							
18.		Orissa	1969	47	2	1	Nil	Nil
	Nil							
19.		Punjab	922	71	2	Nil	Nil	Nil
	31778212							
20.		Rajasthan	1622	113	7	1	...	7
	76505							
21.		Sikkim	20	Nil	Nil	Nil	Nil	Nil
	76505							
22.		Tamil Nadu	2543	423	Nil	6	1	Nil
	Nil							
23.		Tripura	497	8	4	1	Nil	Nil
	Nil							
24.		Uttar Pradesh	1489	133	17	9	...	67
	Nil							
25.		West Bengal	899	62	3	8	Nil	5
	18210126							
26.		Pondicherry	Nil	Nil	Nil	Nil	Nil	Nil
	12000000							

27.	Andaman and Nicobar Islands	Nil	Nil	Nil	Nil	Nil
28.	Chandigarh	67	1	Nil	Nil	Nil
29.	Delhi	588	28	3	10	5
	477000					6
30.	Dadra and Nagar Haveli	7	1	Nil	Nil	Nil
31.	Daman and Diu	47	Nil	Nil	Nil	Nil
32.	Lakshadweep	...	Nil	Nil	Nil	Nil
33.	Chhattisgarh	67	1	Nil	Nil	Nil
34.	Jharkhand	383	38	1	2	Nil
35.	Uttaranchal	120	3	Nil	Nil	Nil
<hr/>						
TOTAL:	45145	2597	157	220	11	133 157,403,667

2009-10

Sl. No.	States/UTs	No. of drugs samples tested	No. of drugs declared	No. of drugs declared not of standard quality	No. of prosecutions launched	No. of cases mentioned in the earlier sale and distribution of spurious/ adulterated drugs	No. of persons arrested (as per column)	Approximate value of drugs seized (in Rs.)
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	46747	97	1	1	Nil	Nil	57346568
2.	Arunachal Pradesh	Nil	Nil	Nil	Nil	Nil	Nil	Nil
	Nil	(report on 32 samples awaited)						
3.	Assam	549	22	Nil	Nil	Nil	Nil	Nil
4.	Bihar	2955	48	27	41	Nil	26	
5.	Goa	656	19	Nil	Nil	Nil	Nil	Nil
6.	Gujarat	373	56	2	Nil	Nil	Nil	Nil
7.	Haryana	1517	36	8	10	Nil	1	30,000
8.	Himachal Pradesh	953	16	Nil	Nil	Nil	Nil	Nil
9.	Jammu and Kashmir	1245	36	1	5	Nil	Nil	Nil
10.	Karnataka	3100	156	Nil	Nil	Nil	Nil	Nil
11.	Kerala	4506	169	Nil	27 (3	6	Nil	
	198000				spurious, 24 NSQ)			
12.	Madhya Pradesh	477	22	Nil	Nil	Nil	Nil	Nil
	Nil							
13.	Maharashtra	5877	378	9	9	Nil	9	

13,260,300

14.	Manipur	Nil	Nil	Nil	Nil	Nil	Nil
Nil							
15.	Meghalaya	1	1	Nil	Prosecution	Nil	Nil
Nil							
16.	Mizoram	75	2	Nil	Nil	Nil	Nil
Nil							

---



1	2	3	4	5	6	7	8	9
17.		Nagaland	4	Nil	Nil	Nil	Nil	Nil
	Nil							
18.		Orissa	1657	25	1	Nil	Nil	Nil
	Nil							
19.		Punjab	1968	112	1	Nil	Nil	Nil
	Nil							
20.		Rajasthan	1194	87	17	Nil	Nil	7
	257,239							
21.		Sikkim	4	Nil	Nil	Nil	Nil	Nil
	Nil							
22.		Tamil Nadu	3770	419	3	2	Nil	8
	150,000							
23.		Tripura	352	20	Nil	Nil	Nil	Nil
	Nil							
24.		Uttar Pradesh	1403	88	27	57	Nil	109
	16,246,360							
25.		West Bengal	1040	61	11	9	Nil	8
	7,500,000							
26.		Pondicherry	Nil	Nil	Nil	Nil	Nil	Nil
	Nil							
27.		Andaman and Nicobar Islands	Nil	Nil	Nil	Nil	Nil	Nil
	Nil							
28.		Chandigarh	113	3	Nil	Nil	Nil	Nil
	Nil							
29.		Delhi	539	22	6	2	Nil	5
	245,000							
30.		Dadra and Nagar Haveli	10	Nil	1	1	investigation	Nil
	5,500,000							
						is in progress under the D&C Rules, meanwhile the		

				manufacturing license has been suspended			
31.	Daman and Diu	51	Nil	Nil	Nil	Nil	Nil
Nil							
32.	Lakshadweep	Nil	Nil	Nil	Nil	Nil	Nil
Nil							
33.	Chhattisgarh	26	11	Nil	Nil	Nil	Nil
Nil							
34.	Jharkhand	186	36	2	1	Nil	Nil
19,340							
35.	Uttaranchal	...	Nil	Nil	Nil	Nil	Nil
Nil							
<hr/>							
TOTAL:	39248	1942	117	138	6	147	100752807
<hr/>							

#### **Deaths due to chewing of tobacco**

†938. SHRI SATYAVRAT CHATURVEDI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the number of persons estimated in the country who died of cancer;

(b) the number of persons died of chewing tobacco in the year 2007 and the increase in the number recorded in 2009;

(c) the percentage growth in sale of Gutkha recorded during the year 2007-09; and

(d) the steps being taken by Government to arrest the sale of Gutkha in the country?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a)

As per the report of National Cancer Registry Programme of the Indian Council of Medical Research (ICMR), the estimated number of deaths of cancer patients in India is about 4.8 lakh every year.

(b) and (c) No such data is maintained by this Ministry.

(d) Under the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, (COPTA), 2003, provisions have been made to discourage young children from using of tobacco products including Gutkha and protect people from tobacco smoke (second hand smoke). The Act has the following provisions to prevent/discourage young children/minors from tobacco use:-

(i) Ban on direct or indirect advertisement/promotion and sponsorship of tobacco products.

(ii) Ban on sale of tobacco products to children below 18 years and ban on sale of tobacco products within 100 yards of educational institutions.

#### **Patent for anti-cancer medicine**

†939. SHRI SHREEGOPAL VYAS: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that some of the Indian Institutions have got the patent for the anti cancer medicines develop from cow-urine, from the United States of America (USA);

(b) if so, the names of the institutions whose efforts made it

possible;

(c) whether there is any plan to encourage them; and

(d) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) Yes. The Council of Scientific and Industrial Research (CSIR) has been granted US patents on the following subjects:-

---

†Original notice of the question was received in Hindi.

I. Use Of Cow Urine Distillate (Go-Mutra) As Bioenhancer Of Anti-Infective And Anticancer Agents.

II. Pharmaceutical Composition Containing Cow Urine Distillate As An Antioxidant.

(b) The first application (A1) was jointly filed in the name of Council of Scientific and Industrial Research (CSIR), Central Institute of Medicinal and Aromatic Plants, Lucknow and Go Vigyan Anusandhan Kendra, Nagpur. Based on this work, 3 US patents were granted, as per details given below:-

a. US patent no. 6410059 granted on 25.6.2002.

b. US patent on 6896907 granted on 24.5.2005

c. US patent on 7235262 granted on 26.6.2007

The second patent (A2) was filed in the name of Council of Scientific and Industrial Research, National Environmental Engineering Research Institute, Nagpur and a US patent 7718360 was granted on 18th May, 2010 for **Composition comprising redistilled cow's urine distillate for protecting and/or repairing DNA from oxidative damages and a method thereof**. This patent was based on RCUD which is already available as a product in the market and included inventors from Go Vigyan Anusandhan Kendra, Nagpur also.

(c) and (d) At the moment, no further work being undertaken.

#### **Autonomy for Government hospitals in Delhi**

940. PROF. ALKA BALRAM KSHATRIYA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government has been actively considering to provide autonomy to Government hospitals in the capital;

(b) if so, the details thereof and the reasons therefor;

(c) whether the grant of autonomy to those hospitals will accrue any benefits to Central Government Health Scheme (CGHS) beneficiaries and general public; and

(d) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) and (b) There is no such proposal at present.

(c) and (d) Does not arise.

#### **Recognition to medical colleges**

†941. SHRI KAPTAN SINGH SOLANKI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the details of medical colleges which were given recognition during the tenure of ex-Chairman of the Medical Council of India (MCI), Shri Ketan Desai;

---

†Original notice of the question was received in Hindi.

(b) whether the established guidelines had been followed thoroughly while being given recognition to these colleges;

(c) whether Government is considering to review the matter of recognition given to medical colleges during the tenure of the ex-Chairman of the MCI; and

(d) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) to (d) As per information provided by Medical Council of India (MCI), 20 medical colleges were considered by MCI for recognition during the tenure of Ex-Chairman of MCI. Out of these, 17 medical colleges have been recognized under Section 11(2) of Indian Medical Council Act, 1956 and rest 03 medical colleges on each in Andhra Pradesh, Karnataka and Maharashtra are to be reconsidered by the newly constituted Board of Governors, MCI.

#### **Healthcare facilities in LWE Districts**

942. MS. MABEL REBELLO: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Ministry has any special package to cater to the needs of health in tribal areas particularly 34 Left Wing Extremism (LWE) affected districts;

(b) whether the Ministry is aware that there are no community health centres or medical staff in most of the tribal blocks; and

(c) in what manner Government proposes to overcome these problems of construction of Community Health Centres (CHCs), Primary Health Centres (PHCs) and the lack of staff in these naxal affected blocks and ensure health care for the population of the area?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) Yes, special packages have been incorporated in respective State Programme implementation Plans for providing healthcare to the people in the tribal areas particularly in 34 Left Wing Extremism (LWE) affected districts in the form of monetary incentives, performance incentives and award for working in Difficult Areas.

Also non monetary incentives such as preferential postings for Medical Officers mandatory postings and Post Graduate Linkages for Medical Officers such as Preference for Post Graduate for 5 years service in tribal/difficult area are in place in some States to address the shortage of doctors in difficult areas and LWE affected block.

(b) and (c) It is a mandate of National Rural Health Mission to ensure availability of health infrastructure like Community Health Centres, Primary Health Centres and Sub Centres to ensure health care

services in the tribal areas and naxal affected blocks.

**Service tax on cashless mediclaim facility**

943. MS. SUSHILA TIRIYA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that the patients availing cashless mediclaim facility have to bear service tax of more than 10 per cent in every claim; and



(b) if so, the reasons therefor?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) As per the provisions of the Finance Act, 2010, Service Tax of 10.3% has been made applicable w.e.f. 01.7.10 on all payments of hospitals, nursing homes, multi specialty clinics where payment is made directly by the insurance companies on behalf of a person covered under health insurance policies by offering cashless facility.

(b) This tax addition has been affected due to amendment of the Act.

#### **Mother safety in India**

†944. SHRI AVINASH RAI KHANNA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether a survey report has come to the notice of Government which says that India is not a safe place for 'mothers';

(b) whether it is a fact that out of 77 countries India ranks at 73rd place in this report of child organisation 'save the children'; and

(c) if so, the plan of Government thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) and (b) The relative position of countries in respect of healthcare and well being of the mothers has been examined in the report titled Women on the Frontlines of Health Care – State of the World's Mothers – 2010 published by 'Save the Children' a world leading independent international organisation for children. As per this report, India ranks 73 out of the 77 countries belonging to the Group of Less Development Countries.

(c) Government of India (GOI) has launched the National Rural Health Mission (NRHM) in the year 2005, with special emphasis on improving the health status of rural population throughout the country. Under the NRHM (2005-2012) and the Reproductive Child Health Programme, the GOI is strengthening services so as to bring reduction in maternal mortality ratio and to achieve the aim of population stabilisation. The key interventions include the following:-

- I. Janani Suraksha Yojana, a cash benefit scheme to promote Institutional Delivery with a special focus on Below Poverty Line and Scheduled Caste/Scheduled Tribe pregnant women.
- II. Operationalizing Community Health Centres as First Referral

Units and Primary Health Centres for round the clock (24×7) services for maternal and child health.

III. Augmenting the availability of skilled manpower by means of different skill-based trainings such as Skilled Birth Attendance, Training of MBBS Doctors in Life Saving Anaesthetic Skills and Emergency Obstetric Care including Caesarean Section.

---

†Original notice of the question was received in Hindi.

- IV. Provision of Ante-natal and Post Natal Care services including prevention and treatment of Anaemia by supplementation with Iron and Folic Acid tablets during pregnancy and lactation.
- V. Organizing Village Health and Nutrition Day at Anganwadi Centers.
- VI. Appointment of an Accredited Social Health Activist to facilitate accessing of health care services by the community including pregnant women.
- VII. Strengthening of Health Facilities like District Hospitals, Community Health Centres, Primary Health Centres and Sub-centres.
- VIII. Introducing a System of maternal deaths review.

#### **Reshuffling of the MCI**

945. SHRIMATI T. RATNA BAI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether Government is reshuffling the Medical Council of India (MCI);
- (b) if so, the details thereof; and
- (c) the present status thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
 (a) to (c) The Medical Council of India (MCI) has been superseded through an Ordinance promulgated on 15th May, 2010. Subsequently, Government has constituted a six member Board of Governors for executing the functions of Medical Council of India with effect from 15th May, 2010.

#### **Implementation of COTPA, 2003**

946. SHRI THOMAS SANGMA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether the National Tobacco Control Programme (NTCP) was launched in 42 districts of the country for effective implementation of Cigarettes and other Tobacco Product Act (COTPA), 2003;
- (b) if so, the steps taken to implement the components of NTCP;
- (c) whether there are any plans to upscale the programme in the Twelfth Five Year Plan;
- (d) if so, the details thereof along with the steps been taken by NTCP to improve compliance of COTPA;

(e) whether Government intends to cover all the districts across the country under NTCP and to increase the budget allocated to NTCP in future; and

(f) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) Yes.

(b) The Ministry of Health and Family Welfare launched the National Tobacco Control Programme (NTCP) in the Eleventh Five Year Plan to facilitate the implementation of Tobacco Control Laws and create awareness about the harmful effects of Tobacco in 42 Districts of 21 States of the country. (i) A comprehensive mass media campaign at national level, through both electronic and print media has been undertaken to bring awareness and for behaviour change about health effects of tobacco products.

(ii) The State and district level components of NTCP have been integrated within the NRHM framework as part of the State health care delivery mechanism. Dedicated State and district tobacco control cells have been established for effective implementation and monitoring anti-tobacco initiatives.

(iii) One apex and five research laboratories for testing tobacco products have been identified to build regulatory capacity.

(iv) Mainstreaming of research and training on alternate crops and livelihoods with other nodal ministries.

(v) Monitoring and evaluation including surveillance activities have been undertaken e.g. adult tobacco survey.

(c) to (f) No such decision has been taken.

#### **Beneficiaries of RSBY**

947. SHRI BHAGAT SINGH KOSHYARI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the number of individuals which are covered under the Rashtriya Swasthya Bima Yojana (RSBY) in the country, State-wise;

(b) the number of individuals benefited from the RSBY, State-wise;

(c) whether RSBY requires a district to have a minimum level of medical facilities before covering it;

(d) if so, the details thereof; and

(e) what steps Government would take for those districts that do not have basic medical facilities in order to provide treatment?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) and (b) The number of BPL families covered and persons benefited from RSBY is given in the Statement (See below).

(c) to (e) Hospitals and other health facilities with desired infrastructure for inpatient and day care services are empanelled by Insurance Companies. All Government hospitals (including Community Health Centers) and ESI hospitals can be empanelled provided they possess the facilities of Telephone/Fax, 64KBPS connectivity and machine to read and manage smart card transactions.

The criteria for empanelling private hospitals and health facilities is that the hospitals should have at least 10 inpatient medical beds for primary inpatient health care. The requirement of

minimum number of beds can be reduced based on available infrastructure in rural areas. However, RSBY does not require a district to have minimum level of medical facilities because if a district does have minimum basic medical facilities, the beneficiaries of that district can take treatment in any empanelled hospital in the adjoining districts or anywhere in the State or Country.

**Statement**

*Statement showing the number of BPL families covered and persons benefited from RSBY*

Sl. No.	Name of State	No. of BPL families covered	No. of Persons benefited
1.	Assam	144590	68
2.	Bihar	3367843	48429
3.	Chandigarh	5407	17
4.	Chhattisgarh	1025861	11579
5.	Delhi	218055	27068
6.	Goa	3505	7
7.	Gujarat	727381	87057
8.	Haryana	691197	69451
9.	Himachal Pradesh	236947	5760
10.	Jharkhand	618405	16675
11.	Karnataka	104414	75
12.	Kerala	1260847	196996
13.	Maharashtra	1556256	42910
14.	Meghalaya	41135	76
15.	Nagaland	39301	1765
16.	Orissa	418929	437
17.	Punjab	163345	7156
18.	Tamil Nadu	149520	5196
19.	Tripura	258402	11862
20.	Uttar Pradesh	4926567	188608
21.	Uttarakhand	142177	1118
22.	West Bengal	1367183	19019
TOTAL:		17467267	741329

**Cancer treatment facility at AIIMS, New Delhi**

†948. SHRI MOTILAL VORA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether there is proper facilities for the treatment of cancer patients in the All India Institute of Medical Sciences (AIIMS), New Delhi;

(b) if so, the number of cancer patients treated every year in the AIIMS;

(c) the details of the States having proper facilities for treatment of cancer patients in the country; and

(d) the number of persons who died due to chewing tobacco and Gutkha during 2008-09 and 2009-10 in the country?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) Yes.

(b) The details of patients attended at Dr. B.R. Ambedkar Institute – Rotary Cancer Hospital, AIIMS during the year 2009-10 are as under:—

Sl. No.	Nature of attendance	No. of patients
1.	OPD patients (old and new)	74080
2.	Admissions (regular and day care)	26002
3.	Surgeries (major and minor)	6177
4.	Lab investigations	68051

(c) Comprehensive Cancer Care is provided in 27 Regional Cancer Centres. The details are at given in the Statement (See below).

The treatment of cancer is by surgery/radiotherapy/chemotherapy/supportive care. Facilities for surgery, chemotherapy and supportive care are available in medical college hospitals and district hospitals in the health care delivery system of the country. The radiotherapy facility is available in more than 250 health care institutes of the country.

(d) No such data is maintained in this Ministry.

**Statement**

*List of Regional Cancer Centres (RCC)*

Sl. No.	Name of the RCC
1	2
1.	Kamala Nehru Memorial Hospital, Allahabad, Uttar Pradesh
2.	Chittaranjan National Cancer Institute, Kolkata, West Bengal



---

†Original notice of the question was received in Hindi.

1	2
3.	Kidwai Memorial Institute of Oncology, Bangalore, Karnataka
4.	Regional Cancer Institute (WIA), Adyar, Chennai, Tamil Nadu
5.	Acharya Harihar Regional Cancer Centre for Cancer Research and Treatment, Cuttack, Orissa.
6.	Regional Cancer Control Society, Shimla, Himachal Pradesh
7.	Cancer Hospital and Research Centre, Gwailor, Madhya Pradesh
8.	Dr. B.R. Ambedkar Institute-Rotary Cancer Hospital, All India Institute of Medical Sciences, New Delhi.
9.	R.S.T. Hospital and Research Centre, Nagpur, Maharashtra
10.	Pt. JNM Medical College, Raipur, Chhattisgarh
11.	Post Graduate Institute of Medical Education and Research, Chandigarh
12.	Sher-i-Kashmir Institute of Medical Sciences, Soura, Srinagar, Jammu and Kashmir
13.	Regional Institute of Medical Sciences, Imphal, Manipur
14.	Government Medical College and Associated Hospital, Bakshinagar, Jammu
15.	Regional Cancer Centre, Thiruvananthapuram, Kerala
16.	Gujarat Cancer Research Institute, Ahmedabad, Gujarat
17.	MNJ Institute of Oncology, Hyderabad, Andhra Pradesh
18.	Pondicherry Regional Cancer Society, JIPMER, Puducherry
19.	Dr. B.B. Cancer Institute, Guwahati, Assam
20.	Tata Memorial Hospital, Mumbai, Maharashtra
21.	Indira Gandhi Institute of Medical Sciences, Patna, Bihar
22.	Acharya Tulsi Regional Cancer Trust and Research Institute, Bikaner, Rajasthan
23.	Pt. B.D. Sharma Postgraduate Institute of Medical Sciences, Rohtak, Haryana
24.	Civil Hospital, Aizawal, Mizoram
25.	Sanjay Gandhi Post graduate Institute of Medical Sciences, Lucknow, Uttar Pradesh.
26.	Government Arignar Anna Memorial Cancer Hospital, Kancheepuram, Tamil Nadu
27.	Cancer Hospital, Agartala, Tripura.

**Approval of clinical trials of foreign drug regulators**

949. SHRIMATI BRINDA KARAT: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the rationale behind permitting clinical trials approved by certain foreign drug

regulators belonging to US, Canada, UK, European Medicines Agency (EMA), Germany, Switzerland, Japan, South Africa and Australia arbitrarily categorized as "A" within two to four weeks by the Drugs Controller General India (DCGI); and

(b) what are the objective parameters of including and excluding Drug Regulatory Authorities (DRAs) in Category A?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) and (b) Requirements and guidelines for clinical trials are specified in Schedule Y of Drugs and Cosmetics Rules 1945. Clinical trials are permitted in the country as per Rule 122DA, 122DAA, 122DB, 122E of Schedule Y of Drugs and Cosmetics Rules 1945. Further, Schedule Y to Drugs and Cosmetics Rules 1945 mandates that clinical trial should be conducted as per Good Clinical Practices (GCP) Guidelines issued by the Directorate General of Health Services, Ministry of Health and Family Welfare Government of India. Clinical trials in country are not permitted arbitrarily based on the category "A" and "B".

#### **Preventing use of spurious and adulterated drugs**

950. SHRI RAJKUMAR DHOT: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that many units manufacturing spurious and adulterated drugs and medicines of popular brands have been unearthed since 1 January, 2009 in different parts of the country;

(b) if so, the details thereof and the actions, taken against the culprits;

(c) whether Government would publicise details of such drugs and medicines with their source of supply for information of hospitals, chemists and general public to prevent their use; and

(d) if not, the reasons therefor?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) and (b) The information as furnished by the State Drugs Controllers in respect of spurious and adulterated drugs detected in their States during the year 2009-10 is given in the Statement (See below).

(c) and (d) The manufacture and sale of spurious drugs is a clandestine and localized activity indulged in by anti social

elements. A recent survey carried out by Central Drugs Standards Control Organisation (CDSCO) on the basis of the statistical principles provided by Indian Statistical Institute (ISI), Hyderabad to assess more extent of spurious drugs in the country has revealed that the extent of spurious drugs is about 0.045%. As the label of spurious drugs indicate the name and particulars of the genuine formulations duplicated by the manufacturers of spurious drugs, wide circulation of the particulars may result in creating unnecessary scare about the quality of genuine formulations otherwise available in the market.

**Statement**

*Statement showing information on the details of persons/companies involved in manufacture, sale and distribution of spurious drugs (2009-2010).*

Sl. No.	States	No. of drugs tested	No. of samples declared	No. of drugs declared	No. of prosecution samples launched	No. of cases mentioned in the earlier column)	No. of persons seized (in Rs.)	Approximate value
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	4647	97	1	1	Nil	Nil	57346568
2.	Arunachal Pradesh Nil	(report on 32 samples awaited)	Nil	Nil	Nil	Nil	Nil	Nil
3.	Assam	549	22	Nil	Nil	Nil	Nil	Nil
4.	Bihar	2955	48	27	41	Nil	26	
5.	Goa	656	19	Nil	Nil	Nil	Nil	Nil
6.	Gujarat	373	56	2	Nil	Nil	Nil	Nil
7.	Haryana	1517	36	8	10	Nil	1	30,000
8.	Himachal Pradesh	953	16	Nil	Nil	Nil	Nil	Nil
9.	Jammu and Kashmir	1245	36	1	5	Nil	Nil	Nil
10.	Nil	Karnataka	3100	156	Nil	Nil	Nil	Nil
11.	198000	Kerala	4506	169	Nil	27 (3	6	Nil
					spurious, 24 NSQ)			
12.	Nil	Madhya Pradesh	477	22	Nil	Nil	Nil	Nil
13.		Maharashtra	5877	378	9	9	Nil	9

13260300

14.	Manipur	Nil	Nil	Nil	Nil	Nil	Nil
Nil							
15.	Meghalaya	1	1	Nil	Prosecution	Nil	Nil
Nil							
16.	Mizoram	75	2	Nil	Nil	Nil	Nil
Nil							

---

1	2	3	4	5	6	7	8	9
17.	Nil	Nagaland	4	Nil	Nil	Nil	Nil	Nil
18.	Nil	Orissa	1657	25	1	Nil	Nil	Nil
19.	Nil	Punjab	1968	112	1	Nil	Nil	Nil
20.	2,57,239	Rajasthan	1194	87	17	Nil	Nil	7
21.	Nil	Sikkim	4	Nil	Nil	Nil	Nil	Nil
22.	1,50,000	Tamil Nadu	3770	419	3	2	Nil	8
23.	Nil	Tripura	352	20	Nil	Nil	Nil	Nil
24.	1,62,46,360	Uttar Pradesh	1403	88	27	57	Nil	109
25.	75,00,000	West Bengal	1040	61	11	9	Nil	8
26.	Nil	Pondicherry	Nil	Nil	Nil	Nil	Nil	Nil
27.	Nil	Andaman and Nicobar Islands	Nil	Nil	Nil	Nil	Nil	Nil
28.	Nil	Chandigarh	113	3	Nil	Nil	Nil	Nil
29.	2,45,000	Delhi	539	22	6	2	Nil	5
30.	55,00,000 Haveli	Dadra and Nagar Haveli	10	Nil	1	1 investigation is in progress under the D&C Rules, meanwhile the manufacturing license has been suspended		
31.		Daman and Diu	51	Nil	Nil	Nil	Nil	Nil



	Nil						
32.	Lakshadweep	Nil	Nil	Nil	Nil	Nil	Nil
	Nil						
33.	Chhattisgarh	26	11	Nil	Nil	Nil	Nil
	Nil						
34.	Jharkhand	186	36	2	1	Nil	Nil
	19,340						
35.	Uttaranchal	...	Nil	Nil	Nil	Nil	Nil
	Nil						
<hr/>							
TOTAL:	39248	1942	117	138	6	147	
	10,07,52,807						
<hr/>							

**Decentralised management under NRHM**

†951. SHRI ANIL MADHAV DAVE: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

†Original notice of the question was received in Hindi.

(a) whether under the National Rural Health Mission (NRHM) Government proposes to bring decentralised management and ensuring accountability by engaging NGOs for community monitoring;

(b) if so, the details thereof;

(c) whether the programme of NGOs is proposed to be modified in such a way that the presence of quality NGOs for community monitoring and skill development could be ensured at block, district and State levels; and

(d) if so, the details thereof and the steps taken by the Central Government in this regard?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) NRHM provides for Community Monitoring.

(b) Advisory Group on Community Action carried out Community Monitoring in 9 States. States have proposed Community Monitoring in their Programme Implementation Plan for 2010-11.

(c) and (d) NRHM framework for Implementation provides for partnership with Non-Governmental Organisations for meeting public health goals. Grants-in-Aid Committee for NGO proposals are at State level as per NRHM's framework for implementation. It provides for innovations to improve capacity for decentralized management of health.

#### **Provision of grant to PATH**

952. SHRIMATI BRINDA KARAT: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Ministry provided any grant to Programme for Appropriate Technology (PATH) based in Seattle, United States of America and/or its office in India in the past three years; and

(b) if so, the amount of the grant and the purpose thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
No.

(b) Does not arise.

#### **Action against fake doctors**

953. SHRI RAJKUMAR DHOT: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that the Medical Council of India (MCI) raided clinics and dispensaries of many fake doctors practising in Delhi from 1 June, 2010 onwards;

(b) if so, the details thereof;

(c) the action taken against the culprits; and

(d) based on the feedback what action Government proposes to take

to get rid of fake doctors in other parts of the country as well?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

No.

(b) to (d) Do not arise.

**Funds for recruitment of ASHAs**

954. SHRIMATI KANIMOZHI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the total budgetary allocation for the National Rural Health Mission (NRHM) in the current year, State-wise;

(b) the allocation of funds for the recruitment of Accredited Social Health Activists (ASHAs);

(c) the expected role of ASHAs;

(d) the number of ASHAs engaged under the NRHM so far and the projected recruitment of ASHAs in the coming year; and

(e) what level of initial training and subsequent support are provided for the ASHAs to fulfill their responsibilities?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) Details showing the total budgetary allocation state-wise under the National Rural Health Mission for the F.Y. 2010-11 are given in the Statement-I (See below).

(b) The funds for Accredited Social Health Activists (ASHAs) are provided on the basis of the proposal of the State in the Programme Implementation Plan. Broadly, there is a ceiling of Rs. 10,000/- per ASHA for capacity development, drug kits and support system for the ASHA Programme.

(c) The ASHAs role is to connect households to health facilities. She is expected to be a community worker who is able to secure health care as per the need of households.

(d) and (e) The number of ASHAs engaged so far under the NRHM is given in the Statement-II (See below). Under the National Rural Health Mission, the provision for an ASHA is for 1000 population or for every large habitation. So far, 7.91 lakh ASHAs have been engaged. The number depends on the requirement of the State as per the population of large habitation. The ASHAs are provided 23 days of training in five modules as basic training. There is also a provisions for recurrent annual training and support for the ASHA for her to discharge her duties as a community worker.

**Statement-I**

*Detailed State-wise allocation of grants under National Rural Health Mission during 2010-11*

(Rs. in lakhs)

Sl.No.	State/UT	Amount
1	2	3
1.	Andaman and Nicobar Islands	1994.28

2.	Andhra Pradesh	80916.40
3.	Arunachal Pradesh	4686.20

---

1	2	3
4.	Assam	78643.85
5.	Bihar	95349.63
6.	Chandigarh	1122.67
7.	Chhattisgarh	32521.38
8.	Dadra and Nagar Haveli	468.96
9.	Daman and Diu	374.66
10.	Delhi	13386.05
11.	Goa	1652.98
12.	Gujarat	53085.75
13.	Haryana	20188.46
14.	Himachal Pradesh	11097.33
15.	Jammu and Kashmir	15393.79
16.	Jharkhand	38238.05
17.	Karnataka	55141.15
18.	Kerala	30739.45
19.	Lakshadweep	299.82
20.	Madhya Pradesh	75322.56
21.	Maharashtra	97803.88
22.	Manipur	8544.51
23.	Meghalaya	7615.30
24.	Mizoram	4814.74
25.	Nagaland	7152.33
26.	Orissa	45697.03
27.	Pondicherry	1295.37
28.	Punjab	24631.88
29.	Rajasthan	73694.94
30.	Sikkim	2638.47
31.	Tamil Nadu	65658.74
32.	Tripura	10870.27
33.	Uttar Pradesh	205858.94
34.	Uttarakhand	13042.02
35.	West Bengal	75524.73
GRAND TOTAL:		1255466.57

Note: Kind grants in the form of drugs, equipments and vaccines to be supplied as per demand from the States/UTs.

**Statement-I**

*State-wise status of ASHA selection and training (upto May, 2010)*

States			ASHAs Targeted	ASHAs Selected	Module				
					Mod-1	Mod-2	Mod-3	Mod-4	Mod-5
EAG States	1.	Bihar	87135	73649	69402	44716	44716	44716	0*
	2.	Chhattisgarh	60092	60092	60092	60092	60092	60092	60092
	3.	Jharkhand	40964	40964	40115	39482	39214	35675	22580*
	4.	Madhya Pradesh	52117	49282	45908	42153	41237	37969	0*
	5.	Orissa	34324	34252	34117	33910	33910	33910	33102
	6.	Rajasthan	48372	42496	40310	40310	40310	40310	0*
	7.	Uttar Pradesh	136268	136182	135130	128434	128434	128434	0*
	8.	Uttarakhand	9983	9983	9975	9975	9975	9975	8978
NE States	9.	Assam	29693	28798	26225	26225	26225	26225	23271
	10.	Arunachal Pradesh	3862	3608	3379	3212	3156	2533	1176
	11.	Manipur	3878	3878	3878	3000	3000	3000	3000
	12.	Meghalaya	6258	6258	6175	6175	6175	6175	3427
	13.	Mizoram	943	943	943	943	943	943	932
	14.	Nagaland	1700	1700	1700	1700	1700	1700	1700
	15.	Sikkim	666	637	637	637	637	637	637
	16.	Tripura	7367	7367	7367	7367	7367	7367	7362
Other States	17.	Andhra Pradesh	70700	70700	70700	70700	70700	70700	70700
	18.	Delhi	3266	2266	2236	2236	2236	2236	0*
	19.	Gujarat	31438	27043	17835	17835	17835	17835	2915
	20.	Haryana	14000	13098	12753	4359	4359	4359	0*

	21. Himachal Pradesh	18248	16888	16888	0	0	0	0
	22. Jammu and Kashmir	9764	9500	9500	9000	9000	9000	
	23. Karnataka	39195	37681	25400	25400	25400	25400	25400
	24. Kerala	32854	31868	28845	22263	11953		0
	25. Maharashtra	60457	60441	53331	8413	7905	7411	3938
	26. Punjab	17756	17229	15481	3503	3503	0	0
	27. Tamil Nadu	2650	2650	0	0	0	0	0
	28. West Bengal	47689	30114	21338	17699	15473	11674	10772
UTs	29. Andaman and Nicobar Islands	403	403	403	403	49	49	49
	30. Chandigarh	430	423	0	0	0	0	0
	31. Dadra and Nagar Haveli	250	107	87	87	87	87	87
	32. Lakshadweep	85	85	85	85	85	0	0
	TOTAL FOR COUNTRY:	872807	820585	760235	630314	615676	588412	255838

Data source: NHSRC monthly Reports and ASHA information in PIP 2010-11

Goa, Daman and Diu and Puducherry has not opted for ASHA programme.

\*In Bihar 120 trainers will be trained for Module-5 and 50% of the ASHAs will be trained in Module-5 by the March-2010.

\*In Jharkhand last year 22580 ASHAs are trained in Module-5, in MP 20,000 will be trained in module 1-4.

\*In Rajasthan 120 Trainers for module-5 will be trained and 20,000 ASHA will be trained this year.

\*In UP 120 Trainers will be trained for module-5.

\*In Haryana TOT for the module-5 is completed.

\*Delhi TOT for Module-5 completed.



### Steps for curbing food adulteration

955. DR. GYAN PRAKASH PILANIA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether a large per cent of food products being sold in the country are adulterated;

(b) if so, the steps taken by Government for enforcement of the Prevention of Food Adulteration Act, 1954 and the rules to check this menace;

(c) the cases registered, challaned, convicted and jailed during last three years;

(d) how far the Prevention of Food Adulteration Act, 1954 has succeeded to curb adulteration;

(e) whether Government is taking any effective steps to stop this trade of adulteration; and

(f) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) and (b) According to the latest available information provided by the States/Union Territory Governments, the percentage of adulteration in food articles declined from 8.44 per cent of the samples collected in 2006 to 7.73 per cent in 2008. Enforcement of the provisions of the Prevention of Food Adulteration (PFA) Act, 1954 and PFA Rules, 1955 is entrusted to the Food (Health) Authorities of the States/Union Territories. Samples of various foods including milk products, edible oil, vegetables, sweets and other food articles are taken regularly by the State/UT Governments and action is taken in case of complaints of adulterated food against the guilty under the provisions of PFA Act, 1954.

(c) According to the latest available information provided by the States/Union Territory Governments, the details regarding number of cases registered and challaned alongwith number of cases convicted as made available by the States/Union Territory Governments during the year 2006-2008 are as under:-

Year	No. of cases registered, challaned	No. of cases convicted
2006	7695	1284
2007	3902	2472
2008	3250	549

(d) The Prevention of Food Adulteration Act, 1954 has so far stood and test of the times over the years since its enactment despite

minute aberrations.

(e) and (f) Several steps have been taken by the Government to check adulteration which includes lifting of samples by the Food (Health) Authorities of States/Union Territories for testing, conducting raids at suspected places and taking action against such persons. The standards for various food articles have been revised and updated. It has also issued appropriate directions and alerts to the State/UT authorities from time to time for keeping strict

vigil on the quality of food items within their respective jurisdiction for ensuring safe and wholesome food for consumers.

With view to better implementation of food safety measures in the country, an attempt has been made by the Central Government to consolidate and integrate a number of food related laws administered by different authorities by bringing them under a common umbrella of the Food Safety and Standards Act, 2006 and bringing them under the supervision of a new single authority namely the Food Safety and Standards Authority of India.

#### **Assessment of NRHM**

956. SHRI K.V.P. RAMACHANDRA RAO: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the number of villages covered under the National Rural Health Mission (NRHM), so far;

(b) the extent of improvement in the health infrastructure achieved under the mission;

(c) whether any assessment has been made on the performance of the scheme;

and

(d) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) National Rural Health Mission (NRHM) covers the 6,38,588 villages in the country.

(b) NRHM has played pivotal role for providing better health infrastructure across the country. More than 17,000 health facilities including District Hospital (DH), Community Health Centre (CHC), Primary Health centre (PHC) and Sub Centre (SC) have been constructed or improved to provide better service delivery.

(c) and (d) Yes. The performance of NRHM has been evaluated by; International Advisory Panel study; Kaveri Gill's Study for Planning Commission, Community Monitoring Report, Common Review Mission and Performance Audit of NRHM BY Comptroller and Auditor General of India. Besides this regular monitoring is also done by periodic reviews, Health Management Information System data and State visits.

#### **Lack of basic health facilities for children in Jharkhand**

†957. SHRI DHIRAJ PRASAD SAHU: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether more than 50 per cent children below the age of 5 years in the country, especially in Jharkhand are not getting basic health facilities;

(b) if so, the details thereof;

(c) whether Government proposes to ensure basic health care facilities for children in the country, especially for Jharkhand; and

---

†Original notice of the question was received in Hindi.

(d) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) No.

(b) Does not arise.

(c) and (d) In order to strengthen basic health services for children, Government of India through National Rural Health Mission has improved the health infrastructure and is implementing the Reproductive and Child Health Programme in the country including the State of Jharkhand. The various components of the Child Health programme are as follows:-

- Establishment of Special Newborn care Units, Newborn Stabilization Units and Newborn Care Corners at health facilities.
- Training of the health workers and anganwadi workers on integrated management of neonatal and childhood illnesses (IMNCI) and Pre-Service Integrated management of neonatal and childhood illnesses (IMNCI).
- Early detection and appropriate management of diarrhoeal disease.
- Early detection and appropriate management of Acute Respiratory Infections and other infections.
- Navjaat Shishu Suraksha Karyakram (NSSK), a programme for training providers in newborn care and resuscitation.
- Infant and young child feeding.
- Immunization.
- Vitamine A supplementation and Iron and Folic Acid supplementation.

**Financial assistance to States for upgradation of PHCs**

958. SHRI SHANTARAM LAXMAN NAIK: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government has any scheme to give financial assistance to the State Governments to upgrade the facilities or to carry out other improvements in the health facilities in the Primary Health Centres (PHCs) in the country;

(b) if so, the details thereof; and

(c) whether any financial assistance has been given to Goa in this

regard?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) and (b) Yes. Under the National Rural Health Mission (NRHM), funds are provided to the States/UTs to strengthen their health infrastructure, including establishment of new Primary Health Centres (PHCs) and upgradation of the existing PHCs. The State/UT Governments incorporate their requirements in their Annual Programme Implementation Plans (PIPs) for setting up and upgradation of the health infrastructure and provision of human resource of better service delivery. The same is examined in the Ministry and funds are released to States/UTs as

per approval of the National Programme Coordination Committee (NPCC) for actual implementation of the programme.

(c) An amount of Rs. 0.50 crore was approved for the State of Goa for strengthening and upgradation of the health infrastructure including the PHCs during the last three years from 2007-08 to 2009-10 and an amount of Rs. 1.45 crore has been approved for the year 2010-11.

#### **Survey on health of mothers**

†959. SHRIMATI MAYA SINGH: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether a survey conducted by a social organization has placed Indian women at 73rd positive in the list prepared on the basis of the health of mothers in 77 countries of the world;

(b) whether there is an acute shortage of health workers in the country to provide health care services to mothers and women;

(c) the per annum casualty of women in India due to complications related to pregnancy and child birth?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) The relative position of countries in respect of healthcare and well being of the mothers has been examined in the report titled Women on the Frontlines of Health Care-State of the World's Mothers-2010 published by 'Save the Children' a world leading independent organisation for children. As per this report, India ranks 73 out of the 77 countries belonging to the Group of Less Development Countries.

(b) As per the information available from Rural Health Statistics (RHS) Bulletin 2009, the overall shortfall in the availability of Auxiliary Nurse Midwives (ANMs) is 7.3% of the total requirement at Sub Centres and for doctors at Primary Health Centres (PHCs) this is 16.2% of total requirement.

However, significant improvement in numbers has taken place in these categories of health personnel since the launch of the National Rural Health Mission (NRHM) in the year 2005.

(c) Based on the official estimates of Registrar General of India (RGI), the Maternal Mortality for India is 254 per 100,000 live births (SRS 2004-06). This translates into approximately 68000 maternal deaths per year due to complications related to pregnancy and child birth.

#### **Guidelines for prescribing medicines by CGHS doctors**

960. SHRI NANDI YELLAIAH: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the details of the guidelines issued to the doctors of CGHS

Dispensaries or Hospitals for prescribing medicines on their own and endorsing the prescription of CGHS Specialist Doctors or CGHS empanelled hospitals;

---

†Original notice of the question was received in Hindi.



(b) the maximum period for which a CGHS doctor is authorized to prescribe medicines at a time in various conditions; and

(c) whether medicines for the complete course prescribed by a CGHS specialist/CGHS empanelled hospital should not be provided to serious patients at least for a month at one time in order to ensure continuance of treatment?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) to (c) 1. Doctors prescribe medicines based on their clinical assessment and condition of the patients. No such specific guidelines about duration have been issued to CGHS dispensaries.

2. Instructions already exist for supply of up to 3 months' medicines to patients suffering from Chronic diseases.

3. Medicines prescribed by Private Empanelment Hospitals for follow up treatment of specified diseases viz. Neuro-surgery, Cardiac Surgery, Cancer Surgery/Chemotherapy/Radio-therapy, Kidney Transplantation, Joint Replacement surgery and in case of accidents medicines are issued by CGHS dispensaries for the duration for which permission for follow up treatment issued.

4. For other cases where prior permission for treatment in a private hospital empanelled under CGHS is granted, regular follow-up treatment is to be obtained from CGHS Dispensary/CGHS Government Specialist only. However the OPD medicines prescribed on discharge summary may be issued by concerned CGHS Dispensary up to maximum period of one month.

5. Drugs prescribed by CGHS empanelled hospitals on discharge certificate are issued. In cases of 6 specific diseases (post-surgical) and ante-natal care medicines prescribed at the OPDs of CGHS empanelled hospitals are also issued as per the prescription. In other cases OPD treatment is not approved in Hospitals empanelled under CGHS except at Faridabad, Ghaziabad, Noida and Gurgaon.

**Breakdown in local purchase system of CGHS Unani medicines**

961. SHRI SABIR ALI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that there is frequent breakdown in the local purchase system of CGHS Unani medicines;

(b) if so, the reasons therefor; and

(c) what steps have so far been taken to streamline this mechanism and to avoid recurrence of such a situation in future?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) to (c) After the period of appointment of local chemist for supply of unani medicines expired, the chemist stopped supplying medicines on two occasions during the last four years. Extensions to the appointment of the chemists were sanctioned and presently there is no problem regarding supply of unani medicines under local purchase scheme.

#### **Facilities for patients at Safdarjung Hospital**

962. PROF. ANIL KUMAR SAHANI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the number of trolleys and wheel chairs available in the new OPD block and Ortho OPD of Safdarjung Hospital for patients;

(b) whether these are sufficient to meet the requirement of the large number of patients visiting the hospital for treatment;

(c) whether sufficient number of ward boys are available to help patients to take them to the doctor(s) for treatment; and

(d) if not, the steps being taken to make available ward boys in OPD blocks?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) to (d) In Safdarjung Hospital, 22 wheel chairs and 13 trolleys are available in New OPD and 15 wheel chairs and 13 trolleys in the Ortho OPD. There do not appear to be any complaints in this regard. A total of 95 ward boys/nursing attendants are also deployed to help the patients.

#### **Setting up of AIIMS-like institutions**

963. SHRI K.V.P. RAMACHANDRA RAO: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that, there was a proposal to set up AIIMS like institutions in various States;

(b) if so, the details of the proposal; and

(c) what is the present status thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):  
(a) and (b) Yes. The Government has approved the proposal for setting up of six AIIMS-like institutions in Bihar (Patna), Chhattisgarh (Raipur), Madhya Pradesh (Bhopal), Orissa (Bhubaneswar), Rajasthan (Jodhpur) and Uttarakhand (Rishikesh) under the first phase of Pradhan Mantri Swasthya Suraksha Yojana (PMSSY). In addition, two more institutions, one each in the State of Uttar Pradesh and West Bengal were approved to be set up in the second phase of PMSSY.

(c) Construction of residential complexes for the six AIIMS-like institutions in the first phase of PMSSY has commenced. The civil work at the Jodhpur and Raipur sites has been completed. The work at the remaining four sites is at various stages of completion.

The work for Package-I - Construction of Medical College/Hostel complex has started at all the six sites in the last week of May, 2010. Letters of Intent have been issued to all selected contractors for Package-II, i.e. construction of Hospital Complex at all the six sites on 23.7.2010. On receipt of confirmation from the contractors, work has been awarded in respect of 4 sites on 28.7.2010.

### **Malaria and encephalitis in Assam**

964. SHRI KUMAR DEEPAK DAS: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the details of steps taken to prevent malaria and encephalitis in Assam and details of effect of such steps on these diseases till date;

(b) whether Government has any plan to eradicate such diseases in future;

(c) if so, the details of the plan; and

(d) if not, the reasons therefor?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) For prevention, treatment and control of vector-borne diseases including Malaria and Japanese Encephalitis, Government of India is implementing an integrated National Vector Borne Disease Control Programme (NVBDCP) under the overarching umbrella of National Rural Health

Mission (NRHM). The main strategy for prevention and control of vector-borne diseases advocates for integrated vector control, early case detection and complete treatment, and behavior change communication. Government of India provides technical support and also supplements the States by providing funds and commodities as per their annual requirements approved under NRHM. However, the programme is primarily being implemented through the State Government.

For effective control of Malaria, North-Eastern States including Assam have been given additional inputs under the Global Fund supported Intensified Malaria Control Project (IMCP) in the form of human resources and commodities like Rapid Diagnostic Tests (RDTs), Artesunate Combination Therapy (ACT), Arteether injections, Insecticide Treated Nets (IINs)/Long Lasting Insecticidal Nets (LLINs) and Synthetic Pyrethroid liquid. The project also provides financial support for training, monitoring, mobility and ICE/BCC.

The above-mentioned strategies have reduced the deaths in Assam from 304 in 2006 to 63 in 2009. Annual Parasite Incidence (API) has also reduced from 4.3 cases per 1000 population in 2006 to 2.92 in 2009 and surveillance has been increased from 7.07% in 2005 to 9.66% in 2009.

Regarding Acute Encephalitis Syndrome (AES)/Japanese Encephalitis (JE), as there is no specific treatment available, the strategy mainly

consists of early diagnosis and case management. In addition, as a preventive measures, vaccination of children has been started from the year 2006. The strategy is to conduct one time JE vaccination in campaign mode targeting all children between 1 to 15 years of age followed by introducing the JE vaccine in the routine immunization at 16-24 months of age. During 2006-07 to 2009-10, JE. vaccination has been undertaken in 9 districts of the State (viz. Dibrugarh, Sivsagar, Golaghat, Jorhat, Dhemaji, Tinsukia, Kamrup, Lakhimpur and Sonitpur). JE vaccination in two more districts of the State namely, Nagaon and Udalgiri, is planned in 2010-11.

(b) to (d) Malaria transmission depends on various factors including socio-ecological conditions and treatment-seeking behaviour of people alongwith the prevalence of vector mosquitoes and their behaviour. In Assam, these factors are conducive for perennial transmission of Malaria, hence the strategy being adopted is to prevent and control Malaria instead of eradication.

Japanese Encephalitis is an outbreak prone viral disease. Because of its complex eco-epidemiological situations which involves adreid birds and pigs as carriers of the virus and man being the accidental host, it may not be technically feasible to eradicate the disease. But effective steps are taken to prevent and control mortality and morbidity due to JE.

**Emergency medical facilities along National Highways**

965. SHRI SHANTARAM LAXMAN NAIK: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether a scheme for upgradation and strengthening of emergency health care facilities of the State Governments on National Highways is in force in the country;

(b) if so, the States which are covered under the scheme;

(c) the number of hospitals given financial assistance under the scheme, State-wise;

(d) the essential features of the scheme;

(e) the response of the State Governments to the scheme; and

(f) the projects implemented in Goa under the scheme and expenditure involved therein?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) to (f) The Ministry of Health and Family Welfare is implementing the scheme "Establishment of Trauma care facilities on the Golden Quadrilateral, North-South and East-West corridors of the National Highways during the Eleventh Five Year Plan". 17 States namely Andhra Pradesh, Assam, Bihar, Delhi, Gujarat, Haryana, Jammu and Kashmir, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu Uttar Pradesh and West Bengal are covered under the scheme. Out of 140 Hospital/Institutions identified to strengthen for trauma care facilities, 110 Hospital/ Institutions have been provided financial assistance in 16 States after signing MOU with the respective State Government. The details are given in the Statement

(See below).

The Scheme provides for three categories of Trauma care Centres, viz. Level I, II and III. The Trauma Care network has been so designed that no trauma victim has to be transferred for more than 50 km. and a designated Trauma Centre is available at every 100-150 km. of the above mentioned National Highways. The scheme envisages financial assistance for Building, Equipments, Manpower, Communication Network and Legal Assistance and Data Entry Operator. NHAI is augmenting Basic Life Support Ambulance at a distance every 50 kms. of the highways while Ministry of Road Transport and Highway is providing Advance Life Support



Ambulance at every identify Trauma care Centre. Presently Goa is not covered under the scheme.

**Statement**

*Number of Trauma Care Centres to which assistance have been provided (State-wise)*

Sl. No.	Name of State	Number of Trauma Centre
1.	Andhra Pradesh	17
2.	Assam	7
3.	Bihar	9
4.	Delhi	2
5.	Gujarat	12
6.	Haryana	1
7.	Jammu and Kashmir	2
8.	Karnataka	8
9.	Madhya Pradesh	4
10.	Maharashtra	7
11.	Orissa	5
12.	Punjab	2
13.	Rajasthan	10
14.	Tamil Nadu	9
15.	Uttar Pradesh	11
16.	West Bengal	4
TOTAL:		110

**Transparency in establishing medical colleges**

†966. SHRI BALAVANT ALIAS BAL APTE:

SHRI SHREEGOPAL VYAS:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government has prescribed any well defined uniform process for according permission for establishing and extending medical and dental colleges in the country;

(b) if so, the details thereof;

---

†Original notice of the question was received in Hindi.

(c) whether Government has received complaints regarding various anomalies/ irregularities in according permission for establishing these colleges;

(d) if so, the details thereof and the action taken thereon;

(e) whether Government proposes to improve the process adopted for according approval to opening of these colleges and make it transparent and accountable; and

(f) if so, the details thereof?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) and (b) Central Government grants permission for setting up and expansion of medical and dental colleges in the country as per the provisions of Indian Medical Council (IMC) Act, 1956 and Dentists Act, 1948 and Regulations made there under respectively.

(c) and (d) On the complaint against the medical colleges/dental colleges, Medical Council of India (MCI) and Dental Council of India (DCI) conduct inspection of the colleges to verify the facilities there and sends its report to the Central Government for necessary action. As per information provided by MCI, 15 complaints have been received against some medical colleges between 2008 and 2010.

(e) and (f) The MCI/DCI conducts periodic inspection of medical colleges and attached hospitals for the purpose of making recommendations to the Central Government for grant of permission of establish a new medical college or to start new course of study or to increase intake capacity or for grant of renewal of permission and also for recognition of the medical courses under section 11(2) of the IMC Act and Dentist Act and for maintaining the standard of medical/dental education of the recognized colleges/institutions. The medical/dental colleges which are found not meeting the requirements as per the regulations of Councils are given an opportunity of rectify the deficiencies. In such event, the colleges are subject to re-inspection for verification of compliance report of MCI/DCI.

**Racket in recruitment of Nurses at RML Hospital, Delhi**

967. SHRI K.E. ISMAIL:

SHRI D. RAJA:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government has received complaints about alleged nurses recruitment racket at the Central Government run Dr. Ram Manohar Lohia (RML) Hospital in Delhi;

(b) if so, the details thereof;

(c) whether any enquiry has been conducted into the complaints;  
and

(d) if so, the details thereof and what action has been taken  
against the persons responsible for such a scandal?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) No.

(b) to (d) Does not arise.

**Refusal of swine flu vaccine by doctors in Maharashtra**

968. SHRI D. RAJA:

SHRI K.E. ISMAIL:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that the doctors and paramedical staff in Maharashtra have refused to take Swine flu vaccine and they are about to return the whole stock of vaccine sent by the Central Government to the State;

(b) if so, the details thereof and the reasons therefor; and

(c) what is the reaction of Government thereto?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) to (c) The Government of Maharashtra has informed that the response to Pandemic H1N1 vaccination from doctors and paramedical workers is not satisfactory. Hence Government of Maharashtra proposed to return 30,000 doses of the unutilized vaccine (out of 34,300 doses of vaccine supplied to them). A voluntary approach was used to vaccinate health care workers.

Government of India has written to Government of Maharashtra emphasizing the urgency and has advised to State to make it mandatory to ensure that health care workers are vaccinated.

**Common entrance test for UG and PG medical courses**

969. SHRI D. RAJA:

SHRI M.P. ACHUTHAN:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that the newly constituted Board of Governors of the Medical Council of India (MCI) has proposed a common entrance test for Under Graduate (UG) and Post Graduate (PG) medical courses in the country; and

(b) if so, the details thereof and Government's reaction thereto?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD):

(a) and (b) Yes. Board of Governors, Medical Council of India has proposed amendment in the Post Graduate Medical Education Regulations, 2000 and Graduate Medical Education Regulations, 1997 for holding single eligibility cum entrance examination for admission to medical courses at Graduate and Post Graduate level. The proposals of amendment are under consideration of the Ministry of Health and Family Welfare.

**Funds for Public Sector Enterprises**

970. DR. T. SUBBARAMI REDDY: Will the Minister of HEAVY INDUSTRIES

AND PUBLIC ENTERPRISES be pleased to state:

(a) whether Government wants to use Public Sector Enterprises (PSEs) to finance some of its social programmes;

(b) whether the Department of Public Enterprises believes the unusual plan will generate about Rs. 2000 crores every year to finance schemes under Right to Education Act and the proposed Right to Food Act; and

(c) if so, by what time a final decision in this regard is likely to be taken and what are the projects that will be undertaken by the funds provided by the PSEs?

THE MINISTER OF STATE IN THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARUN YADAV): (a) to (c) Department of Public Enterprises has issued Guidelines on Corporate Social Responsibility for Central Sector Enterprises (CPSEs) vide O.M. dated 9.4.2010 which, *inter-alia*, mention the expenditure range for Corporate Social Responsibility (CSR) in a financial year as a percentage of net profit of the previous year. Under these guidelines an indicative list of possible areas of activities under CSR is also given which includes education, health and family welfare, drinking water facilities, etc. No assessment has been made by the Department of Public Enterprises about the likely amount to be available for any CSR activities by CPSEs as a whole.

#### **Maharatna status to PSUs**

971. SHRI KALRAJ MISHRA: Will the Minister of HEAVY INDUSTRIES AND PUBLIC ENTERPRISES be pleased to state:

(a) whether four new ratna PSUs *i.e.* IOC, NTPC, ONGC and SAIL have applied for Maharatna status;

(b) if so, the details thereof and norms for awarding Maharatna status; and

(c) the status of progress on their applications?

THE MINISTER OF STATE IN THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARUN YADAV): (a) and (b) Yes, Sir. The proposals for grant of Maharatna status of Indian Oil Corporation Limited (IOC), NTPC Limited (NTPC), Oil and Natural Gas Corporation Limited (ONGC) and Steel Authority of India Limited (SAIL) were received from their concerned Administrative Ministries. The Central Public Sector Enterprises fulfilling the following criteria are eligible to be considered for grant of Maharatna status:-

- Having Navratna status
- Listed on Indian stock exchange, the minimum prescribed public

shareholding under SEBI regulations.

- An average annual turnover of more than Rs. 25,000 crore during the last 3 years
- An average annual net worth of more than Rs. 15,000 crore during the last 3 years
- An average annual net profit after tax of more than Rs. 5,000 crore during the last 3 years
- Significant global presence or international operations.



(c) The orders for conferment of Maharatna status of IOC, NTPC, ONGC and SAIL have already been issued on 19.5.2010.

**Bio-diversity mapping by PSUs**

972. SHRI RAMA CHANDRA KHUNTIA: Will the Minister of HEAVY INDUSTRIES AND PUBLIC ENTERPRISES be pleased to state:

(a) whether any bio-diversity mapping exercises are undertaken by the Public Sector Undertakings (PSUs) which are being set up in the country;

(b) what measures are undertaken by the public companies to ensure minimal adverse fallouts on the surrounding environments; and

(c) whether the PSUs engage reputed organizations while engaging in corporate social responsibility schemes in the field of social and environment issues?

THE MINISTER OF STATE IN THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARUN YADAV): (a) and (b) Public Sector Enterprises are required to seek environmental clearance from competent authority while commissioning their projects in the States. No information is maintained centrally in the Department of Public Enterprises in this regard as the Central Public Sector Enterprises (CPSEs) fall within the administrative control of various Ministries/Departments.

(c) Guidelines issued by Government on 'Corporate Social Responsibility for CPSEs' vide O.M. dated 9.4.2010 provide for implementation of project activities identified by CPSEs in CSR by specialized agencies and not by staff of the CPSE concerned. Specialize agencies could work singly or in tandem with other agencies.

**Agitation of HMT employees at Kalamassery**

973. SHRI P. RAJEEVE:

PROF. P.J. KURIEN:

Will the Minister of HEAVY INDUSTRIES AND PUBLIC ENTERPRISES be pleased to state:

(a) whether it is a fact that the employees of Hindustan Machine Tools (HMT) unit at Kalamassery (Kerala) are on sathyagraha and hunger strike from 1 January, 2010 onwards;

(b) if so, the details thereof;

(c) the action taken by Government to find an amicable solution to the ongoing agitation of employees of HMT, Kalamassery;

(d) whether Government actively consider the merger of HMT, Kalamassery with the Heavy Engineering Corporation (HEC) or with any other PSU; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARUN YADAV): (a) Yes, Sir. The officer bearers of the Registered Unions

and Officers Association of Kalamassery Unit of HMT Machine Tools Limited have been organizing dharna in front of the gate of the company since 01.01.2010 to press their main demands for pay/wage revision and enhancing the age of retirement from 58 to 60 years.

(c) In orders to revive the loss making company, a revival package of Rs. 880.80 crore was sanctioned to HMT Machine Tools Limited in 2006-07. But the company has not yet been able to generate adequate resources required for implementation of suitable pay/wage revision. Since the company could not earn profit successively for last 3 years it is not eligible for enhancement in the age of retirement from 58 to 60 years as per DPE guidelines.

(d) and (e) A Task Force has been constituted by the Government to explore the possibility of merger of HMT Machine Tools Limited with Heavy Engineering Corporation and the Task Force is yet to submit its report.

#### **Construction of Panchayat Ghar**

974. SHRIMATI VIPLOVE THAKUR: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether Government has provided sufficient funds under Rashtriya Gram Swaraj Yojana (RGSY) to construct Panchayat Ghar in every village;

(b) whether it is a fact that a large number of villages do not have their Panchayat Ghar in Himachal Pradesh;

(c) if so, the reasons therefor and the number of villages in Himachal Pradesh that do not have Panchayat Ghar;

(d) whether Government is determined to provide Panchayat Ghar to each village;  
and

(e) if so, by when Government will achieve the target and the amount Government has released to each States for constructing the Panchayat Ghar?

THE MINISTER OF PANCHAYATI RAJ (SHRI C.P. JOSHI): (a) No, Madam. The allocation of funds under Rashtriya Gram Swaraj Yojana (RGSY) is not sufficient to fund construction of Panchayat Ghars in every Gram Panchayat.

(b) and (c) Yes, Madam. As per information furnished by the Government of Himachal Pradesh, out of 3243 Gram Panchayats in the States, 2101 Gram Panchayats do not have Panchayat Ghars.

(d) and (e) Panchayati Raj being a State subject, State Government

need to provide the required manpower and infrastructure, including buildings to the Panchayati Raj Institutions. However, the Ministry of Panchayati Raj (MoPR) provides limited financial support to the States under the RGSY for taking up construction and up-gradation of the Panchayat infrastructure/ building, for which the details are given in the Statement (See below). In addition to RGSY, the MoPR and Ministry of Rural Development also provide funds to the States under the Backward Regions Grant Fund (BRGF) and Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) which are in the nature of untied grants for the PRIs to undertake works

based on felt local needs. Many States have taken up construction of Panchayat Ghars under these schemes.

**Statement**

*Panchayat Ghars/Resource Centres at Gram Panchayat level sanctioned under the scheme of Rashtriya Gram Swaraj Yojana*

**(Position as on 31.07.2010)**

Sl. No.	Year of sanction	State	Infrastructure sanctioned	No. of Units
1.	2006-07	Bihar	Gram Panchayat Ghars	95
2.		Gujarat	Gram Panchayat Ghars	240
3.		Himachal Pradesh	Gram Panchayat Ghars	120
4.		Rajasthan	Gram Panchayat Ghars	180
5.		West Bengal	Gram Panchayat Ghars	5
2006-07 TOTAL:				640
6.	2007-08	Assam	Gram Panchayat Ghars	770
7.		Himachal Pradesh	Gram Panchayat Ghars	120
8.		Orissa	Gram Panchayat Ghars	350
9.		Manipur	Gram Panchayat Ghars	82
2007-08 TOTAL:				640
10.	2008-09	Himachal Pradesh	GP Resource Centre	150
2008-09 TOTAL:				150
11.	2009-10	Himachal Pradesh	Gram Panchayat Ghars	150
12.		Manipur	Gram Panchayat Ghars	82
13.		Rajasthan	Gram Panchayat Ghars	180
14.		Karnataka	Gram Panchayat Ghars	40
2009-10 TOTAL:				452
15.	2010-11	Karnataka	Gram Panchayat Ghars	110
2010-11 TOTAL:				110
GRAND TOTAL:				2674

### **Computer education in rural area**

†975. SHRI BALAVANT ALIAS BAL APTE:

SHRI SHREEGOPAL VYAS:

Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether Government proposes to provide at least one computer in each panchayat in the country to achieve the aim of providing computer education at rural level;

(b) if so, the details thereof, State-wise;

(c) the details of the amount allocated to achieve the above target during last three years, year-wise and State-wise;

(d) whether the amount allocated for the said purpose is adequate; and

(e) if not, the reasons therefor and the steps taken to increase the allocation in this regard?

THE MINISTER OF PANCHAYATI RAJ (SHRI C.P. JOSHI): (a) to (e) There is no approved scheme of Central Government for providing Computers to each Panchayat. No funds have been released during last three years to any States/UTs for computerization of village Panchayats by Ministry of Panchayati Raj.

### **Position of India in UN-HDI, 2007**

976. SHRI MANI SHANKAR AIYAR: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether the attention of the Ministry has been drawn to the UN Human Development Index (HDI), 2007 which shows that India stagnates at the same position 134 on the Index as it held in 1994;

(b) whether the Ministry has analysed the reasons underlining it;

(c) if so, whether the primary fault lies with the delivery system for public goods and services; and

(d) the steps being taken by Government to ensure the centrality of the Panchayat Raj Institutions (PRIs) in the delivery of Centrally Sponsored Schemes to rectify this?

THE MINISTER OF PANCHAYATI RAJ (SHRI C.P. JOSHI): (a) and (e) As per UN Human Development Index Report, 1997, India ranked 138 on HDI for 1994. This ranking for the country for 2007 as per the said Report for 2009 is 134.

(b) and (c) There can be several reasons for India's rank on HDI. Ministry of Panchayati Raj has not undertaken any detailed study regarding the same.

(d) MoPR has taken several steps to ensure centrality of PRIs in the delivery of Centrally Sponsored Schemes, which includes issuing:-

(i) detailed advisory dated 19.1.2009 to Central Ministries and  
the States for delineating roles and responsibilities of PRIs;

---

†Original notice of the question was received in Hindi.

(ii) guidelines dated 9.4.2009 with regard to devolution of Panchayat Finances;

(iii) guidelines dated 23.10.2009 with regard to manpower of Panchayats; and

(iv) guidelines dated 1.12.2009 to States/UTs with regard to devolution of Functions, Funds and Functionaries to PRIs through Activity Mapping;

(All available on website: [www.panchayat.nic.in](http://www.panchayat.nic.in).)

Besides, MoPR has regularly been inter-acting with Central Ministries as well as States in this regard.

#### **Computerisation of Panchayats**

977. SHRIMATI VIPLOVE THAKUR: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether the Expert Group on Information Technology Programmes in one of its recommendations has recommended computerisation of every Panchayat;

(b) if so, the details thereof;

(c) the action taken by Government thereon; and

(d) the number of Panchayats which have become computerised so far and the expenditure incurred thereon, State-wise?

THE MINISTER OF PANCHAYATI RAJ (SHRI C.P. JOSHI): (a) and (b) Yes, Madam. Keeping in view the strategic importance of computerization at the Gram Panchayat level, the Ministry of Panchayati Raj (MoPR) had constituted an Expert Group in June, 2007 to assess the current and future Information Technology (IT) programmes of the Ministry, to recommend most cost-effective technologies for reaching IT to the Gram Panchayats, the use of IT for effectively building capacities of Panchayati Raj Institutions through distance learning and the cost implications of the recommendations. The major recommendations are:-

- Gram Panchayats and Block Panchayats need to be equipped with computers and associated infrastructure.
- Use of open technology which includes open standards, upon source and other similar open initiatives as the basis for technology options.
- States should have autonomy in defining and developing their own application software to address States specific functionalists while at the same time development of application software for core common functions centrally.
- Multi-mode training interventions using Information and



Communication Technology and satellite-based technologies should be adopted.

(c) Work relating to Information and Service Needs Assessment, Business Process Re-engineering and preparation of Detailed Project Report has been completed in 27 States/UTs. Software applications are under development and deployment.

(d) As per the information given by States/UTs, the number of Panchayats, computerized so far is given in the Statement (See below). As expenditure on computerization

of Panchayats, is largely born by the States/UTs, this information is not maintained by the Ministry.

**Statement**

*Compiled Statement of States/UTs for computerization of Panchayats*

Sl. No.	Name of State	Total number of Blocks in the State	Number of Blocks where computing facility is available	Total number of village Panchayats in the State	Number of village Panchayats where some sort of computing facility is available
1	2	3	4	5	6
1.	Andaman and Nicobar Islands	9	3	67	67
2.	Arunachal Pradesh	87	Nil	1779	Nil
3.	Assam	219	189	2203	Nil
4.	Bihar	534	515	8463	4569
5.	Chandigarh	01	01	12	Nil
6.	Chhattisgarh	146	146	9768	Nil
7.	Daman and Diu	2	2	14	14
8.	Goa	11	11	189	189
9.	Haryana	119	119	6155	Nil
10.	Karnataka	176	176	5628	5628
11.	Kerala	152	151	999	969
12.	Lakshadweep	9	9	10	10
13.	Madhya Pradesh	313	313	23040	Nil
14.	Orissa	314	314	6234	150
15.	Rajasthan	239	237	9184	1114
16.	Sikkim	26	24	163	157
17.	Tamil Nadu	385	385	12618	12618
18.	Tripura	40	40	1040	100
19.	Uttar Pradesh	820	820	51976	Nil
20.	Uttarakhand	95	95	7541	Nil

1	2	3	4	5	6
21. West Bengal		333	341	3351	3300
22. Himachal Pradesh		77	77	3243	2426
23. Puducherry		6	2	98	98
24. Punjab		142	142	12800	None
			(under NREGA)		
25. Dadra and Nagar Haveli		1	1	11	11

States/UTs who have not furnished information:- Andhra Pradesh, Jharkhand, Maharashtra, Manipur, Jammu and Kashmir and Gujarat, Panchayats are not formulated in Delhi, Meghalaya, Mizoram and Nagaland.

#### **Rural Business Hubs in Andhra Pradesh**

978. SHRI R.C. SINGH: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) the aims and objectives of Rural Business Hubs (RBHs);

(b) the details of districts in which RBHs are implemented, with a particular reference to Andhra Pradesh;

(c) whether some of the products in RBH are also exported; and

(d) if so, the details thereof?

THE MINISTER OF PANCHAYATI RAJ (SHRI C.P. JOSHI): (a) The aim and objective of the Rural Business Hubs scheme is to usher in prosperity to the rural areas of the country by providing technical support and marketing linkages to rural products/producers, to promote rural industrialization, to diversify rural enterprises and to augment non-farm rural employment. It also aims at providing economic and social development in the rural areas, the entire process being mediated/facilitated by the empowered PRIs.

(b) The RBH scheme works on 4-P (Public-Private-Panchayat-Partnership) and is applicable to all the BRGF districts (including those in Andhra Pradesh) and all the districts of the North Eastern Region.

(c) and (d) According to the information available, Beaded charger and coasters, cushion cover, duvet cover, lumber cushion, throws, pillow cover have been exported to USA and New Zealand by M/s. Alacrity Exports, Jaipur, Carpets were exported to USA and Greece by Jaipur Rugs Foundation, Jaipur.

**Transparency and accountability in PRIs**

979. SHRI MANI SHANKAR AIYAR: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) the present status of consideration within Government of the proposal to incentivise

State Government to effectively empower Panchayati Raj Institutions (PRIs) as also to incentive Panchayats at all three level to be transparent and accountable in their transactions;

(b) whether in this regard, Government is processing the World Bank's offer to contribute up to one billion US dollars of International Development Association (IDA) funds to any scheme designed to incentivise devolution by States to the PRIs and promote transparency and accountability in their functioning; and

(c) if not, whether Government is contributing, or proposes to contribute, to such a scheme from their own resources?

THE MINISTER OF PANCHAYATI RAJ (SHRI C.P. JOSHI): (a) to (c) Under the Panchayat Empowerment and Accountability Incentive Scheme (PEAIS), the States are incentivized to devolve powers to PRIs. This scheme is funded by the Central Government. There is no proposal at present to seek external funding for this scheme. Expansion of the scheme is subject to availability of funds.

#### **Gas linkage of power companies**

980. SHRI A. ELAVARASAN: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether it is a fact that around 200 applications seeking gas linkage for about 250 million standard cubic meters a day by power companies are lying pending with the Ministry;

(b) if so, whether Government has formulated any guidelines for allocation of gas to the power companies and streamlining the process of recommending the cases to the Ministry; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) Various applications requesting gas allocations for new power plants requiring over 550 million standard cubic meters per day (mmscmd) of gas have been received.

(b) and (c) The Empowered Group of Ministers (EGoM) constituted to consider and decide issues relating to pricing and commercial utilization of gas under New Exploration Licensing Policy (NELP) has decided that, subject to the availability of gas, necessary allocations from KG D6 fields will be made to power projects in pipelines as and when they are ready to commence production.

**Revision of APM price of natural gas**

981. SHRI NAND KUMAR SAI: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether Government has revised the Administered Price Mechanism (APM) price of natural gas in the country;

- (b) if so, the details thereof;
- (c) the year in which last revision was made by Government;
- (d) the details of the demand for revision of rates raised by  
National Oil Companies;  
and
- (e) the extent to which the losses under recoveries would be met  
by such  
increase?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS  
(SHRI JITIN PRASADA): (a) Yes, Sir.

(b) Government has fixed the price of Administered Price Mechanism (APM) gas produced by National Oil Companies (NOCs), viz., ONGC and OIL, at US\$ 4.2 per million British thermal unit (mmbtu) less royalty in June, 2010. However, the price has been kept at US\$ 2.52/mmbtu less royalty for customers in North East.

(c) The last revision of APM gas was made in July, 2005. Further, the price of APM gas supplied to small scale customers and City Gas Distribution (CGD) entitles was increased by 20% in June, 2006.

(d) NOCs have been continuously requesting the Government to increase the APM gas price to market price, since the NOCs have been incurring significant under-recoveries in their gas business at the pre-revised price.

(e) It is expected that the under-recoveries of ONGC and OIL on their gas business would be fully met following the said price increase.

#### **Irregularities in selection of petrol pump and gas outlets**

982. SHRIMATI KUSUM RAI: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) the number of complaints received regarding irregularities in  
selection of  
petrol pump and gas retail outlet dealers by selection committees,  
State-wise and company-wise; and

(b) the details of complaints are representations received from Members of Parliament (MPs) with respect to these irregularities from Uttar Pradesh (UP), district-wise along with the action taken thereon with particular reference to irregularities in Jyotiba Phule Nagar district?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS  
(SHRI JITIN PRASADA): (a) and (b) During the last three years, public sector oil marketing companies (OMCs), viz., Indian Oil Corporation Limited (IOC), Hindustan Petroleum Corporation Limited (HPCL) and Bharat Petroleum Corporation Limited (BPCL) have received 2118 and 1010 number of complaints regarding irregularities in selection of RO dealerships and LPG distributorships respectively throughout the country. In the State of Uttar Pradesh 20



complaints/representation, including 2 complaints pertaining to the district of Jyotiba Phule Nagar have been received by OMCs from Members of Parliament (MPs) regarding irregularities in selection of ROs/LPG distributorships. The company-wise and state-wise details of these complaints/representations are available with Director (Marketing) of OMCs.

As per the grievance redressal system, each and every complaint is registered and examined by a senior officer appointed by the competent authority of OMCs. The complaints having *prima-facie* merit are investigated and complainants are advised to furnish martial, if any, to substantiate their allegations. Complaints are disposed off by way of a speaking order and a copy of the same is given to all concerned. In case of established complaints action is taken by the OMCs which includes re-advertisement, re-interview, cancellation of selection process, initiation of disciplinary action against erring officials of the Corporation, etc.

#### **Revenues earned by OMCs**

983. SHRI RAMDAS AGARWAL: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) the total income generated by Government on account of Central taxes and duties collected as a result of sale of petroleum products owned by Government Oil Marketing Companies (OMCs) during the last three years, year-wise;

(b) the profit and loss amount that accrued to each Government owned OMCs during above mentioned period; and

(c) the details of income of each State on account of sales tax, VAT and other State levies as a result of sale of petroleum products by Government owned OMCs during the last three years, year-wise and State-wise?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) The total revenue generated by Government on account of Central taxes and duties collected as a result of sale of Petroleum products by Public Sector Oil Marketing Companies (OMCs) namely, Indian Oil Corporation (IOC), Bharat Petroleum Corporation (BPC) and Hindustan Petroleum Corporation (HPC) during the last three years is given below:-

Rs. crore

	2007-08	2008-09	2009-10
Custom Duty on Crude Oil/POL imports	10,216	5,081	3,460
Excise Duty on sale of petroleum products	41,217	39,164	37,832
<b>TOTAL:</b>	<b>51,433</b>	<b>44,245</b>	<b>41,292</b>

Based on data provided by OMCs

(b) The details of Profit after Tax of the OMCs during the last three years are given below:-

	Rs. crore		
Company	2007-08	2008-09	2009-10
IOC	6963	2950	1021
BPC1581	736	1538	
HPC1135	575	1301	

(c) State-wise details of income on account of Sales Tax, VAT and other State-levies as a result of sale of petroleum products by the OMCs during the last three years are given in the Statement.

**Statement**

*State-wise details of income on account of Sales Tax, VAT and other States levies*

Details of income of State Governments/Union Territories on account of Sales Tax/VAT and other State levies\* as a result of sale of petroleum products by the Public Sector Oil Marketing Companies; namely Indian Oil Corporation, Bharat Petroleum Corporation and Hindustan Petroleum Corporation during the last three years are given below:-

	(Rs. crore)		
State	2007-08	2008-09	2009-10
1	2	3	4
Assam	481	561	653
Andhra Pradesh	5029	6078	6097
Arunachal Pradesh	16	19	35
Bihar	1175	1428	1631
Chhattisgarh	919	1034	1096
Chandigarh	114	123	85
Delhi	1696	1778	1512
Gujarat	4198	3357	2705
Goa	369	487	431
Himachal Pradesh	240	249	136

Haryana

1982

2129

2103

---

1	2	3	4
Jharkhand	705	652	740
Jammu and Kashmir	343	407	453
Kerala	2286	2603	2861
Karnataka	3667	4452	4358
Maharashtra	9000	9764	8949
Madhya Pradesh	2359	2801	2791
Manipur	27	35	36
Meghalaya	62	73	56
Mizoram	21	20	11
Nagaland	28	32	29
Puducherry	5	6	5
Orissa	1087	1256	1333
Punjab	1522	1746	1972
Rajasthan	2805	3116	3152
Sikkim	26	71	21
Silvassa, Daman and Diu	7	21	15
Tamil Nadu	4486	5354	5467
Tripura	46	49	59
West Bengal	2608	2713	2911
Uttar Pradesh	4212	4717	5198
Uttaranchal	404	459	478

\*Based on data provided by OMCs.

#### **Allocation of gas from KGD-6**

984. SHRI KANJIBHAI PATEL: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether it is a fact that based on recommendation from Group of Ministers, priority has been finalized for allocation of KGD-6 gas for various sectors;

(b) whether Small and Medium Enterprises (SMEs) have been included under the priority;

(c) whether the State Government of Gujarat has requested the Central Government to include SME in the priority list; and



(d) if so, what is the response of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) to (d) The Empowered Group of Ministers (EGoM) constituted to consider and decide issues relating to consider and decide issues relating to pricing and commercial utilization of gas under New Exploration Licensing Policy (NELP) has allocated KG D6 gas to various priority sectors, including City Gas Distribution (CGD) entities for supply to their commercial and industrial customers, whose total consumption of natural gas (including KG D6 gas) does not exceed 50,000 scmd. This would enable CGD entities to supply KG D6 gas to SMEs *inter alia* in Gujarat.

**Petrol/diesel agencies in revenue blocks**

985. MS. MABEL REBELLO: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) how many revenue blocks in the country do not have petrol/diesel agencies;

(b) the names of the blocks, State-wise;

(c) whether Government proposes to have petrol and diesel agencies in each of these blocks; and

(d) the figures for the next three years, particularly in Jharkhand and 34 Left Wing Extremism (LWE) affected districts?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) to (c) New retail outlets (ROs)/petrol and diesel pumps are set up by public sector oil marketing companies (OMCs), viz., Indian Oil Corporation Limited (IOC), Hindustan Petroleum Corporation Limited (HPC) and Bharat Petroleum Corporation Limited (BPC) at identified locations based on surveys and feasibility studies. Locations found to be having sufficient potential and which are economically viable are rostered in the State-wise Marketing Plans for setting up retail outlets/LPG distributorships.

While conducting feasibility study the available sales potential is assessed based on the following:-

(i) Requirement of petroleum products for local/transient vehicular traffic such as Passenger vehicles, Transport Vehicles, Tractors etc.

(ii) Consumption for Agricultural Pump sets, Generator sets and future developments such as real estate development, expansion of the Highways, Industrial development in the area etc.

(iii) The population of existing ROs and their sales.

(iv) Any other proposed ROs planned based on market information.

OMCs do not have any criteria to set up ROs on the basis of consideration of revenue blocks. The names of blocks not having petrol/diesel outlets state-wise is available with the Director (Marketing) of the respective oil companies.



(d) OMCs have planned to set up 319 number of ROs in the State of Jharkhand over the next 3 years.

**Revision of consumer and refinery gate prices of petroleum products**

†986. SHRI RAVI SHANKAR PRASAD: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether it is a fact that in order to bring consumer price and refinery gate price of petroleum products under open competition, Government had decontrolled their prices;

(b) if so, the details thereof;

(c) whether it is also a fact that all the oil companies including all Private and Government companies who sell petrol to consumers in retail market in the country, have decided to fix the petrol prices collectively every month; and

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

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) and (b) With effect from 1.04.2002, the Administered Pricing Mechanism (APM) for petroleum products was dismantled and it was decided that the pricing of all petroleum products, except PDS Kerosene and Domestic LPG, would be market-determined. However, in view of the steep increase and high volatility in the international oil prices since 2004-05, the Government was modulating the retail selling prices of the four sensitive petroleum products; namely Petrol, Diesel, PDS Kerosene and Domestic LPG sold by the three Public Sector Oil Marketing Companies (OMCs), namely, Indian Oil Corporation, Bharat Petroleum Corporation and Hindustan Petroleum Corporation, to protect the consumer from the inflationary impact of international oil prices.

The Government had constituted an Expert Group under the Chairmanship of Dr. Kirit S. Parikh to advise on a viable and sustainable system of pricing of petroleum products. In the light of the recommendations made by the Expert Group the Government has decided that the prices of Petrol and Diesel, both at the Refinery Gate and the retail level be made market-determined. As a result, the price of Petrol went up by Rs. 3.50 per litre. In the case of Diesel, however, it was decided that for the present, the price would be increased by only Rs. 2 per

litre. It has also been decided that in case of a high rise and volatility in the international oil prices, Government will suitably intervene in the pricing of Petrol and Diesel.

In view of the importance of the household fuels, namely PDS Kerosene and Domestic LPG, the Government has decided that the subsidies on these petroleum products will continue. To reduce the under-recovery burden of the OMCs as also to protect the common man, the Government decided to increase the retail price of PDS Kerosene by only Rs. 3 per litre and

---

†Original notice of the question was received in Hindi.

of Domestic LPG by only Rs. 35 per cylinder (at Delhi), with corresponding increases in the rest of the country.

(c) and (d) Subsequent to the decontrol of Petrol prices, the oil companies take independent decisions on pricing of Petrol on the basis of international oil prices, market conditions and commercial considerations.

#### **Smuggling of Kerosene**

987. SHRI KALRAJ MISHRA: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether Kerosene, which is common man's cooking medium is being smuggled from India into neighbouring countries like Pakistan, Srilanka, Nepal and Bangladesh and Government's subsidy meant for poor people is going across the border; and

(b) if so, action taken or being taken by Government to stop smuggling of Kerosene?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) Public Sector Oil Marketing Companies (OMCs) have reported that they have not received any information regarding smuggling of PDS Kerosene from India into neighbouring countries like Pakistan, Srilanka, Nepal and Bangladesh.

(b) Kerosene is an Ex-Marketing Installation (MI) product and transportation of kerosene from the depot is the responsibility of the State Government/UTs. State Governments/UTs are empowered to take action against those indulging in diversion/ black-marketing and other

irregularities under the provisions in the Kerosene Control Order, 1993. Although, allocation of PDS SKO is made by the Government of India on quarterly basis, its distribution within the States/UTs is the responsibility of the concerned State/UT Government. However, keeping in view the major price difference between SKO and High Speed Diesel (HSD), in order to check the possibility of diversion/black marketing, OMCs undertake regular and surprise inspections at kerosene dealership and take action under Marketing Discipline Guidelines (MDG) and Dealership Agreements against those indulging in diversion/black-marketing of PDS kerosene. In order to check the diversion/black marketing of PDS kerosene, the Central Government have also made provisions in the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993, issued under the Essential Commodities Act, 1955, that dealers have to sell PDS kerosene at a price fixed by the Government or OMCs.

**Re-examination of Gujarat Motor Vehicles (Use of Fuel)  
Regulation Bill, 2005**

988. SHRI KANJIBHAI PATEL: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to refer to reply to Unstarred Question 539 replied in Rajya Sabha on 2 March, 2010 and state:

(a) whether the Gujarat Motor Vehicles (Use of Fuel) Regulation Bill, 2005 has been further examined by the Central Government in the light of the State Government's letter dated 16 September, 2009; and

(b) if so, the time by which the Bill will likely be approved?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) and (b) The Ministry of Home Affairs has informed that they have returned the Gujarat Motor Vehicles (Use of Fuel) Regulation Bill, 2005 to the State Government on 30.03.2010 with a suggestion that it may be sent to the Ministry of Home Affairs, only if it is reserved by the Hon'ble Governor for consideration of the President after its passage in the State legislature.

**Spending on ad-campaigns by PSU oil and gas companies**

989. SHRI ANIL MADHAV DAVE: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) the amount spent by Government owned oil and natural gas companies on public relations, advertisements in newspapers, periodicals, souvenirs and electronic media, during 2007-08, 2008-09 and 2009-10;

(b) the profit earned by these companies during these period;

(c) what percentage does this expenditure account for *vis-a-vis* the total profits; and

(d) what percentage does this expenditure account for *vis-a-vis* the subsidies on petroleum and LPG?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) to (d) The Profit After Tax (PAT) of the major oil public sector undertakings (PSUs) namely, Oil and Natural Gas Corporation (ONGC), Oil India Limited (OIL), Gas Authority of India Limited (GAIL), Indian Oil Corporation Limited (IOCL), Bharat Petroleum Corporation Limited (BPCL) and Hindustan Petroleum Corporation Limited (HPCL); amount spent by them on public relations, advertisements in newspapers, periodicals, souvenirs and electronic media; and percentage of the expenditure on advertisements *vis-à-vis* their PAT and subsidies on petroleum and LPG during 2007-08, 2008-09 and 2009-10 are given in the Statement.



### Statement

*Profit after Tax (PAT), amount spent on Advertisements and other related activities in respect of major oil PSUs  
alongwith percentage of the  
expenditure on advertisements vis-à-vis their PAT and subsidies on petroleum and LPG during 2007-08, 2008-09 and  
2009-2010*

(Rupees in crore)

Name of oil PSUs	2007-08				2008-09				2009-10			
	Profit After Tax expenditure	Expenditure on Advertise- ments and other related activities	Percentage of Advertise- ments vis-à-vis PAT	Percentage of Advertise- ments vis-à-vis subsidies on petroleum and LPG	Profit After Tax	Expenditure on Advertise- ments and other related activities	Percentage of Advertise- ments vis-à-vis PAT	Percentage of Advertise- ments vis-à-vis subsidies on petroleum and LPG	Profit After Tax	Expenditure on Advertise- ments and other related activities	Percentage of Advertise- ments vis-à-vis PAT	Percentage of Advertise- ments vis-à-vis subsidies on petroleum and LPG
ONGC	16702	26.99	0.16%	NA*	16126	29.63	0.18%	NA*	16768	31.76	0.19%	NA*
OIL	1789	3.91	0.22%	NA*	2162	4.92	0.23%	NA*	2611	6.50	0.25%	NA*
GAIL	2601	9.00	0.35%	NA*	2804	12.00	0.43%	NA*	3140	13.00	0.41%	NA*
IOCL	6963	99.66	1.43%	0.49%	2950	64.56	2.19%	0.15%	10221	101.25	0.99%	0.60%
BPCL	1581	37.88	2.39%	0.25%	736	7.32	0.99%	0.03%	1538	23.21	1.51%	0.24%
HPCL	1135	22.31	1.97%	0.13%	575	10.92	1.90%	0.05%	1301	39.63	3.05%	0.37%

\*NA - Not Applicable, as ONGC, OIL and GAIL do not get any subsidy.

#### Comparative costs of petro-products in SAARC countries

990. SHRI JAI PRAKASH NARAYAN SINGH: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether it is a fact that LPG, petrol and diesel is cheaper in India as compared to neighbouring SAARC countries according to a survey compiled by the Ministry;

(b) if so, what are the comparative rates after equalizing various currencies;

(c) whether Government has compared rates of taxes in neighbouring countries on petroleum products;

(d) if so, the details of taxes on various petroleum products in neighbouring countries; and

(e) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) and (b) The Retail Selling Prices of sensitive petroleum products viz. Petrol, Diesel and LPG in India and neighbouring countries as of 1st July, 2010 in terms of Indian Rupee are given below:-

	Petrol Rs./litre	Diesel Rs./litre	LPG (14.2 kg.) Rs./cyl.
India*	51.45	37.62	345.35
Sri Lanka	47.32	29.88	768.91
Pakistan	35.77	39.21	576.68
Nepal	50.85	39.21	775.54
Bangladesh	49.70	29.41	536.91

Note: Data on neighbouring countries as provided by IOC.

\*RSP at Delhi as on 20th July, 2010.

While prices of Petrol and Diesel are broadly comparable to those in the neighbouring countries, price of Domestic LPG in India is by far cheapest in India.

(c) No, Sir.

(d) Does not arise.

(e) The levying of taxes in a particular country depends upon various factors, including its socio-economic and political conditions. Since these conditions vary from country to country, a comparison of tax rates may not be appropriate.

#### Shortage of cooking gas in Himachal Pradesh

†991. SHRIMATI BIMLA KASHYAP SOOD: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether it is a fact that there is still acute shortage of cooking gas in most

---

†Original notice of the question was received in Hindi.



of the districts of Himachal Pradesh and thousands of people are on the waiting list;

(b) if so, whether Government proposes to overcome the shortage by augmenting supply of gas and to open new gas agencies in the State; and

(c) the reasons for delay in opening proposed new gas agency in Chirgaon of Shimla district which was proposed four or five years back?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) and (b) There is no overall shortage of LPG in the country including in the State of Himachal Pradesh and LPG supplies to distributors are being made by the public sector Oil Marketing Companies (OMCs), namely Indian Oil Corporation Limited (IOC), Bharat Petroleum Corporation Limited (BPCL) and Hindustan Petroleum Corporation Limited (HPCL) through indigenous production and imports in accordance with the genuine demand of customers registered with the LPG distributors.

OMCs have reported that as on 06.01.2010 they are serving 13.86 lakh customers through their 126 LPG distributors in the State of Himachal Pradesh, covering almost entire population of the State. OMCs have released 0.09 lakh new LPG connections in the State of Himachal Pradesh during the period April-Mary, 2010.

OMCs have reported that they have supplied 91.76 Thousand Metric Tonne (TMT) of domestic LPG in the State of Himachal Pradesh during the year 2009-10 as against 86.73 TMT of domestic LPG during the corresponding period of last year, showing a growth of 5.80%.

Further, during 2009-10, five new LPG distributorships have been commissioned in the markets of Kotli, Haripurdhar, Solan, Ghuggar (Palampur) and Killar. One more LPG distributorship is ready for commissioning at Kotkhair, District Shimla. OMCs are committed to open new LPG distributorships to reach LPG to under-covered areas.

(c) IOC has reported that the Letter of Intent (LoI) was issued to M/s. Himachal Pradesh State Civil Supplies Corporation Limited (HPSCSC Ltd.) for the location Chirgaon on 06.11.2003. The delay in commissioning of the distributorship is due to delay in construction of LPG shortage godown by M/s. HPSCSC Ltd.

#### **Revenue generation from sale of petro-products**

992. SHRI MOINUL HASSAN: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether taxes on petroleum products constitute the biggest chunk of revenue for Government;

(b) whether it is a fact that in 2010-11 the contribution of these taxes is expected to be to the tune of a whopping Rs. 1,20,000 crore or nearly four times the claimed subsidy; and

(c) whether it is a clear case of revenue subsidy with people providing revenue to the Government substantially more than the so-called subsidy provided by Government?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) The taxes on petroleum products collected by Central Government during 2009-10 are given below:-

	(Rs./crore)
<hr/> Taxes on petroleum products collected by Central Government 2009-10 <hr/>	
Customs Duty	4563
Cess on crude oil	6559
Royalty	3859
Excise Duty	62480
TOTAL:	77461

The collection of Customs/Excise Duty on POL products is a major source of income for the Government for meeting Plan/Non-plan expenditure for overall development of the country.

(b) The revenue collection on account of Central taxes and duties on petroleum products during 2010-11 will depend upon, *inter-alia*, the rates of taxes and duties levied, quantum of consumption of petroleum products, international oil prices, etc. Hence, it would be difficult to give a firm figure for the revenue collection from taxes on petroleum products during 2010-11. However, the revenue collection on account of Central taxes and duties during 2010-11 is likely to be higher than the previous years as the Customs Duty has been increased on crude oil from Nil to 5% and Excise Duty on Petrol and Diesel has also been enhanced by Re. 1/- per litre w.e.f. 27.2.2010. In this connection, Ministry of Finance has informed that they have collected Customs Revenue and Central Excise Revenue on petroleum and petro-products during the year 2010-11 (upto June, 2010) of Rs. 5,724 crore and Rs. 16,712 crore respectively.

(c) The Central Government is required to share a portion of the revenue collected, including the revenue earned from petroleum products, with the State Governments. Thus, it may not be appropriate to compare the subsidy being provided by Central Government on

petroleum products with the revenue collections from taxes/duties on petroleum products.

**Limit on supply of subsidized LPG cylinder**

993. SHRI PRAKASH JAVADEKAR: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether there is a move to limit the supply of LPG cylinder on subsidized rates to consumers in a year;

(b) if so, the details thereof; and

(c) how Government proposes to protect common man's interest?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) to (c) Various Committees including the High Powered Committee chaired by Shri B.K. Chaturvedi which reviewed the financial position of oil companies have made recommendations for restricting the number of subsidized LPG cylinder to be supplied to a LPG domestic connection holder. However, as of now, of such specific proposal for restricting the subsidized LPG cylinders in a year is under consideration of the Government.

**LPG distribution agencies under RGGLVY in Andhra Pradesh**

994. SHRI M.V. MYSURA REDDY: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) the aims and objectives of Rajiv Gandhi Gramin LPG Vitrak Yojana (RGGLVY);

(b) whether it is a fact that for successful implementation of the above scheme Government proposes to establish small LPG distribution agencies for location having potential of 600 or more refill sales per month; and

(c) if so, the number of such LPG distribution agencies proposed for setting up in Andhra Pradesh?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) to (c) In order to increase rural penetration and to cover remote as well as low potential areas, a new scheme namely Rajiv Gandhi Gramin LPG Vitrak Yojana (RGGLVY) for establishing small size LPG distribution agencies for the locations having potential of 600 or more refill sales per month has been launched on 16.10.2009.

RGGLVY scheme primarily aims at providing LPG to the rural households, including BPL families.

To ensure that growth of LPG usage is evenly spread, OMCs are assessing/identifying locations in a phased manner under "Rajiv Gandhi Gramin LPG Vitrak Yojana" (RGGLVY). OMCs have undertaken to set up 1266 distributors in the 1st phase and 763, including 331 distributors in the State of Andhra Pradesh in the 2nd phase of its implementation. The setting up of LPG distributors in the rural/under-served areas under this scheme will now be a continuous process till all parts of the country deficient in

LPG are covered by LPG network.

**Benami gas agencies and petrol pumps**

†995. SHRIMATI MAYA SINGH: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether Benami gas agencies and petrol pumps are operating in the country;

---

†Original notice of the question was received in Hindi.

(b) if so, whether the Ministry has blacklisted such gas agencies and petrol pumps;

(c) the other actions taken by the Ministry against such gas agencies and petrol pumps; and

(d) whether it is a fact that such irregularities are going on for last five years?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) to (d) Public Sector Oil Marketing Companies (OMCs), namely Indian Oil Corporation Limited (IOC), Bharat Petroleum Corporation Limited (BPCL) and Hindustan Petroleum Corporation Limited (HPCL) have reported 26 established cases of benami LPG distributors and 126 established cases of benami Retail Outlets (ROs) in the country during last five years and April-June, 2010 and all these have been terminated.

**Change in current policy for allotment of gas agencies**

996. SHRI SABIR ALI: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether Government proposes to change its current policy for allotment of gas agencies, petroleum outlets etc.; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) and (b) While formulating the Rajiv Gandhi Gramin LPG Vitrak Yojana (RGGLVY) for the rural/under-covered areas, it was decided that selection of the LPG distributors under this scheme be made through draw of lots. Consequent upon success of the procedures adopted for selection of LPG distributors under the RGGLVY through draw of lots amongst the eligible candidates, Public Sector Oil Marketing Companies (OMCs) have decided to adopt draw of lots for selection of regular LPG distributorships also. For Retail Outlets there is no proposal for change in selection process.

**Selling of adulterated petro-products**

997. SHRI N.K. SINGH:

SHRIMATI SHOBHANA BHARTIA:

Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether the Central Bureau of Investigation (CBI) has recently registered several cases pertaining to the pilferage and adulteration of petroleum products and kerosene during a special nationwide drive;

(b) if so, the details thereof;

(c) whether the adulteration of petroleum products has been increasing in the light of the failure of oil companies to check the trend; and

(d) if so, the action Government proposes to take against those agencies found guilty of selling adulterated petroleum products?



THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) and (b) Yes, Sir. Recently 14 cases i.e. 11 cases in May, 2010 and 3 in last week of July, 2010 were registered by Central Bureau of Investigation (CBI) under various sections of IPC, EC Act, Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, Naphtha (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order and Solvent, Refinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order for various irregularities like adulteration, diversion of Naphtha, unauthorized possession of petrol and diesel etc.

(c) and (d) Possibility of adulteration of petrol/diesel by some unscrupulous elements cannot be ruled out due to huge price difference between petrol/diesel and various adulterants available in the market and the easy miscibility of these products with petrol/diesel. Checking adulteration is a continuous process and this Ministry has been reviewing steps taken to curb adulteration from time to time. Accordingly, in order to check adulteration, the Government has taken a number of initiatives viz., Automation of Retail Outlets, Third party certification of Retail Outlets, Monitoring of movement of tank trucks through Global Positioning System (GPS), Revision of Marketing Discipline Guidelines (MDG), Smart Card Scheme etc.

Oil Marketing Companies (OMCs) undertake regular and surprise inspections of Retail Outlets and also take action under MDG and Dealership Agreements against those indulging in adulteration and malpractices. MDG provide for termination of dealership in the first instance itself for serious malpractices like adulteration, tampering of seals, and unauthorized fittings/gears in dispensing units.

**Extension of credit facilities to Kingfisher airlines by HPCL**

998. SHRIMATI KUSUM RAI:

SHRI PRABHAT JHA:

Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether Government is aware that the cash strapped Hindustan Petroleum Corporation Ltd. (HPCL) has extended credit facilities to Kingfisher airlines upto June, 2010 without recovering old dues and ignoring Government order for corporate guarantee;

(b) if so, the details thereof and the reasons therefor; and

(c) the details of net profit of HPCL during 2008-09 and 2009-10

and the details of dues on Kingfisher as on March, 2010?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) and (b) M/s Kingfisher Airlines has been extended 60 days credit by Hindustan Petroleum Corporation Ltd. (HPCL) against the factoring arrangement with the Deutsche Bank for the current supplies as well as corporate guarantee of M/s United Breweries Holdings Ltd. of Rs. 500 crore. This Ministry had advised HPCL that a special Board Meeting be convened for considering the issue of outstanding dues from M/s Kingfisher Airlines.

Accordingly, Board meeting was convened by HPCL on 30.03.2010 to consider the issue of outstanding dues. The Board of Directors after due deliberation directed to continue the existing payment arrangement of 60 days credit with M/s Kingfisher Airlines, subject to certain conditions.

Currently, Kingfisher Airlines has been put as Cash and Carry arrangement by HPCL as they have been unable to fulfil the obligations imposed by HPCL Board.

(c) The detail of net profit of HPCL for the last two year is as under:-

Year	Profit (Rs. in crores)
2008-09	574.98
2009-10	1301.37

The details of outstanding dues on M/s Kingfisher Airlines as on 31.03.2010 are given below:-

	Rs. in crores
With in Terms:	Rs. 249.72 crore
Beyond Terms:	
Principal dues towards supplies	Rs. 224.95 crore
Delayed payment interest	Rs. 50.87 crore
TOTAL:	Rs. 524.54 crore

#### **Increase in prices of CNG and PNG in Delhi**

999. SHRI M.P. ACHUTHAN: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether it is a fact that Government has increased the prices of Compressed Natural Gas (CNG) and Piped Natural Gas (PNG); and

(b) if so, the details thereof and what is its impact on the cost of the public transport system in the National Capital City of Delhi?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) The retail price of CNG and PNG in any city is fixed by the City Gas Distribution (CGD) entity operating in that city. CGD entities source various forms of natural gas, including gas sold by National Oil Companies (NOCs) under Administered Price

Mechanism (APM). The price of APM gas produced by NOCs, viz., ONGC and OIL, has been increased to US\$ 4.2 million british thermal unit (mmbtu) less royalty.

(b) Indraprastha Gas Limited (IGL) is supplying CNG and PNG in Delhi and adjacent areas. IGL has recently increased the CNG price in Delhi from Rs. 21.90/kg. to Rs. 27.50/kg.

The retail price of PNG for domestic customers in Delhi has been revised from Rs. 15.92/ standard cubic meter (scm) to Rs. 16.85/scm up to consumption of 90 scm in our months.

**Policy on natural resources**

1000. SHRI M.P. ACHUTHAN:

SHRI D. RAJA:

Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether it is a fact that the Hon'ble Supreme Court has suggested that Government has an unfettered right to determine the price of natural resources like oil, coal, spectrum etc. in the judgement in the RIL-RNRL case;

(b) if so, whether Government has any proposal to evolve a natural resource policy covering the exploration, extraction, exploitation and pricing mechanisms of natural resources; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) The Supreme Court of India delivered judgment on 7th May, 2010 in Civil Appeal No. 4273 of 2010 [Reliance Natural Resources Limited (RNRL) *versus* Reliance Industries Limited (RIL)] and Civil Appeal No. 4277 of 2010 (Union of India *versus* RIL). Two separate but largely concurring opinions were delivered by Justice P. Sathasivam, on behalf of himself and the Chief Justice, and Justice Sudershan Reddy. These findings are briefly summarized as follows:-

(i) All natural gas vests in the Union of India by virtue of Article 297, and title vests to the delivery point in accordance with Article 27.1 of the PSC.

(ii) Since some functions of the Union relating to the exploration and supply of natural gas have been privatized, such private parties are also bound by other Constitutional obligations that would have been applicable to the Union of India if such functions had not been privatized.

(iii) The power of the Union of India to regulate supply and production of natural gas is paramount under the Constitution, relevant statutes and the PSC itself and this cannot be superseded by a private arrangement.

(iv) Allocation of natural gas made by the EGoM cannot be overridden by a contractor through a private arrangement.

(v) Contractor, i.e. RIL, is bound by the decisions of the EGoM on

price, quantity and tenure of supply of natural gas.

(vi) Supplies of natural gas can only be made in accordance with the policies of the Government.

Thus, it emerges from the above that, the Hon'ble Supreme Court has upheld the stand of the Union of India completely from a perspective of PSC and Policies of Utilization of Gas and

Pricing approved by the EGoM. The Court has unanimously upheld the overriding powers of regulation of natural gas exercised by the Union of India and reiterated that all private arrangements will be subservient to the Government's policies and legislation in this respect, apart from the PSC entered into with the contractors. The procedure currently being followed by the Government in allocating natural gas among consumers has been upheld by the Court and strengthened against future challenge in very categorical terms.

(b) and (c) In respect of the petroleum resources vested in the Union of India, the Oil Fields (Regulation and Development) Act, 1948 and the Petroleum and Natural Gas Rules, 1959 made thereunder, provide for regulation of the petroleum operations and grant of licenses and leases to explore, develop and produce petroleum. The Government may grant Petroleum Exploration License (PEL) and Mining Lease (ML) for exploration, extraction and exploitation of petroleum resources underlying the land or the ocean. License or lease for petroleum resources underlying the ocean within the territorial waters or continental shelf or Exclusive Economic Zone (EEZ) of India is granted by the Central Government. License or lease of any land vested in the State Government is granted by the respective State Government with prior approval of the Central Government.

Rule 5 of the Petroleum and Natural Gas Rules, 1959 provides for an agreement between the Government and the Licensee or Lessee for additional terms, covenants and conditions with respect to the grant of License or Lease. These terms, covenants and conditions of the agreement are stipulated in the Production Sharing Contracts (PSC) which are signed by the Government with the Contractor within the framework of extant New Exploration Licensing Policy (NELP).

NELP was launched in the year 1999 and so far eight rounds have been concluded for award of Petroleum Exploration Licenses (PEL) under this Policy. Two Hundred and Thirty Five (235) PSC have so far been signed by the Government up to NELP-VIII.

The Articles on "Natural Gas" and "Valuation of Petroleum" in PSC cover the pricing mechanism for natural gas, crude oil and condensate produced from the lease area.

#### **Ensuring jobs for job card holders**

1001. PROF. ANIL KUMAR SAHANI: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) the total number of job cards issued during 2009-10 and how many of the job card holders could not get jobs under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) during 2009-10;

(b) whether even the one-third of the job card holders who actually got job, could get only 51 days of employment instead of the minimum 100 days as stipulated in the Act;



(c) whether Government has identified the shortcomings in the implementation of the scheme; and

(d) if so, the actions taken to remove those shortcomings to ensure the benefits of MGNREGS reach the intended beneficiaries?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI JITIN PRASADA): (a) As per reports available from the States, a total of 1.29 crore job cards were issued under Mahatma Gandhi NREGA during 2009-10. A job card issued under the Act is valid for a period of 5 years. The household holding a Job Card has to, under Para 9 of Schedule II of the Act, submit application for work to be entitled to receive employment. Therefore, the number of households provided employment has to be seen against the number of household who demanded employment. During 2009-10, a total of 5.25 crore households were provided employment under the Act.

(b) An average of 54 days of employment per household was provided to all the 5.25 crore households who got employment under the Act during 2009-10.

(c) and (d) Yes, Sir. The Ministry has identified shortcomings in the implementation of Mahatma Gandhi NREGA. The shortcomings and action taken by the Ministry to remove them is as given below:-

(i) Lack of awareness: Intensive IEC activities including print as well as electronic media have been taken up to make rural population aware of their legal rights under the Act. Civil Society Organisations have also been associated in the awareness generation programmes.

(ii) Lack of adequate staff with the implementing authorities: Instructions have been issued to all State Governments for deployment of adequate number of technical and non-technical staff with the implementing authorities. Ministry has enhanced administrative expenses from 4% to 6% out of which salaries of such staff is paid.

(iii) Delay in wage payment: With a view to ensure timely wage payment infuse transparency in wage disbursement; wage payment to Mahatma Gandhi NREGA workers has been made mandatory through workers accounts in banks/post office. To cover gaps in financial services and outreach, Rural ATM, hand held devices, smart cards, biometrics and business correspondent models have been initiated.

**Selection of beneficiaries under poverty alleviation programmes**

†1002. SHRI DHIRAJ PRASAD SAHU: Will the Minister of RURAL

DEVELOPMENT be pleased to state:

(a) whether the list of families living Below Poverty line (BPL) prepared on the basis of BPL Census, 2002 is being used for selection of beneficiaries under various poverty alleviation programmes;

---

†Original notice of the question was received in Hindi.

(b) if so, the details thereof and if not, the reasons therefor;  
and

(c) the basis of selection of such beneficiaries in those States where BPL list has not been finalised?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI PRADEEP JAIN): (a) to (c) The list of families living Below Poverty Line (BPL) prepared on the basis of BPL Census 2002 is being used by most of the States for selection of beneficiaries under various poverty alleviation programmes. In the States, where the BPL list has not been finalized as per BPL Census 2002, the selection of beneficiaries is done from the BPL list available with the State Governments/District Rural Development Agencies for poverty alleviation programmes.

#### **Implementation of SGSY and SGRY in Goa**

1003. SHRI SHANTARAM LAXMAN NAIK: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether the Swarnajayanti Gram Swarozgar Yojana (SGSY) and Sampoorna Gramin Rozgar Yojana (SGRY) are being implemented in Goa; and

(b) the details of the achievements since inception of the SGRY schemes and finances allocated to the State Government?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI PRADEEP JAIN): (a) Yes, Sir. SGSY is being implemented in the State of Goa. As regard SGRY, it was also under implementation in Goa upto 31.3.2008. The programme has, however, got subsumed in Mahatma Gandhi NREGA with effect from 1.4.2008.

(b) SGRY was launched during 2001-02. Year-wise details of the funds and food grains allocated and actually released and Mandays generated under the programme since its inception are as given below:-

Sl. Year No.	Centre allocation of funds (Rs. in Lakhs)	Funds released (Rs. in lakhs)	Foodgrains allocation (in tonnes)	Foodgrains released (in tonnes)	Mandays generated (in lakh)
1. 2001-02	168.92	168.92	1173	1003	1.97
2. 2002-03	158.36	75.04	1802	665	0.68
3. 2003-04	183.93	110.36	1982	129	0.49
4. 2004-05	336.74	292.55	3746	2809	2.65

5. 2005-06	403.44	242.07	281	281	1.91
6. 2006-07	417.64	250.58	0	0	2.64
7. 2007-08	417.64	0	0	0	1.39

### **Problem of contaminated drinking water**

†1004. SHRIMATI MAYA SINGH: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) the States where people have to drink contaminated water;

(b) whether Government is aware that because of drinking contaminated water, various kinds of diseases are spreading amongst people; and

(c) the schemes being run by the Ministry for drinking water, the number of beneficiaries of these schemes and the details of money spent during last three years on drinking water schemes?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (KUMARI AGATHA SANGMA): (a) and (b) As per the Online Integrated Management Information System (IMIS) developed by Government of India, as on 27.7.2010, State Governments have reported 1.44 lakh rural habitations with ground-water based drinking water sources affected by chemical contaminants like arsenic, fluoride, salinity, iron and nitrate that are remaining to be covered with safe drinking water supply. State-wise and UT-wise distribution of the remaining quality affected habitations are given in the Statement (See below). Out of the chemical contaminants reported, consumption of drinking water with excess arsenic and fluoride over a prolonged period could result in various diseases. Bacteriological contamination of drinking water could result in diseases like diarrhoea and dysentery.

(c) The Ministry is implementing National Rural Drinking Water Programme (NRDWP) and Jalmani. Under NRDWP, rural habitations are covered with provision of adequate safe drinking water. Under NRDWP, Rs. 6441.63 crore in 2007-08, Rs. 7298.78 crore in 2008-09 and Rs. 7989.72 crore in 2009-10 have been spent. As per available data as on 30.07.2010, in the online IMIS maintained by the Department, 11.85 crore people have been benefited from the above scheme in the period 2009-10. Jalmani programme was launched in 2008-09 to provide safe and clean drinking water in rural schools by installing Standalone Water Purification systems. Under Jalmani, in 2008-09 Rs. 99.99 crore and in 2009-10, 100 crore has been released to States to cover 1 lakh rural schools. Under the scheme, as on 27.7.2010, as reported by the States in the online Integrated Management Information System (IMIS), 27,643 rural schools have been covered, benefiting more than 85 lakh students since 2008-09.

### **Statement**

*State-wise number of water quality affected habitations remaining to be covered reported as on 27.7.2010*

---

Sl.Name of the State/UT	Total	Fluoride	Arsenic	Iron	Salinity	Nitrate
-------------------------	-------	----------	---------	------	----------	---------

---

No.	habitations						
1	2	3	4	5	6	7	8
1.	Andaman and Nicobar Islands	0	0	0	0	0	0

†Original notice of the question was received in Hindi.

1	2	3	4	5	6	7	8
2.	Andhra Pradesh	810	611	0	0	199	0
3.	Arunachal Pradesh	223	0	0	223	0	0
4.	Assam	18659	248	719	17692	0	0
5.	Bihar	24420	4157	1590	18673	0	0
6.	Chandigarh	0	0	0	0	0	0
7.	Chhattisgarh	8838	18	0	8747	65	8
8.	Dadra and Nagar Haveli	0	0	0	0	0	0
9.	Daman and Diu	0	0	0	0	0	0
10.	Delhi	0	0	0	0	0	0
11.	Goa	0	0	0	0	0	0
12.	Gujarat	547	186	0	0	170	191
13.	Haryana	36	32	0	0	4	0
14.	Himachal Pradesh	0	0	0	0	0	0
15.	Jammu and Kashmir	5	0	0	0	5	0
16.	Jharkhand	1878	409	22	1446	0	1
17.	Karnataka	8791	3084	34	4018	1000	655
18.	Kerala	1018	109	0	662	194	53
19.	Lakshadweep	0	0	0	0	0	0
20.	Madhya Pradesh	3358	2906	0	97	349	6
21.	Maharashtra	4122	1426	0	901	570	1225
22.	Manipur	5	0	0	5	0	0
23.	Meghalaya	121	1	0	120	0	0
24.	Mizoram	0	0	0	0	0	0
25.	Nagaland	165	0	0	165	0	0
26.	Orissa	17668	639	0	15408	1593	28
27.	Puducherry	4	0	0	4	0	0
28.	Punjab	104	7	0	6	91	0
29.	Rajasthan	34880	10788	8	60	23168	856
30.	Sikkim	0	0	0	0	0	0
31.	Tamil Nadu	972	20	0	669	278	5

1	2	3	4	5	6	7	8
32. Tripura		7002	0	0	7002	0	0
33. Uttar Pradesh		2087	530	856	500	199	2
34. Uttarakhand		17	1	3	11	0	2
35. West Bengal		8334	959	3316	3546	513	0
TOTAL:		144064	26131	6548	79955	28398	3032

**Drinking water and sanitation facilities in rural areas**

1005. SHRIMATI NAZNIN FARUQUE: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether as per Habitation Survey-2003, 6.37 lakhs rural habitations have not been covered for providing drinking water;

(b) if so, measures taken to provide drinking water in these villages within a stipulated timeframe;

(c) whether urinal facility is not available to 50 per cent of rural population and they go in open to ease themselves;

(d) the action taken to provide them permanent urinal facilities;

(e) whether most of the girls in rural areas leave school due to lack of urinal facilities in schools; and

(f) the steps taken to ensure availability of urinal facilities in each girls schools in rural areas?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (KUMARI AGATHA SANGMA): (a) Yes, Sir. As per Habitation Survey-2003, 6.37 lakh habitations were reported to have less than 40 lines per capita per day of safe drinking water supply from public sources.

(b) In 2005-06 Government of India launched Bharat Nirman with rural drinking water as one of the component to cover all rural habitations with provision of safe drinking water. The status of progress under Bharat Nirman - Rural drinking water as on 20.7.2010 is as under:-

(Number of habitations)

Category of habitation	Target	Achievement
Un-covered	55,067	54,693
Slipped-back	3,31,604	4,87,713
Quality-affected	2,16,968	84,473
TOTAL:	6,03,639	6,28,879



The remaining un-covered and quality-affected habitations are targeted to be covered during Bharat Nirman Phase-II by the year 2012. During Bharat Nirman some of the States also reported coverage of slipped-back and quality-affected habitations, which were not included in the Bharat Nirman target. As on 1.4.2010, 376 un-covered and 1,44,064 quality-affected habitations were left to be covered. To ensure that the remaining targeted habitations are covered during the remaining period of Bharat Nirman Phase-II, States have been requested to prepare Annual Action Plan to cover un-covered and quality-affected habitations on priority and also mark the targeted habitations in the online Integrated Management Information System (IMIS). To achieve the laid down target, since the launch of Bharat Nirman, the allocation of funds for rural drinking water have been increased substantially from Rs. 2,585 crore in the year 2004-05 i.e. the year preceding launch of Bharat Nirman to Rs. 8,000 crore in 2009-10, which has been further enhanced to Rs. 9,000 crore in 2010-11.

(c) Total Sanitation Campaign (TSC) is a demand driven and community led programme. The sanitation coverage in the rural areas of the country, as per progress reported by the States through online monitoring system maintained by the Department of Drinking Water and Sanitation (DDWS), Ministry of Rural Development, Government of India, has reached 66.97% as of June, 2010.

(d) Total Sanitation Campaign (TSC) is implemented in project mode taking district as a unit. Projects for 606 rural districts have since been approved by the Government of India to provide sanitation facilities to rural households.

(e) and (f) Under TSC, assistance to the tune of Rs. 35000/- (Rs. 38500/- for hilly and difficult areas) for toilets in all types of Government schools, i.e. Primary, Upper Primary, Secondary and Higher Secondary is provided. Provision for separate toilets for boys and girls in co-educational schools exists.

#### **Restructuring of PURA**

1006. SHRI BIRENDRA PRASAD BAISHYA: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether Government proposes to restructure the Provision of Urban Amenities in Rural Areas (PURA) to embrace a holistic approach to it for development of rural areas in North Eastern Region (NER);

(b) if so, the details thereof; and

(c) the number of ongoing PURA projects in NER?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI PRADEEP JAIN): (a) and (b) The Government has restructured the Provision of Urban Amenities in Rural Areas (PURA) scheme for implementation on pilot basis during Eleventh Five Year Plan. The scheme aims at holistic and accelerated development of compact areas around a potential growth centre in a Gram Panchayat(s) through Public Private Partnership (PPP) framework for providing livelihood opportunities and urban amenities to improve the quality of life in rural areas.

The scope of the scheme is to select private partners to develop livelihood opportunities, urban amenities and infrastructure facilities in select Panchayat/cluster of Panchayat. The private developer is given the flexibility to identify and select the Gram Panchayat for undertaking PURA projects based on their familiarity with the area or past experience of working at the grassroots level. However, the consent of the concerned Panchayats is mandatory.

(c) Nil.

**Development of watershed in forest land**

1007. SHRI BHAGAT SINGH KOSHYARI: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) the progress of Hariyali Scheme in the country for the last three years;

(b) the number of projects sanctioned and the funds allotted under the Scheme;

(c) the policy of Government for development of watershed areas in forest land;

(d) whether Government has any policy to engage the forest dwellers into such schemes;

(e) if so, the details thereof; and

(f) if not, the reasons therefor?

THE MINISTER OF STATE FOR RURAL DEVELOPMENT (SHRI SISIR ADHIKARI):  
(a) and (b) The Department of Land Resources has been implementing three area development programmes, namely, Integrated Wastelands Development Programme (IWDP), Drought Prone Areas Programme (DPAP) and Desert Development Programme (DDP) on watershed basis under Hariyali Guidelines which came into effect from 2003-04. With effect from 26.2.2009 these three programmes have been integrated into a single modified scheme of Integrated Watershed Management Programme (IWMP). During the last three years, no new projects under IWDP, DPAP and DDP schemes were sanctioned. The progress under these schemes under Hariyali Guidelines is given in the Statement (See below).

(c) The development of watershed areas in forest lands is permissible under Hariyali Guidelines. However, reserved forest areas do not form part of project area under Integrated Watershed Management Programme (IWMP).

(d) to (f) Under Hariyali Guidelines, the treatment plans for forest land are implemented by Village Forest Committees, including forest dwellers, in close coordination with the Village Panchayat. In case of IWMP, the question does not arise as project area does not include reserved forests. However, degraded forests are treated under National Afforestation Programme implemented by Ministry of Environment and Forests through a decentralized mechanism involving Joint Forest Management Committees.

**Statement**

*Progress of Hariyali scheme for last three years (2007-08 to 2009-10)*

Prog- ramme	No. of projects sanctioned				No. of projects ongoing				No. of projects completed				Funds released (Rs. in crore)			
	2007-08	2008-09	2009-10	Total	2007-08	2008-09	2009-10	Total	2007-08	2008-09	2009-10	Total	2007-08	2008-09	2009-10	Total
DDP	-	-	-	-	-	7432	7356	7229	76	127	1175	1378	184.19	328.09	234.34	746.62
DPAP	-	-	-	-	-	11161	10846	9911	0	315	935	1250	295.24	337.26	254.92	887.42
IWDP	-	-	-	-	-	1396	1346	1199	7	50	147	204	410.13	581.40	388.86	
1380.39																
TOTAL:	-	-	-	-	-	19989	19548	18339	83	492	2257	2832	889.56	1246.75	878.12	
3014.43																

DDP : Desert Development programme

DPAP : Drought Prone Areas Programme

IWDP : Integrated Wastelands Development Programme

### Roads for unconnected habitation

1008. DR. GYAN PRAKASH PILANIA: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) the total number of habitations in the country and out of them the number of unconnected habitations, number of eligible unconnected habitations to be covered under Pradhan Mantri Gram Sadak Yojana (PMGSY), State-wise;

(b) the roadmap for connecting these unconnected eligible habitations; and

(c) the financial outlay under PMGSY, during 2007-08, 2008-09, 2009-10 and current year?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI PRADEEP JAIN): (a) As per the Core-Network submitted by the States, State-wise details of total number of habitations, total number of unconnected habitations, number unconnected habitations eligible for coverage under Pradhan Mantri Gram Sadak Yojana (PMGSY), are given in the Statement (See below).

(b) So, far, projects to connect 1,06,723 habitations have been sanctioned and as on May, 2010, 71241 habitations have been connected. Projects for connecting habitations are sanctioned depending upon resources available, works at hand with execution agencies and their execution capacity.

(c) The financial outlay/Allocation under PMGSY is as under:-

Sl. No.	Years	Financial Outlay/Allocation (Rs. in crore)
1.	2007-08	11,000
2.	2008-09	15,280
3.	2009-10	17,840
4.	2010-11	22,000

### Statement

#### Status of Habitations Connectivity

Sl. No.	States	Total No. of Habitations	No. of unconnected Habitations	Net Eligible
1	2	3	4	5
1.	Andhra Pradesh	71,382	5,091	1,538
2.	Arunachal Pradesh	3,880	2,741	8,04
3.	Assam	23,152	17,975	10,869

4. Bihar	39,824	11,497	10,034
----------	--------	--------	--------

1	2	3	4	5
5.	Chhattisgarh	27,606	18,049	9,855
6.	Goa	369	55	20
7.	Gujarat	34,187	7,420	3,290
8.	Haryana	6,745	23	1
9.	Himachal Pradesh	18,946	11,354	3,742
10.	Jammu and Kashmir	9,270	3,946	2,724
11.	Jharkhand	36,827	20,438	7,770
12.	Karnataka	56,682	4,608	269
13.	Kerala	14,899	475	435
14.	Madhya Pradesh	52,117	35,253	19,615
15.	Maharashtra	61,300	7,760	1,561
16.	Manipur	2,984	1,220	654
17.	Meghalaya	5,362	2,752	756
18.	Mizoram	795	363	245
19.	Nagaland	1,083	145	113
20.	Orissa	50,101	29,023	18,131
21.	Punjab	13,579	920	527
22.	Rajasthan	39,954	19,945	10,850
23.	Sikkim	901	410	318
24.	Tamil Nadu	62,919	5,318	2,203
25.	Tripura	8,133	4,301	1,952
26.	Uttar Pradesh	170,004	89,246	13,944
27.	Uttaranchal	16,800	8,613	2,439
28.	West Bengal	58,263	33,904	11,805
TOTAL		888,064	342,845	136,464

**PMGSY in Andhra Pradesh**

1009. SHRI M.V. MYSURA REDDY: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) the total number of roads taken up under Pradhan Mantri Gram Sadak Yojana (PMGSY) in Andhra Pradesh during the last three year, year-wise and district-wise;





(b) the total number of roads completed in Andhra Pradesh under the scheme during the last three years, year-wise and district-wise;

(c) whether regular monitoring of these works is done by any agency for quality control; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI PRADEEP JAIN): (a) The total number of roads taken up under Pradhan Mantri Gram Sadak Yojana (PMGSY) in Andhra Pradesh during the last three years, year-wise are given as under:-

Sl. Year No.	Spill over			New sanctions			Totals		
	No	Length	Cost	No	Length	Cost	No	Length	Cost
1. 2007-08	526	2780.59	47013.21	366	2071.65	52756.87	892	4852.24	99770.08
2. 2008-09	584	3327.51	63905.84	1260	5070.68	175698.00	1844	8398.19	239603.85
3. 2009-10	1461	6513.60	190085.66	0	0.00	0.00	1461	6513.60	190085.66
4. 2010-11	654	3588.53	90639.59	0	0.00	0.00	654	3588.53	90639.59
TOTAL:	3225	16210.23	391644.30	1626	7142.33	282454.87	4851	23352.56	620099.18

The District-wise year-wise details provided by the State Government are given in the Statements-I and IV (See below).

(b) The total number of roads completed in Andhra Pradesh under the scheme during the last three years year-wise are given as under:-

Sl. Year No.	Achievements		
	No	Length	Cost
1. 2007-08	330	1664.93	38806.41
2. 2008-09	383	1885.26	49518.19
3. 2009-10	807	2925.07	90446.41
4. 2010-11	129	525.01	19821.88
Total	1649	7000.27	198592.89

The District-wise details are given in the above Annexures.

(c) Yes, Sir. Ministry of Rural Development has setup the National Rural Roads Development Agency (NRRDA) to provide operational and management support to the Programme. The functions of this Agency include, *inter-alia*, monitoring of quality of works executed under Pradhan Mantri Gram Sadak Yojana.

(d) Ensuring the quality of the road works is the responsibility of the State Governments who are implementing the Programme. A Three Tier Quality Mechanism has been put in place for

ensuring the quality of road works under the programme. First Tier is in-house quality control and second tier in independent monitoring at State level. These two tiers are the responsibility of the States implementing the programme. The third tier is envisaged as an independent monitoring mechanism at the Central level. Under this tier, the independent National Quality Monitors (NQMs) are engaged for inspections of roads, selected at random.

**Statement-I**

*No. of road works taken up under Pradhan Mantri Gram Sadak Yojana (PMGSY) in Andhra Pradesh (District-wise) during the year 2007-08*

Sl. No.	District	Works sanctioned	Length	Sanctioned project cost (Rs. in lakhs)
1.	Srikakulam	15	60.90	1985.56
2.	V'nagaram	14	49.09	1543.35
3.	Vizag	4	62.03	1936.08
4.	EG	44	150.30	3584.03
5.	WG	10	30.27	1078.00
6.	Krishna	12	39.11	1341.42
7.	Guntur	25	125.93	3376.00
8.	Prakasam	12	97.73	2431.38
9.	Nellore	14	86.19	2322.99
10.	Chittoor	25	109.96	2648.08
11.	Cuddapah	23	94.39	2493.45
12.	Ananthapur	13	219.78	4335.50
13.	Kurnool	10	97.21	2446.98
14.	M'Nagar	23	185.37	4287.27
15.	R'Reddy	13	47.09	1079.83
16.	Nalgonda	11	99.88	2588.20
17.	Medak	11	110.99	2129.15
18.	Nizamabad	12	63.68	1568.14
19.	Warangal	30	89.15	2463.27
20.	Khammam	17	65.84	1884.37
21.	Karimnagar	19	97.07	2398.54
22.	Adilabad	9	89.69	2635.54
TOTAL:		366	2071.65	52756.87

**Statement-II**

*Pradhan Mantri Gram Sadak Yojana - Andhra Pradesh during the year 2008-09*

Sl. District No.	Spill over as on 1.4.2008New sanctions during the year 2008-09						Total			Achievement during the year 2008-09			
	No	Length	Cost	No	Length	Cost	No	Length	Cost	No	Length	Cost	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Srikakulam	30	103.26	2589.20	52	167.33	6437.92	82	270.59	9027.11	16	45.34	2649.46	
2. Vizianagaram	22	66.55	1466.72	50	149.48	6210.49	72	216.04	7677.21	13	31.06	2100.75	
3. Visakhapatnam	11	116.93	3495.24	84	345.767	11557.38	95	462.69	15052.62	4	17.20	1675.99	
4. East Godavari	45	202.71	3282.72	66	201.096	7296.55	111	403.80	10579.27	30	113.45	2745.87	
5. West Godavari	19	59.73	1023.46	71	165.426	6660.41	90	225.18	7683.87	7	6.50	1434.71	
6. Krishna	22	64.09	1568.53	52	162.386	6495.09	74	226.47	8062.62	16	42.38	1186.30	
7. Guntur	43	228.53	2892.79	68	272.512	9642.75	111	501.04	12535.54	32	177.73	3359.13	
8. Prakasam	17	145.23	3201.65	58	376.81	12476.321	75	522.04	15677.97	15	118.12	2726.82	
9. Nellore	18	118.77	2293.62	64	230.401	8089.12	82	349.17	10382.74	11	67.83	1925.69	
10. Chittoor	33	166.45	2548.44	54	251.439	8154.93	87	417.88	10703.37	31	142.80	2344.30	
11. Cuddapah	30	134.87	3055.97	76	185.674	6297.063	106	320.54	9353.03	22	81.83	2651.39	
12. Ananthapur	40	382.18	5529.21	146	592.335	18353.16	186	974.51	23882.37	19	137.10	2875.11	
13. Kurnool	17	150.65	3873.42	58	176.76	5383.03	75	327.41	9256.45	9	67.27	1585.50	

1	2	3	4	5	6	7	8	9	10	11	12	13	14
14. Mahabubnagar	32	282.55	4640.37	35	212.16	6907.69	67	494.71	11548.06	18	159.80	3164.33	
15. Ranga Reddy	28	105.85	1845.71	18	50.865	1565.72	46	156.71	3411.43	5	21.46	757.57	
16. Nalgonda	31	244.39	4159.15	60	355.93	12079.49	91	600.32	16238.64	18	116.01	2968.71	
17. Medak	14	139.54	2524.91	42	295.89	10449.58	56	435.43	12974.49	11	103.46	2960.06	
18. Nizamabad	14	66.59	1427.70	23	140.81	4462.81	37	207.40	5890.51	15	68.75	2394.98	
19. Warangal	44	145.73	2711.05	62	161.27	5702.66	106	307.00	8413.71	33	99.47	2120.95	
20. Khammam	22	101.62	2885.12	24	122.925	3992.52	46	224.54	6877.64	12	47.79	1537.97	
21. Karimnagar	37	188.17	3126.86	44	154.31	5407.14	81	342.48	5834.00	35	152.80	2305.22	
22. Adilabad	15	113.15	3764.02	53	299.104	12076.19	68	412.26	15840.21	11	67.11	2047.38	
TOTAL:	584	3327.51	63905.84	1260	5070.68	175698	1844	8398.192	39603.85	383	1885.264	9518.19	

**Statement-III**

*Pradhan Mantri Gram Sadak Yojana - Andhra Pradesh during the year 2009-10*

Sl. District No.	Spill over as on 1.4.2009New sanctions during the year 2009-10						Total			Achievement during the year 2009-10			
	No	Length	Cost	No	Length	Cost	No	Length	Cost	No	Length	Cost	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Srikakulam	66	225.92	6377.65	0	0	0	66	225.92	6377.65	39	130.51	3603.92	
2. Vizianagaram	59	184.93	3376.46	0	0	0	59	184.98	5576.46	47	128.71	3207.53	
3. Visakhapatnam	91	445.49	13376.63	0	0	0	81	445.49	13376.63	50	100.28	4131.27	
4. East Godavari	81	290.35	7833.40	0	0	0	81	290.35	7833.40	54	119.43	2951.57	
5. West Godavari	83	218.66	6249.16	0	0	0	83	218.66	6249.16	47	124.96	3062.92	
6. Krishna	58	184.09	6877.32	0	0	0	58	184.09	6877.32	37	105.91	3607.69	
7. Guntur	79	323.31	9178.41	0	0	0	79	323.31	9176.41	44	170.00	6266.24	
8. Prakasam	60	403.92	12951.15	0	0	0	60	403.92	12951.15	15	95.66	4698.92	
9. Nellore	71	281.34	8457.05	0	0	0	71	281.34	8457.05	61	221.65	4934.18	
10. Chittoor	56	275.08	8359.07	0	0	0	56	275.08	8359.07	30	143.46	4405.09	
11. Cuddapah	84	238.71	6701.64	0	0	0	84	238.71	6701.64	61	162.46	3491.76	
12. Ananthapur	167	837.41	21007.26	0	0	0	167	837.41	21007.26	63	284.02	9399.20	
13. Kurnool	66	260.14	7670.95	0	0	0	66	260.14	7670.95	32	71.59	1822.64	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

14. Mahabubnagar	49	334.91	8383.73	0	0	0	49	334.91	8383.73	30	216.21	4917.36
15. Ranga Reddy	41	135.25	2653.86	0	0	0	41	135.25	2653.86	23	72.31	1284.33
16. Nalgonda	73	484.31	13269.93	0	0	0	73	484.31	13269.93	40	275.61	6700.08
17. Medak	45	331.97	10014.43	0	0	0	45	331.97	10014.43	5	36.70	5257.10
18. Nizamabad	22	138.65	3495.53	0	0	0	22	138.65	3495.53	12	61.45	2792.81
19. Warangal	73	207.53	6292.76	0	0	0	73	207.53	6292.76	49	111.34	2724.97
20. Khammam	34	176.75	5339.67	0	0	0	34	176.75	5339.67	18	67.21	1956.28
21. Karimnagar	46	189.68	6228.78	0	0	0	46	189.68	6228.78	37	148.57	3925.90
22. Adilabad	57	345.15	13792.83	0	0	0	57	345.15	13792.83	13	77.03	5304.65
TOTAL:	1461	6513.60	190085.66	0	0	0	1461	6513.60	190085.66	807	2925.07	90446.41

**Statement-IV**

*Pradhan Mantri Gram Sadak Yojana - Andhra Pradesh during the year 2010-11 upto June, 2010*



Sl. District No.	Spill over as on 1.4.2010New sanctions during the year 2010-11							Total	Achievement during the year 2010-11 upto June, 2010				
	No	Length	Cost	No	Length	Cost	No	Length	Cost	No	Length	Cost	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Srikakulam	27	95.41	2463.65	0	0	0	27	95.41	2463.65	4	20.32	613.55	
2. Vizianagaram	12	56.27	2159.98	0	0	0	12	56.27	2159.98	3	9.20	462.06	
3. Visakhapatnam	41	345.21	9013.58	0	0	0	41	345.21	9013.58	2	8.24	1185.82	
4. East Godavari	27	170.92	4572.80	0	0	0	27	170.92	4572.60	7	27.00	959.33	
5. West Godavari	36	93.70	2675.01	0	0	0	36	93.70	2675.01	0	0.00	264.53	
6. Krishna	21	78.18	2980.33	0	0	0	21	78.18	2980.33	4	13.37	521.49	
7. Guntur	35	153.31	2174.73	0	0	0	35	153.31	2147.73	8	29.18	884.86	
8. Prakasam	45	308.26	7878.50	0	0	0	45	308.26	7878.50	14	64.70	2045.31	
9. Nellore	10	59.69	3148.84	0	0	0	10	59.69	3148.84	0	0.00	495.62	
10. Chittoor	26	131.62	3548.58	0	0	0	26	131.62	3548.58	13	63.97	1419.23	
11. Cuddapah	23	76.25	2792.97	0	0	0	23	76.25	2792.97	9	23.30	793.99	
12. Ananthapur	104	553.39	9719.96	0	0	0	104	553.39	9719.96	11	24.10	2847.76	
13. Kurnool	34	188.55	5532.45	0	0	0	34	188.55	5532.45	11	34.76	955.85	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
14. Mahabubnagar	19	118.70	3283.87	0	0	0	19	118.70	3283.87	6	33.29	647.23	

15. Ranga Reddy	18	62.94	1223.33	0	0	0	18	62.94	1223.33	6	20.03	295.10
16. Nalgonda	33	208.70	6100.37	0	0	0	33	208.70	6100.37	4	33.79	857.18
17. Medak	40	295.27	4402.31	0	0	0	40	295.27	4402.331	0	0.00	1514.09
18. Nizamabad	10	77.20	322.94	0	0	0	10	77.20	322.94	0	0.00	240.22
19. Warangal	24	96.19	3230.51	0	0	0	24	96.19	3230.51	9	21.04	657.83
20. Khammam	16	109.54	3258.11	0	0	0	16	109.54	3268.11	4	11.46	264.41
21. Karimnagar	9	41.11	2055.03	0	0	0	9	41.11	2055.03	4	18.92	634.46
22. Adilabad	44	268.12	8091.96	0	0	0	44	268.12	8091.96	10	68.34	1261.96
TOTAL:	654	3588.53	90639.59	0	0	0	654	3588.53	90639.59	129	525.01	19821.8

**Irregularities in implementation of MGNREGS in Assam**

1010. SHRI KUMAR DEEPAK DAS: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether it is a fact that a large number of corruption cases including misuse of sums have been found in implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) in Assam;

(b) if so, the number of such cases recorded during the last three year; and

(c) the steps taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI PRADEEP JAIN): (a) and (b) A total of 10 complaints regarding corruption and misuse of funds in the implementation of Mahatma Gandhi NREGA in Assam have been received in the Ministry.

(c) With a view to check corruption in the implementation of Mahatma Gandhi NREGA, the following steps have been taken:-

- (i) Permissible administrative expenditure limit has been enhanced from 4% to 6% for deployment of dedicated staff for NREGA, strengthening of management and administrative support structures for social audit, grievance redressal and ICT infrastructure.
- (ii) Payment through accounts of NREGA workers to infuse transparency in wage disbursement. To cover gaps in financial services and outreach and also to ensure greater transparency in wage disbursement, Rural ATM, hand held devices, smart cards, biometrics have been initiated.
- (iii) ICT based MIS to make data available to public scrutiny, inclusive of job cards, Employment demanded and allocated, Days worked, Muster rolls, shelf of works, Funds available/spent and fund to various implementing agencies, Social Audit findings, registering grievances and generating alerts for corrective action.
- (iv) Instructions have been issued on 7.9.09 directing all States to appoint ombudsman at district level for grievance redressal.
- (v) Independent appraisal by professional institutions including IITs, IIMs, Social sector organisations and Agricultural Universities.
- (vi) Independent Monitoring by NLM and Eminent Citizens.
- (vii) Visit by Central Council members.
- (viii) Periodic reviews with State Governments.

(ix) The Ministry has set up six Working Groups on different aspects impacting the implementation of the Act. These Working Groups cover (a) Planning and Execution, (b) Wages, (c) Transparency and Accountability, (d) Capacity Building, (e) Specific needs of specific category of workers and (f) Works to be taken up on individual land. All the Working Groups have submitted their draft reports.

**Provision of compensatory dole under MGNREGS**

1011. SHRI MANI SHANKAR AIYAR: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) provides that in the event of a group of 50 persons seeking employment under the Act and work not being provided within 15 days, a dole equal to a day's wages shall be paid till such time as work is provided;

(b) the procedure for making such applications and the authority to whom applications are to be addressed;

(c) the number of such applications made since the Act entered into force, State/ Union Territory-wise;

(d) the number of persons furnished with doles in the absence of being given employment, State/Union Territory-wise; and

(e) whether Government is satisfied that every one seeking work under the Act is, in fact, being given such work or, alternatively, given the prescribed dole?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI PRADEEP JAIN): (a) Section 7(1) of Mahatma Gandhi NREGA provides that if an applicant for employment under the scheme is not provided employment within 15 days of receipt of his application seeking employment or from the date from which employment has been sought in case of advance application, whichever is later, he shall be entitled to a daily unemployment allowance in accordance with the provisions of the Act. Provision to Section 7(2) further provides that rate of unemployment allowance shall not be less than one-fourth of the wage rate for the first 30 days during the financial year and not less than one-half of the wage rate for the remaining period of the financial year.

(b) Section 7(6) of the Act provides that the State Government may prescribe the procedure for payment of unemployment allowance under the Act. The unemployment allowance is sanctioned and disbursed by the Programme Office or such local authority (including the Panchayats at the district, intermediate or village level) as the State Government may, by notifications, authorize in this behalf.

(c) to (e) As reported by the State Governments, details of the unemployment allowance paid so far is given in the Statement.

**Statement**

*Un-employment allowance paid by the States under NREGA*

Sl. Name of State	Details of Un-employment allowance paid
No.	

1	2	3
1.	Madhya Pradesh	During 2006-07, In Badwani district, 1574 applicants were paid a sum of Rs. 4,75,386 as unemployment allowance.

1	2	3
2.	Orissa	A total of 543 job seekers have been paid Rs. 1,03,462 as unemployment allowance in three districts viz. Nawarangpur, Kalahandi and Bolangir.
3.	Karnataka	679 applicants have been paid Rs. 1,68,068 as unemployment allowance in 8 Gram Panchayats of Raichur district.
4.	West Bengal	Eight job card holders in South 24-Parganas district of the State have been paid 14 days unemployment allowance each in 2007-08.
5.	Kerala	An amount of Rs. 1063 was sanctioned to a job seeker (Sri A.P. Vimlan, Ajnailikkal House, Padichira P.O., Pulpally, Wayanad district) as unemployment allowance for 32 days during the year 2006-07.
6.	Tripura	Unemployment allowance has been paid by the Government of Tripura during the year 2008-09 upto 31st December, 2008 to 51 registered job seeker.
7.	Jharkhand	Unemployment allowance of Rs. 138330.00 paid to 78 workers of Jerua and Kope villages in Latehar district of Jharkhand.
8.	Maharashtra	Unemployment allowance has been paid in Bhandara district in November, 2007. Rs. 2,72,272 were paid to 1144 labours.

#### **Delay in implementation of PMGSY**

1012. SHRI PRAKASH JAVADEKAR: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether it is a fact that Pradhan Mantri Gram Sadak Yojana (PMGSY) is running behind schedule;

(b) if so, the details thereof; and

(c) what action Government contemplates in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI

PRADEEP JAIN): (a) and (b) At the time of launch of the Pradhan Mantri Gram Sadak Yojana (PMGSY), it was aimed to provide connectivity, by way of an All-weather road to the eligible unconnected habitations in the rural areas, in such a way that all unconnected habitations with a population of 1000 persons and above are covered in three years (2002-2003) and all unconnected habitations with a population of 500 persons and above by the end of the tenth plan period (2007). The progress of the PMGSY, as on May, 2010 is given in the Statement (See below).



In some States, some delay in execution of PMGSY works have been observed. Reasons for delay in implementation are as under:-

(i) Inadequate institutional capacity:-

- Numbers of Programme Implementation Units (PIUs) not in proportion the target.
- Insufficient manpower in the SRRDA and the PIUs.

(ii) Non availability of sufficient qualified technical personnel including engineers with the contractors.

(iii) Inadequate delegation of financial power to the SRRDA and the PIUs causing delay in the award of projects.

(iv) Unfavorable weather conditions i.e. a very long rainy season/flood have adversely affected the implementation of PMGSY projects in some States.

(v) Non availability of land or the land falling in forest areas.

(c) In order to increase the execution capacity following steps have been taken by the Ministry of Rural Development:-

(i) State Governments have been advised to augment execution capacity.

(ii) Bidding document has been suitably modified to enlarge the pool of eligible contractors.

(iii) In order to address the delay in tendering process, State Governments have been advised to take recourse to e-tendering of the projects under PMGSY.

(iv) Performance incentive for timely completion of projects has been introduced since September, 2006.

(v) State Governments have been advised to closely monitor the schedule of implementation and levy liquidated damages, wherever required.

(vi) Review and monitoring meetings are being held regularly for proper monitoring of the physical and financial progress.

#### **Statement**

*Progress of PMGSY as on May, 2010*

Sl.	States	Roads	Roads	Balance Habitations
	Habitations			

No.		cleared	completed		cleared	connected
		upto	upto		upto	upto
		March'08	June'2010		May'2010	May'2010
1	2	3	4	5	6	7
1.	Andhra Pradesh*	4968	5670	-	1538	985

1	2	3	4	5	6	7
2.	Arunachal Pradesh	519	464	55	343	222
3.	Assam	2062	1741	321	8426	5584
4.	Bihar	3310	2155	1155	16628	3586
5.	Chhattisgarh	4271	3819	452	7773	5602
6.	Goa	90	72	18	20	2
7.	Gujarat*	2392	2610	–	2532	2064
8.	Haryana*	284	344	–	1	1
9.	Himachal Pradesh	1929	1389	540	2382	1792
10.	Jammu and Kashmir	445	317	128	1290	690
11.	Jharkhand	982	867	115	5762	1751
12.	Karnataka*	2483	2732	–	269	269
13.	Kerala	765	543	222	435	347
14.	Madhya Pradesh	9694	8755	939	11817	9596
15.	Maharashtra	4148	3969	179	1157	1083
16.	Manipur	849	658	191	281	144
17.	Meghalaya	373	348	25	189	184
18.	Mizoram	144	110	34	162	92
19.	Nagaland	237	226	11	91	76
20.	Orissa	5412	3935	1477	8728	5185
21.	Punjab*	627	673	–	418	406
22.	Rajasthan	11186	11124	62	10850	10388
23.	Sikkim	221	170	51	296	133
24.	Tamil Nadu*	2604	4171	–	1942	1949
25.	Tripura	881	586	295	1694	980
26.	Uttar Pradesh	15183	14450	733	11143	10911
27.	Uttarakhand	488	350	138	891	464
28.	West Bengal	1718	1616	102	9665	6755
TOTAL:		78265	73864	4401	106723	71241

\*States also completed some works cleared after March'08.

**Achievements under poverty alleviation programmes**

†1013. SHRI DHIRAJ PRASAD SAHU: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether implementation of various poverty alleviation programmes in the country has brought about sufficient change in living standard of people living the Below Poverty Line (BPL);

(b) if so, the details thereof and reasons therefor;

(c) the corrective measures taken or proposed to be taken in this regard; and

(d) the number of persons living Below Poverty Line, especially in Jharkhand who have been brought Above Poverty Line during last three years, State-wise?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI PRADEEP JAIN): (a) to (c) The Ministry of Rural Development implements the major scheme viz., Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) as wage employment and Swarnjayanti Gram Swarojgar Yojana (SGSY)/National Rural Livelihood Mission (NRLM) as self employment programme for employment generation and poverty alleviation in all the rural areas of the country through State Governments and Union Territory Administrations. In addition to these schemes, the Ministry of Rural Development also implements other schemes namely, Indira Awaas Yojana (IAY), Pradhan Mantri Gram Sadak Yojana (PMGSY), National Social Assistance Programme (NSAP), Integrated Watershed Management Programme (IWMP), National Rural Drinking Water Programme (NRDWP) and Total Sanitation Programme (TSC) for overall improvement in living standard of rural households.

(d) The Ministry of Rural Development has not monitored/maintained State-wise number of persons crossed the poverty line during the last three years.

**ATM like machines for MGNREGS workers**

1014. SHRI NANDI YELLAIAH: Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether the Ministry at National level is testing an ATM like machines for Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) workers to reduce their dependence on panchayat officials or administration, where uncontrollable frauds are taking place;

(b) if so, what are the various remedial measures undertaken at National level to make the scheme as a successful venture to eradicate

poverty in rural areas;

(c) whether ATM like machines shall be introduced at every village level for successful implementation of the scheme; and

(d) if not, the reasons for non-implementation of ATM like machines at every village level for proper implementation of the MGNREGS?

---

†Original notice of the question was received in Hindi.

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI PRADEEP JAIN): (a) No, Sir.

(b) Does not arise.

(c) No, Sir.

(d) Payment of wages to Mahamta Gandhi NREGA workers has been made mandatory through their accounts in banks/post offices by making an amendment in para 31 of Schedule-II of the Act. To cover gaps in financial services and outreach, Rural ATMs, hand held devices, smart cards, biometrics and business correspondent models have been initiated by some State Governments.

**Assistance under IAY Scheme**

1015. SHRIMATI NAZNIN FARUQUE:

PROF. ANIL KUMAR SAHANI:

Will the Minister of RURAL DEVELOPMENT be pleased to state:

(a) whether the Ministry has finalised the definition of dwelling unit under Indira Awas Yojana (IAY) suitable for a healthy living in consultation with the Ministry of Health;

(b) if so, the details thereof;

(c) whether the enhanced amount of assistance under IAY is too low as per the existing cost of materials and construction;

(d) if so, the steps taken to enhance the assistance amount; and

(e) the number of persons provided assistance under IAY and those still awaiting assistance under IAY in Gopalganj district, Bihar and by when the remaining persons will be provided assistance?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRI PRADEEP JAIN): (a) and (b) The IAY guidelines provide that the plinth area of a IAY house should not be less than 20 square metres. The layout, size and type design of IAY dwelling units depend on the local conditions and the preference of the beneficiary. The houses are to be designed in accordance with the desire of the beneficiaries, keeping in view the climatic conditions and the need to provide ample space, kitchen, ventilation, sanitary latrine facilities, smokeless chulhas etc. Although Ministry of Health has not been consulted in the matter, a Task Force set up in the Ministry in July, 2009 for examining various issues related to construction of

houses under IAY, had recommended, *inter alia*, that efforts should be made to ensure that the house is a pucca one with permanent walls and permanent roofing, the permanent nature of the walls and roofing to be determined in a manner that the house is:-

- (i) able to withstand the weather conditions of the place throughout the year;

(ii) It should have minimum level of disaster resistant technology to be able to withstand minor earthquakes, cyclone, flood etc.; and

(iii) the walls are plastered at least externally.

It is also desirable that the house should have adequate space for pursuing livelihood activities, a verandah, a stair case to go to the top of the house and a rain water harvesting system.

The recommendations of the Task Force have been forwarded to all the States/UTs on 3rd February, 2010.

(c) and (d) The grant provided under IAY is the unit assistance and not the actual unit cost. The beneficiary is expected to put his own labour for construction of the house. The beneficiary can avail loan upto Rs. 20,000/- from a nationalized bank at an interest rate of 4% per annum under Differential Rate of Interest (DRI) Scheme. In addition, an IAY beneficiary can avail funds to the tune of Rs. 2200/- from the Total Sanitation Campaign (TSC) for construction of sanitary latrine. The Government has enhanced the unit assistance for IAY houses with effect from. 1.4.2010 from Rs. 35,000/- to Rs. 45,000/- in plain areas and from Rs. 38,500/- to Rs. 48,500/- in hilly/difficult areas.

(e) According to the estimates made by the Registrar General of India based on 2001 Census, the housing shortage of Gopalganj district was 1,28,827 houses. Against this housing shortage, 1,10,589 houses have been constructed under IAY in the district since the year 2001-02. Targets under IAY are set on year to year basis depending upon the availability of funds.

#### **Use of waterways to boost economic activities**

1016. SHRI BIRENDRA PRASAD BAISHYA: Will the Minister of SHIPPING be pleased to state:

(a) whether Government is aware that the use of waterways is capable of generating employment, both directly and indirectly also trade and other economic activities which will enhance the economy of the North Eastern Region significantly; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI MUKUL ROY):

(a) and (b) Yes, Sir. According to a study on "Economic gains of Cargo Movement through Inland Water Transport mode in National Waterway - 1



and 2" carried out by National Council of Applied Economic Research during 2006, the development of inland waterways have the potential for creating additional and other economic activities. However, no such specific study for North Eastern Region has been conducted.

**Ports under consideration in the east coast of India**

1017. SHRI RAMA CHANDRA KHUNTIA: Will the Minister of SHIPPING be pleased to state:

(a) how many major, medium and minor ports are under considerations in the east coast of the country;

(b) how many of them are being situated in eco-fragile areas; and

(c) whether setting up of large scale infrastructures are accompanied with cost benefit analysis for the local communities?

THE MINISTER OF SHIPPING (SHRI G.K. VASAN): (a) to (c) No proposal for setting up of a major port in east coast of the country is under consideration of the Central Government, In so far as non-major ports are concerned, as per the Indian Ports Act, 1908, they are under the overall jurisdiction of the respective State Governments. The cost benefit analysis for the local communities while setting up of non-major ports may be taken by the State Governments.

#### **Inland waterways to link ports in Gujarat**

1018. SHRI PARSHOTTAM KHODABHAI RUPALA: Will the Minister of SHIPPING be pleased to state:

(a) whether any steps has been taken by the Ministry to create inland waterways to link various ports of Gujarat to other major parts of the country; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI MUKUL ROY):

(a) No, Sir.

(b) Does not arise.

#### **Foreign cargo vessels/ships**

1019. SHRI NAND KUMAR SAI: Will the Minister of SHIPPING be pleased to state:

(a) the number of foreign cargo vessels/ ships arrived at major ports in the country during 2008-09 and 2009-10, port-wise;

(b) if so, the details thereof;

(c) the quantity and type of cargo carried by foreign and domestic cargo vessels/ships during the said period separately, port-wise and year-wise;

(d) the details of domestic and foreign ships detained for alleged irregularities during the said period, port-wise, company-wise and year-wise; and

(e) the action taken by Government against such ship/cargo companies during the said period, company-wise and year-wise?

THE MINISTER OF SHIPPING (SHRI G.K. VASAN): (a) to (c) Information is given in the Statement-I (See below).

(d) and (e) Information is given in the Statement-II.

**Statement-I**

*The number of foreign cargo vessels/ships arrived at major parts in  
the  
country during 2008-09 and 2009-10, port-wise*

**Kolkata**

Commodity Vessels	2008-09				2009-10			
	Foreign Vessels		Coastal Vessels		Foreign Vessels		Coastal Vessels	
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
	in '000'		in '000'		in '000'		in '000'	
		MT		MT		MT		MT
Dry Bulk	42	829	0	3	65	1630	0	0
Liquid Bulk	158	3437	82	632	166	708	98	747
Break Bulk	174	1867	80	184	317	3028	83	284
Containers	526	5448	0	328	159	6611	0	34
Others		16	0	13	0	12	0	26
0								
<b>TOTAL**</b>	<b>911</b>	<b>11581</b>	<b>175</b>	<b>847</b>	<b>1132</b>	<b>11977</b>	<b>207</b>	<b>1068</b>

\*\*Vessels carrying dry bulk in import leg and break bulk in export leg (5 vessels in 2008-09 and 7 vessels in 2009-10) have been considered under both the categories but considered once in total number of vessels.

**Haldia**

Commodity Vessels	2008-09				2009-10			
	Foreign Vessels		Coastal Vessels		Foreign Vessels		Coastal Vessels	
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
	in '000'		in '000'		in '000'		in '000'	
		MT		MT		MT		MT
Dry Bulk	712	18086	119	1936	855	17159	143	2189
Liquid Bulk	459	14704	587	4251	374	7494	479	4024
Break Bulk	82	441	0	0	42	375	0	0

Containers	512	2373	0	0	433	2009	0	0
Others		0	0	0	0	0	0	0
0								
TOTAL:		1765	35604	706	6187	1734	27037	622
6213								

**Paradip**

Commodity Vessels	2008-09				2009-10			
	Foreign Vessels		Coastal Vessels		Foreign Vessels		Coastal Vessels	
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
		in '000'		in '000'		in '000'		in '000'
		MT		MT		MT		MT
Dry Bulk	948	30364	286	11197	927	33576	234	9916
Liquid Bulk	137	2938	102	1551	175	10846	154	2461
Break Bulk	61	328	23	2	41	165	1	2
Containers	9	31	0	0	12	44	0	0
Others		6	0	23	0	5	0	21
0								
TOTAL:		1161	33661	434	12750	1160	44631	410
12380								

**Visakhapatnam**

Commodity Vessels	2008-09				2009-10			
	Foreign Vessels		Coastal Vessels		Foreign Vessels		Coastal Vessels	
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
		in '000'		in '000'		in '000'		in '000'
		MT		MT		MT		MT
Dry Bulk	871	27542	291	12986	933	30659	342	12538
Liquid Bulk	317	13045	346	7540	369	13001	346	6604
Break Bulk	202	1318	69	140	182	1033	28	66
Containers	230	1341	21	13	201	1676	5	9
Others		8	0	30	0	9	0	20
0								
TOTAL:		1628	43246	757	20679	1694	46369	741
19217								

**Chennai**

Commodity Vessels	2008-09				2009-10			
	Foreign Vessels		Coastal Vessels		Foreign Vessels		Coastal Vessels	
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
		in '000'		in '000'		in '000'		in '000'
		MT		MT		MT		MT

1	2	3	4	5	6	7	8	9
Dry Bulk	391	17797	50	2534	416	18690	30	1289

1	2	3	4	5	6	7	8	9
Liquid Bulk	314	11313	127	2847	322	11514	171	3191
Break Bulk	412	2361	74	58	415	2689	74	207
Containers	689	20540	21	41	649	23460	54	17
Others		0	0	0	0	0	0	0
0								
TOTAL:		1806	52011	272	5480	1802	56353	329
4704								

#### Jawaharlal Nehru Port

	2008-09				2009-10			
Commodity	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
		in '000'		in '000'				in '000'
		MT		MT				MT
Dry Bulk	0	0	0	0	0	0	0	0
Liquid Bulk	0	0	0	0	0	0	0	0
Break Bulk	0	0	0	0	0	0	0	0
Containers	2131	49359	347	1247	2094	51852	376	1243
Others*	342	2572	161	4117	438	3471	164	4196
TOTAL:		2473	51931	508	5364	2532	55323	540
5439								

\*Includes Dry bulk, Liquid bulk, break bulk and others.

#### Mumbai Port

	2008-09				2009-10			
Commodity	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
		in '000'		in '000'				in '000'
		MT		MT				MT
1	2	3	4	5	6	6	7	8
Dry Bulk	230	8671	3	105	278	10773	5	190



Liquid Bulk	794	17774	220	5480	821	19530	200	5067
Break Bulk*	672	5618	0	203	729	6088	3	803
Containers	12	633	0	0	10	581	0	0

1	2	3	4	5	6	6	7	8
Others\$	0	0	0	13392	0	0	0	11509
TOTAL:		1708	32696	223	19180	1838	36972	208
17569								

\*Inclusive of cargo handled by coastal barges at docks and bunders.

\$Indicates cargo handled through pipelines (Crude and products) and containers stuffed at 'E' shed, Grain depot and sent to JNP by road.

#### Tuticorin

	2008-09				2009-10			
Commodity	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
		in '000'		in '000'		in '000'		in '000'
		MT		MT		MT		MT
Dry Bulk	299	7522	142	4968	304	8485	147	5216
Liquid Bulk	133	906	39	624	129	910	46	471
Break Bulk	440	1913	20	4	329	1462	4	9
Containers	451	5379	0	103	455	6599	0	0
Others		0	592	0	0	0	635	0
0								
TOTAL:		1323	16312	201	5699	1217	18091	197
3696								

#### Cochin

	2008-09				2009-10			
Commodity	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels	Foreign Vessels	Coastal Vessels
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
		in '000'		in '000'		in '000'		in '000'
		MT		MT		MT		MT
Dry Bulk	41	955	8	124	37	717	22	254
Liquid Bulk	151	6522	154	4234	210	8115	172	4291
Break Bulk	43	92	22	46	38	105	5	19

Containers	216	3127	118	394	265	1878	125	2050
Others		59	0	270	0	72	0	332
0								
TOTAL:		510	10696	572	4798	622	10815	656
6614								

**New Mangalore**

Commodity Vessels	2008-09				2009-10			
	Foreign Vessels		Coastal Vessels		Foreign Vessels		Coastal Vessels	
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
		in '000'		in '000'		in '000'		in '000'
		MT		MT		MT		MT
Dry Bulk	361	12819	43	1063	300	10642	53	1726
Liquid Bulk	446	17168	193	4978	450	17129	232	5297
Break Bulk	69	255	3	4	69	242	5	17
Containers	47	389	22	15	43	406	34	69
Others		11	0	0	0	10	0	0
0								
TOTAL:		934	30631	261	6060	872	28419	324
7109								

**Kandla**

Commodity Vessels	2008-09				2009-10			
	Foreign Vessels		Coastal Vessels		Foreign Vessels		Coastal Vessels	
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
		in '000'		in '000'		in '000'		in '000'
		MT		MT		MT		MT
Dry Bulk	617	13505	19	330	637	15965	26	466
Liquid Bulk	1004	43646	208	6912	1155	46227	266	8447
Break Bulk	425	4607	23	49	420	5623	17	95
Containers	0	0	221	2135	0	0	265	2435
Others		0	0	0	0	0	0	0
0								
TOTAL:		2046	61758	471	9426	2212	67815	574
11443								

**Ennore Port Ltd.**

Commodity Vessels	2008-09				2009-10			
	Foreign Vessels		Coastal Vessels		Foreign Vessels		Coastal Vessels	
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
		in '000'		in '000'		in '000'		in '000'
		MT		MT		MT		MT

1	2	3	4	5	6	7	8	9
Dry Bulk	38	2285	157	8534	35	1826	160	8389

1	2	3	4	5	6	7	8	9
Liquid Bulk	54	674	1	7	72	423	6	65
Break Bulk	0	0	0	0	0	0	0	0
Containers	0	0	0	0	0	0	0	0
Others		0	0	0	0	0	0	0
0								
TOTAL:		92	2959	158	8541	107	2249	166
8454								

**Mormugao Port**

Commodity	2008-09				2009-10			
	Foreign Vessels		Coastal Vessels		Foreign Vessels		Coastal Vessels	
	No.	Quantity	No.	Quantity	No.	Quantity	No.	Quantity
	in '000'	in '000'	in '000'	in '000'	in '000'	in '000'	in '000'	in '000'
	MT	MT	MT	MT	MT	MT	MT	MT
Dry Bulk	613	37235	47	2560	672	42840	56	3798
Liquid Bulk	93	724	77	672	95	808	89	811
Break Bulk	22	309	2	34	26	352	8	46
Containers	36	147	0	0	37	182	2	10
Others		0	0	0	0	0	0	0
0								
TOTAL:		764	38415	126	3266	830	44182	155
4665								

**Statement-II**

*Details of Domestic and Foreign Ships detained for alleged irregularities during 2008-09 and 2009-10, port-wise, company-wise and year-wise*

Port	Year	Coastal			Year	Foreign		
		Ship	Owner/	Action		Ship	Owner/	Action
		Name	Company	Taken		Name	Company	Taken
		Name	Name			Name	Name	
1	2	3	4	5	6	7	8	9

Kolkata            No Coastal or Foreign Ship detained during the period  
2008-09 and 2009-10

Haldia            No Coastal or Foreign Ship detained during the period  
2008-09 and 2009-10

Paradip           No Coastal or Foreign Ship detained during the period  
2008-09 and 2009-10

Visakhapatnam No Coastal or Foreign Ship detained during the period  
2008-09 and 2009-10

---

1	2	3	4	5	6	6	7	8
Chennai	No Coastal or Foreign Ship detained during the period 2008-09 and 2009-10							
JNPT	No Coastal Ship detained during the 2008-09					MT	M/s	
Detained	period 2008-09 and 2009-10					Amanat		
Preetika	by DG					Shipping Shipping Agency Pvt. Ltd,		
					2009-10	Express Kailash	M/s Sea Consortium Shipping (India) Pvt. Ltd.	Detained by DG Shipping
					2009-10	W.O. Main	M/s Wan Hai Lines (India) Pvt. Ltd.	Detained by DG Shipping
					2009-10	Bunga Relange Da	M/s Crescent Shipping Agency (India) Ltd.	Detained by DG Shipping
Mumbai	No Coastal or Foreign Ship detained during the period 2008-09 and 2009-10							
Tuticorin	No Coastal or Foreign Ship detained during the period 2008-09 and 2009-10							
Cochin	No Coastal or Foreign Ship detained during the period 2008-09 and 2009-10							
New Mangalore	As per Statement B-1 (See below)							
Kandla	As per Statement B-2 (See below)							
Ennore	No Coastal of Foreign Ship detained during the period 2008-09 and 2009-10							
Mormugao	As per Statement B-3							

**Statement-B-1**

*New Mangalore Port Trust*

Sl. No.	Date	Ship Name	Owner/ Company Name	Nature of irregularity	Action Taken
1	2	3	4	5	6



1.31.1.09      GUANG                      Detained by theDetained      till      the  
court  
                 HUA MEN                      court order      released on 7.5.2009

---

1	2	3	4	5	6
2.28.4.09	WINDER			Detained by the court	Detained till the court order released on 7.5.2009
3.20.6.09	B.M.	Fareast	As per deficiencies	The vessel detained by	
	ADVENTURE	Management pointed out by MMD Ltd., Hong Kong	Surveyor at the time of inspection under which pointed out by IMO Deficiency Codes the MMD are cleared by the Master. The MMD re-inspected to verify clearance of deficiencies and found satisfactory, the vessel released.		
4.3.8.09	TONG HAI	Tong Hai Maritime Inc Panama	-do-	-do-	-do-
5.13.5.09	THOR	Amigo	Detained by the court	Still in the port	
	GUARDIAN	Ship Co. Goa		released by the court but pending with Survey.	
6.8.9.09	D.D. VIGOR	DD Shipping Ltd., SA	-do-	-do-	-do-
7.16.9.09	GATEWAY Prestige	Gateway Shipping (P) Ltd.	-do-	-do-	-do-

**Statement-B-2**

*Kandla Port Trust*

**Coastal**

Sl. No.	Year	Ship Name	Owner/Company Name	Nature of irregularity	Action Taken
NIL					

**Foreign**

Sl. No.	Year	Ship Name	Owner/Company Name	Nature of irregularity	Action Taken
1	2	3	4	5	6
1.	2008-09	MV ORBIT	J.M. Baxi	Deficiencies as	Finally

released

per port State by MMD after  
Control making good  
the deficiencies

---

1	2	3	4	5	6
2.	2008-09 released	MV Sea Trader	Tri Star	Deficiencies as per port State by MMD after Control making good the deficiencies	Finally
3.	2008-09	M.V. Helios-3	Shivam Shipping	-do-	-do-
4.	2008-09	MV Zhong Xing	Halar Shipping	-do-	-do-
5.	2008-09	MV Betuah	Aditya Shipping	-do-	-do-
6.	2008-09	MT Fair Energy	Atlantic Shipping	-do-	-do-
7.	2008-09	MV Oceanic Union	Pearl Shipping	-do-	-do-
8.	2008-09	MV Mercks Mirissa	Sai Shipping	-do-	-do-
9.	2008-09	MV JAG-1	Tri Star	-do-	-do-
10.	2008-09	MV JON JIN-2	Liladhar Pasoo Forwarders	-do-	-do-
11.	2008-09	MV Surreal	Sea Trade	-do-	-do-
12.	2008-09	MV Marina-I	Arnav Shipping	-do-	-do-
13.	2008-09	MV JS Mattu	Aditya Shipping	-do-	-do-
14.	2008-09	MV Princess-II	Tri Star	-do-	-do-
15.	2008-09	MV Gulf Eagle	United Liner Agency	-do-	-do-
16.	2008-09	MV Osman Mete	J.M. Baxi	-do-	-do-
17.	2008-09	MV Butet	B.S. Shipping	-do-	-do-
18.	2008-09	MV Eakos	James Makintosh	-do-	-do-
19.	2008-09	MV Contantions G	Intre ocean Shipping	-do-	-do-
20.	2008-09	MV Tan Binh 20	Act Shipping	-do-	-do-
21.	2008-09	MV Sema Ana	Halar Shipping	-do-	-do-
22.	2008-09	MV Myong San	Act Infra	-do-	-do-
23.	2008-09	MV Gan Baek San	Shantilal Shipping	-do-	-do-

1	2	3	4	5	6
24. 2008-09	MV Abrar	Atlantic Shipping	Deficiencies as	Finally	
released					
			per port State	MD after	
			Control	making good	
				the deficiencies	
25. 2008-09	MV Langford	Vibuthi Shipping	-do-	-do-	
26. 2008-09	MV AM Nak	Halar Shipping	-do-	-do-	
	Gag				
27. 2008-09	MV Wales-II	Apex Marine	-do-	-do-	
28. 2008-09	MV Rainbow	Interocean Shipping	-do-	-do-	
	Spring				
29. 2008-09	MV Zhong Ye	Gautam Freight	-do-	-do-	
30. 2008-09	MV Phuong	Interocean Shipping	-do-	-do-	
	Dong-2				
31. 2008-09	MV Fratentity	Halar Shipping	-do-	-do-	
	Wisdom				
32. 2008-09	MV Al Ageela-II	Vibuthi Shipping	-do-	-do-	
-do-					
33. 2009-10	MV Chung	B.S. Shipping	-do-	-do-	
	JIN-2				
34. 2009-10	MV Miss Kikaki	Tri Star	-do-	-do-	
35. 2009-10	MV Liang Shan	Interocean Shipping	-do-	-do-	
36. 2009-10	MV Pacefic	Gautam Freight	-do-	-do-	
	Bangzhe				
37. 2009-10	EV Eleni G	DBC Shipping	-do-	-do-	
38. 2009-10	MV Efsthathios	Altantic Shipping	-do-	-do-	
39. 2009-10	MV Markovo	Ksas Shipping	-do-	-do-	
40. 2009-10	MV Mercs	Sai Shipping	-do-	-do-	
	Mihintale				
41. 2009-10	MV Antigona B	Pearl Shipping	-do-	-do-	
42. 2009-10	MV Timios	Gautam Freight	-do-	-do-	
	Stavros				
43. 2009-10	MV Saeed	Vibuthi Shipping	-do-	-do-	
44. 2009-10	MV Vinalines	Pearl Shipping	-do-	-do-	
	Fortuna				

45. 2009-10	MV Zhong De	Ashit Shipping	-do-	-do-
-------------	-------------	----------------	------	------

---

1	2	3	4	5	6
46.	2009-10	MT Therese Peagasus	Interocean Shipping	-do-	-do-
47.	2009-10	MV Seruwila	Mitsutic Shipping	-do-	-do-
48.	2009-10	MV Ranama	Interocean Shipping	-do-	-do-
49.	2009-10	MV Rukai	Seacrest	-do-	-do-
50.	2009-10	MV Bi Jiang	Interocean Shipping	-do-	-do-
51.	2009-10	MV Sem Jong	Atlantic Shipping	-do-	-do-
52.	2009-10	MV Pheada	Krishna Shipping	-do-	-do-
53.	2009-10	MV Theresa Blossom	Interocean Shipping	-do-	-do-
54.	2009-10	MV United Prosperity	Asia Shipping		
55.	2009-10	MV Rossel Current	Ashirwad Shipping	-do-	-do-

**Statement-B-3**

*Mormugao Port Trust*

**Coastal**

Sl. No.	Year	Ship Name	Owner/Company Name	Nature of irregularity	Action Taken
1.	2009	Barge DB 3	J.M. Baxi and Co.	Around at Bina. Rescued and brought to inner anchorage without permission	Special charges to be raised
2.	2009 informed	DhanlakshmiVirani	Engineering Works	Arrest on HC orders, Mumbai	Signal

**Foreign**

Sl. No.	Year	Ship Name	Owner/Company Name	Nature of irregularity	Action Taken
1.	2009 informed	United	Machado and sons	Arrest/detained on court's order	Signal about

arrest/

HC, Mumbai

detention

---



1	2	3	4	5	6
2.	2009	Maranda Rose	Mulla and	Arrest on court	Signal
	informed		Mulla \$ Craig Blunt and Caroe	order HC, Mumbai	
3.	2009	Star Yantai	Hiralal and Co.	Arrest on HC	Signal
	informed			order, Mumbai	
4.	2009	Sun Express	Not available	Arrest on HC	Signal
	informed			orders, Mumbai	
5.	2010	FU Yang	Hiralal and	Arrest/detained	Signal
	informed		Co.	on Court order, about	arrest
	on			HC, Mumbai	court's order, HC, Mumbai

---

**Setting up a new shipyard of international standard**

---

1020. SHRI V. HANUMANTHA RAO:

DR. T. SUBBARAMI REDDY:

Will the Minister of SHIPPING be pleased to state:

(a) whether Government gave approval for creating a new shipyard of international standard to make up for Hindustan Shipyard's transfer to the Defence Ministry to enable Navy build military vessels;

(b) if so, by what time a final decision in this regard is likely to be taken and what is the total cost of expenditure involved and the place where this will be set up; and

(c) by when it is likely to be completed?

THE MINISTER OF SHIPPING (SHRI G.K. VASAN): (a) to (c) Government has accorded "in principle" approval for setting up of a new shipyard of international standard on PPP mode as a joint venture under Ministry of Shipping. However, no final decision has been taken in respect of location of the yard, total expenditure or completion date.

---

**PAPERS LAID ON THE TABLE**

MR. DEPUTY CHAIRMAN: Now, Papers to be laid on the Table.

...(Interruptions)...

श्री सतीश चन्द्र मन्नि (उत्तर प्रदेश) : मान्यवर  
...(व्यवधान)...

श्री उपसभापति : कृपया पहले papers lay करने दीजिए  
...(व्यवधान)...

श्री सतीश चन्द्र मन्नि : मान्यवर , यह बहुत गंभीर मामला  
है ... (व्यवधान) ...

### Reports of CAG

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): Sir, I lay on the Table, under clause (1) of article 151 of the Constitution read with Section 3(3)(ii) of the Official Languages Act, 1963, a copy each (in English and Hindi) of the following Reports:-

- (i) Report of the Comptroller and Auditor General of India for the year ended March, 2008: Report No. 3 of 2010-11 (Performance Audit): Union Government (Civil).
- (ii) Report of the Comptroller and Auditor General of India for the year ended March, 2009: Report No. 6 of 2010-11 Union Government (Defence Services-Army) - Performance Audit of Supply Chain Management of Rations in Indian Army, and, Report No. 7 of 2010-11: Union Government (Defence Services) - Air Force and Navy;
- (iii) Report of the Comptroller and Auditor General of India for the year ended March, 2009: Report No. 8 of 2010-11 (Performance Audit): Union Government (Railways);
- (iv) Report of the Comptroller and Auditor General of India for the year ended March, 2009: Report No. 9 of 2010-11: Union Government (Civil) - Compliance Audit Observations.

[Placed in Library See No. L.T. 2704/15/10]

श्री ब्रजेश पाठक (उत्तर प्रदेश): सर, यह बहुत गंभीर मसला है ... (व्यवधान) ... दलितों पर अत्याचार का मामला है ... (व्यवधान) ...

श्री उपसभापति : कृपया पहले papers lay करने दीजिए ... (व्यवधान) ...

#### I. Notifications of the Ministry of Finance

#### II. Report and Accounts (2009-10) of Deposit Insurance and Credit Guarantee Corporation, Mumbai

SHRI NAMO NARAIN MEENA: Sir, I lay on the Table-

- I. (i) A copy (in English and Hindi) of the Ministry of Finance (Department of Financial Services) Notification No. G.S.R. 401 (E), dated the 13th May, 2010, publishing the Life Insurance Corporation of India (Staff) Amendment Rules, 2010, under sub-section 3 of Section 48 of the Life Insurance Corporation Act, 1956.

[Placed in Library See No. L.T. 2761/15/10]

- (ii) A copy (in English and Hindi) of the Ministry of Finance

(Department of Financial Services) Notification  
F.No.6/13/2010-BO.II (ii), dated the 27th March to 2nd  
April, 2010, amending the Reserve Bank of India General  
Regulations, 1949, under sub-section (4) of Section 58 of  
the Reserve Bank of India Act, 1934.

[Placed in Library See No. L.T. 2675/15/10]

(iii) A copy (in English and Hindi) of the Ministry of Finance (Department of Economic Affairs) Notification No. LAD-NRO/GN/2010-11/06/1097, dated the 13th April, 2010, publishing the Securities and Exchange Board of India (Stock Brokers and Sub-Brokers) (Amendment) Regulations, 2010, under Section 31 of the Securities and Exchange Board of India Act, 1992.

[Placed in Library See No. L.T. 2763/15/10]

II. A copy (in English and Hindi) of the Annual Report and Accounts of the Deposit Insurance and Credit Guarantee Corporation, Mumbai, for the year 2009- 10, together with the Auditor's Report on the Accounts, under sub-section (2) of Section 32 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961. ...(*Interruptions*)...

[Placed in Library See No. L.T. 2674/15/10]

#### **Notifications of the Ministry of Finance**

SHRI NAMO NARAIN MEENA: Sir, I lay on the Table:-

(i) A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under Section 159 of the Customs Act, 1962, together with Explanatory Memoranda on the Notifications:-

- (1) S.O. 353 (E), dated the 15th February, 2010, amending Notification No. S.O. 748 (E), dated the 3rd August, 2001, to substitute certain entries in the original Notification.
- (2) S.O. 464 (E), dated the 24th February, 2010, regarding exchange rate of conversion of certain foreign currencies into Indian currency or vice versa for the purpose of assessment of imported and export goods.
- (3) S.O. 515 (E), dated the 27th February, 2010, amending Notification No. S.O. 748 (E), dated the 3rd August, 2001, to substitute certain entries in the original Notification.
- (4) S.O. 590 (E), dated the 15th March, 2010, amending Notification No. S.O. 748 (E), dated the 3rd August, 2001, to substitute certain entries in the original Notification.
- (5) S.O. 704 (E), dated the 29th March, 2010, regarding exchange rate of conversion of certain foreign currencies into Indian currency or vice versa for the purpose of

assessment of imported and export goods.

- (6) S.O. 720 (E), dated the 31st March, 2010, amending Notification No. S.O. 748 (E), dated the 3rd August, 2001, to substitute certain entries in the original Notification.
- (7) S.O. 854 (E), dated the 16th April, 2010, amending Notification No. S.O. 748 (E), dated the 3rd August, 2001, to substitute certain entries in the original Notification.

- (8) S.O. 984 (E), dated the 28th April, 2010, regarding exchange rate of conversion of certain foreign currencies into Indian currency or *vice versa* for the purpose of assessment of imported and export goods.
- (9) S.O. 990 (E), dated the 30th April, 2010, amending Notification  
No. S.O. 748 (E), dated the 3rd August, 2001, to substitute certain entries in the original Notification.
- (10) S.O. 1112 (E), dated the 14th May, 2010, amending Notification  
No. S.O. 748 (E), dated the 3rd August, 2001, to substitute certain entries in the original Notification.
- (11) S.O. 1239 (E), dated the 26th May, 2010, regarding exchange rate of conversion of certain foreign currencies into Indian currency or *vice versa* for the purpose of assessment of imported and export goods.
- (12) S.O. 1260 (E), dated the 31st May, 2010, amending Notification  
No. S.O. 748 (E), dated the 3rd August, 2001, to substitute certain entries in the original Notification.
- (13) G.S.R. 456 (E), dated the 31st May, 2010, publishing the Customs Tariff [Determination of Origin of Goods under the Preferential Trade Agreement between the Governments of Member States of the Association of Southeast Asian Nations (ASEAN) and the Republic of India] Second Amendment Rules, 2010.
- (14) S.O. 1435 (E), dated the 15th June, 2010, amending Notification No. S.O. 748 (E), dated the 3rd August, 2001, to substitute certain entries in the original Notification.
- (15) S.O. 1551 (E), dated the 28th June, 2010, regarding exchange rate of conversion of certain foreign currencies into Indian currency or *vice versa* for the purpose of assessment of imported and export goods.
- (16) S.O. 1560 (E), dated the 30th June, 2010, amending Notification  
No. S.O. 748 (E), dated the 3rd August, 2001, to substitute certain entries in the original Notification.
- (17) G.S.R. 354 (E), dated the 29th April, 2010, publishing

the Customs, Central Excise Duties and Service Tax Drawback (Amendment) Rules, 2010.

(18) G.S.R. 355 (E), dated the 29th April, 2010, amending Notification

No. G.S.R. 627 (E), dated the 29th August, 2008, to substitute certain entries in the original Notification.

(19) S.O. 719 (E), dated the 31st March, 2010, publishing Corrigendum to Notification No. S.O. 704 (E), dated the 29th March, 2010.

[Placed in Library For (1) to (19) See No. L.T. 2672/15/10]



(ii) A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under Section 296 of the Income-tax Act, 1961, together with Explanatory Memoranda on the Notifications:-

- (1) S.O. 1056 (E), dated the 11th May, 2010, publishing the Income-tax (Fourth Amendment) Rules, 2010.
- (2) S.O. 1210 (E), dated the 21st May, 2010, publishing the Industrial Park (Amendment) Scheme, 2010.
- (3) S.O. 1211 (E), dated the 21st May, 2010, publishing the Income-tax (Fifth Amendment) Rules, 2010.
- (4) S.O. 1638 (E), dated the 9th July, 2010, publishing the Income-tax (Seventh Amendment) Rules, 2010.

[Placed in Library For (1) to (4) See No. L.T. 2672/15/10]

(iii) A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification No. S.O. 901 (E), dated the 20th April, 2010, empowering officers, not below the rank of Head Constable of the Sashastra Seema Bal, to exercise the powers and perform duties specified in Sections 42 and 67, under Section 77 of the Narcotic Drugs and Psychotropic Substances Act, 1985, together with Explanatory Memorandum on the Notification.

[Placed in Library See No. L.T. 2769/15/10]

(iv) A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification No. G.S.R. 598 (E), dated the 14th July, 2010, seeking to impose provisional Anti-dumping duty on "Glass Fiber" imported from the People's Republic of China, under sub-section 7 of Section 9A of the Customs Tariff Act, 1975, together with Explanatory Memorandum on the Notification. ...(*Interruptions*)...

[Placed in Library See No. L.T. 2672/15/10]

(v) A copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification No. G.S.R. 508 (E), dated the 16th June, 2010, publishing the Prevention of Money-laundering (Maintenance of Records of the Nature and Value of Transactions, the Procedure and Manner of Maintaining and Time for Furnishing Information and Verification and Maintenance of

Records of the Identity of the Clients of the Banking Companies, Financial Institutions and Intermediaries) Second Amendment Rules, 2010, under Section 74 of the Prevention of Money Laundering Act, 2002, together with Explanatory Memorandum on the Notification. ...(*Interruptions*)...

[Placed in Library See No. L.T. 2770/15/10]

**Notifications of the Ministry of Petroleum and Natural Gas**

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS  
(SHRI JITIN PRASADA): Sir, I lay on the Table—

I. (i) A copy each (in English and Hindi) of the following  
Notifications of the Ministry of Petroleum and Natural  
Gas, under Section 62 of the Petroleum and Natural Gas  
Regulatory Board Act, 2006:—

- (1) G.S.R. 476 (E), dated the 7th June, 2010, publishing  
the Petroleum and Natural Gas Regulatory Board  
(Determining Capacity of Petroleum, Petroleum  
Products and Natural Gas Pipeline) Regulations,  
2010.

[Placed in Library See No. L.T. 2642/15/10]

- (2) G.S.R. 477 (E), dated the 7th June, 2010, publishing  
the Petroleum and Natural Gas Regulatory Board (Levy  
of Fee and Other Charges) Amendment Regulations,  
2010.

[Placed in Library See No. L.T. 2643/15/10]

- (3) G.S.R. 478 (E), dated the 7th June, 2010, publishing  
the Petroleum and Natural Gas Regulatory Board  
(Authorising Entities to Lay, Build, Operate or  
Expand City or Local Natural Gas Distribution  
Networks ) Amendment Regulations, 2010.

[Placed in Library See No. L.T. 2644/15/10]

- (4) G.S.R. 479 (E), dated the 7th June, 2010, publishing  
the Petroleum and Natural Gas Regulatory Board  
Determination of Network Tariff for City or Local  
Natural Gas Distribution Networks and Compression  
Charge for CNG Amendment Regulations, 2010.

[Placed in Library See No. L.T. 2645/15/10]

- (5) G.S.R. 480 (E), dated the 7th June, 2010, publishing  
the Petroleum and Natural Gas Regulatory Board  
(Authorising Entities to Lay, Build, Operate or  
Expand Natural Gas Pipelines) Amendment Regulations,  
2010.

[Placed in Library See No. L.T. 2646/15/10]

- (6) G.S.R. 481 (E), dated the 7th June, 2010, publishing  
the Petroleum and Natural Gas Regulatory Board  
(Petroleum and Natural Gas Register) Amendment  
Regulations, 2010.

[Placed in Library See No. L.T. 2647/15/10]

(ii) A copy (in English and Hindi) of the Ministry of Petroleum and Natural Gas Notification No. G.S.R. 452 (E), dated the 28th May, 2010, publishing the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Amendment Order, 2010, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955.

[Placed in Library See No. L.T. 2641/15/10]

श्री ब्रजेश पाठक : सर, ऐसे गंभीर मामले पर आप नहीं सुर्खेंगे ... (व्यवधान) ...

श्री सतीश चन्द्र मन्नि (उत्तर प्रदेश) : मान्यवर, यह बहुत गंभीर मामला है ... (व्यवधान) ...

**Notification of the Ministry of Health and Family Welfare**

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD): Sir, I lay on the Table, under sub-section (2) of Section 23 of the Prevention of Food Adulteration Act, 1954, a copy (in English and Hindi) of the Ministry of Health and Family Welfare Notification No. G.S.R. 351 (E), dated the 27th April, 2010, publishing the Prevention of Food Adulteration (2nd Amendment) Rules, 2010. ... (Interruptions)...

[Placed in Library See No. L.T. 2677/15/10]

**Report and Accounts (2008-09) of MDNIY, New Delhi and related papers**

SHRI GHULAM NABI AZAD: Sir, I lay on the Table, a copy each (in English and Hindi) of the following papers:-

- (a) Annual Report and Accounts of the Morarji Desai National Institute of Yoga (MDNIY), 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 Institute.
- (c) Statement giving reasons for the delay in laying the papers mentioned at (a) above. ... (Interruptions)...

[Placed in Library See No. L.T. 2678/15/10]

**Memorandum of Understanding (2010-11) between Government of India and various Public Sector Undertakings**

THE MINISTER OF STATE IN THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARUN YADAV): 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 Heavy Industries and Public Enterprises, Department of Heavy Industry) and the Cement Corporation of India Limited (CCI), for the year 2010-11.

[Placed in Library See No. L.T. 2753/15/10]

- (ii) Memorandum of Understanding between the Government of India (Ministry of Heavy Industries and Public Enterprises, Department of Heavy Industry) and the Bharat Heavy Electricals Limited (BHEL), for the year 2010-11.

[Placed in Library See No. L.T. 2754/15/10]

(iii) Memorandum of Understanding between the Government of India (Ministry of Heavy Industries and Public Enterprises, Department of Heavy Industry) and the Triveni Structurals Limited (TSL), for the year 2010-11. ...(*Interruptions*)...

[Placed in Library See No. L.T. 2753/15/10]

**MESSAGES FROM THE LOK SABHA**

(I) The State Bank of India (Amendment) Bill, 2010.

(II) The Securities and Insurance Laws (Amendment and Validation) 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 Lok Sabha, I am directed to enclose the State Bank of India (Amendment) Bill, 2010, as passed by Lok Sabha at its sitting held on the 2nd August, 2010.”

(II)

“In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Securities and Insurance Laws (Amendment and Validation) Bill, 2010, as passed by Lok Sabha at its sitting held on the 2nd August, 2010.”

Sir, I lay a copy each of the Bills on the Table.

...(Interruptions)...

**REPORTS OF THE DEPARTMENT RELATED PARLIAMENTARY  
STANDING COMMITTEE ON AGRICULTURE**

श्री सत्यव्रत चतुर्वेदी (उत्तराखण्ड) : महोदय, मैं वृष्णिग  
संबंधित कृषि संबंधी संसदीय स्थायी समिति के नम्नलिखित  
प्रतिवेदनों की एक-एक प्रति अंग्रेजी तथा हिंदी में ) सभा पटल  
पर रखता हूँ :-

- (i) Tenth Report on Action Taken by the Government on the observations/ recommendations contained in the Forty-seventh Report (Fourteenth Lok Sabha) of the Committee on Agriculture (2008-09) on 'Impact of Global Climate Change on Agriculture and Allied Sectors in India'; and
- (ii) Eleventh Report on 'Deficient Monsoon and steps taken by the Government to mitigate its impact on Agriculture Sector'.

...(Interruptions)...

**REPORT OF THE DEPARTMENT RELATED PARLIAMENTARY  
STANDING COMMITTEE ON CHEMICALS AND FERTILIZERS**

श्री रघुनन्दन शर्मा (मध्य प्रदेश): महोदय, मैं  
 'रासायनिक हथियार कन्वेंशन (संशोधन) अधिनियम, 2010' के संबंध  
 में वित्त विभाग संबंधित रसायन और उर्वरक संबंधी संसदीय स्थायी  
 समिति के नौवें \* प्रतिवेदन की एक प्रति (अंग्रेजी तथा  
 हिन्दी में) सभा पटल पर रखता हूँ।

---

\*The Report was presented to Hon'ble Speaker on 2nd July, 2010 and the  
 Hon'ble Chairman, Rajya Sabha was informed accordingly on the 13th  
 July, 2010.



#### **LEAVE OF ABSENCE**

MR. DEPUTY CHAIRMAN: I have to inform Members that a fax letter has been received from Shri Jai Prakash Narayan Singh, stating that he is unable to attend the House as he is in USA on a personal visit. He has, therefore, requested for grant of Leave of Absence from 26th July to 10th August, 2010 of the current (220th) Session of the Rajya Sabha.

Does he have the permission of the House for remaining absent from 26th July to 10th August, 2010 of the current (220th) Session of the Rajya Sabha?

*(No Hon. Member dissented)*

MR. DEPUTY CHAIRMAN: Permission to remain absent is granted.

---

#### **SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL), 2010-11**

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): Sir, I lay on the Table, a statement (in English and Hindi) showing the Supplementary Demands for Grants (General), for the year 2010-11.

---

#### **SUPPLEMENTARY DEMANDS FOR GRANTS (JHARKHAND), 2010-11**

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI NAMO NARAIN MEENA): Sir, I lay on the Table, a statement (in English and Hindi) showing the Supplementary Demands for Grants (Jharkhand), for the year 2010-11.

---

#### **MOTION FOR ELECTION TO THE ALL INDIA INSTITUTE OF MEDICAL SCIENCES (AIIMS), NEW DELHI**

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD): Sir, I move the following Motion:-

“That in pursuance of clause (g) of Section 4, read with sub-section (3) of Section 6 of the All India Institute of Medical Sciences Act, 1956 (25 of 1956), this House do proceed to elect, in such manner as the Chairman may direct, one Member from amongst the Members of the House, to be a member of the All India Institute of Medical Sciences in the vacancy caused due to the retirement of Shri R.K. Dhawan from the membership of the Rajya Sabha on the 7th July, 2010”.

*The question was put and the motion was adopted.*

---

**STATEMENT BY MINISTER**

**Status of implementation of recommendations contained in the First  
Report of the Department-related Parliamentary Standing  
Committee on Petroleum and Natural Gas**

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS  
(SHRI JITIN PRASADA): Sir, I make a statement regarding  
status of implementation of

recommendations contained in the First Report of the Department-related Parliamentary Standing Committee on Petroleum and Natural Gas on Demand for Grants (2009-10) of the Ministry of Petroleum and Natural Gas.

MR. DEPUTY CHAIRMAN: Now, we take up the Calling Attention Motion. ...*(Interruptions)*...

THE MINISTER OF STATE OF THE MINISTRY OF SCIENCE AND TECHNOLOGY; THE MINISTER OF STATE OF THE MINISTRY OF EARTH SCIENCES; THE MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE; THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS; AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI PRITHVIRAJ CHAVAN): Sir, our friends from BSP have raised a matter. They want to take it up under Calling Attention. ...*(Interruptions)*... You have ruled that the matter could be taken up under Calling Attention. We are ready to take it up tomorrow. It can be taken after the Question Hour or it can be taken after Zero Hour. The price rise issue can be taken after that. Or, you can take it up day after tomorrow. We are ready to take it up under Calling Attention notice either tomorrow or day after. ...*(Interruptions)*.. You can decide any time. ...*(Interruptions)*...

श्री सतीश चन्द्र मश्री (उत्तर प्रदेश): मान्यवर, इस वषिय को आप कल ले लीजिए। ...*(व्यवधान)*... Price rise पर डसिकशन से पहले से लीजिए। हम लोग इसके लख तैयार हैं। ...*(व्यवधान)*... मान्यवर, कल आप...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: If there is an agreement we can take it up tomorrow. ...*(Interruptions)*...

श्री सतीश चन्द्र मश्री : मान्यवर, इसमें agreement की बात नहीं है। बी.जे.पी. दलितों के खल्लिफ नहीं है। अगर बी.जे.पी. दलितों के खल्लिफ हैं, तो वह oppose करेगी, वरना वह oppose क्यों करेगी ? इसमें ये लोग वसिध नहीं करेंगे। ...*(व्यवधान)*...

AN HON. MEMBER: We are not opposed to that. ...*(Interruptions)*...

श्री राजीव प्रताप रूडी (बहिर): हम क्यों वसिध करेंगे ? हम तैयार हैं। ...*(व्यवधान)*...

SHRI S. S. AHLUWALIA (Jharkhand): Sir, this is a very important issue concerning the Constitutional rights of the Scheduled Castes and Scheduled Tribes because the legitimate funds were diverted to

Commonwealth Games construction work and other works and there is a lot of \* going on in it. My demand is that we should take up this discussion today, right now. ...(*Interruptions*)... My demand is that.

MR. DEPUTY CHAIRMAN: There is no notice. ...(*Interruptions*)...

SHRI S.S. AHLUWALIA: You call the Minister, Sir. ...(*Interruptions*).. He should reply because there is a charge. ...(*Interruptions*).. There is a confession. ...(*Interruptions*).. We are

---

\*Expunged as ordered by the Chair.

We are ready to discuss that. ...(Interruptions)... We are ready to discuss it right now. ...(Interruptions)... How can you divert funds like this? ...(Interruptions)... You please call the Minister here. ...(Interruptions)... We are ready to discuss it today. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: As you know, the Calling Attention cannot be taken today. ...(Interruptions)... We have to give notice to the concerned Minister. ...(Interruptions)...

श्री सतीश चन्द्र मशि : हमारा issue आज ले लीजिए। ...(व्यवधान )...

SHRI S.S. AHLUWALIA: You take it up right now. अभी करो ... अभी करो। ...(व्यवधान )...

MR. DEPUTY CHAIRMAN: Calling Attention. ...(Interruptions)... Mr. P. Rajeeve. ...(Interruptions)...

श्री सतीश चन्द्र मशि : यह कौन सा कॉलिंग अटेंशन है ?...(व्यवधान )... मान्यवर , यह कौन सा कॉलिंग अटेंशन है ..(व्यवधान )... मान्यवर , हमारे issue से ज्यादा important issue क्या होगा ?...(व्यवधान )...

---

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

**Serious safety problems faced by airline industry in the country in  
the context of Mangalore aircraft crash**

SHRI P. RAJEEVE (Kerala): Sir, I call the attention of the Minister of Civil Aviation to the serious safety problems faced by airline industry in the country in the context of Mangalore aircraft crash.

THE MINISTRY OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI PRAFUL PATEL): Sir, Flight IX 812 of Air India Express operating from Dubai to Mangalore on Boeing 737-800 aircraft, was involved in an unfortunate accident on 22nd May 2010 while landing at Mangalore airport. There were 160 passengers and 6 crew members on Board. While all crew members lost their lives, 8 passengers managed to survive the crash. ...(Interruptions)...

The weather on that day was conducive for landing and the visibility was 06 KMS. The runway was dry and ATC clearance had been given for Instrument Landing System (ILS) approach landing on Runway

24. As per Manufacturer requirements, the runway length for Boeing 737 - 800 type of aircraft should be 7500 feet. The runway at Mangalore airport is 8100 feet in length. ...(*Interruptions*)...

The aircraft was new. It was delivered on 15th January, 2008 and made its first commercial flight on 25th January, 2008. The aircraft did not have any reported history of technical snag. ...(*Interruptions*)...

The flight was under the command of Capt. Zslatko Glucika, age 55 years, who had a total flying experience of 10,215 hours, out of which 2844 hours was on Boeing 737 - 800 type of aircraft and he had 7630 hours of experience as Pilot-in- Command (PIC). The PIC had also

successfully cleared the language proficiency test prescribed by DGCA. The Co-Pilot, Capt. H.S. Ahluwalia, age 40 years, had a total flying experience of 3619 hours of which 3319 hours was on Boeing 737 - 800 type of aircraft. ...(Interruptions)...

DGCA has specified Flight Duty Time and Flight Time limitations by way of Aeronautical Information Circular No. 28/1992 dated 10th December, 1992 . As per these limitations for international flights with two pilot crew no air carrier may schedule a flight crew to fly for more than nine hours of flight time during any 24 consecutive hours without a rest period. The PIC was on vacation and joined on 19th May, 2010. He was given rest till evening of 21st of May, 2010. He took a flight (IC - 811) at 09.30 PM on 21st May, 2010 and was assigned flying duty for flight No. IX - 812 on 22nd May, 2010. The co - pilot had earlier been assigned flying duties on 18th May, 2010 at 06.00 AM and was given rest on 19th, 20th and 21st of May, 2010 before being assigned flight duty on flight IX - 812 on 22nd May, 2010. In the case of the crew of the ill - fated aircraft the flight time recorded was 8 hours and 35 minutes and adequate rest was provided to the crew. ...(Interruptions)...

Both the pilots were fairly experienced in landing and take-offs from Mangalore airport. While the PIC had made 19 takeoffs and landings here, the Co- Pilot had made 66 takeoffs and landings. ...(Interruptions)...

The PIC was a British National and had Serbian licence. As per the Rule 45 of the Aircraft Rules, 1937, the Central Government has the power to validate licences granted by the duly competent authority in any foreign State and which for the time being in force, for the purpose of flying aircraft registered in India. This power has been delegated to DGCA depending on demand and availability of Indian Commanders. The delegation is valid till 31st July 2011. Under the above delegation, DGCA issues Foreign Aircrew Temporary Authorisation (FATA). The FATA of the PIC of the ill - fated aircraft was valid till 31st July, 2010. ...(Interruptions)...

Out of 158 persons who died in the accident, interim compensation of Rs. 10 lakh to each adult deceased passenger; Rs. 5 lakh to each passenger below the age of 12; and Rs. 2 lakh to each injured passenger has been fixed. This interim compensation has been paid to the next of kin of 127 out of 128 adult passengers who lost their

lives and to all 20 children, 4 infants and 8 injured passengers. One passenger whose family members are in Dubai, due to unavoidable circumstances could not travel to India to claim interim compensation. Arrangements are being made to settle the claim in Dubai itself. Also interim compensation to 5 of the 6 crew members have been disbursed. In the case of the Commander Capt. Zslatko Glucika, whose family is in Belgrade, NACIL is in the process of distributing the interim compensation. An amount of Rs. 14.56 crores has been disbursed towards the above till date. It will be pertinent to mention here that the final compensation has to be assessed in accordance with the provisions of the Carriage by Air Act, 1972, which incorporates the Montreal Convention. Under this Convention, the amount of compensation is to be worked out in each case separately on "proof of loss



basis". It is the endeavour of the Ministry to secure maximum compensation to the family members of the deceased as per Montreal convention. In 40 such cases, Air India Express has almost finalized the extent of final compensation as per the Montreal Convention. For the rest, process is underway. ...(Interruptions)...

A Court of Enquiry headed by Air Marshal (Retd.) B.N. Gokhale has been set up under Rule 75 of the Aircraft Rules 1937 on 3.06.2010. The Court is expected to submit its Report by 31st August 2010. ...(Interruptions)...

After the tragic crash, a Civil Aviation Safety Advisory Council (CASAC) has been set up in DGCA under the Chairmanship of Director General of Civil Aviation with 28 expert members from industry and stakeholders who have made significant contribution in aviation sector. The Council has constituted 4 different working groups for (i) Operations, (ii) Airworthiness, (iii) Air Navigation and (iv) Aerodromes. The Council can also invite international experts from ICAO, FAA, EASA, Boeing, Airbus etc. Based on the above safety issues directions were issued to all concerned regarding adherence to SOPs - Stabilized approach for safe landing; Approach and Landing Reduction(ALAR)/ Monsoon training; Review of missed approach - 'Go around' encouraged in case of un-stabilized approach; Hard landing not punitive - when within limits; Presence of Cabin crew in cockpit in case of one pilot leaving the cockpit - log to be maintained by Sr. Cabin Crew; Cabin Crew to interact with pilots on intercom during period of lean cockpit activity; In the event of incapacitation of PIC, co-pilot to take over control and in the event of PIC not responding to calls of co-pilot regarding 'go around', assertiveness by co-pilot to be encouraged. ...(Interruptions)...

DGCA vide order dated 2nd June, 2010 has decided that a team of officials from the Aerodrome and Flight Standard Directorate shall carry out special audit of airports identified as critical on a priority basis and shall review thoroughly the system and facilities at these aerodromes and also review any other assessment derived from the aerodrome specific restrictions. Recommendations of the audit would be implemented by AAI within 1 month, at its airports, while for Defence airports, matter would be taken up with Defence Ministry for the implementation. 11 airports have been identified as critical, namely: Agartala, Calicut, Jammu, Kullu, Latur, Leh, Lengpui, Mangalore, Patna, Port Blair and Shimla. ...(Interruptions)...

DGCA has also issued Operations Circular 12 of 2010 on 1st June, 2010 impressing upon all Scheduled/Non-Scheduled/General Aviation Operators to strictly adhere to the standard operating procedures for approach and landing that would result in decent landings acceptable within the limitations of the aircraft without compromising stopping distance requirements. ...(*Interruptions*)...

I would also like to mention here that DGCA is committed to sustain and enhance a robust safety oversight system through proactive regulation and its strict compliance. The challenge before DGCA is to manage phenomenal growth of air traffic without compromising on aviation

safety. DGCA has taken various initiatives to ensure safe operations, some of which I would like to highlight here. ...(Interruptions)...

A Surveillance and Enforcement Division has been set up in DGCA for preparation and monitoring of the Annual Surveillance Programme. The Division coordinates monthly meetings to review the surveillance conducted and a database of all findings detected during surveillance is maintained and monitored. While, DGCA conducted 4327 surveillance activities in 2009, this year, 4788 activities have been planned and a substantial number of enforcement action has been taken. ...(Interruptions)...

A Board for Aviation Safety (BFAS) has been set up to resolve and monitor the progress of enforcement of deficiencies noted during surveillance. The BFAS also determines enforcement actions against the approval holders based on the seriousness of the deficiencies observed. To promote sharing of safety information by all stakeholders, the findings are displayed in a de-identified form on DGCA's website. This approach will help in identifying and dealing with safety threats before they result in any mishap. ...(Interruptions)...

DGCA has also started evaluating the financial health of scheduled airlines and its impact on safety and is in the process of framing regulations to ensure that safety is not compromised on account of financial distress of airlines. ...(Interruptions)...

Three ICAO technical projects in the areas of flight safety, aerodrome standards and navigation services have been commissioned by DGCA to enhance its safety oversight capabilities. The aerodrome project has just been completed and ICAO findings in the identified areas have been addressed. The other two projects are underway and are expected to be finalized soon. ...(Interruptions)...

An Aviation Regulatory Advisory Panel (ARAP) with eight Working Groups has been set up to review existing regulations in airworthiness, flight operations, flight safety, licencing, air transport services and air navigation services. The panel will study the best international practices and globally harmonized standards and suggest revision in current regulations wherever required. ...(Interruptions)...

The concept of Safety Management System (SMS), recommended by ICAO is also under consideration and a draft regulation for the same is under process. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: The House is adjourned till 2.00 p.m.

The House then adjourned at nine minutes past twelve of the clock.

The House re-assembled at two of the clock,

MR. DEPUTY CHAIRMAN in the Chair

SHRI P. RAJEEVE: Sir, I want to know the fate of my Calling Attention motion.

MR. DEPUTY CHAIRMAN: You have called the attention of the Minister. The Minister made a statement ...(*Interruptions*)... The Minister read out the statement ...(*Interruptions*)... After that it was laid on the Table of the House...(*Interruptions*)... Then, the House was not in order

...(Interruptions)... Then, the House was adjourned and the Calling Attention is over...(Interruptions)...

SHRI P. RAJEEVE: Sir, how can it be over?...(Interruptions)... You have not called me to seek clarifications...(Interruptions)...

MR. DEPUTY CHAIRMAN: You are right. I have called one of the Members who has given notice for Calling Attention and you have called the attention of the Minister. The hon. Minister got up and made a statement. The House was in din. Then, the whole ...(Interruptions)...

SHRI MOINUL HASSAN (West Bengal): Sir, you have not called my name to seek clarifications ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. See,...(Interruptions)...

SHRI P. RAJEEVE: Sir, it is the right of the Members to seek clarifications on the statement.

MR. DEPUTY CHAIRMAN: I agree with you. I am not denying it. But, the circumstances are that the House was interrupted when the Calling Attention was taken up...(Interruptions)... The Minister made a statement.

SHRI P. RAJEEVE: But, Sir, we have not sought any clarifications ...(Interruptions)...

SHRI MOINUL HASSAN: Sir, you should allow us to seek clarifications ...(Interruptions)...

MR. DEPUTY CHAIRMAN: You see, a detailed statement was made ...(Interruptions)... The statement contained all the details. There might have been few clarifications left to seek on that ...(Interruptions)...

SHRI TIRUCHI SIVA (Tiruchi Siva): Sir, you can allow the Members who have given notice to seek clarifications...(Interruptions)...

MR. DEPUTY CHAIRMAN: One minute. I can allow one clarification each by three Members. If this is agreed, I will allow. Otherwise, it is...(Interruptions)...

SHRI MOINUL HASSAN: Sir, it is the right of the Members.

MR. DEPUTY CHAIRMAN: Okay. Now, Mr. Rajeeve. You have to seek only one clarification. You cannot drag on, because we have other subjects to be taken up. The Minister has made a detailed statement.

SHRI P. RAJEEVE: The hon. Minister has given an elaborate reply. But, it has not addressed the real issues in Mangalore Airport.

Sir, today, in reply to an USQ No. 882, the Minister said that out of 50 functional airports in our country, only 14 have the licenses

from the Director General of Civil Aviation. This is the state of affairs in our country.

Sir, the second point is regarding runway and other things. The hon. Minister has not mentioned about this in his statement. I would like to know from the hon. Minister whether it is according to the FIA and what is the position of Runway Safety Area in Mangalore airport? Is it in accordance with the FIA and the ICAO stipulated?

The next point I would like to know from the hon. Minister is, whether there is any Engineered Material Arresting System and whether it is in accordance with the FIA and IMA.

It was also reported in the media that in the Mangalore airport there is only ordinary sand. Instead of RESA which has been widely used in most of the countries to control aircraft on the runway. What is the position of this in Mangalore airport?

The third point is...

MR. DEPUTY CHAIRMAN: I have allowed with an agreement that only one clarification each would be sought by three Members.

SHRI P. RAJEEVE: Sir, this is the last one.

The third point is with regard to a PIL filed before the High Court of Maharashtra on the duty time of pilots. It observed, "The larger public interest and even the safety of flights and pilots were literally thrown to the winds on the dictates of the Civil Aviation Minister to protect the financial and other interests of a few wealthy airline operators." This is the observation of the hon. High Court. I want to know what steps have been taken by the hon. Minister.

MR. DEPUTY CHAIRMAN: Mr. Rajeeve, there cannot be supplementary, sub-supplementary and sub-sub-supplementary.

SHRI P. RAJEEVE: Sir, I want to know from the hon. Minister as to how many airports are working in accordance with the FIA and other international statutory bodies. And, actually, Sir, the FIA has downgraded India from Category 1 to Category 2, because they are not following the guidelines prescribed by the FIA and other international conventions.

SHRI MOINUL HASAN: Sir, I will take only one-and-a-half minute, not more than that. After 2007, at least 18 accidents have taken place in civil registered aircraft. In this regard, the Planning Commission proposed to set up a National Transport Safety Board. Why has it not been set up? Why has it been delayed? This is number one. Number two, what is the main reason? Is it overshooting the runway? My third question is: Why were safety measures not taken? It is a casualty because of privatization and outsourcing. My fourth question is regarding the table-top runways like in Leh, Kullu, Simla and Aizawl. Is there any stringent measure taken to avoid this type of an accident

which happened in Mangalore?

**श्री महेन्द्र मोहन** (उत्तर प्रदेश): बहुत-बहुत धन्यवाद डफ्टी चेरमैन साहब, मंगलौर में जो हो चुका है यह बहुत गलत हुआ। मैं आपके माध्यम से माननीय मंत्री जी से जानना चाहता हूँ कि इस देश में 125 एयरपोर्ट हैं, केवल डी.जी.सी.ए. द्वारा 8 एयरपोर्ट्स को एयर सेफ्टी लाइसेंस दिया गया है, बाकी 117 एयरपोर्ट्स को एयर सेफ्टी लाइसेंस नहीं है, तो वहाँ कसि प्रकार से एयर सेफ्टी को बनाएंगे? इसी प्रकार जब तक हम इसकी रूठ में नहीं जाएंगे, जो एयर सेफ्टी में एडीक्वेट सुछफ नहीं है, जो ट्रेनिंग है वह सही नहीं है। मुझे जानकारी मल्लि है कि लोग फलिपिस से लाइसेंस लेकर आते हैं, अपना टाइम पूरा कर लेते हैं, उनके पास एडीक्वेट नॉलिज नहीं होती है, एक्सपीरिएंस नहीं होता है और वे ही लोग एयर सेफ्टी को हैंडल कर रहे हैं और वे लोग



पॉयलेट बन करके हमारे हवाई जहाज को चला रहे हैं जिसके कारण हमारे यहां पर बहुत ही ज्यादा एक्सीडेंट का हर वक्त रस्कि बना रहता है। आज भी आपने पढ़ा होगा कि जब ब्रिटिश प्राइम मिनिस्टर आए थे तो आधे घंटे के लिये ऐसे हात्मात हुए थे कि उनका प्लेन हमारे कंट्रोल में नहीं रह गया था। इसी प्रकार से और भी एक्सीडेंट के बारे में आएदमि हम पढ़ते हैं।

MR. DEPUTY CHAIRMAN: That is a wider issue.

श्री महेन्द्र मोहन : तो क्या एडीक्वेट स्टाफ और उसकी ट्रेनिंग , उसकी क्वालिटी ऑफ पर्सन्स स एंड क्वालिटी ऑफ ऑफिसर्स who are looking after the air safety, उस पर क्या स्थिति है , कसि प्रकार से उसको इम्प्रूव करना चाहते हैं , उसके बारे में मैं मैं जानना चाहता हूं ?

श्री अविनाश राय खन्ना (पंजाब ) : सर, मैंने भी दिया है।

श्री उपसभापति : आपने नहीं दिया है। ....Now, Hon. Minister. ...*(Interruptions)*.. No other Member please. Mr. Ahluwalia, I request you to cooperate, because there are so many requests. I have taken the sense of the House. Only three Members will be allowed. ...*(Interruptions)*...

please आजबैठ जाइए , प्लीज , ...*(Interruptions)*... Ahluwaliaji, I request you to cooperate.

SHRI SANJAY RAUT (Maharashtra): Sir, I am associating myself ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I know, Mr. Raut. You will get some other opportunity. ...*(Interruptions)*... No, no. ...*(Interruptions)*... I am bound. Please cooperate with the Chair today. I am requesting you. आप भी बैठ जाइए , खन्ना जी, बैठ जाइए।

MS. MABEL REBELLO: Sir....*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, you have not given the notice. Mr. Minister. ...*(Interruptions)*... Mr. Kurien, you have to cooperate.

SHRI PRAFUL PATEL: Sir, I respect the sentiments expressed here by the hon. Members. The Mangalore crash was, certainly, one of the most tragic air accidents which has taken place in our country. In fact, it is, I would say, a blot and a blemish on the safety record which we have been experiencing in our country for the last 10 years or so. In fact, in the last 10 years, there has been no major commercial aircraft which has been involved in such a fatal accident. Therefore, certainly, it is important that we learn from the mistakes and correct

for the future. Sir, I would only like to state by way of clarification some of the issues which have been raised by the hon. Members. If you go through the reply which I have given, I think, it is quite exhaustive. It does give you a lot of details about what happened on that tragic day and also some of the issues which can be addressed over a period of time. Sir, the first issue which the hon. Member has raised is about the Mangalore Airport and, probably, the licensing of airports. Sir, earlier, as all of us know, all airports were run by the Airports Authority and, therefore, were Government-owned and they were not subjected to licensing at all.

When I say, 'not subject to licensing', it does not mean that they were made without any parameters. All parameters while making a runway or an airport are as per the International Civil

Aviation Organization and, of course, our Airports Authority of India does comply with all those regulations when they construct a runway. Otherwise, no planes, whether they are of Indian origin or foreign carriers, will operate in and out of India if we do not meet the requirements of the International Civil Aviation Organization. But that having been said, Sir, in 2004, the Government took a conscious decision that all airports must be licensed, licensed primarily because private airports were also being given the permission to come up in our country and we wanted all the airports, the private and public, therefore, to come under the licensing regime. Sir, there are 89 airports which are operational in our country and we certainly have taken it upon ourselves to licence all these airports. It is a time-consuming process. There are SOPs to be followed, manuals have to be prepared. But that again notwithstanding does not mean that when you say an airport is not licensed means it is not complying with all the regulations and the requirements for the safe conduct of flying operations. Sir, in the case of Mangalore, it is one of the few airports, the fifteen, which have already been licensed. So to say that Mangalore Airport was unlicensed and therefore led to unsafe operations would be a wrong statement. On the other side, Sir, Mangalore, as most of Members who would have visited there or Members who come from that State or from that region will know and appreciate that Mangalore terrain itself is a very difficult terrain and therefore it is classified from the beginning itself as one of the critical airports. It is a table-top runway which is well notified, well-known to all the pilots who fly in and out of Mangalore. They are briefed accordingly. Airlines are also following those procedures and in the case of Mangalore, the whole runway was just around 6000 ft. which led to far more difficult landings and take-offs and, in fact, this new runway on which this ill-fated accident took place was actually commissioned only in 2006 and it is 8100 ft. of runway and this Airport's new runway is well within the permissible limits for an aircraft which was operating on that fateful day. A 737-800 typically would require 7500 ft. of runway. This runway is almost 8100 ft and just as a matter of further clarification I would like to state one thing. The hon. Member mentioned about RESA which is the runway and extension and as per the international civil aviation guidelines, 90

metres is the minimum prescription for runway extension which you call the spill-over area. Some newspapers used to report that it should be 240 metres. Those are recommendations. Certainly, any more area available would be welcome. Mangalore is a table-top airport. When you do not have extension possible, the minimum prescribed limit of 90 metres was certainly in place. Besides that I would like to state, Sir, that as far as the overall health or the safety mechanism within the country for safe conduct of operations is concerned, hon. Member about FAA, Federal Aviation Administration, having downgraded India, I would say that it is absolutely incorrect. In fact, I can even go to the extent of quoting that the steps taken by the DGCA in this regard have been appreciated by the FAA as to what all is required for operations in our country on a very high level of safety. Some observations on flight duty time limit, FDTL, for pilots, that has also been mentioned. I would say that we are following a well prescribed procedure since

1992 and, in fact, a new procedure is very shortly to be notified by the DGCA. They have had in fact 34 rounds of meetings and consultations with various stakeholders that include pilots, airlines, specialists, experts, medical experts to be able to give new comprehensive FDTL guidelines and, in fact, those will be notified very soon.

But that notwithstanding, the hon. Member quoted some observation of the High Court. I would just like to state that such observations of the High Court have themselves been struck down by the High Court itself. There are no such observations. Those were some interim observations that you were quoting. The final judgment of the High Court certainly does not carry any strictures of this kind. As a matter of clarification, I would just like to put it on record here.

But, certainly, on FDTL, the DGCA is seized of the matter and, in this particular case, my answer also will state very clearly that the pilots were not, on that day, having any stress in terms of their time-limits or their FDTL having been exhausted. In fact, they were well-rested and they were well within the prescribed FDTL time-limit which was needed for the safe conduct of...

SHRI P. RAJEEVE: Is the Government ready to institute any independent enquiry mechanism?

MR. DEPUTY CHAIRMAN: Please, Mr. Rajeeve; this will not be allowed.

SHRI PRAFUL PATEL: Let me complete. I am responding to each and every issue raised by hon. Members.

Since you are talking now of the Safety Board or independent enquiry or investigating authority, let me be very clear that the Planning Commission is not supportive of a larger board like this. In fact, we as the Ministry of Civil Aviation are keen to have an investigation and safety arm like there is in the United States, which is the National Transportation and Safety Board. So, the Ministry of Civil Aviation has mooted this idea of having something on those lines and it would come up for consideration in due course of time. But I would also like to go one step further by saying that the Ministry of Civil Aviation proposes to enhance the scope of the DGCA. I can say with a great sense of confidence that the DGCA is autonomous but we

want to strengthen them even further, by bringing in an amendment to the legislation. In fact, it would come some day to the consideration of this august House also as to having an independent Civil Aviation Authority based on the lines of the United States FAA, which would give it even more strength, arm and muscle to be able to conduct its duties in a very, very autonomous and transparent manner. I would just like to state that pilots being experienced or not experienced is not, at all, an area which we should be concerned about because we are taking adequate precautions. No pilots are being allowed to fly in the country without having the requisite qualifications. In fact, I get complaints more often than not that the DGCA is being very, very strict about certain things which are being quite relaxed in other countries of the world. To that extent, irrespective of an

ill-fated accident, I would compliment the performance of the DGCA and all the other authorities which are responsible for safe conduct.

In fact, there are so many reports which come which would sometimes certainly bring lot of concern to all of us. But I would like to give you just a small example about the British Prime Minister's plane about which you had mentioned that reports had appeared today. Nothing of that sort happened. In fact, the ATC informs me that the flight was being continuously monitored. We say the radars crashed and all that but let me assure you that auto track-3 and auto track-2 are two parallel systems; so, if there was a software glitch in auto track-3, auto track-2 was never out of service. So, at no point of time was there any issue about safety or about completely blanking off the Indian airspace around Delhi. So, I would like to state that there are certain reports that do come in and get exaggerated at times. In fact, on near misses, I would like to go one step further and say that there are so many reports that keep coming in the media and scare the sort of daylights out of all of us at times. There are so many graphics shown on television channels about how two planes will converge and how they will meet very fatal state. But all these reports at times seem to be exaggerated.

We have certainly breach of separation. Sometimes, it does take place but that does not mean that it violates all the permissible bands of safety to be classified, as we would say in aviation parlance, at a risk of collision. In fact, there is no air proximity incident for the last few years which falls in the category of critical air proximity incident. Ultimately, it is the confidence of our own people who are working and manning all these important functions at airports. In fact, when people talk of ATCOs being in shortages, I would just like to say that the total available ATCOs strength in the country is almost 1912 against the total sanctioned strength of 2100. It is not wide off the mark, especially in Mumbai and Delhi which are the two airports where maximum such incidents get reported – Mumbai has the sanctioned strength of 242 against which we have 230 people already working and Delhi has the sanctioned strength of 225 against which 216 people are already working there. To say that there

are huge shortages of ATCOs and, therefore, flying is a peril in our country or that ATCOs are overworked is not correct. In fact, let me go one step further and tell you that ATCOs work one hour on the screen, then they have one hour off and then they again go back. So, it is not that a person is continuously watching the screen for eight hours and is mentally or physically fatigued, not to be able to conduct his job safely. So, these are issues. Anyway, I will certainly take the point that there are safety issues in our country. Nobody is denying the fact ...(*Interruptions*)...

SHRI MAHENDRA MOHAN: How many airports have air safety licences? ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: He has answered that. ...(*Interruptions*)...



SHRI PRAFUL PATEL: Each and every airport in our country irrespective of the fact whether they carry the licence or not cannot be classified as unsafe. In fact, there are exemptions available under the Aircraft Rules. So, there is no issue. When you say that an aerodrome is licensed or not, it means that there is a shortcoming in that airport. ...(Interruptions)...

SHRI P. RAJEEVE: See Rule 78 ...(Interruptions)...

MR. DEPUTY CHAIRMAN: We have agreed that only three people will ask. Otherwise, everybody would like to ask. I want you to cooperate. It is a request. ...(Interruptions)... There are a number of Members who want to ask. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU (Karnataka): Normally, I don't interrupt a Minister. Sir, the Minister is saying everything is all right. Nobody is at fault. DGCA, ATC and everything is okay. If everything is okay, then why are all these things happening? ...(Interruptions)... How many incidents have happened recently? I am sorry to stand up and create a situation while I have to request you and your kind self has to request me again. I don't want that situation. But, it pains me. It has happened a number of times in the recent past. ...(Interruptions)... Planes are almost near collusion and then diversion takes place. Then, it skids from the runway to the other side. How many incidents have taken place in the recent past? We have to be very serious. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: He has answered that.

SHRI M. VENKAIAH NAIDU: Hon. Minister, please understand that all is not well. What is happening? I travel more than you. ...(Interruptions)...

SHRI PRAFUL PATEL: Sir, when I say this, I am not trying to mislead anybody. After all, if there are shortcomings in the system, we are all here and we are supposed to correct them. I am not trying to avoid any issue. ...(Interruptions)... If I do not give you the correct picture, and also Brindaji ...(Interruptions)...

श्री उपसभापति : महेन्द्र मोहन जी, बैठ जाइए , आपने जो पूछना था, कुछ लयि है। This is Calling Attention and you have limited scope in this. ...(Interruptions)...

SHRI PRAFUL PATEL: I will send the ATC union affiliated to your outfit to come and explain to you because they are the one's who come and brief you. ...(Interruptions)... I wish I am defending only the people whom you sometimes support. ...(Interruptions)... I am only

defending the people whom you sometimes support. I am not trying to score points. What have I to gain? There is a fault or lacuna in the system. I am willing to understand, appreciate and correct it. ...(*Interruptions*)...

If there are...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Mr. Rajeeve, please, he has given sufficient information...(*Interruptions*)...

SHRI P. RAJEEVE: He is misleading. There are Group 'A' posts lying vacant...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: I have listened to his answer. He has clarified that...(Interruptions)...

SHRI PRAFUL PATEL: Machines and systems are manned by people...(Interruptions)... I am not trying to defend anybody...(Interruptions)...

SHRIMATI BRINDA KARAT (West Bengal): Why are these posts lying vacant?

MR. DEPUTY CHAIRMAN: That is a different issue. That issue is not related with Mangalore incident.

SHRI PRAFUL PATEL: Sir, all I am saying, with great sense of respect to the entire House, is that there is no issue of trying to brush anything under the carpet. I am only stating the facts as they are, and if I do not do that, it would be doing disservice to the people, thousands of people, who are making flying for you and me as safe as possible. I am not saying that anything is not possible to be corrected. In fact, we have recently constituted a Civil Aviation Safety Advisory Council. It has met twice. I myself have been part of that Council. Irrespective of the fact that whether I am a Minister or not, I said, "No, it is important." And, we have taken people, experts from all walks of life in civil aviation to be members of that Council to advise and to guide the DGCA and the Government also in what needs to be done. If there is some scope of correction and improvement, and also the fact that if vacant posts are to be filled, so will they be. But, it's a question of technical people; it not just about a head count. It is about bringing the right headcount, and the people who can do their job effectively. I share the concerns of each and every Member here, and I also share what Venkaiahji is saying. Nobody is trying to say that all is only well. I am only stating the facts on the basis of the questions. I was answering on the issues raised by the hon. Members. I was not answering a larger debate on civil aviation sector. I was only answering and being specific to the questions raised, and I am sure that if there is any issue which further needs to be examined and corrected, you are a good friend of mine, invite me for a cup of tea, and...(Interruptions)... I will bring whatever changes are required.

---

**MATTER RAISED WITH PERMISSION**

**Diversion of funds earmarked for SCs/STs to Delhi  
Commonwealth Games, 2010**

MR. DEPUTY CHAIRMAN: Shri Satish Chandra Misra, we have agreed that this whole discussion should be finished within 35-40 minutes.

श्री सतीश चन्द्र मश्रि (उत्तर प्रदेश): माननीय उपसभापति महोदय, सबसे पहले तो मैं आपको धन्यवाद देना चाहूँगा कि आपने इस महत्वपूर्ण विषय पर चर्चा के लिए आज हमें इजाजत दी है। मान्यवर, आपने कहा कि 35 मिनट में इसे समाप्त करना है।

श्री उपसभापति : वह सबके लिए है।

**श्री सतीश चन्द्र मन्त्रि :** सभी के लिए agreement हुआ है , लेकिन यह भी ध्यान रखने वाली बात है कि 744.354 करोड़ रुपए का वषिय 35 मिनट में कैसे खत्म हो जाएगा , यह हम लोग देखेंगे।

मान्यवर , 744 करोड़ से ज्यादा , लगभग 750 करोड़ रुपए , जो Special Component Plan के तहत अनुसूचित जाति और अनुसूचित जनजाति के तरह-तरह के कार्यक्रमों में उनके उत्थान के लिए कांग्रेस शासित दिल्ली सरकार को दिए गए थे , इस रुपए को उनके उत्थान के लिए इस्तेमाल नहीं किया गया। Housing and Land Rights Network को RTI के तहत information मिली है , उस information को हमने आपके सामने रखा है। उस RTI information से यह सामने निकल कर आया है कि Special Component Plan के 744.35 करोड़ रुपए , जो दलित समाज , शैड्यूल्ड कास्ट /शैड्यूल्ड ट्राइब्स के लिए उनकी अलग-अलग स्क्रीम्स के लिए दिए गए थे , दिल्ली में जो 14 दसि के Commonwealth Games का आयोजन किया जा रहा है , दिल्ली सरकार ने पछिले 4 वर्षों में इस रुपए को उसमें divert कर दिया है। प्लानिंग कमीशन के जो norms हैं , प्लानिंग कमीशन की जो guidelines हैं , National Development Council की जो guidelines हैं , जबकि तहत Special Component Plan के तहत यह रुपया दिया जाता है , उसमें उनका इस्तेमाल न करके खुला उल्लंघन करते हुए इस रुपए को दलित समाज और शैड्यूल्ड ट्राइब्स के लिए न देकर इन्होंने गेम्स के लिए लगा दिया है।

मान्यवर , सरकार की जो मतगणना है , उसके अनुसार अकेले दिल्ली शहर में 2.34 मिलियन पॉपुलेशन शैड्यू ल्ड क्लास की रहती है और यह रुपया दिल्ली के लिए था। दिल्ली के जो कांग्रेस शासित सरकार है , उसने दलित समाज के हित में सखिक अमेनिटीज बढ़ाने की जगह, इंफ्रास्ट्रक्चर बढ़ाने की जगह, कम्युनिटी सेंटर्स बनाने की जगह, उनको प्राथमिक शिक्षा मिलि सके , इसके लिए प्राइमरी स्कूल्स बनाने की जगह, उनकी उच्च शिक्षा के लिए हायर एजुकेशन की व्यवस्था करने की जगह, स्वास्थ्य केन्द्रों में लगाने की जगह, दलित बच्चों की उच्च पढ़ाई की व्यवस्था की जगह उस पैसे को खेलों में लगाने का काम किया है। दलित समाज के बच्चे , हो हायर एजुकेशन ले करके आईएस, आईपीएस , पीसीएस और अन्य परीक्षाओं की तैयारी करते हैं , उनके लिए उत्तर प्रदेश सरकार ने अपने खर्च से पैसा नक़िल करके होस्टल्स बनवाए हैं , कोचिंग की व्यवस्था की है , साथ ही अन्य और भी ऐसे कई कार्यक्रम चलाए हैं , इंटरप्रेन्योर डेवलपमेंट्स का काम किया है , जसिसे दलित समाज के लोग कुछ सीख करके अपनी आजीविका चला सकें , यह सब काम यहां पर भी तो हो सकता था। लेकिन दिल्ली की सरकार ने ऐसे कार्यों में पैसा न लगा करके उस पैसे को खेलों में लगाने का

काम किया है, यह बहुत ही शर्म की बात है। इससे कांग्रेस सरकार की मानसिकता झलकती है। कांग्रेस सरकार दलित प्रेम का \* और \* तो करती है, लेकिन कांस्टीट्यूशन के तहत दलितों का जो हक है और प्लानिंग कमिशन ने जसि रुपये को उनके लिए दिया हुआ है, उस पैसे को उस काम के लिए इस्तेमाल ने करके उनका नबिला छीमने का काम किया गया है। दिल्ली में जगह-जगह गरीब समाज के जो लोग झोंपड़ियों में रह रहे थे और अपनी आजीविका चला रहे थे, कॉमनवेल्थ गेस्स के तहत उन झोंपड़ियों को उखाड़ कर फेंक तो दिया गया लेकिन उनको दूसरी जगह कोई स्थान नहीं दिया गया। पहले उनके लिए कोई आल्टरनेटिव जगह बना दी जाती, जहां जा करके वे लोग अपने को स्था पति कर लेते, लेकिन सरकार ने यह सब न करके उनको मजबूर किया कि आप सड़कों पर रहें। सरकार ने उन्हें भीख मांगने पर मजबूर कर दिया और जब वे भीख मांगने के लिए खड़े हुए तो दिल्ली पुलिस ने वहां पर भी उनका उत्पीड़न करना शुरू कर दिया। न कहीं पर उनको रहने की जगह दी जा रही है, न रुकने की जगह दी जा रही है और अब तो उनको आप भीख भी नहीं मांगने दे रहे हैं। कॉमनवेल्थ गेस्स के नाम पर दिल्ली में इस तरह का काम हो रहा है। सिर्फ 14 दलितों के खेले के लिए यह सब किया जा रहा है। इस 14 दलितों के खेले में कौम सा धन आपको मिला रहा है। जो कुछ ये कर रहे हैं, वह तो आज खुले करके सामने आ ही रहा है। दिल्ली में कॉमनवेल्थ गेस्स के नाम पर जसि तरह रुपये का खुला खेला चल

---

\*Expunged as ordered by the Chair.

रहा है, वह किसी से छपि नहीं है। पूरे दिल्ली शहर के फुटपाथ, जन्मिमे मजबूत पत्थर लगे हुए थे, उनको उखाड़ करके, नालियों को उखाड़ करके, उस पत्थर को बेच दिया गया और उसकी जगह नया पत्थर लगाया गया, जो एक हफ्ते में ही दूर गया। दिल्ली के फुटपाथों पर जो नये पत्थर लगाए गए, आजवे जगह-जगह दूर करके कबिरे पर पड़े हुए हैं। यह तो एक हफ्ते का हाल है, पता नहीं कॉमनवेल्थ गेम्स तक इनकी क्या हालत होगी। इनके द्वारा जहां रुपये की इतनी लूट चल रही थी, वहां क से कम इस लूट में दलितों के लए जो स्पेशल कंपोनेंट प्लान का रुपया था, इसको तो इस्तेमाल नहीं किया जाना चाहिए था।

मान्यवर, यह 744 करोड़ रुपये की जो हम बात कर रहे हैं, यह तो खाली दिल्ली की बात है। पूरे भारत वर्ष में शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के उत्थान के लए 72,000 करोड़ रुपया स्पेशल कंपोनेंट प्लान के तहत दिया गया, जिसको अन्य विभागों में डायवर्ट कर दिया गया है, लेकिन पछिले चार वर्षों में यूपीए की केन्द्र सरकार ने यह रुपया दलितों के लए रखा नहीं किया। प्लानिंग कमिशन के तहत उसकी स्वीकृति शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के हितों के लए की गई थी, लेकिन उनको वह नहीं दिया गया।

मान्यवर, जहां केन्द्र सरकार इस प्रकार का कार्य कर रही है, वही पर दिल्ली की कांग्रेस सरकार भी उन्हीं के पीछे चल करके इसी काम को कर रही है। अगर आप दलितों को इस देश की जनता के रूप में नहीं मानते हैं, सिर्फ़ वोट बैंक के रूप मानते हैं, तब बात दूसरी है। या तो सरकार यह कह दे कि हम सिर्फ़ उनको वोट की चीज़ ही मानते हैं और इस देश में उनका कोई हक नहीं है। जसि तरह अन्य लोग हैं, अगर उसी तरह उनका भी हक है तो उनका जो हक है, उनका जो नखिला है, उसे इस तरीके से छीना नहीं जा सकता।

आप उनका सम्मान नहीं करते हैं। आप दलितों का सम्मान नहीं करते हैं, यह तो खुलासा हो चुका है लेकिन उनका अपमान करने का हक आपको किसने दिया? आप किसी का सम्मान मत करिए लेकिन आप किसी का अपमान नहीं कर सकते। भारतवर्ष को आज़ाद हुए 60 वर्षों से ज्यादा हो गये, लेकिन आजतक दलितों के लए सम्मान के रूप में कुछ नहीं किया गया। आजजब उत्तर प्रदेश की सरकार ने दलितों के सम्मान के लए, बैकवर्ड्स के सम्मान के लए, डॉ. बाबा साहू ब, मान्यवर कांशीराम जी तथा अन्य जो गुरु हैं उन सब के सम्मान के लए सभारक बनाने का काम किया तो समूची कांग्रेस एक तरफ़ खड़ी हो गई और उसका वसिध करने लगी। कांग्रेस के महासचिव तो यहाँ तक बोले कि ... (व्यवधान) ...

श्री उपसभापति : यह तो सिर्फ़ कॉमनवेल्थ गेम्स का मामला है, ... (व्यवधान) ...

श्री मुख्तार अब्बास नक़वी (उत्तर प्रदेश) : यह कॉमनवेल्थ गेम्स से ही जुड़ा हुआ है। ... (व्यवधान) ...

श्री सतीश चन्द्र मश्रि : लेकिन, यह मानसिकता दिखाती है ... (व्यवधान) ... यह मानसिकता दिखाती है। आप लखनऊ का डेवलपमेंट देखते हैं तो आपको ऐतराज़ होता है। दिल्ली में तो आपने कॉमनवेल्थ गेम्स के नाम पर 35-40 हजार करोड़ रुपए खर्च कर दिए, पानी की तरह बहा दिए और जब हम अपने खर्चे से कुछ काम करते हैं तो उसमें भी आपको वसिध होता है। मान्यवर, यह एक ऐसी चीज़ है

जिसमें खास तौर से जो इनफॉर्मेशन मल्लो, उसके अनुसार इस फंड को दिल्ली सरकार के ट्रांसपोर्ट डिपार्टमेंट, एन.डी.एम.सी., एम.सी.डी., स्फोटक एंड यूथ, दिल्ली जल बोर्ड, अरबन वाटर सप्लाई और अरबन डेवलपमेंट में ट्रांसफर किया गया। एक mere denial से काम नहीं चलेगा। मंत्री जी ने एक बार बीच में यह कह दिया कि हमने कोई डाइवर्जन नहीं किया है, तो इससे काम नहीं होगा। स्पेशल कॉम्पोनेंट प्लान के इस फंड का आपने कैसे इस्तेमाल किया, कहाँ इस्तेमाल किया, इसका खुलासा करना पड़ेगा।

मान्यवर, इस बात को लेकर हमारी आपसे यह माँग है कि उत्तर प्रदेश को छोड़ कर पूरे देश में सरकारी नौकरियों में शैड्यूल्ड कास्ट्स और शैड्यूल्ड ट्राइब्स के लोगों का जो बैकलॉग बनाकर रखा हुआ है, नहीं दिया है। हर मामले में दलितों को आपने पीछे छोड़ा है, लेकिन कम-से-कम इस मामले में, जिसमें कि यह चीज़ गम्भीरतापूर्वक आपके सामने आई है, जहाँ पर आपने स्पेशल कॉम्पोनेंट प्लान में, चाहे वह दिल्ली का हो या वे

72 हजार करोड़ रुपए जबकि प्लानिंग कमिशन ने पूरे देश के लिए पछिले पाँच वर्षों में दिया है, उसको आपने



उनके लिये क्यों नहीं रखीज किया है? क्या उनके डेवलपमेंट की आपकी कोई चाह नहीं है? क्या आप उनके डेवलपमेंट का वसिध करते हैं? उधर से एक मामूली सा denial आएगा और उसके बाद बात खत्म हो जाएगी। हम यह चाहते हैं कि इस इश्यू के लिये आप एक स्पेशल पार्लियामेंटरी कमेटी कांस्टीट्यूट करें। उसके तहत आप इसके लिये इनक्वायरी बठाएँ और सी.ए.जी. से कहें कि वह इसमें छामबीन करे आपके सामने रपॉर्ट रखे, वह स्पेशल पार्लियामेंटरी कमेटी के सामने रपॉर्ट रखे तथा इसमें जो लोग इनवॉल्व्ड हैं उनके खिलाफ सफ़ि प्रोसेक्यूशन की हो। कार्रवाई नहीं हो बल्कि उनके खिलाफ क्रिमिनल प्रोसेक्यूशन भी होना चाहिए। यह हमारी मांग है।

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, while associating myself with the issue raised by Mr. Satish Chandra Misra, I would like to draw the attention of the Chair as well as the House towards the information जो उन्होंने अभी बताया about Rs. 744-odd crore which was denied by the hon. Minister earlier. Here is the information. The Government of National Capital Territory of Delhi, Department for the Welfare of SC/ST/OBC/Minorities, replied to the RTI applicant, Shrimati Shivani Chowdhry (ID.No.453). It says, "Kindly refer to your letter regarding Scheduled Caste sub-plan for the year 2006-2010. In this regard, kindly find enclosed herewith the desired information." This is an official information provided by the Government to the RTI applicant. In that it was said that the amount spent for the Commonwealth Games in 2006-07 was 1.97 crore; in 2007-08, it was Rs.15.57 crore; in 2008-09, it was Rs. 214.72 crore; in 2009-10, it was Rs. 288.44 crore; and in 2010-11, which is proposed, it is Rs.223.64 crore. This is an official reply given by the Ministry concerned of the Delhi State Government. This is really atrocious. It is not acceptable because this money is given as per the constitutional provision and not because of the mercy of this Government or that Government or this party or that party. संविधान के अनुसार जो प्रोविजन है उसके अंतर्गत यह पैसा दिया है, यह एक दुर्भाग्यपूर्ण बात है। कॉमनवेल्थ गेम्स में क्या हो रहा है वह तो एक दूसरी कहानी है। सदन में इसकी चर्चा अलग से होगी। कॉमनवेल्थ गेम्स में कॉमन वेल्थ क्रिएट करना था, मगर कागज वेल्थ क्रिएट हो रहा है। वह पैसा, जो दलितों के लिये दिया गया, वह पैसा कुछ कागज के वेल्थ के निर्माण करने के लिये पूरा कर रहे हैं। उससे उनका उत्थान होना चाहिए, उनको कम्प्यूटर देना चाहिए, उनकी पढ़ाई की व्यवस्था होनी चाहिए।

उनके रहने के इलाके में sanitation की व्यवस्था होनी चाहिए, मगर वह सब काम छोड़कर कॉमनवेल्थ गेम्स के लिये इतना पैसा, 744 करोड़ रुपये खर्च करना, जैसा मैंने कहा, atrocious and not acceptable है। This is unconstitutional that has been done by

the Government. I would like the Government of India to intervene in the matter, order an enquiry and take the strongest possible action against the people concerned and also take back the money that has been diverted from the Special Component Plan (SCP). This is my request.

श्री सतीश चन्द्र मश्रि : सर, हमने अपने नोटिस के साथ ... (व्यवधान) ... लगा दिया है।

श्रीमती वृंदा कारत (पश्चिम बंगाल) : सर, मैं हाउसिंग एंड लैंड राइट्स नेटवर्क के हमारे जत्तिने साथी हैं और नेशनल कैम्पेन फॉर दलित राइट्स के जो ग्रुप्स हैं, उनको धन्यवाद देना चाहती हूँ कि पछिले पांच सालों से वे इसे फॉलो कर रहे थे कि कॉमन नवेल्थ गेम्स का जो फंड है, वह कहाँ से आ रहा है। इस संदर्भ में जब पूछा गया तो दिल्ली की मुख्य मंत्री जी ने एक बयान दिया कि हम लागू फंड इकट्ठा कर रहे हैं, लेकिन सोशल वेल्फेयर के लिए या विकास के लिए हमारा जो फंड है, वह एक पैसा भी खर्च नहीं हो रहा है। सर, प्लानिंग कमिशन के साथ उनकी मीटिंग मई के महीने में हुई। प्लानिंग कमिशन को भी ये सारी सूचनाएँ दी गयी थीं कि

दलितों के लिए दिल्ली सरकार के जो स्पेशल कंपोनेंट प्लान्स हैं, उनमें से पछिले पांच सालों से कुछ मल्लिकर, उस समय 600 करोड़ था, इस साल को मल्लिकर लगभग 744 करोड़ डायवर्ट हो गया है। सर, प्लानिंग कमीशन कसिके अंडर हैं? प्रधान मंत्री जी खुद प्लानिंग कमीशन को देखते हैं। उनके अपने नियम हैं। उनके नियम के मुताबिक जब भी किसी स्टेट प्लान के संबंध में बाह्यीत की जाती है, तो उस प्लान के जो फंड्स हैं, वे कसि रूप में इस्तेमाल किये जाते हैं, उसकी एक मॉनिटरिंग होती है। सर, मेरे पास प्लानिंग कमीशन का वर्ष 2005 का वह सर्कुलर है, जिसके तहत उन्होंने तमाम स्टेट्स को यह हकीयत दी थी कि दलितों के लिए जो फंड्स हैं, उनकी मॉनिटरिंग के लिए एक अलग कमेटी है। उसके लिए प्लानिंग कमीशन में भी एक अलग कमेटी है। एक जगह उन्होंने लिखा है कि non-earmarking of funds under the SCP and TSP may result in non-approval of plans of the States and Union Territories. This is the circular of the Planning Commission. Now, under the very nose of the Planning Commission, Sir, यहाँ यह दिल्ली सरकार चल रही है। इसमें multiplicity of authorities है। कहाँ से क्या फंड आ रहा है, उसका कोई चेकअप नहीं है। इसलिए दिल्ली के अंदर आज यह खुलेआम हुआ है कि दलितों के जो संवैधानिक अधिकार हैं, उनका जो पैसा है, उस पैसे को लूटा गया है। हमारे साथियों ने भी कुछ मसाल बतायी है।

सर, मैं इस चार्ट को देख कर इतनी हैरान थी कि कॉमनवेल्थ गेम्स में वल्लायत की महारानी के नाम एक बेटन होसा है, उसके लिए उनको और कहीं से पैसा नहीं मल्लि, लेकिन दलितों के लिए जो पैसा है, उनकी बस्तियाँ के विकास के लिए जो पैसा है, उस पैसे में से उस रानी के बेटन के नाम पर 10 करोड़ रुपये खर्च हुए।

मैं दूसरी बात यह कहना चाहती हूँ कि मेरे साथी ने बहुत सही कहा कि अत्याचार के शब्द को हम लोग हसि के साथ जोड़ते हैं, लेकिन यह आर्थिक अत्याचार है कि संवैधानिक प्रावधान और अधिकार को आप लूटेल्थ गेम्स के नाम पर छीन रहे हैं, सर, इसमें कॉमन कुछ नहीं है, यह लूटेल्थ है। उसके जो दो और पहलू हैं उसके बारे में भी मैं कहना चाहती हूँ। एक तो यह कि आपने विकास का पैसा लूटा। दूसरी बात यह है कि ये मजदूर कौम हैं जो कांस्ट्रैक्स वर्कर्स के रूप में आज दिल्ली की सड़कों पर 14-14 घंटे काम कर रहे हैं? वे कौम हैं? हमें मालूम है। हमने उनसे बाह्यीत की है। दिल्ली में जो कांस्ट्रैक्ट वर्कर्स हैं, उनका जो एक बहुत बड़ा हस्सि है, वह दलित है, वह scheduled castes है, वह scheduled tribes है। दिल्ली का न्यूनतम वेसन 203 रुपये

हैं और उनको 100 रुपया भी नहीं मल्लि रहा है।

उनको over time करना पड़ रहा है। एक तरफ तो आपने विकास का पैसा लूटा और दूसरी तरफ आप उनका श्रम लूट रहे हैं।

**श्री एस.एस. अहलुवालिया :** शोषण , शोषण।

**श्रीमती वृं दा कारत :** श्रम लूटने का मतलब शोषण होता है। तीसरी बात यह है कि Today, in Delhi, the Bombay Anti-Beggary Act is in operation. Anti-beggary का मतलब है कि भिखारियों के खिलाफ मुंबई का जो कानून है, आजवह दिल्ली में इस्तेमाल हो रहा है। हमने देखा कि दूर-दूर इलाके से, जहां गांव में इतनी भारी संकट है, लोग शहर में आते हैं। यहां उनके साथ यह आलम है कि उनको दूर भगाया जा रहा है। बहुत सारी बस्तियां हैं, जहां Scheduled caste के लोग रहते हैं, उनकी झुग्गियों को तोड़कर उनको भगाया जा रहा है इसलिए पैसा, श्रम और घर के जो अधिकार हैं, इन तीनों में दलितों के साथ भेदभाव हो रहा है। यह तो दिल्ली सरकार का दायित्व था, लेकिन इसके साथ-साथ योजना आयोग की तरफ से कोताही हुई है, भेदभाव दखिा है। अगर किसी बड़ी कंपनी के लिए एक पैसा इधर-उधर होगा, तो योजना आयोग सरकारों को दस नोटिस भेज देगा, लेकिन दलितों का पैसा लूटा जा रहा है, इस पर योजना आयोग क्यों मौन है? आजयह सवाल है।

सर, मेरी दो मांगें हैं, पहली मांग यह है कि जो 744 करोड़ रुपए हैं, वे ब्याज समेत पूरे, दलितों के विकास के लिए, वापस दिए जाएं और दूसरी मांग यह है कि यह जो component plan है, इस समय इसके लिए executive order है, इसके लिए कानूनी रूप चाहिए। इसका सांविधानिक रूप चाहिए। आज कोई सरकार executive order को इधर-उधर कर सकती है, इसलिए इसको संविधान में जोड़ा जाए। तीसरी बात यह है कि इसमें जो दोषी हैं, उनके खलिफ सख्त से सख्त कार्रवाई हो। धन्यवाद।

**श्री जनार्दन द्विवेदी** (राष्ट्रीय राजधानी क्षेत्र, दिल्ली): उपसभापति जी, मुझे बहुत संक्षेप में दो-तीन बातें कहनी हैं। सतीश चन्द्र मन्त्रि जी ने, एम वेंकैया नायडू जी ने और वृद्धा काश्रत जी ने जो सवाल उठाए हैं, मैं उनकी गंभीरता को समझता हूँ बहुत सारे प्रश्न उठते हैं, लेकिन कुछ प्रश्न ऐसे होते हैं, जिनका उत्तर जरूर मन्त्रिना चाहिए। मैं सरकार से अनुरोध करता हूँ कि वह इन प्रश्नों के उत्तर दें।

सर, दूसरी बात मैं यह कहना चाहता हूँ कि इसके साथ और सवाल नहीं जोड़े जाएं। सतीश चन्द्र मन्त्रि जी अगर उत्तर प्रदेश पर या किसी और मुद्दे पर बहस करना चाहते हैं, तो उसके लिए अलग समय और स्थान निकाल सकता है। इसलिए उसको इसके साथ न जोड़ा जाए। वृद्धा जी से भी मैं अनुरोध करता हूँ, उन्होंने बातें जसि ढंग से कहीं हैं, वे बहुत प्रभावशाली हैं। भौतिक अत्याचार, आर्थिक अत्याचार, कुछ मासिक अत्याचार भी होते हैं, इसके लिए कई श्रेणियां निकाल सकती हैं, उन पर हम अलग से चर्चा कर सकते हैं। वेंकैया नायडू जी ने इसको, अपने को इसी मुद्दे तक सीमित रखा है, मुझे खुशी है कि उन्होंने और बहुत सारे सवाल नहीं उठाए। इसी तरह से दलितों के लिए कसिने क्या कसिा है, गरीबों के लिए कसिने क्या कसिा है, अगर इसके अतीत, वर्तमान और भविष्य की योजनाओं में जाभा है, तो उस पर भी अलग से बहस हो सकती है। मैं समझता हूँ कि इन प्रश्नों को छोड़कर जो महत्वपूर्ण प्रश्न उठाए गए हैं, उनका जवाब सरकार दें। धन्यवाद।

**श्री ब्रजेश पाठक** (उत्तर प्रदेश): हम लोग इसका बराबर ... (व्यवधान) ...

**श्री उपसभापति**: आपको इसमें क्या आपत्ति है ... (व्यवधान) ...

**श्री सतीश चन्द्र मन्त्रि**: सर, ... (व्यवधान) ...

**श्री उपसभापति**: आपको तो welcome करना चाहिए ... (व्यवधान) ... कृपया आप बैठिए ... (व्यवधान) ...

**डा॰ अखिलेश दास गुप्ता** (उत्तर प्रदेश): सर, ... (व्यवधान) ...

**श्री उपसभापति**: कृपया बाप बैठिए ... (व्यवधान) ... उन्होंने

ऐसा कुछ नहीं कहा है ... (व्यवधान) ... उन्होंने कहा है कि डसिकस करेंगे ... (व्यवधान) ...

ड॰ अखिलेश दास गुप्ता : सर, आप उन पर चर्चा कर सकते हैं ... (व्यवधान) ... आपने 744 करोड़ के बारे में कुछ कहा ... (व्यवधान) ...

श्री उपसभापति : इसमें उन्होंने कौम-सी controversial बात कही है ... (व्यवधान) ...

श्री ब्रजेश पाठक : अगर आप माननीय सदस्य के अनुरोध को स्वीकार करते हैं, तो आप व्यवस्था कीजिए, तब बहस होगी ... (व्यवधान) ...

श्री उपसभापति : जो नयिम है, उसके तहत करेंगे ... (व्यवधान) ... कृपया आप बैठिए ... (व्यवधान) ...

श्री उपसभापति : आप बैठिए ... (व्यवधान) ...

श्री जुगुल कशोर : मान्यवर, यह ... (व्यवधान) ...

श्री उपसभापति : आप बैठिए ... यह क्या बात है? आप जब चाहे उठकर खड़े हो जाते हैं? आप बैठिए प्लीज़ ...

SHRI D. RAJA (Tamil Nadu): Sir, thank you very much for giving me this opportunity to speak on this subject. Despite the left, right, centre differences, the House today has taken up

this issue for discussion as one. It shows the concern everybody has got towards the welfare of the Scheduled Castes and the Scheduled Tribes. What we are discussing today is just an iceberg and the issue is larger. The question of Special Component Plan for the Scheduled Castes and the Tribal Sub Plan are larger issues, and I am having the information that several State Governments even today do not earmark funds for Special Component Plan or Tribal Sub Plan. More than 24 Central Departments under the Union Government do not have separate allocation for these Plans and they consider this fund is indivisible. Having said that, I must point out, Sir, the diversion of money meant for the welfare of Scheduled Castes and Scheduled Tribes to Commonwealth Games is unpardonable. It is betrayal of the Constitutional responsibilities of an elected popular Government, whether it is a State Government or the Central Government. And, I think, this has to be treated as an offence; as an offence against the very spirit of the Constitution, and the Government claims it is the Government of *aam aadmi*! Whatever it is doing is against the *aam aadmi*.

MR. DEPUTY CHAIRMAN: Please conclude. ...*(Interruptions)*...

SHRI D. RAJA: I am saying it is not just an atrocity. It is very serious modern day atrocity, grabbing the fair share and due share of the Scheduled Castes and the Scheduled Tribes in the nation's wealth which they create, and this is a great offence by the elected Governments in the name of democracy, and we cannot tolerate such things to continue. Sir, lastly, the Commonwealth Games should have been a pride of the nation, but it is becoming a big shame. And it is becoming a big scam.

MR. DEPUTY CHAIRMAN: We are not discussing the Commonwealth Games.

SHRI D. RAJA: That is why I am not discussing, but the Government should take note of it. The diversion of money is done in the name of Commonwealth Games. The Commonwealth Games, we all should feel proud of it, but it is becoming a shame; it is becoming a scam. What is the answer of the Government?

MR. DEPUTY CHAIRMAN: That is a different issue. ...*(Interruptions)*...

SHRI D. RAJA: ...*(Interruptions)*... It is connected. That is why I am raising this. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no; there are so many things connected. ...*(Interruptions)*... I am here to regulate the House, not you.

SHRI D. RAJA: Sir, I understand the constraint of time. So, I would like to conclude by saying this. This is a very serious offence. It can happen in Delhi, and tomorrow it can happen in other States. That is why it is high time the Central Government will have to intervene and set right the things. As the previous speaker's demand, the money should be given back, and the Special Component Plan for Scheduled Castes and Tribal Sub Plan must be treated as Plans meant for welfare of these people under the guidelines of the Planning Commission.

MR. DEPUTY CHAIRMAN: I would like to remind hon. Members that this is only confined to diversion of funds to Commonwealth Games. No other issues should be raised.



श्री राजनीति प्रसाद (बहिर) : सर, मैं एक मिनट में ही खत्म कर रहा हूँ सर, मैं इतना ही कहना चाहूँगा कि अगर पैसे का diversion हुआ है, तो इसकी proper enquiry होनी चाहिए और दोषियों को सज़ा मिलनी चाहिए।

MR. DEPUTY CHAIRMAN: Shri Sabir Ali. Only on diversion of funds. I will not allow any other issue.

श्री साबिर अली (बहिर) : सर, मैं सिर्फ़ एक मिनट में खत्म कर दूँगा लेकिन यह उससे connected है।

श्री उपसभापति : connect मत करिए।

श्री साबिर अली : सर, अभी लोगों ने अपनी बात कही, जो पैसे का diversion हुआ है, इसकी जाँची होनी चाहिए। \*

श्री उपसभापति : यह चर्चा यहां नहीं आएगी। ... (व्यवधान) ... यह चर्चा यहां नहीं आएगी। ... (व्यवधान) ... वह नहीं आएगा। ... (व्यवधान) ...

श्री साबिर अली : \*

श्री उपसभापति : दलितों का वस्त्र यहां नहीं है, यहां diversion का वस्त्र है। ... (व्यवधान) ...

श्री साबिर अली : उसकी चर्चा तो करते नहीं हैं। ... (व्यवधान) ...

श्री उपसभापति : श्री महेन्द्र मोहन। ... (व्यवधान) ...

श्री साबिर अली : \*

श्री उपसभापति : यह रिकॉर्ड मैं नहीं जाँचूँगा। ... (व्यवधान) ...

श्री साबिर अली : सर, मैं केवल एक मिनट लूँगा। ... (व्यवधान) ...

श्री उपसभापति : आप बैठिए। ... (व्यवधान) ... यह रिकॉर्ड मैं नहीं जाँचूँगा। ... (व्यवधान) ... Unconnected issue will not go. आप बैठिए। ... (व्यवधान) ...

डा. अखिलेश दास गुप्ता : आप गलत बात मत कहिए, सही बात रखिए। ... (व्यवधान) ...

MR. DEPUTY CHAIRMAN: Sabir Ali Sahab, only that matter goes on record which is connected with the subject. ... (Interruptions) ... आप बैठिए। ... (व्यवधान) ... आप बैठ जाइए। ... (व्यवधान) ... आप बैठिए। मैं आपको बुलाता हूँ। ... (व्यवधान) ... You have to speak only on the diversion of funds, no other issue. ... (Interruptions) ... We are not discussing Dalit issue, we are not discussing Uttar Pradesh, we are not discussing the country. ... (Interruptions) ... No question of Uttar Pradesh. ... (Interruptions) ... Okay, okay, your time is over.

Nothing will go on record. ...(*Interruptions*)...

श्री उपसभापति : महेन्द्र मोहन जी! ...(*व्यवधान*)... आप बैठिए। उनको बोलने दीजिए। ...(*व्यवधान*)... आप बैठिए। प्लीज़ बैठ जाइए। ...(*व्यवधान*)... साबिर अली जी, आप बैठिए। ...(*व्यवधान*)...

श्री महेन्द्र मोहन (उत्तर प्रदेश) : हम बोल रहे हैं। ...(*व्यवधान*)...

श्री साबिर अली : हमें बोलने नहीं दिया गया। ...(*व्यवधान*)...

श्री उपसभापति : मैंने आपको बोलने दिया। ...(*व्यवधान*)... आपको बोलने दिया था। ...(*व्यवधान*)... अब आप प्लीज़ बैठ जाइए। ...(*व्यवधान*)...

---

\*Not recorded.

3.00 p.m.

**श्री साबिर अली :** सर, एक मिनट बोलने दीजिए ... (व्यवधान) ...

**श्री उपसभापति :** अब आप बैठ जाइए। ... (व्यवधान) ... It is not a full-fledged discussion, it is a limited discussion allowed by the Chair as Zero Hour. So, please confine yourself only to diversion of funds to Commonwealth Games.

**श्री महेन्द्र मोहन :** उपसभापति महोदय, यह बहुत ही गंभीर मसला है जिसमें सारी जानकारी आरटीआई के अंतर्गत सरकार के द्वारा ही उपलब्ध करवाई गयी है कि 744 करोड़ रुपया शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्रेड्स के लिए था, उनके उत्थान के लिए था, उनके जीवन को सही बनाने के लिए था, उनकी रोटी, कपड़ा और मकान के लिए था, उनकी शिक्षा के लिए था। उस रुपए को कॉमन वेल्थ गेम्स के ऊपर बर्बाद किया गया है। यह बहुत ही गंभीर वषिय है और इस पर तुरंत कार्य वाही की जानी चाहिए। सर, प्लानिंग कमीशन यहीं बैठा हुआ है, सबसे बड़ी बात यह है कि प्लानिंग कमीशन का 2005 का जो circular है, specific है कि इस प्रकार के पैसे को कभी भी divert नहीं किया जा सकता है। उसके बावजूद भी यह कार्य किया गया है। ऐसा हुआ है या नहीं हुआ है, इस बात का प्रश्न ही पैदा नहीं होता है क्योंकि आरटीआई के अंतर्गत इस बात की जानकारी दी गयी है कि इस पैसे को इस प्रकार से divert किया गया है। इससे अधिक गंभीर वषिय यह है कि कई सालों से एससी, एसटी का रुपया इस्तेमाल नहीं किया जा रहा था ... (व्यवधान) ...

**श्री उपसभापति :** इसे वे गंभीरता से लेंगे। ... (व्यवधान) ...

**श्री महेन्द्र मोहन :** इसके implementation को देखा जाना चाहिए। एक तरफ हम लोग यह कहते हैं कि एससी, एसटी का उद्धार नहीं हो रहा है, उनको बहुत कमियों का सामना करना पड़ता है, उनको बहुत दक्कितें फेस करनी पड़ रहीं हैं और दूसरी ओर रुपया पड़ा रहता है और उस रुपए का उपयोग नहीं किया जाता है। जब अधिकारियों ने ऐसा किया है, उन अधिकारियों के खिलाफ, उस सरकार के खिलाफ कार्यवाही की जानी चाहिए ताकि भविष्य में कोई अधिकारी और सरकार ऐसा कार्य न कर सके। धन्यवाद।

DR. BHALCHANDRA MUNGEKAR (Nominated): Sir, thank you very much. I just want to share two things with the House. The circulars which have been quoted of the Planning Commission, from time to time, and the guidelines issued by the Planning Commission to the Central Government, as well as, to the State Governments, I was privileged to be a party to drafting all these circulars on behalf of the Planning Commission. It is not a question confined to the Planning Commission

alone. The diversion of Rs.744 crores by any measure, by any criteria is indefensible. It is not a problem only of the Planning Commission. In the 52nd meeting of the National Development Council which all the hon. Chief Ministers of different States attended the meeting, the decision was of the National Development Council that the funds earmarked for the Special component Plan and the Tribal Sub-Plan are not lapsable and non-divertible. In view of this, it is a serious matter and the Government owes a serious explanation for this. Thank you.

THE MINISTER OF STATE OF THE MINISTRY OF SCIENCE AND TECHNOLOGY; THE MINISTER OF STATE OF THE MINISTRY OF EARTH SCIENCES; THE MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE; THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS; AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI PRITHVIRAJ CHAVAN): Sir, the hon.

Member, Shri Satish Chandra Misra, has raised a serious issue. I have got a notice for Calling Attention just half an hour ago. You have, in your wisdom, allowed this to be raised as a Zero Hour matter. It is a very serious matter. I think that some information has been obtained through the RTI. I will apprise the Government about the matter being raised. I think that the Government will come back with full information and exact details of what is happening very shortly.

**श्री सतीश चन्द्र मश्री :** मान्यवर कब तक देंगे , बतला दें ? आप दो दिनि में लाएंगे , तीन दिनि में लाएंगे , यह सदन को बतला दें ?

MR. DEPUTY CHAIRMAN: They want to know if it will be within a week. ...*(Interruptions)*...

SHRI PRITHVIRAJ CHAVAN: The Government will come back very soon. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: He is saying that the Government will come back very soon. We have to believe the Minister. ...*(Interruptions)*...

SHRI PRITHVIRAJ CHAVAN: The matter concerns a State Government. We will have to get the information from the State Government. I know it is a very serious matter. I will come back on it. I assure the House that there is no question of any diversion of money which is meant for the SC and ST. We have to get correct information. I will come back to the House on this issue as soon as possible.

MR. DEPUTY CHAIRMAN: He may come back even before one week.

**श्री सतीश चन्द्र मश्री :** आप यह सदन को बतला दें ?

SHRI M. VENKAIAH NAIDU: Sir, 'as soon as' can be before monsoon or it can be after the monsoon. I agree with the Minister because he has to get in touch with the Delhi Government. It takes time. At least he can give the commitment that it will be done in the coming week.

SHRI PRITHVIRAJ CHAVAN: I accept the suggestion given by the hon. Member, Shri Venkaiah Naiduji.

MR. DEPUTY CHAIRMAN: Now we shall take up The Industrial Disputes (Amendment) Bill, 2009.

---

#### GOVERNMENT BILLS

##### The Industrial Disputes (Amendment) Bill, 2009

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE):

Sir, I beg to move:

That the Bill further to amend the Industrial Disputes Act, 1947,  
be taken into  
consideration.

*The question was put and the motion was adopted .*

SHRI BALAVANT ALIAS BAL APTE (Maharashtra): Sir, we have before us the Industrial Disputes (Amendment) Bill, 2009 for discussion. I would say that we are visiting this branch of law after a very long time. The Industrial Disputes Act was enacted in 1947. Several developments have taken place in the country after liberalization. There were moves to dilute the protection to the workmen and to give every right to the employer. But, fortunately, those moves fell through and the law continues to give protection to the workmen. During this very period we have seen that there is a great fall in the spirit of trade unionism in many parts of the country. It developed into some kind of extortionism, some kind of *gundagardi* and exploitation of the workmen by the trade unions.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair

The situation in the field has, therefore, developed in various ways. Today, I am happy that the law is being visited again for the purposes of the protection of the workmen.

The Bill was introduced. As usual, it was sent to the Standing Committee. The Standing Committee, after its deliberations, gave its report. Here, I have a question in my mind on the efficacy of the role of the Standing Committees. Normally, we find that the Standing Committees are doing work which really goes to the root of the matter, which finds the merits and demerits in a Bill and then, makes suggestions. Sir, we find that under the rules, the views of these Standing Committees have only a persuasive value. But, now the word 'persuasive' is not understood in the way in which it ought to be understood and we find from Bill to Bill, it is not treated with a persuasive value. The Standing Committee report is treated as a mere formality and the Government does not care to look into concrete suggestions made by the Standing Committee.

Sir, this Standing Committee took the views of the employers, employees and the society, the three parties which are relevant in our country, and they came to a consensus on several issues which I am going to list. Very reasonable and correct suggestions are made by the Standing Committee in the various provisions of this Bill. No prejudice would have been caused to the Government or its prestige if these suggestions were gracefully accepted and incorporated in the Bill. But, the Standing Committee report is before the House; the

Bill, as it is, is before the House without the Government bothering to make the Bill better, to make the Bill perfect and to make the Bill more acceptable.

Sir, I regret that the role of the Standing Committee and its report is being defeated by an insensitive Government. It should not be so. This is an affront in a way to the House because the Committee reports on the basis of consensus of the stakeholders. All the central trade unions were represented. All of them expressed their views and there was a broad consensus. The entire implementation machinery of the Government was represented. They gave their views. There was a consensus. That consensus is reflected in the Standing Committee report and the Government ignores it. Then, why waste the time of Members in the Standing Committee? Sir,



that is my question which this House will have to address itself to in so far as the role of the Standing Committees is concerned because they are the creation of this House. Their prestige, their consideration, their views, etc. reflect the views of this House. So, what respect they deserve is something which this House will have to decide at some stage.

Sir, I will refer to the various recommendations made by the Standing Committee which I am endorsing here as a Member of this House. Sir, the Bill is not a comprehensive Bill. Certain suggestions, where there was a consensus in the earlier labour conferences, are incorporated in this Bill and that is how five or six amendments in the various Sections are proposed.

In so far as the definition of 'appropriate Government' is concerned, from time to time, the definition has been amended to bring in various State-controlled corporations within the purview. Now, there is a comprehensive amendment in which every such State-controlled corporation will automatically be part of the 'appropriate Government.' It is very good. The definition ought to have been recast and with this small part, which is now being added, it becomes the only part of the definition. The earlier part of the definition would become irrelevant. But that application of mind, obviously, is not there.

There was a consensus on the protection of the employees of the contractors. Sir, contract labour is an entirely different aspect for discussion. But, the relationship of the employer and the employee exists between the contractor and his employees and there is a need to protect them. What was suggested on this? If such a dispute is there, then for that dispute also there should be an appropriate Government to refer it to either conciliation or decision. A suggestion, therefore, was made that in so far as contract labour is concerned let that also be included within the purview of this or that 'appropriate Government.' It is a very reasonable suggestion and it is not countenanced. It does not find place in the present Bill.

Now, the question is that of a workman doing supervisory work. Earlier, if his emoluments were Rs. 1,600 then he would not remain a

workman; he would go to the higher category. It was sixty years ago. Now, the Bill proposes that the supervisory workman will not be a workman if his salary is more than Rs. 10,000. The reality today is, everybody gets a salary of more than Rs. 10,000. Therefore, the Central Trade Unions suggested for increasing that limit to Rs. 25,000. In Mumbai, a safai karmachari gets Rs. 20,000 and he is not a supervisor. So, this Rs. 10,000 limit - if Rs. 1,600 is unfunctionable today - is equally ridiculous. The suggestion was very reasonable that a workman doing supervisory work and earning more than Rs. 25,000 then, maybe, you remove that protection. That suggestion is not accepted. The Bill continues to talk about Rs. 10,000.

The third point is, there is one very salutary amendment being brought here. It was a long overdue. It was a great lacuna in the law. It is that an individual workman cannot go directly to

the Tribunal for redressal for his grievance, particularly in case of his termination of service. He had to go through the rigmarole of conciliation and reference and all the uncertainty of such conciliation and reference bogged down a workman who is already out of employment. Now, there is a provision that he can directly go to the labour court or the industrial court.

There is a three months period. It was suggested that it need not be three months. What is going to happen in conciliation, what is the attitude of employer, etc., becomes clear in the first meeting itself.

So, the Standing Committee, on the basis of a consensus, suggested that bring down that period from three months to 45 days; let the workmen get early justice. Giving him an opportunity to go directly to the Tribunal is very welcome, very necessary and is 60 years late. But after doing that, why is this miserly attitude of prolonging his agony there? No harm to the Government or to the employer. But a reasonable suggestion is, again, rejected and ignored by the Government.

Now, we have a Grievance Redressal Machinery. This Act, before the present amendment, was amended in 1982; in that, this Grievance Redressal Machinery was provided for. For the last 20 years, this provision continued to be a dead letter because it was never sought to be implemented. Now, it appears, and we hope, that that provision is sought to be implemented, and while doing that, the Machinery will be active to solve individual grievances of the employees in establishments where the number of employees is more than twenty. Two salutary suggestions were there. One, there are establishments where individual workmen have grievances and which can be redressed by a machinery instead of going to any court. Even though their number in an establishment is small, even though it is ten, it is easier to solve the problem. So, instead of twenty, bring the number down to ten, a minimum of ten. No countenance. And, then, all of us know, in big industries there are Works Committee. Those industries are not excluded. So, in such a place, there will be a Works Committee and there will be a Grievance Redressal Committee; a duplication which is not necessary. One more authority; not necessary. A very simple suggestion that where there is a Works Committee, let it work as a Grievance Redressal Committee also, and for a grievance redressal in a smaller establishment, let there be a Grievance Redressal Machinery. But the Bill was to be introduced as it is and was going to be passed as it is, without application of mind, without keeping the interests

of the people in mind, mechanically and insensitively.

Then there is a provision for enforcement of awards and orders of the Tribunal. A great lacuna. This lacuna continued for the last 60 years. Now, they are saying that Tribunals will be empowered to execute their own awards and the execution will be as if the award is a decree. Sir, execution of an award or any decree requires a machinery, a machinery which is effective and, if necessary, coercive; a machinery which has a power, a sanction. The Labour Courts do not have enough personnel to man the courts. So, we are diluting their qualification by this very legislation.

Now, they will enforce an award without a machinery. So, this provision, without providing for such a machinery, with sanction, authority and power, is meaningless. Calling it a decree of a civil court and giving it the status of a decree to be executed is meaningless if there is no machinery. Today, labour courts don't have such a machinery. If the 1992 amendment, without implementation, can continue on the Statute Book for 20 years, the present amendment, without the provision of a machinery, will be there and will continue on the Statute Book indefinitely without giving any relief to the workman who needs the implementation of the award. Sometimes, such awards are sent to the civil court under some laws. Here that is not the provision. They are not to be sent to the civil court. They are to be executed as civil decrees. But who will do it? Who will go there? Who will recover? Who will auction, if necessary? Who will take coercive measures? Things don't happen by orders on papers. "This award should be executed", the Labour Court writes. What happens? Nothing. Therefore, such a half-hearted provision, maybe, with something good at heart, is useless for the purpose of workmen.

Sir, various amendments which are brought here are in the interest of the employees. Several lacunae which were there for the last more than 60 years are sought to be corrected. Individual workman is given a right; grievance redressal is provided for; the supervisory status is raised from Rs. 1,600 to Rs. 10,000, which ought to be Rs. 25,000.

But I believe that the intention initially may be good and I welcome that and, therefore, as it is, I am supporting this Bill. But I believe that the insensitivity of the Government has made it to bring this Bill at this stage. It could have been far better had it been brought after considering all these aspects. Even now the Minister has an opportunity to correct them. He can bring official amendments, correct these lacunae and make the Bill better for the purpose of industrial relations. I urge the Minister to look into it seriously and sincerely and do something. Thank you very much.

SHRI G. SANJEEVA REDDY (Andhra Pradesh): Mr. Vice-Chairman, Sir, I am thankful to you for giving this opportunity to make my submission on the amendments to the Industrial Disputes Act. First of all, I want to support this Bill as well as the amendments, but with some

explanations and suggestions to the Governments to improve the Bill. These amendments were discussed in the Indian Labour Conference long ago and we all, in those years, agreed to some amendments. It may be 15 or 20 years ago that it was discussed. After globalisation of the economy our country has undergone a big change economically. Our economic policies have also changed in a big way. A lot of industrial development has taken place in this country and the number of working people in the industrial sectors—small scale, medium scale and informal sectors—has also increased.

This amendment, at this moment, will fill the gap which was created long back. But today, how far it is effective, is the important question. Whatever Bill or whatever amendment is brought here, it should ensure industrial peace, industrial development and progress of the working class

in the country. The Bill, in no way, is going to solve the present problems of the workers. My first point is about the definition of 'appropriate Government'. All the ports wherever the Government has held 51 per cent of the paid up share capital, they will come under the Government of India. But there are a number of private ports developed recently. The ports which are developed by the private people, who is going to be the appropriate Government for them? The Bill says that for industrial disputes in private ports the appropriate Government is the State Government. If you read the Bill carefully, for the first time, we are handing over the industrial disputes in the port industry to the private sector. How far is it congenial and in the interest of the country? I want the Minister to consider this point. Whatever is done, it should be in the interest of the workers, in the interest of the industry and it should be uniform. The port industry should have uniformity. The port industry cannot be divided into public sector, private sector and corporate sector. Now some ports will go to the State Government and some will go to the Central Government. We are dividing the port industry and the port workers and there will be no uniformity. In this way, you are dividing everything in the port industry, whether it is wage or salary or service conditions. This is going to create more problems for the port industry and port workers. I welcome other amendments. I would request the Minister to consider this point that the ports which are manned and managed by private companies, for them also the appropriate Government should be the Central Government.

My second point is about so called supervisors. If a person is earning Rs. 10,000 or more, he will be considered a non-workman. That means the employer can remove or dismiss him any time and any action can be taken against him. If he is not considered a workman, then he will not be covered under the Industrial Disputes Act. As my friend just now said, in the organized sector, the minimum wage comes to more than Rs. 20,000. Now you are enhancing the wage ceiling of a workman from Rs. 1,600 to Rs. 10,000. Enhancement has got logic because Rs. 1,600 is a very small amount. Even a helper in the industrial sector is getting more than Rs. 1,600. Therefore, the Government wants to enhance it from Rs.

1,600 to Rs. 10,000. Now if a workman gets more than Rs. 10,000, then he will be equal to a supervisor and he will not be covered by the Industrial Disputes Act. What is the difference between a workman and a supervisor? The only difference is, the workman can use the machinery created under the Industrial Disputes Act; whereas, the supervisor does not have any machinery. He is at the mercy of the management. He can be removed or dismissed anytime. Then he does not have any right to go to the Labour Court, the Conciliation Officer, etc. He will just take the money and go home. There is no protection for him. Today you are withdrawing protection from a workman who is doing the job of a supervisor. If he earns Rs. 10,000 or more, he is no more a workman. You are denying him the machinery under the Industrial Disputes Act.



Today, the Government wants to improve the living standards of the workmen, and they are increasing their wages. When the workmen's minimum wage is fixed more than Rs. 10,000 will not be considered for getting the benefits under the Act. If he wants to fight against injustice done to him by the employer, you do not want him to use the machinery under the Industrial Disputes Act. Therefore, I would suggest that you should take out this figure of Rs.10,000. It should be 'any workman or any supervisor'. Supervisors are workmen; they are not officers. They should be considered as industrial workers. But today, with the technical development in the machinery, a supervisory job is the same as that of an operator's job. A skilled job and a supervisory job have a narrow difference. Therefore, I would suggest that protection in law should be given to him. Another point which I would suggest to the Government is that Rs. 10,000 is an outdated amount. We should either take out the money limit itself, or, even if you want to keep it, it should be increased to Rs. 25,000 or Rs. 30,000. So, a worker or a supervisor, who is getting more than Rs. 25,000 or Rs. 30,000 should only be considered as supervisor and be denied of getting protection under this law.

With regard to amendment under Section 2 A, this Amendment has already been done by some State Governments, ten or twenty years back. This Amendment was implemented by the Government of Andhra Pradesh in 1998. Today, after 20 years, the Central Government wants to bring in an amendment, which was brought in by the State Government some 20 years back. So, it is nothing new. We welcome it even though the Government of India has brought it very late. But one point more here. You said, "If a workman is dismissed from his service, he has to wait for conciliation for three months." It is only after that that he can go to the Labour Court for seeking adjudication. First of all, why should he wait for three months for conciliation proceedings? He should have the right to either go in for conciliation or go directly to the Labour Court and file a petition there. Also, he has the right to go to the Court only if it is done within a period of three years. After three years, he has no right to even go to the Court. My submission is that a workman going before the Labour Court is not a big problem. Now, what is our experience in this matter? As I said,

this Amendment was brought in by the State Governments of Andhra Pradesh, Tamil Nadu and West Bengal. They did it some 20 years back, and we have got their experience. What has been the experience with regard to clause 2 A? A worker, who filed a petition before the Labour Court, has to wait for ten years for adjudication. He is not getting justice. In Courts, judges are not available. They are not appointed by State Governments. For years together, our Courts are running without judges. A suspended or a dismissed worker has to wait till the time a judge is appointed. And, it takes ten years for him to get any relief. And, they may further go in for an appeal either in the High Court or the Supreme Court. Finally, when everything is done, and he gets a verdict, twenty years would have gone by. Today, what does this country want?

Sir, today this country needs industrial peace, justice to workers, justice to industry, justice to investors and justice to consumers. I do not know if we are providing justice to any of them. The Minister is a very senior Congressman and I have great respect for him. I would like to tell him, first of all, you study this. Before bringing forward this amendment, you should have called us and discussed it with us. We would have seen whether in the circumstances this was required or not and we would have given proper advice to you. Sir, today, what is required is only one thing and, that is, quick disposal. If an employer takes action against a worker, and rightly, then, tell the worker, "Yes. You are involved in this misconduct and that is why the employer has dismissed you. Your dismissal is justified". The employer can get a decision; the worker will also get a decision and he can look for another job. But what has been happening here? It takes ten years, twenty years and before that no justice is available in this country. There is no remedy for that. There is no application of mind by the Government on this issue. Today, Sir, you should put this provision in the law that a labour court has to give its decision within six months. Please put that clause in the law so that justice can be done to the poor worker, so that the suffering worker can be given some relief. Then, Sir, two National Labour Commissions were set up by the Government of India and lakhs and crores of rupees were spent. But what has been the use of the Reports of those two Commissions? Till today, neither the Government nor any of its officers has read any of these Reports. They have not implemented anything. The former Chief Justice of India, Shri Gajendragadkar, was the Chairman of the first Commission and an ex-Labour Minister of the Government of India was the Chairman of the second Commission. Sir, both the Reports have not yet been taken up for consideration. For the last ten-twenty years, the Reports have been lying idle. Nobody has gone through those Reports, not only in the interests of the workers alone, but also in the interest of the country, in the interest of industrial development in the country. We are not advocating the interests of the workers only. The whole development of the country depends on that. They had recommended the abolition of the National Tribunal and the appointment of the Industrial Relations Commission, with a judge and representatives of

trade unions, employers, etc. We had also recommended the implementation of that aspect. But, till today, nothing has happened. Sir, you put a time-limit saying that within six months a labour court has to give its decision on an issue, otherwise, the worker will get an interim relief in the form of fifty per cent of his salary and, after six months, full wages till he is reinstated or the judgment is delivered. Then only would we be doing justice to the workers, Sir. Otherwise, it is not justice at all.

Sir, another amendment is about the Grievance Redressal Machinery. Now, there is also a provision for a Works Committee in Section 3 of the Industrial Disputes Act. There is a difference between the two. A Works Committee can be constituted only if there are 100 workers. In case of a Grievance Redressal Machinery, you require only 20 workers. Basically, there should be no

difference between the two. But till this day, 99 per cent of the industrial managements have not appointed any Works Committee. If, at all, these are there, they are not functioning at all. But no action has been taken by the Government. There is no prosecution of any management. So, there is no functioning of the Works Committee. Since the Works Committees were not constituted by any management, there is no representation of workers. Then, how do you expect the grievance redressal machinery to become operative? How do we expect any management to adopt the Grievance Redressal procedures in their establishments? Sir, today, the main problem is only that of a quicker disposal of industrial disputes and timely implementation. These are two very important points for industrial peace in this country, whichever Government may be there. First of all, find out a way as to how to get quick redressal, immediate redressal of the demands of the workers, the grievances of the workers. Deliver that judgment within three months or six months.

Secondly, once the judgment comes, how to implement it? If you implement these two things properly in this country, I can assure the House and the Government that there would be no strikes in this country. But, on these two things, nobody is seriously applying his mind. You say that grievance redressal is not a big deal but you want to create some machinery for it, I do not have any grievance with you, Sir, I welcome it. You can have another try. The Works Committee saw a failure and this is going to be another one, it seems. Just to say that you have done something, in the name of satisfying the people it may be good. Let us see how it would be, I have no objection.

There is one good thing, I welcome it and support the Government on section 11, with regard to award and settlement. For the first time, my Government really applied its mind about implementation of the awards, settlement, arbitration or whatever it may be. The court and tribunal for labour have been given the strength and support; they too can act as civil court and pass a decree on the amount and settle the award. Sir, I would like to know from the Minister as to what he is going to do with section 33(c)(i) and (ii) of the Industrial Disputes Act for recovery of money. The Labour Commissioner or an officer has to determine the award and settlement. Secondly, there is a Labour Court. The whole benefit can be calculated and the amount declared; on that amount, they can give a decree. It is a dual function, again. Here, you are giving a civil court authority to the labour court. On

the other side, you already have a provision, section 33(c) which is not implemented properly by the Government. Therefore, workers are suffering. We wanted, as the Labour Minister wanted that an award and settlement should be implemented; if it is not implemented, then affected should have a criminal course. A fine should be recovered. That would have been more effective; the court can be asked to determine the award like a fine; an amount should be taken as a fine and recovered. That could be more effective than the civil course. In the present situation, there is some improvement and, therefore, I welcome. But, one lacuna is going to be there. If an award is there determining the money, then the civil court may ask you to pay the stamp duty. If my award is in the workers'

fund, say Rs. 10 crores or 20 crores or 30 crores, on that if I have to give a stamp duty, then nobody can approach the civil court. If that court should become a civil court, to implement that, nobody would have the affordability to approach that court. So much of money has to be deposited as a stamp duty. Sir, for God's sake, I request the Minister to clarify on this. The award and the settlement, which is going to be implemented, should not require any stamp duty. That should be clarified. Otherwise, it would not be of use to the working class.

Sir, I have another point with regard to section 29. Whenever there is a breach of settlement, whether by the worker or the management, there is prosecution and there is an imprisonment of six months. But, up to now, in this country, nobody has been prosecuted whether the worker or the management people for non-implementation of the award or settlement. But, as it is, my submission is that I am not interested in sending the management or the workers to jail. Non-implementation of the award or agreement should be in a more effective way. In the light of the present global economic situation, India is growing as one of the global players. Our industrial development is advancing. Therefore, there is a requirement of new thinking, new approach and new system.

Therefore, my submission is, I am supporting this Bill, but this Bill must have some meaning to bring industrial peace in this country, industrial development in this country, a peace of mind to the investor and the consumer should get the products at a cheaper price. All these things can be taken into consideration while formulating the labour laws. Sir, it has not taken place. I once again request the hon. Minister to kindly take the labour issues a bit seriously; don't take it easily just because it concerns the workers, and, therefore, nobody would demand for that. We poor people here always requesting the hon. Minister to consider sympathetically and effectively so that whatever agreements or settlements have been there, a proper implementation of it can be there. Thank you very much, Sir.

SHRI TAPAN KUMAR SEN (West Bengal): Mr. Vice-Chairman, Sir, I rise

to give my observations on the Bill which is before the House. Just now I have heard the presentation by my very senior colleague, Sanjeeva Reddyji, who is also a stalwart of the Indian trade union movement, the President of the INTUC. I fully endorse his views, not just as a Member of this House but also as a trade union activist. Sir, I endorse his views that the issue of labour is not being taken up with the seriousness it deserves, and the whole mindset behind that kind of an approach is, as if just a consideration is being extended to poor workers. Although the very fact remains that whatever GDP growth, etc., etc., we are boasting, and sometimes we are patting ourselves on our back for the management of this economy, the entire value is created by the labour and labour alone. Sometimes the labour themselves do not understand the importance of theirs, and that is why they allow them to be taken for granted for this kind of an approach.



Now, coming to the Bill, let me tell you that every item of this Bill had been a consensus in a Tripartite Indian Labour Conference, not today, seven years back. All the sides had agreed to every aspect, and incidentally, personally, myself and Sanjeeva Reddyji sitting over here were physically associated in building of that consensus. But, unfortunately, again, it was not a priority before the Government, so it took more than seven years to bring a consensus item in the form of a legislation. This is the most unfortunate part of it. Again, while putting that consensus in action, in the form of a law, certain basic practical aspects have been ignored, making thereby a greater part of the effort totally infructuous. It is so because the practical aspects have not been taken into account. I think, all these things have been amply elaborated by Sanjeeva Reddyji, and I do not like to go into the details of that.

Sir, I would like to draw the attention of the hon. Minister to certain aspects. Number one, in the case of appropriate Government, I thank the hon. Minister for accepting the recommendation of the Standing Committee because the contract workers are the worst sufferers. The most important legislation this country is having on contract workers is the Contract Labour (Regulation and Abolition) Act, 1970 which gives recognition to a triangular relationship between the principal employer, the contractor and the contract workers, and where the contract workers under the Central Government establishment is to face a dispute, in that case, the Central Government must be the appropriate Government; otherwise, they have to run from door to door, the poor contract worker in getting their point addressed. So, in that respect, the Standing Committee in its wisdom suggested certain concrete changes in the Bill, and I am thankful to the hon. Minister that he has accepted it by moving an official amendment. That is an important thing. It is because today in the entire workplace contract work has become the order of the day. It is done in violation of the Contract Labour Abolition Act; and in most of the cases, the respective Governments are promoting that kind of a violation.

That is the reality. So, at least, this may be a small weapon in the hands of the poor contract workers to get their things done. I thank for accepting that amendment. Secondly, on the aspect of wage ceiling, it is really ridiculous. Yes, you can make a claim, from

Rs.1600 it may be Rs.10000. But you have done it after 25 years. As on today, Rs.10000 does not mean anything. Again you are talking about the Supervisors. I would like to tell you that in majority of the industries it has become an instrument in the hands of the employer. He gives you a name of Supervisor and he takes away all rights from you. That can be taken care of by appropriately taking care of the ceiling aspect. There should be no ceiling. Wherever there is employer-employee relationship, in a civilized democratic country, employee has got a basic democratic right in airing his grievances through established grievance settlement redressal machinery. That is the fundamental of any democratic system. Why should there be a ceiling? In that respect in the matter of industrial disputes, that is, in resolving the disputes between an employer and an

employee, whatever kind of employee he may be, he may be a workman, he may be a helper, he may be any other kind of worker, everybody is having his important contribution to the national GDP and other things, the rationality suggests that the employee who is always at the receiving end has got outreach to get his grievances addressed. In that event, I think the question of putting a ceiling in the matter of industrial disputes is absolutely superfluous, and this Bill deserves deletion of that clause. I urge upon the hon. Minister that all his good intentions will not get reflected in the reality if that thing is kept. By this you are denying the basic democratic right to an employee who is always at the receiving end. He may be an officer. You may give him any name and take away his rights. That is the serious lacuna here which neutralizes rather negates the good intentions behind the Bill. So, I sincerely urge upon the hon. Minister to consider this. The third point is about grievance redressal machinery. I fully agree with Shri Sanjeeva Reddy. The Works Committee was not implemented in 99 per cent cases. It is a statutory arrangement. Have you any record that you have taken care, you have prosecuted the employers for violating these basic items of the law of the land? If somebody violates the law of the land he must be behind bars. But, unfortunately, so far as labour is concerned, the violator of the law of the land shares breakfast or dinner table with who's-who in the Government. That is the reality. What changes are you going to bring about? You bring any number of laws but if the violation is promoted from the enforcement machinery itself that will be an unfortunate thing. So, that aspect has to be taken care of. Similarly, in the matter of grievances redressal machinery, I think the Standing Committee has made an observation. Upto 20, they have allowed. Why? Why should it not be up to 10? Even your Unorganised Workers Act however ineffective it may be, as I consider it, provides some machinery for the establishments employing below 10. So, from 10 to 20, there is an absolute vacuum. How do you propose to address this thing because for 10 to 20 there is no machinery? For below 10, something is there and above 20, we are addressing this. I think that lacuna needs to be properly addressed.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Tapanji, you are making a good speech but unfortunately time allotted to you is eight minute

which is already over. You can take two-three more minutes. Conclude in two or three minutes. ...(*Interruptions*)...

श्री रुद्रनारायण पाणि (उड़ीसा): सब, लेबर बलि के लए टाइम देना चाहिए।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I am giving him more time. ...(*Interruptions*)... Do not disturb. ...(*Interruptions*)...

SHRI TAPAN KUMAR SEN: Then there is the issue of Tribunal. I think some good steps have been taken. I think, it requires repetition and reiteration, please, make a timeframe.

Otherwise, all these facilities mean nothing for the workers. Please make a fixed time-frame for completing adjudication. The award of the Tribunal must also be implemented in a fixed time-frame. Even if the employer wants to challenge it, they must have the right to appeal. But,

he should be allowed to go only after implementing the award. If he wins, the amount, etc., can be recovered. We are even ready to accept that kind of a thing. But, please get it implemented. When you are defining 'appropriate Government', you are bringing all Central Government establishments under this. First set your own redressal machinery in different States. Have more DLC and ALC offices under the Central Ministry spread over the States, so that the 'appropriate Government' can really and practically act as an 'appropriate Government' in addressing the grievances.

The time prescribed should be reduced to a fortnight. A dismissed worker cannot wait. Employer can make this 'wait' for his advantage. They can increase the period of conciliation in collusion with labour department and conciliation officer. Please, if you want to really give a right to worker, do it.

The last point is, you are amending the Industrial Disputes Act. Please, let it be implemented properly. On the one hand, you are amending the Industrial disputes Act to give more rights to workers and, on the other, you are diluting its implementation and some of the provisions through some other legislative exercise. Please, don't do it. Your Bill, which is pending in this House on furnishing of returns, goes at cross purposes with the very intention with which you have brought this Bill. So, please, do not press for it. This is my request...(time-bellrings)...

The last point is, I think, the Central Government has a responsibility on it. You have the Industrial Disputes Act to be implemented by the labour department. Now, a new style has come. The Central Government, with its own action, has provoked it. Sir, for the SEZ, the labour department is not responsible to address the labour problems. The Development Commissioner has been appointed. The ILO, in its Governing Body, has recommended that this must be changed and India is a party to that. What are you going to do that? Taking inspiration from that, even in Noida and greater Noida where there is no SEZ, you have made the entire labour department defunct and the District Magistrate and the Collector has been given the right to deal with the labour related grievances. So, you are dismantling the labour law and, at the same time, you are bringing some good amendments to the Industrial Disputes Act! These work at cross purposes. We have written a number of times, including to your Office...(time-

bellrings)... requesting you to intervene in Noida issue. The labour issue has to be dealt by the labour department and the labour department also needs to be strengthened if the provisions of the Industrial Disputes Act have to be meaningfully implemented. Otherwise, the workers are not benefited. You can make any number of laws. They will bring no benefit to the workers. By that kind of an exercise, you are provoking extremism in the labour sector. I, as a labour activist, would like to warn the Government, please do not allow extremism in the labour areas. That will be a greater disservice to this country and greater disservice to the development prospects of this country. By not implementing the labour laws, you are promoting extremism in the labour sector. Please stop this before the situation gets worsened.

**4.00 P.M.**

With these few words, I thank you very much.

SHRI TIRUCHI SIVA (Tamil Nadu): Mr. Vice-Chairman, Sir, I rise to support this Bill brought in to amend the Industrial Disputes Act, 1947. The Government is amending this Act on the basis of the earlier experiences. Sir, the Industrial Disputes Act, 1947, provides for settlement of disputes between the workers and the management in industrial establishments. It also specifies conditions under which workers can strike or the companies can declare lay-off.

It also specifies some procedures which have to be followed by the companies when laying off or retrenching workers. It also sets up tribunals or courts. And the jurisdiction of courts and tribunals are specified very well in the provisions. Some amendments have been brought in this Bill. I would be very precise and I would like to highlight the most important point.

One is enhancement of wage ceiling of a workman from one thousand six hundred rupees per month to ten thousand rupees per month under section 2(s) of the Act.

Sir, I endorse the views of our senior colleague, Shri Sanjeeva Reddy. After all these years, this one thousand six hundred rupees per month has been enhanced to ten thousand rupees per month. A worker getting Rs.50 on average per day is unimaginable. Given the prevailing situation today, even this ten thousand rupees is very less. All other colleagues have suggested this. The Standing Committee has also

recommended it. I would urge the Government to enhance it at least to Rs.25,000. Instead of fixing a ceiling of Rs.10,000 or Rs. 25,000 or anything mere explanation itself will convince.

The Act says "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act. When a workman is defined here, we need not fix a ceiling to decide as to who is the workman. The Standing Committee has also given a recommendation. It has urged the Government to specify a list of highly paid jobs presently covered under the definition of workman category such as airline pilots, which would be outside the purview of the Act. We all know how much pilots are getting. They come under the category of workman. A supervisor also works in a factory. Just because he is having the grade of a supervisor and if he is getting more than Rs. 10,000 and if he is not covered under the Industrial Disputes Act, he would not be covered under the Managerial or other Disputes Act. It has to be dealt with by the Government.

The Bill specifies that the State Governments will administer disputes in State Public Sector Undertakings or their subsidiaries. The State Governments shall also administer disputes in autonomous bodies owned or controlled by them. This is an amendment which has to be welcomed wholeheartedly.

Another one is about the scope of the Central Government powers to administer various provisions of the Act. It is for companies where 51 per cent or more shares are held by the Central Government; Central Public Sector Undertakings or their subsidiaries; corporations set up under a law made by the Parliament; and autonomous bodies owned or controlled by the Central Government.

The Bill requires all the industrial establishments with more than 20 workmen to set up one or more grievance redressal committees to resolve grievances of individual workman. Though their numbers have been reduced to twenty, why can't it be ten which was proposed by my colleague Tapan Kumar Sen? It could be considered by the Minister. Nowadays contract labourers should be taken into account. Every workman should be covered under this Act.

I would like to draw the attention of the hon. Minister to one important thing. It is not enough to appoint a Grievance Redressal Committee. After they come into existence, there should be a monitoring committee to see whether this grievance redressal machinery is working or not. In big companies where such grievance redressal machineries are in existence, they are not monitored and they are not functioning well. Just bringing an amendment Bill saying that establishments which have more than 20 workmen can have a grievance redressal machinery is not enough.

It has to be monitored. Then, there are other proposals like the committee shall consist of six members with equal representation from the employer and the workmen and more than that, there is adequate representation for women. Sir, these are the things to be welcomed. The Bill broadens the scope of qualifications required for presiding officers of courts or tribunals established under the Act. In this, I would like to say one thing. Such officers now can include those who have been Deputy Chief Labour Commissioner or Joint Commissioner with a degree in law and, at least, seven years' experience in the Labour Department including three years as a Conciliation Officer or have been an officer of the Indian Legal Service with three years' experience in Grade III. Sir, the Standing Committee has made recommendations for the consideration of the hon. Minister. I would also like to reiterate them. Though the Bill broadens the scope of the qualifications required for the presiding officer, acquisition of law degree along with specified seniority level is sufficient. I also urge



the Government to immediately fill the vacancies of the presiding officers in all the labour courts and tribunals. With these words, I support this Bill.

SHRI GOVINDRAO WAMANRAO ADIK (Maharashtra): Sir, I thank you for having given me this opportunity. Sir, at the outset, I would like to congratulate the hon. Labour Minister for having brought in this amendment to the Industrial Disputes Act which was really very much wanted and essential. In fact, this should have been brought earlier but, it does not matter. At least, the Government is now serious about the grievances of the workers and that's why, he has moved the amendment to this important legislation.

Sir, before me, many of our colleagues have expressed their views and made very, very concrete suggestions including Shri Sanjeeva Reddy, Shri Tapan Kumar and Shri Tiruchi Siva. Without repeating what they have said earlier, I would like to add only a few suggestions. Sir, the intention of the Government is very clear that since 1947 till now because of the delay caused in redressing the grievances of the workers, there was a lot of discontent. And it is said in the Statement of Objects and Reasons of the Bill that the disputes arising out of discharge, dismissal, retrenchment and termination of service are treated as industrial disputes and for raising these disputes before the labour court or the industrial court, a reference for adjudication from the appropriate Government or the authority was very essential. It has been our experience that for getting this reference from the appropriate authority or the State Government, workers have lost their many valuable years and it was very difficult for workers to get this reference for the dispute to be brought before the labour court. And, after it was brought before the labour court, there is no limitation for labour courts to decide the matters within a particular limit. Therefore, you have seen in a number of cases, many more years of the workmen were wasted and in spite of that, they could not get the justice they needed. Now, the idea is to get rid of this delay and that's why now, this reference from the Government is not required and the workmen can go directly to the labour court or the industrial court, as the case may be.

But I do not know what is the idea behind keeping one provision in this newly amended section, Sir, which says that this reference can be made or that we can go to the court after three months. I do not know why these three months' time is also kept here. If the Government is intending to get rid of the delay in filing cases before the Labour Court or the Industrial Courts, why do they want the aggrieved worker to wait for three months more? Why don't they allow him to go directly to the court, immediately, without waiting for any other Grievance Committee or any other effort to meet out the difference? That is one thing.

Secondly, as far as this Grievance Committee is concerned, its object is good. You have said that, for the redressal of the grievance, now this Committee is proposed. But, Sir, for the Committee also, now they have said, an equal number of representatives will be there in the Committee; the total number of members will be six; three will be from the working class and three will be from the employers. I do not know who is going to preside over that Committee; there is no mention of it. A Committee consists of six members and that is going to deal with the grievances, but I do not know who is going to preside over that Committee! This is number one. And secondly, suppose one of the members presides over the Committee, and they dispose it of. In case of an equality of votes, what is going to happen? It is not mentioned here in the amended section. That is also going to create problems some time. I, therefore, request the Minister to kindly clarify the position with regard to the Chairman of the Committee as well as the situation which is arising out of the equality of votes in the Committee.

Thirdly, I would like to know from the hon. Minister - this Grievance Committee is all right - what is going to be the binding factor behind the decision of the Grievance Committee; whether it is going to be binding on the employers and also on the employee. Nowhere it is mentioned like that. It will be better if this point is also clarified by the hon. Minister. And with these suggestions only, and subscribing to the views expressed by my colleagues earlier, I support this legislation and amendment of this Bill. Thank you very much, Sir.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Thank you, Shri Govindrao Wamanrao Adik. Now, Shrimati Renubala Pradhan.

SHRIMATI RENUBALA PRADHAN (Orissa): \*Mr. Vice Chairman Sir, I welcome and support The Industrial Disputes (Amendment) Bill, 2009. This bill provides for certain provisions which shall take care of the welfare of the industrial workers in the country. The Industrial Disputes Act, 1947 has been amended many times over the years. This august House has on many occasions discussed and debated various welfare schemes for industrial workers on the basis of industrial relation and policy.

Sir, so far there was no adequate legal right of the workers of various industries to approach the Labour Court under Section-2A by a group of twenty or more workers of an industry. If any worker was dismissed or retrenched or his service terminated he was not able to approach either the Tribunal or Labour Court for getting justice. Under the present Act a worker was only eligible to lodge his genuine grievance before an in-house settlement as per the amendment of 1982. He has to tolerate the injustice. He was unable to get any way out under the present Act for the redressal of his grievances.

Sir, I am sure the proposed amendment will go a long way in providing justice to the helpless workers. Now they can easily approach the Labour Court. This is a welcome step. Certainly all the skilled and unskilled workers will be benefitted by this amendment. This is also sending a caution to industrialist and employers who have been exploiting the workers.

Sir, Increasing the daily wage of the workers in different industrial concerns from 1600 to 10,000/- is no doubt a welcome step. I demand that this amount may be increased to Rs. 15,000/-

The eligibility qualification of the Presiding Officers of Labour

Court is also appreciable as it will ensure impartiality in taking care of the genuine grievances of the workers.

The creation of Grievances Cell in various industries is also a welcome step. The aggrieved workers can approach both the Grievances Cells and also Labour Courts.

I request the Hon'ble Minister to clarify if the power of the state Government will be compromised in relation to its implementation under the present Act. It is unfortunate

---

\*English translation of the original speech in Oriya.

that the opinion of the Standing Committee with regard to this Act has not been reflected in the bill. I hope the Government will take proper notice of this.

While supporting the bill which proposes to do away with the exploitation of unskilled workers by industrialists I hope the Government will ensure its implementation in letter and spirit once it becomes an Act.

Thank you.

**श्री आर.सी. सहि (पश्चिम बंगाल ):** सर, आपने मुझे बोलने का अवसर दिया , इसके लिए आपको बहुत -बहुत धन्यवाद। मैं कुछ खास बन्दिओं पर ही बोलूंगा। मामनीय जी, संजीव रेड्डी जी ने और तपन कुमार सेन जी ने इस सवाल को बखूबी रखा है। इसके बावजूद कुछ बन्दि दोबारा आ सकते हैं। मैं एक बात कहना चाहूंगा कि सरकार की मंशा तो अच्छी लग रही है , मैं मंत्री जी को धन्यवाद दे रहा हूँ कि 63 साल के बाद इसमें कुछ परिवर्तन करने के लिए सरकार की नींद खुली है ... (व्यवधान) ...। हालांकि 1995 में राजस्थान में SRT Corporation Vs Krishna Kumar के केस में सुप्रीम कोर्ट ने भी निर्देश दिया था कि 1947 का जो प्रावधान है , उसमें संशोधन किया जाए। चलिए , 15 साल बाद ही सही , लेकिन संशोधन के कुछ points तो इसमें आए हैं। इसके बारे में मुझे कहना है कि गंगा में बहुत पानी बह चुका है और इसमें जो ceiling को 1,600 से बढ़ाकर 10,000 करने का प्रावधान रखा गया है , इसको बिल्कुल delete कर देना चाहिए , क्योंकि salary revision होना रहेगा और 15-20 साल के बाद फिर इसमें संशोधन करना पड़ेगा , जो मुश्किलें खड़ी कर सकता है। इसमें ceiling को 1,600 से बढ़ाकर 10,000 करने का जो प्रावधान है , इसको delete कर देना चाहिए , क्योंकि आजकल सारे लोगों का wages 20-25 हजार से ज्यादा होने जा रहा है।

सर, इसमें सुपरवाइजर्स की बात कही गई है , जो सिर्फ मानसिक works ही नहीं करते हैं , बल्कि physical works भी करते हैं।

मैंने तो mining में देखा है , सारे सुपरवाइजर्स helmet, belt और ऑक्सीजन जांचने के , गैस जांचने के तमाम apparatus लेकर आठआठ घंटों तक continuous काम करते हैं। जो सुपरवाइजर्स हैं , उनको सारे benefit मिलते हैं , लेकिन इसके अंतर्गत आने से वे इससे मुक्त हो जाएंगे , इसलिए सुपरवाइजर्स को ये benefit मिलने चाहिए , चाहे वह managerial staff हो या सुपरवाइजरी स्टाफ हो , उनको इसमें include करना चाहिए। मंत्री साहब ने उनको इस दायरे से बाहर रखा है , तो मरा यह कहना है कि उनको इसमें include करना चाहिए।

तीसरी बात जो मैं कहना चाहता हूँ, वह यह है कि electronics का युग आ गया है। आजकल एक इंडस्ट्री में पांच लोग भी काम करते हैं, इसलिए यह जो 20 या 20 से ज्यादा की संख्या रखी गई है, इसको घटाकर 5 या 5 से अधिक करना चाहिए, क्योंकि तमाम श्रमिक इसमें काम करते हैं। इससे उनको सामाजिक सुरक्षा मिल सकेगी, इसलिए इस तरह की एक व्यवस्था होनी चाहिए।

एक बात और है कि बहुत सी जगहों पर जो छोटी-छोटी इंडस्ट्रीज हैं, उनमें अधिकतर contract पर लोग काम करते हैं और contract workers की, उनके यहां attendance या principal employer होने के नाते कोई responsibility नहीं रह पाती है, इसलिए वे पूरा फबिर् शो नहीं करते हैं। मैं एक बड़ी कंपनी के बारे में कहता हूँ। पछिले महीने टाटा के जमशेदपुर के कारखाने में contract workers और management की security में बहुत मार-पीट हुई थी। जब मैं वहां गया था तो पता लगा कि वहाँ 35,000 contract workers वहां काम करते हैं, कोई एक-दो नहीं, लेकिन उनकी कोई सोशल सिक्योरिटी नहीं है। Wages की भी नहीं है और अब मरजी होसी है, तब contractor बैठा देता है। Principal employer की कोई responsibility नहीं होसी है।

इसलिए इस ऐक्ट में इस तरह के प्रावधान को जोड़ा जाना चाहिए कि principal employer की एक responsibility रहे और अगर principal employer अपनी responsibility fulfill नहीं करता है, कोई award या High Court/Supreme Court के ऑर्डर को नहीं मानता है, तो उसके लिए एक punishment की व्यवस्था होनी चाहिए और implementation के लिए proper responsibility होनी चाहिए कि सारी clauses implement हों, इस बात को इसमें जोड़ा जाना चाहिए। इसके लिए आपने और भी कुछ प्रावधान रखे हैं, जसके बारे में मेरी थोड़ी सहमति भी है लेकिन क्या यह seriously implement किया जाएगा? इस तरह से इसमें नहीं हो सकता है कि tribunal का award आ गया, तब इसको implement करते हैं। मैं जानता हूँ कि tribunal में हारने के बाद, सुप्रीम कोर्ट में हारने के बाद Coal India ने बहुत सारे awards में implement नहीं किया, दस-पंद्रह सालों से केस पेंडिंग पड़े हुए हैं और negotiation चल रहा है, दोबारा कोर्ट में जाना पड़ रहा है। कोयला मंत्री जी सुन रहे हैं, इसलिए मैं इस बात को बता रहा हूँ कि ई.सी.एल. में इस तरह के award हुए हैं वहां जो contract workers थे, उन्होंने डब्ली हासिल की थी और उनको इम्प्लिमेंट नहीं किया गया, employment नहीं दिया गया, उनको wages नहीं दिए गए हैं वे अभी भी punished हैं।

चौथी बात मैं कहना चाहता हूँ कि जबकि suspend किया जाता है, dismiss किया जाता है, वे गरीब वर्कर हैं, रोज़ कमाते हैं, रोज़ खाते हैं, इसलिए उनको उस पीरियड का - जब तक कि फाइनल

डिसीज़न नहीं आता है, उनको fully paid करना चाहिए। उन्हें इस तरह का प्रवधान इस ऐक्ट में लाना चाहिए और मैं समझता हूँ कि वे लाएंगे।

सर, मैं ज्यादा समय नहीं ले रहा हूँ, मैं केवल प्वाइंट्स बोल रहा हूँ... (समय की घंटी)... एक या दो मिनट और लूँगा। सर, मैंने उनके वेत्न की बात कही है। Awards के और सुप्रीम कोर्ट के प्रवधान के बारे में कहा है कि उनको fully implement करने की पाब्र होनी चाहिए और ट्रेड यूनियन का compulsory recognition देना चाहिए। बहुत सी organizations हैं, जहाँ ट्रेड यूनियन का compulsory recognition नहीं होता है, recognition करने नहीं देते हैं, इसके लिये भी इसमें प्रवधान होना चाहिए कि ट्रेड यूनियन को fully recognition मिल सके, इस तरह की बात होनी चाहिए। Social security benefit के बारे में मैंने कहा है, मैं दोबारा कहता हूँ कि चाहे administrative स्टाफ हो, managerial हो या सुपरवाइज़री हो, उनको भी सामाजिक सुरक्षा मिल सके, इसलिए उनको भी इसमें जोड़ना चाहिए। Punishment के बारे में मैंने कहा कि management अगर इसको implement नहीं करता है, तो उनके लिये punishment की व्यवस्था होनी चाहिए।

**श्री रुद्रनारायण पाणि :** उपसभाध्यक्ष, महोदय, इस वधियक पर कई पार्टियों के प्रमुख वक्ता, पार्टियों के पहले वक्ता शायद बाद में आए, इसलिए प्रमुख वक्ता की ओर से श्री बलवंत उर्फ बाल आपटे जब पहले बोले रहे थे तो शायद नहीं सुने और ट्रेड यूनियन मूवमेंट के, INTUC के अध्यक्ष श्री जी. संजीव रेड्डी थोड़ा गुस्से में और थोड़ा चिल्लाकर बोले, इसलिए उनको ही ज्यादा रेफर किया गया। संजीव रेड्डी जी के बहुत सारे विचार ऐसे रहे, हालांकि वे रूलिंग पार्टी के मेंबर हैं और वधियक का समर्थन करते हैं, यह सहमति हो गयी है कि इस वधियक का सब समर्थन करेंगे और इसको आज ही पारित कर लिया जाएगा। लेकिन इस वधियक के इम्प्लीमेंटेशन को लेकर बहुत शंकाएँ हैं। उसके साथ-साथ पुराने जतिने वधियक कानून में तबदीक हुए हैं, उनको जसि दबा से सरकार इम्प्लीमेंट कर रही है, उसको देखते हुए उनके मन में जो विचार हैं, अपने मन की उस भावना को संजीव रेड्डी जी ने अपने वक्तव्य में व्यक्त किया है। माननीय बाल आपटे जी का पहला कथन था कि Standing Committee on Labour ने जसि प्रकार की सफ़िरिशें या टप्पिणियाँ दी हैं इसके प्रति इस सरकार के श्रम मंत्रालय ने कोई ध्यान नहीं दिया है। इन्होंने बहुत ही गंभीरता से यह खेद व्यक्त किया। महोदय, संयोग से मैं Standing Committee on Labour का एक मेंबर हूँ, आज से नहीं, यूपीए -2 में नहीं, यूपीए -1 से, सन् 2004 से हूँ। इसमें बहुत सारी सफ़िरिशें और



टप्पियां की गयी थीं जमिनी कसिरे कर दिया गया। जो दस हजार बढ़ाया गया है, इसको 25,000 के लिए कहा गया था किन्तु उसे कसिरे कर दिया गया। क्लॉज़

वाइज़ शरद्वेय बाबू जी ने इसका dissection चर्चा किया है। जो 3 साल का प्रवधान रखा गया है, उसको साल साल करने की हमने सफ़िरिश की थी, लेकिन इसको भी कबिरे कर दिया गया। महोदय, एक और महत्वपूर्ण मुद्दा है। यहां पर सीपीएम के प्रमुख वक्ता श्री तपन कुमार सेन जी CITU को belong करते हैं और INTUC, जो ट्रेड यूनियन मूवमेंट से आते हैं - सेंट्रल ट्रेड यूनियन और ट्रेड यूनियन मूवमेंट के बारे में जब कहते हैं तो union reorganization उसमें एक अहम भूमिका रखता है। महोदय, हमने अपनी स्टैंडिंग कमेटी की ओर से यह सफ़िरिश की थी "ट्रेड यूनियनों को अनिवार्य मान्यता। समिति यह नोट कर गंभीर रूप से चिन्तित है कि नयोजकों को जैसे ही कर्मकारों द्वारा अपने संघों को पंजीकृत कराने के प्रयास की सूचना मिलती है, नयोजक कर्मकारों को स्थानांतरित और पीड़ित करना प्रारंभ कर देते हैं। समिति महसूस करती है कि औद्योगिक विवाद अधिनियम -1947 के तहत शामिल औद्योगिक प्रतिष्ठानों द्वारा पंजीकृत श्रम संघों को अनिवार्य मान्यता दिए जाने हेतु अधिनियम में विशेष उपबंध किया जाए।" यह जो हमारी अहम सफ़िरिश थी, इसको इस उपबंध में कोई स्थान नहीं दिया गया क्योंकि जब यूनियन का रजिस्ट्रेशन होगा, उसके बाद सेंट्रल ट्रेड यूनियन बनता है। जब फैक्ट्रियों और कारखानों में साल लोग रजिस्ट्रेशन के लिए कोई पहल करते हैं तब उनका स्थानांतरण करना, उनको पीड़ित करना - यह सब काम नयोजकों की ओर से चालू हो जाता है। कम से कम industrial peace के बारे में जो कहा गया, Industrial Dispute Act का संशोधन हम जो कर रहे हैं, इसमें आज जब industrial peace को महत्व दिया जा रहा है तो factory में, कारखाने में, industry में यूनियन को मान्यता देने के अहम सुधार को अगर मंत्री महोदय लाते तो ज्यादा अच्छा होता। महोदय, यहां पर यूपीए सरकार का, कांग्रेस लेड यूपीए सरकार का काम, शुरू से ही श्रम के नाम पर भ्रम पैदा करना है और यूपीए -1 के समय वामपंथी मंत्रियों द्वारा यह समर्थित थी इसलिए लगता था कि श्रम कामून को सुधारने के लिए Gratuity Act का, Workmen's Compensation Act का केवल संशोधन करके नए कामून बना देना, यह इनका विचार रहा। इसीलिए यूपीए -1 का टर्म जब समाप्त हुआ, इस विधायक को राज्य सभा में 26 फरवरी, 2009 को पेश किया गया, जो कि संसद का, 14वाँ लोक सभा का आखिरी दिनांक था, तब इस विधायक को वहां पेश कर दिया गया था। बाद में राज्य सभा में पेश किया गया था। इसलिए यह बिल लखिंग बिल बना और स्टैंडिंग कमेटी को गया। स्टैंडिंग कमेटी में हमने जो सफ़िरिश की थी, जो भी अहम सफ़िरिशें थीं, उनमें से एक भी सफ़िरिश की ओर ध्यान नहीं दिया गया। आज जो विधायक को कामून में तब्दील किया गया है।

जैसा असंगठित कामगारों का सामाजिक सुरक्षा विधायक। इसको

2008 में पारित कर दिया गया। इस बारे में स्टैंडिंग कमेटी में भी हम सब ने कहा है, देश भर से तमाम लोग बोले हैं कि इसमें फंड की क्या व्यवस्था है? इसमें नेशनल सोशल सिक्योरिटी फंड जैसी एक वय वस्था होनी चाहिए। तीन-तीन साल तक गुहार करने के बाद असंगठित कामगारों के लिए पछिले बजट में मात्र एक हजार करोड़ रुपए का प्रवधान किया गया है। पछिला बजट 11 लाख 6 हजार करोड़ का लाया गया था, जिसमें असंगठित कामगारों की सामाजिक सुरक्षा फंड की पहल के लिए एक हजार करोड़ दिया गया है। एक कंस्ट्रक्शन लेबर एक्ट है, यह 1996 से लागू हुआ और अटल जी के समय इसके रूख का प्रोक्लमेशन किया गया। कंस्ट्रक्शन लेबर एक्ट का जो कानून है, उसका भी ठीक ढंग से पालन नहीं होता है, केवल अभी थोड़ा एक्टिव हुआ है। कई राज्यों में सैस कलक्शन होता है, लेकिन उससे हितधिकारियों को कोई लाभ दल जाने के लिए इसके अंदर ढंग से काम नहीं होता है। महोदय, यह जो इंडस्ट्रीयल डिस्पुट एक्ट है यह आर्गनाइज्ड सेक्टर का, इण्डस्ट्रीयल वर्कर्स का है, लेकिन सरकार अब जो लाई है उसमें जो धारा है, वह प्राइवेट इकॉनोमी की ओर जा रहा है, यह बल्लिकुल स्पष्ट है। जैसे पोर्ट के बारे में कह रहे थे और मामनीय संजीव रेड्डी अपनी व्यस्तता जाता रहे थे प्राइवेट पोर्ट का एप्रोप्रिएट गवर्नमेंट कौन होगा। यह अहम बात नहीं है कि एप्रोप्रिएट गवर्नमेंट कौन होगी, लेकिन जो देश की इकॉनोमी है, इसको सरकार प्राइवेट सेक्टर की तरफ ले जा रही है, जैसे इसका प्राइवेटाइजेशन करना और उद्योगपतियों का जमाना लाना। जो गरीब कामगार है, जो फजिकल लेबर करते हैं, आप मनिस्ट्रीयल स्टॉफ कहिए, आप क्लेरिकल स्टॉफ कहिए, अलग-अलग कस्म के जो कर्मचारी हैं, एम्प्लाइज हैं इनके बारे में

कामून का जो परिवर्तन करते हैं वह ठीक है। लेकिन 120 करोड़ की आबादी वाला हमारा देश है तथा यहां जो आम आदमी की बात कही जाती है, यहां पर इतने सारे लोग हैं, उनको हर, हाथ को काम देने का, अगर यह हमारी इकॉनोमी का आधार बनेगा तो यह हमारे आर्थिक विकास के लिए अच्छा होगा, जैसे चीन हमसे ज्यादा आबादी वाला देश है, लेकिन अब चीन अमेरिका की इकॉनोमी को चेलेंज कर रहा है। तो चीन में जसि प्रकार का आर्थिक विकास हो रहा है वशिष रूप से उद्योग क्षेत्र में, हमारे देश में उद्योग क्षेत्र में और उसके साथ-साथ कृषि के क्षेत्र में विकास के लिए और कृषि को उद्योग का दर्जा देने के लिए सरकार के सामने गुहार लगाई गई थी, जो वर्षों से लगाई जा रही है कि आप खेतिहर मजदूरों के लिए सोचिए, गहराई से सोचिए और एक कम्प्रहेंसिव बिल लाइए। आज तो अपने प्राइवेट इकॉनोमी जैसा कर दिया, जसिसे सारे देश भर में कांटेक्ट लेबर, केज्युअल लेबर हो गया है। आप किसी भी क्षेत्र को लीजिए जसिको फार्मल सैक्टर भी कहते हैं, वहां पर श्रमिकों के हर काम को ठेके पर दे देना है, तो यह जो कांटेक्टर लेबर है उनके बारे में आप गहराई से सोचिए और कांटेक्टर लेबर के बारे में एक कम्प्रहेंसिव बिल लाइए। इस प्रकार से माइग्रेंट लेबर देश भर में एक प्रदेश से दूसरे प्रदेश को जाते हैं और इनका माइग्रेशन होता रहता है। इसलिए माइग्रेंट लेबर के बारे में भी आपको गहराई से सोचना होगा। आपकी मनिस्ट्री का नाम भी लेबर मनिस्ट्री है, इसलिए जो फजिकल लेबर करते हैं, इनके बारे में सोचकर जो आर्गनाइज्ड सैक्टर और फार्मल सैक्टर के कर्मचारियों के dispute, जैसे आप इंडस्ट्रियल वर्कर की बात करते हैं, यह 1947 में सोलह सौ रुपए था, आज 63 साल बाद आपने इसको दस हजार किया है। हमने स्टैंडिंग कमेटी में सुपरवाइजरी स्टाफ के लिए 25 हजार कहा था, लेकिन आप दस हजार पर ही स्टिकट करके रह गए। फिर यह होगा कि यह तो वेज लिमिट में आता नहीं है। तो जबिको कम पैसा मिलता है, कम मजदूरी मिलती है, इन लोगों के बारे में आप सोचिए और कम्प्रहेंसिव बिल लाएं। देश के विकास के लिए लेबर की अहम भूमिका रहती है जो फजिकल ल लेबर करते हैं जो भी कर्मचारी हैं उन पर सब लोगों का जहां-जहां वे काम करते हैं, जो भी dispute होता है, चाहें वे इंडस्ट्री में काम करते हैं .... वे इंडस्ट्री में काम करते हैं, इसलिए इंडस्ट्रियल डिस्प्यूट नाम दे दिया है। आप एगीकल्चर को इंडस्ट्री का दर्जा दे कर, अगर एगीकल्चर को साइंटिफिक रूप में भी नहीं लेंगे, तो देश में फूड सिक्योरिटी के मद्देनजर अगर आप एगीकल्चर का विकास करेंगे तो एगीकल्चर के विकास के लिए आपको खेतिहर मजदूरों को बहुत ही सक्रिय करना होगा। खेतिहर मजदूर ढंग से काम कैसे

करेंगे , इसके बारे में आपको सोचना होगा। आप उन लोगों की सोशल सक्रियोरिटी के बारे में भी सोचिए। उसके साथ-साथ जो उनके एम्प्लॉयर हैं , जिनके भी एम्प्लॉयर हैं - मैंने कह दिया था , इसीलिए आपने कहा , बाद में मैंने कई लोगों से सुना कि नहीं , इन्होंने क्यों कहा , संसद के अंदर भी लोग काम करते हैं , अलग-अलग प्रकार का काम करते हैं , यहां मजिस्ट्रियल स्टाफ हैं , आपका वाद्य एंड वार्ड का स्टाफ है। हमारे देश के अंदर जहां भी कोई भी काम करता है , परिश्रम करता है - आजकल तो ऐसा है कि इलेक्ट्रॉनिक का जमाना हो गया है और इलेक्ट्रॉनिक का जमाना ऐसा हो गया है कि एक व्यक्ति कुछ भी दमिग लगाता है , कुछ फजिकल लेबर भी करता है , कोई भी काम करता है , तो उसकी एक तो सोशल सक्रियोरिटी की बात हो और फिर जहां काम करता है , वहां जो डिस्प्यूट होता है , इस डिस्प्यूट को कसि दंश से रड्रिसल किया जाएगा , यह हो। कोई भी शकियत आए , तो उसका कैसे समाधान करके , उस क्षेत्र में इंडस्ट्रियल पीस हो , यह सब करके इन सबका समाधान होगा। आप इसके बारे में भी कंफ्रिहेंसिवली सोचें कि जहां पर भी वह काम करता है , वहां पर कैसे शांति आए। आप इसके बारे में भी सोच सकते हैं। उपसभाध्यक्ष महोदय , आपने मुझे मौका दिया , इसके लिए बहुत-बहुत धन्यवाद।

SHRI RAMA CHANDRA KHUNTIA (Orissa): I rise to support the amendment to Industrial Disputes Act, 1947 and also to thank the Government because they have brought an amendment, which will extend facilities of the workers to go to the court, in the definition of the worker and on some other points. Many speakers have made many important points. Hon. Members, Shri Reddy, Shri Tapan Senji, Shri Apte and Shri Rudra Pany have suggested many things. Almost all important points have been covered. But, some hon. Members said that the

Bill could not come in 61 years. The hon. Member who was speaking before me said that the Bill was delayed and that in February 2009, towards the end of the Government the Bill was brought. But I would like to make it clear once again that whatever the legislations on labour have been brought and passed in this country, till today, it is only when the Congress was in power excepting in the case of one legislation, that is, Inter-State Migrant Labourers Act, 1979. It was in 1979 but it has never been implemented. The Building Construction Workers' Act also legislated in 1996, but was promulgated in the form of an ordinance in 1995 when the Congress was in power. So, it proves that it is not the attitude of the Government to neglect labour-related issues.

When Shri Apte was speaking, he was saying that when people expect some liberalisation in view of liberation or economic reform and that creating some problems for the labourers, giving advantage to the employers. But, UPA-I and UPA-II, till today have a good image not only inside the country but in the whole world; including the ILO, ICL and the international community, all have said that this UPA Government is a pro-labour Government and it has not acted in a way that is detrimental to the interests of the working class. Today, this legislation has been brought for protecting the interests of the working class.

Sir, regarding the appropriate Government, which has brought the amendment today, I would like to mention here that this was raised in early '80s in the case of the Airports Authority of India in Mumbai and the Electricity Board's case that when the contract labour applied for a regularisation, the hon. Supreme Court pointed out the administrative department of the respective Government to be the appropriate Government.

And from that date till today, the discussion was in Labour Conference, in Standing Labour Committee and in Standing Committee. A lot of water has flown in river Ganga and Yamuna, but that has not been done till today.

(MR. DEPUTY CHAIRMAN in the Chair)

As a result of this, regarding the appropriate Government, in many cases, the dispute about the authority of the State Government or the authority of the Central Government has created a confusion, and has given problem to the workers. I think the amendment about the appropriate Government will definitely give a clear indication about the appropriate Government, and it will also be helpful for the

workers. But it has two problems. One, whether the appropriate Government, the Central Government has enough strength in the Labour Department to take up the issue. I support what Mr. Tapan Sen has said, and urge upon the Government to let the Government and the Labour Department also analyse about its strength and requirement and also take a decision to appoint more officers, DLCs, LCs to meet the urgency and to give the benefit to the workers.

Secondly, about the appropriate Government also, unless the staff strength is there, this cannot be met. About the contract labour, there is a difference. In case of the contract labour, they may not be included. I think this is also not correct. I am saying this because the problem is more with the contract labour. While amending it, if we say that less than 10,000 workers will be

included in it, and we will not include the contract labour, we will also not include the workers who are getting more salary than Rs.10,000. That means, it will benefit none. I think the Government should also reconsider it. The hon. Minister should consider to include the contract labour in this clause.

There is the enhancement of the wage ceiling of the workmen from Rs.1,600 per month to Rs.10,000, which is definitely a welcome step. But, as other Members said, why is it Rs. 10,000? Why it can't be Rs. 25,000? Maybe, the Government has decided on Rs. 10,000 because the ESI, Provident Fund and Bonus limit is still Rs. 10,000. Based on that, they might have decided on Rs. 10,000. But, here, I would like to make one point regarding supervisors, regarding workmen definition and regarding the officers' definition. Why is not the Government of India, at this stage, considering one thing? Till date, we have not ratified the ILO Convention 87/98 which is about giving the trade union right to everybody. The Government of India says to the ILO and the international community that we have given them other avenues to form associations, that is why we are not ratifying the ILO Convention. Once the ratification of the ILO Convention is done, the workmen definition is not necessary. I want to ask the Government that since you have amended the Industrial Disputes Act, but what about the Minimum Wages Act, what about the Payment of Wages Act, what about the Compensation Act. In every Act, there is a ceiling of Rs. 1,500, so all these Acts should be amended. Now, the question is, in our country, now the IAS Officers are also going on strike; sometimes the judicial staff is also going on protest; the engineers are going on strike; the businessmen are going on strike. If everybody has the right to strike, then, what is the problem in ratifying the ILO Convention 87/98 which gives the trade union right to everybody? Once it is done, then, the definition of workmen is not required. That would be very good for maintaining good industrial relations. I am saying this because, at present, in a factory, there would be a trade union, there would be a supervisors' association, there would be officers' association, there would be operators' associations, there would be engineers' association. If everybody is going on strike, and everybody has the right to go for a struggle, so, let them also be given the trade union right. In the developed countries where the ILO Convention 87/98 has been ratified, heaven is not falling in that country. Everything is okay there. There is one organization, one association, and everybody is a member of that, and they are also maintaining very well. So, why not



we also do that? Once it is done, for all Acts, all legislations, it will be equal, and the definition of workmen will not be different from place to place, from legislation to legislation. The Government may not agree now, but the Government must prepare its mind to assent to this Convention, and to ratify this Convention.

Sir, third point is about direct access by the workman to the labour court or tribunal in case of dispute arising out of Section 2A of the Act. It is definitely a good suggestion. What was happening was that first conciliation, then its failure is there, it would be referred to the Government and the Government has the authority either to refer it or not to refer it. So, two or three years pass at the Central Government or the State Government level. After that it will be

referred to the court for adjudication. In the court, as Mr. Reddy has said, there will be no judge to try it. It will take ten to fifteen years and the workman will not get justice. It is definitely a praiseworthy proposal that the workman has a right by this amendment to go the court. But why should it be after six months? Now you have stated that there will be a grievance handling machine where there will be six members and there would be the chairman in rotation. Already it is there that the chairman will be by rotation. But once grievance handling is there, then the workman has to go to the employer again. If there is a grievance handling case, why will the workman go to the employer again? There must be some other avenue or if he fails to get justice from the grievance handling procedure then he must have the right to go to the court. That means once the grievance handling procedure pass three months then there is an appeal for one month, then he raises the dispute in the conciliating authority for three months and then he has right to go to the court. That means it takes about seven months to reach the court and after that only trial can start if the judge is available in the court. I think the idea is good but idea should not be used to delay. I think the grievance handling procedure can really function, then only some cases can be decided at that level. If the attitude of the Government is that some cases can be settled in the grievance handling procedure and some cases in the conciliation procedure, it is welcome. But sometimes it is also misused to delay the thing and the workman can reach the court for delayed proceedings. The second point is about expanding the scope of qualification of presiding officers of the labour court or tribunal under section 7 of this Act. It is also a good proposal. In many courts, there would be shortage of judges and the posts of the presiding officers remain vacant. So, in this case if a Deputy Labour Commissioner or a Joint Labour Commissioner having law degree and experience is also eligible to act as the presiding officer. A person working in the legal department can also be appointed, of course, after resigning. I think by this way the posts which are lying vacant in labour courts and labour tribunals could be filled up and the cases can be expedited. This is definitely a good proposal and this will expedite the decision process. Last point is about empowering the tribunals or labour courts to exclude the orders and settlements awarded by the labour court or the labour tribunal. This is also very important. I do not know why it has been delayed. In

the case of bank NPA, the Parliament also passed a law empowering them to directly implement it without going to any court. Likewise it is also a good proposal and the Government has brought amendments so that decision of the labour court or tribunal is awarded directly so that labourers get justice at an early stage. But the most important thing, as has been stated by many Members, we are very much apprehensive about the implementation of this legislation which we are amending and passing in the Parliament. India is very much famous for legislating pro-labour legislations in whole of the world. But India is also famous for not implementing the labour legislations in our country. Maybe, it is due to inadequate labour machinery, maybe, it is due to the persons involved are not taking proper action, maybe, it is due to some people who are misusing at some level not to give the benefit and protect the interests of the employees.

The protection of employer's interest is the concern of the Government. The Government may protect him. One reason behind giving labour less priority is because people think that capital is more important. That is not the fact. Capital is important for development of the country. But that capital does not belong to the capitalist alone. My labour is my labour. But the capital invested in industry does not belong to that capitalist. It is the capital of the general public who have share market or capital given by financial institution in the form of loan or capital or mutual funds. So, capital invested in industry does not belong to that particular man. It may belong to mutual fund or LIC or share market or banks. So, just by investing capital nobody should take it for granted. The Government should also not think that labour has a less role in the progress and development of the country. Labour and worker have an equally important role in the progress and development of the country. I do expect the hon. Labour Minister, the labour Department and the UPA Government as a whole have to do whatever best is possible for protecting the interest of the working class. Thank you.

**श्रम और रोजगार मंत्री (श्री मल्लिकार्जुन खरगे):** सर, Industrial Disputes (Amendment) Bill, 2009 पर कम-से-कम 9 सदस्यों ने अपने वधिरा सदन के सामने रखे हैं। खास कर श्री बलवंत उर्फ आपटे जी ने बहुत ही अच्छे सजेशंस दिए हैं। उन्होंने खास कर स्टैंडिंग कमेटी की रफ़ोर्ट्स के जो बहुत से वधिरा स्वीकार नहीं किए गए, उनके बारे में बताया है। यह मैं बाद में बताऊंगा कि उसके कतिने सजेशंस हमने accept किए हैं और कतिने नहीं किए गए हैं। उनके बारे में भी मैं बताऊंगा, लेकिन उनका भाषण बहुत ही अच्छा था।

उसी दंग से श्री जी. संजीव रेड्डी साहब जो एक सीनियर लीडर हैं, ट्रेड यूनियन लीडर हैं और खुद आंध्र प्रदेश में लेबर मिनिसटर भी थे, उन्होंने भी अपने वधिरा इस सदन के सामने रखे हैं। इसके साथ-ही-साथ सी.पी.एम. के ट्रेड यूनियन लीडर श्री तपन कुमार सेन जी, श्री तख्त शक्ति जी, श्री गोविंदराव आदिक जी, श्रीमती रेणुबाला प्रधान, श्री आर.सी. सहि जी और श्री रुद्रनारायण पाणि जी ने भी अपने वधिरा रखे। पाणि जी बहुत ही vocal हैं, मजदूरों के बारे में बहुत

हमदर्दी रख कर बात करते हैं और हमेशा अच्छे सुझाव भी देते हैं , लेकिन कभी -कभी अच्छे सुझाव को मानते नहीं हैं। श्री रामचन्द्र खूटिआ जी , जो ट्रेड यूनियन के बहुत बड़े लीडर हैं , उपाध्यक्ष हैं , उन्होंने भी अपने विचार इस सदन के सामने रखे।

मैं अपने विचारों को इस सदन के सामने रखना चाहता हूँ यहाँ पर जो बहुत से सवाल उठाए गए थे , उनका जवाब इसमें मल्लिगा। इसमें जो नहीं भी आएगा , उसे अपनी सर्टिफिकेट कमेटी की रिपोर्ट और उसके उत्तर में हमने क्या किया है , उसे बताने के समय बताऊंगा।

Sir, the Ministry of Labour and Employment is mandated to create a work environment conducive to achieving a high rate of productivity and economic growth with due regard to protecting and safeguarding the interests of the working class in general and those of the vulnerable sections of the society in particular.

The Industrial Disputes Act, 1947 is a significant piece of legislation which provides a framework for investigation and settlement of industrial disputes. It provides for conciliation and

adjudication in industrial disputes and regulates strikes and lockouts, so that a healthy work environment can be created and industrial harmony is maintained. The Act was last amended in 1982. Now, the Industrial Disputes (Amendment) Bill, 2010 has been finalised after detailed consultations with stakeholders and my Ministry has formulated these proposals mainly on the issues on which consensus had been arrived at.

As you are aware, the Industrial Disputes (Amendment) Bill, 2009 was introduced in the Rajya Sabha on 26.2.2009. After its introduction, the Bill was referred to the Standing Committee on Labour. The Standing Committee has submitted its report on 9.12.2009. The Standing Committee made certain recommendations for further modifications to the amendments proposed in the Bill. The recommendations have been examined by the Government and it was decided to accept some of their recommendations.

I would now like to elaborate briefly the major amendment/ proposals and also the recommendations of the Standing Committee which have been accepted by the Government.

The Industrial Disputes (Amendment) Bill, 2010 seeks to amend Section 2(a)(i) relating to 'appropriate Government' which is appreciated by all and all the Members supported this definition. Therefore, I don't want to elaborate it further.

Secondly, the Standing Committee has recommended that the appropriate Government for the industrial disputes between a contractor and contract labour employed in any industrial establishment should be clearly indicated in the provisions. I would like to bring it to the notice of this august House that the Government has accepted this recommendation of the Committee. We expect that this amendment would further clarify the issue of 'appropriate Government' in case of contract labour.

Then comes, Section 2(s)(iv). At present persons employed in supervisory capacity drawing wages exceeding Rs. 1,600 per month are not treated as workmen under the Industrial Disputes Act, 1947. As you are aware, wage levels have increased over the years. Hence, this Bill seeks to enhance the wage ceiling to Rs. 10,000 per month. This would also bring about parity with other labour laws like the Payment of Bonus Act, 1965 and the Payment of Wages Act, 1936. As Khuntiaji

rightly said, to bring parity with other Acts, we have enhanced it from Rs. 1,600 to Rs. 10,000. I know many Members suggested that it should be kept at Rs. 25,000. That is a good suggestion. And many good suggestions are given by all the speakers. In future, I would definitely examine those good suggestions.

Then comes Section 2A. Through this Bill, we also propose to provide direct access for the workman to the Labour Court or Tribunal in case of disputes arising out of Section 2A pertaining to retrenchment, discharge, dismissal or termination of services, etc. At present, the workman can approach the Labour Court or Tribunal only after a reference is made by the appropriate Government.

5.00 P.M.

Through the proposed amendment, the workman can now directly approach the Industrial Tribunal-cum-Labour Court after filing his grievance before the conciliation machinery and giving 45 days for conciliation. Earlier, it was 90 days. That has been reduced to 45 days by the amendment. Originally, the Government proposed a period of three months for conciliation process to resolve the industrial dispute. The Standing Committee has recommended that this period be reduced to 45 days which has been accepted by the Government. The proposed amendment would help in an effective and speedy redressal of worker's grievances, giving him a choice either to continue with conciliation or to go to adjudication. They need not wait for 6-7 months. He has got a choice. Either he can go for redressal from the committee or if he does not like, he can directly go in for conciliation and courts. Therefore, we have made it easy. I don't want to claim that everything is perfect. If there are any lacunae, definitely, we will examine and re-examine. In future, I will also take into consideration whatever good suggestions you have made.

A new Chapter II-B has been added, setting up of Grievance Redressal Machinery in order to promote better industrial relations at the industrial establishment level. There has been a long-felt need to provide for an in-house Grievance Redressal Machinery which would work as an elaborate grievance ventilation within an establishment and reduce the burden on adjudicators. The present Bill seeks to establish a Grievance Redressal Machinery within industrial establishment having 20 or more workmen with one stage appeal at the head of the establishment for resolution of disputes within the organisation itself with minimum necessity for adjudication. Originally, the Bill prescribed 45 days for completion of proceedings by the Grievance Redressal Machinery. The Standing Committee recommended that this period should be reduced to one month. The Government has accepted this recommendation of the Committee. It may be noted that setting up of GRM will, in no way, affect the right of the workmen to raise dispute on the same issue under the Industrial Disputes Act, 1947.

Then, Sir, I come to Section 7 and 7(A). At present, retired/serving High Court or District Judges are eligible to work as presiding officers in the Industrial Tribunal-cum-Labour Courts. This is creating considerable problems in the availability of officers



willing to serve as presiding officer. In order to have a wider range of eligible officers from the relevant field, the Bill seeks to expand the scope of qualifications of presiding officers by making officers of Central Labour Service of the rank of Deputy Chief Commissioner and State Labour Department of the rank of Joint Labour Commissioner and officers of the Indian Legal Service Grade-III also eligible to be appointed as presiding officers. So, this will solve the problem of inadequate number of presiding officers in the Tribunal and this will enhance the scope and now, a number of people will come forward to preside over the Industrial Tribunal.

Section 11 provides for insertion of new sub-section (9) and (10). In the existing provisions, there are no powers given to the Tribunals under the Industrial Disputes Act 1947 to enforce the award or order given by them. As a result, enforcement machinery finds it extremely

difficult to enforce the awards. Now, it is proposed that any award, order or settlement by a Tribunal shall be executed as a decree of a civil court. It also provides for transmitting to civil courts the awards etc. for executions. We expect that the amendment will ensure better enforcement of awards given by the Industrial Tribunal or Labour Courts. Here, Apteji has expressed this doubt as to how the decree is going to be implemented in a Tribunal without the executing machinery or without the people.

That is his apprehension. So, I will try to find out the ways because this is the first experiment we are doing, and whenever any lacuna comes, definitely, I will once again come before this House to ratify it. Therefore, at present, this provision will help the labourers to redress their grievances; that is my feeling. I hope that we will be successful in that.

Sir, by clause 8, section 38 clause (ab) shall be omitted and clause (c) is to be substituted by the new clause (c). At present, there is no specific provision in the Act with regard to salaries and allowances, and other terms and conditions of service of Presiding Officers of Industrial Tribunals-cum-Labour Courts. This amendment empowers the Government to make rule to decide and review all these terms of conditions for Presiding Officers. The details will be worked out while framing the rules.

So, whatever the Standing Committee has suggested, we have tried to accept it; wherever there is a consensus, that much we have accepted, and where there is a dispute or where there is some type of reservation, that we have not brought in this amendment.

PROF. P.J. KURIEN: What about raising the ceiling to ten thousand rupees?

SHRI MALLIKARJUN KHARGE: That is there.

MR. DEPUTY CHAIRMAN: He has explained that.

SHRI MALLIKARJUN KHARGE: I have quoted the Minimum Wages Act, the Bonus and other Acts, and on a par with that, the supervisory limitations we have kept. So, from Rs. 1,600/-, we have raised it to Rs.10,000/-...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let him complete.

SHRI MALLIKARJUN KHARGE: If it is not workable and a higher number of people in the working class come, then, raising it to above Rs. 10,000/-, we can think of. Sir, at present, it is raised from Rs.

1,600/- to Rs. 10,000/-. Whatever we have done, I think, is sufficient. Sir, the Members have wholeheartedly supported the Bill; the entire House is for the Bill, and I am also very glad. क्योंकि इस कामून को सारे सदस्यों ने, irrespective of party, सपोर्ट किया है और उसको ठीक ढंग के अनुष्ठान में लाने के लिये सरकार को कहा है, तो हम पूरी कोशिश करेंगे कि इस बिल के पास होने के बाद अनुष्ठान में लाकर हम कर्मचारियों के हित में काम करेंगे, इसलिए मैं तमाम सदस्यों का धन्यवाद करता हूँ, अभिनंदन करता हूँ कि उन्होंने इस बिल को सपोर्ट किया है और मैंने पहले ही कहा है कि अगर इसमें कुछ खामियां भी हैं, तो फिर से इसको हम लाएंगे, यह इसका end नहीं है। हो सकता है यह 60 साल या 63 साल के बाद आया हो, लेकिन मैं यह पूरी कोशिश करूंगा कि मेरे समय में अगर इनमें और कुछ सुधार कर सकते हैं, तो दोबारा इसके बारे में हम जरूर सोचेंगे। इसमें कोई exaggeration नहीं है और कर्मचारियों की भलाई के लिये हम सब इस विषय पर एक हैं। इस हाऊस ने यह बता दिया है कि, irrespective of party politics, हम

वर्कर्स के हित में हैं और इस बिल पर चर्चा करते समय सबने यह दिखाया है, इसलिए मैं तमाम सदस्यों का धन्यवाद करता हूँ।

**श्री उद्गनारायण पाणि :** सर, कांस्ट्रक्ट लेबर का क्या होगा ?

SHRI G. SANJEEVA REDDY: Sir, there is some confusion with the Minister. The Bonus Act, the Payment of Minimum Wages Act वर्कमैन के लिए नहीं है, यहां वर्कमैन को recognize करने के लिए 10,000 है, वहां तन्ख्वाह रक्कित करने के लिए है। यह definition अलग है, वह definition अलग है। कौन आदमी सुपरवाइजर होगा 10,000, सुपरवाइजर होंगे, तो वह इसमें applicable नहीं होता है। इसीलिए मनिस्टर साहब से मेरा नविदन है कि आप इसको कीजिए, हम आपके साथ हैं, मगर आप समझिए कि यहां जो 10,000 रुपया बताया गया है, यह सुपरवाइजर को पहचानने के लिए है। वहां आपको मनिमिम वेज कतिनी देनी चाहिए, वह वर्कमैन के बारे में है और यहां पर सुपरवाइजर का है।

महोदय, एक और छोटी सी बात है। आपने जो रक्कित करने के बारे में रखा है, जिसमें सबिल कोर्ट से लेबर कोर्ट को आथोराइज किया गया है, उसमें लिखा गया है कि 18 महीने तक सेटलमेंट प्राइवेट होता है। फिर वह रक्कित कर सकता है या नहीं कर सकता है क्योंकि यहां ऐक्ट के अंदर लिखा हुआ है कि labour court के सामने ही रक्कित कर सकता है। इस संबंध में अगर आप क्लैरीफिकेशन देंगे तो अच्छा होगा।

SHRI RUDRA NARAYAN PANY: We are happy that one ruling party Member is serving our purpose.

**श्री मल्लिकार्जुन खरगे :** सर, इसमें वेज सीलिंग कतिनी भी हो सकती है - दस हजार, बीस हजार, पच्चीस हजार - लेकिन सुपरवाइजर के लिए वेज सीलिंग जो पहले थी, उसे हमने 1,600 से 10,000 किया है। सभी मामनीय सदस्य चाहते हैं कि उसको 25 हजार किया जाए या उसको नकाल दिया जाए, यह मामनीय सदस्यों का कहना है। जैसा मैंने कहा कि अब हम इस बिल को लेकर आए हैं, आगे हम फिर से एक बार इस संबंध में देखेंगे।

MR. DEPUTY CHAIRMAN: The question is:

That the Bill to further to amend the Industrial Disputes Act, 1947, be taken into consideration.

*The motion was adopted.*

We shall now take up clause-by-clause consideration of the Bill. In clause 2, there is one amendment by the Minister.

#### CLAUSE 2 - Amendment of Section 2.

SHRI MALLIKARJUN KHARGE: Sir, I beg to move:

3. That at page 2, after line 6, the following proviso be

*inserted, namely:-*

Provided that in case of a dispute between a contractor and the contract labour employed through the contractor in any industrial establishment where such dispute first arose, the appropriate Government shall be the Central Government or the State Government, as the case may be, which has control over such industrial establishment.

*The question was put and the motion was adopted.*

*Clause 2, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up clause 3. There is one amendment by the Minister.

**CLAUSE 3 – Amendment of Section 2A.**

SHRI MALLIKARJUN KHARGE: Sir I beg to move:

4. That at page 2, lines 13 and 14, for the words “three months”, the words “forty five days” be substituted.

*The question was put and the motion was adopted.*

*Clause 3, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up clause 4. There is one amendment by the Minister.

**CLAUSE 4 – Amendment of Section 7.**

SHRI MALLIKARJUN KHARGE: Sir, I beg to move:

5. That at page 2, line 28, the words “after having acquired degree in law” be deleted.

*The question was put and the motion was adopted.*

*Clause 4, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up clause 5. There is one amendment by the Minister.

**CLAUSE 5 – Amendment of Section 7A.**

SHRI MALLIKARJUN KHARGE: Sir, I beg to move:

6. That at page 2, line 39, the words “after having acquired degree in law” be deleted.

*The question was put and the motion was adopted.*

*Clause 5, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up clause 6. There is one amendment by the Minister.

**CLAUSE 6 – Substitution of new chapter for chapter IIB.**

**CHAPTER IIB – GRIEVANCE REDRESSAL MACHINERY**

**9C – Setting up of Grievance Redressal Machinery**

SHRI MALLIKARJUN KHARGE: Sir, I beg to move:

7. That at page 3, line 20, for the words “forty-five days”, the words “thirty days” be substituted.

*The question was put and the motion was adopted.*

*Clause 6, as amended, was added to the Bill.*

*Clauses 7 and 8 were added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up clause 1. There is one amendment by the Minister.

**CLAUSE 1 – Short title and commencement.**

SHRI MALLIKARJUN KHARGE: Sir, I beg to move:

2. That at page 1, line 2, for the figure “2009”, the figure “2010” be substituted.

*The question was put and the motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up the Enacting Formula. There is one amendment by the Minister.

**ENACTING FORMULA**

SHRI MALLIKARJUN KHARGE: Sir, I beg to move:

1. That at page 1, line 1, for the word “Sixtieth”, the word “Sixty-first” be substituted.

*The question was put and the motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

SHRI MALLIKARJUN KHARGE: Sir, I beg to move:

That the Bill, as amended, be passed.

*The question was put and the motion was adopted.*

---

**MESSAGE FROM THE LOK SABHA**

**To elect one member of Rajya Sabha to the Joint Committee on  
Offices of Profit**

SECRETARY-GENERAL: Mr. Deputy Chairman, Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:—

“I am directed to inform you that Lok Sabha, at its sitting held on Tuesday, the 3rd August, 2010, adopted the following motion:—

“The this House do recommend to Rajya Sabha that Rajya Sabha to elect one member of Rajya Sabha, in accordance with the system of proportional representation by means of single transferable vote, to the Joint Committee on Offices of Profit in the vacancy caused by the retirement of Shrimati Mohsina Kidwai from Rajya Sabha and do communicate to this House the name of the member so elected by Rajya Sabha to the Joint Committee.”



2. I am to request that concurrence of Rajya Sabha in the said motion, and also the name of the member of Rajya Sabha appointed to the Joint Committee, may be communicated to this House."

**The National Commission for Minority Educational Institutions  
(Amendment) Bill, 2010**

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL): Mr. Deputy Chairman, Sir, I beg to move:

That the Bill further to amend the National Commission for Minority Educational Institutions Act, 2004, as passed by Lok Sabha, be taken into consideration.

Sir, I just want to make a general statement. The National Commission for Minority Educational Institutions Act, 2004, in a sense, was looking at our experience, over the years, in respect to minority educational institutions that were set up in this country. In the context of that experience, we realized that certain protections were required to be given to minority educational institutions. As you know, many of these institutions are set up in States and there were certain procedural handicaps that came in the way of the running of these institutions. So, we thought it was important to set up at the national level an adjudicating authority, a body which would really provide a forum for consideration of many of the matters that came up while educational institutions set up by minorities are being run. It is that experience that led to certificates being granted by the National Commission for Minority Educational Institutions from time to time. This led to some amendments in 2006 and now because of our experience since 2004, there are four broad amendments that have been proposed under this Amendment Bill.

The first deals with the definition of educational institutions. Sir, in the original Act, an educational institution by definition did not include a university. Minority educational institution under Section 2 (g) of the original Act meant a college or institution other than a university. So, to that extent, the adjudicating authority power was limited to as it could not deal with issues dealing with universities set up by minorities. As you know, Sir, there are three ways of setting up a university in this country. One is through an Act of Parliament, like the Aligarh Muslim University Act. The other is through an Act of the State Legislature. There is, of course, a third breed of institutions which we call 'deemed to be university'. These deemed to be universities can be universities set up at the instance of the State with funding from the State. There also can be

institutions set up by the private sector including minority educational institutions. There is, of course, a fourth category, namely, institutions that were set up prior to the Constitution by the minority communities which will continue to have the protection of their minority status. We are aware of some of those universities. The Jamia Millia Islamia is a university that was set up prior to the Constitution. There are certain other such instances like the Allahabad Agricultural University, the Jamia Hamdard. So there is that category of institutions also.

So, we thought that in order to comprehensively deal with this issue, it is important for us to expand the definition of 'educational institutions'. Therefore, by virtue of this Amendment, we have removed that inhibition of 'other than a university', which was a part of the original definition

of educational institutions, to ensure that the Authority here under this Act is also entitled to deal just not with schools and colleges but also with Universities that have been set up, whether they have been given a Deemed-to-be-University status or otherwise, for the protection of minorities under Article 30 of the Constitution. That is one part of it.

The other part of it is the fact that educational institution, under article 30, is not an inhibitive definition because Article 30 talks of 'Minorities having the right to establish and administer educational institutions of their choice. Educational institutions under Article 30 includes all kinds of institutions, including universities.' That has been held under the TMA Pai case. Therefore, there was no reason originally to have excluded universities from the ambit of the Act. So, we thought that it was important for us to give that protection and extend that protection also to universities. Therefore, that is really one of the substantive amendments that have been made. Sir, we also found that the workload of the Commission had increased exponentially over a period of time. Therefore, it was also important to increase the number of members. Originally, it was 1+2. Now it is 1+3. So, we have also increased the number of members of the Commission. That is another Amendment which has been moved.

The third substantive Amendment, that has been moved, relates to Section 10. Many of the problems that have arisen qua minority institutions in several States are that States require a No Objection Certificate before allowing such an institution to be set up. And, we found, as a matter of experience in some States, that the Governments concerned were not willing to actually deal with and grant a No Objection Certificate. So, in a sense, there was an obstacle set in the way of the desire of the minorities to set up institutions because the State Governments did not grant these No Objections and would also not communicate with institutions as to why No Objections were not being granted. And, in many of those States, there is no such law which requires certain set parameters on the basis of which a No Objection should be granted or should not be granted. So, we thought that if a State Government wants a minority institution to apply for a No Objection, then, it should, actually, legislate on the subject. In other words, it should have a law in place which will set out what the reasons are as to why a No Objection will be given and under what

circumstances a No Objection will not be given so that the institution and the minority, which is wishing to set up an institution, knows under what circumstances a No Objection will not be given.

So, the law becomes more certain, and there is a statutory obligation also on the State Government to actually refuse or give a No Objection within a certain period of time. That makes the process more certain. Therefore, in the event, the State Government, under the law, does not give a No Objection, then, certainly, there can be recourse to a court of law as well as this Commission. Therefore, the substantive change is that previously, in the absence of a law, the No Objection had to be obtained. Now, under the new Amendment, unless there is a law, the No Objection will, automatically, be given. This ensures that State Governments, who are

serious about the circumstances in which the No Objection should be given, should have a law on the subject, to ensure certainty. That is really the purpose of this Amendment. This is the third substantive Amendment that we have moved. And the fourth is also a very significant amendment.

As you know, there is an appeal provision under the Act. Under the appeal provision, the authority which has refused to grant no-objection is naturally in conflict with the minority which is wanting to set up the institution and the State Government, of course, is a party. What used to happen was that under the law, the Commission could only hear the matter in appeal in consultation with the State Government. Now, we really do not understand that when there is a lis between the parties, between the minority institutions and the State Government, how is the adjudicatory authority in appeal is to consult the State Government with which the minority community has a lis before an order can be passed. We found this to be totally anachronistic and contrary to all principles of natural justice, that an entity which has refused or, at the instance of which, a no objection is not granted, must be consulted before the appeal can be heard. This is unthinkable.

So, the fourth substantive amendment is that we have removed the consultation process and, of course, now the appeal can be heard and while the appeal is being heard, the competent authority which has refused the no-objection and the State Government will be parties before the Commission and the State Government's view will be put up before the Commission and the Commission, then, of course, will take a decision. So, this is the 4th substantive amendment that we have moved. I, therefore, feel that it is time for us – especially in the context of the fact that education is directly linked with empowerment – India is standing at the threshold of a revolution in terms of which we will require more and more institutions to come up, both by the majority community and the minority community – that we need to expand the sector exponentially. I believe, Sir, in the next ten-fifteen years, we will require about a thousand more universities and about 40,000 odd colleges and under the new regime that we are coming up with, the private sector will exponentially expand and, hopefully, the concept of deemed universities will go and private entities, minority communities and others will be allowed to set up institutions, including the majority community.

Therefore, if we want the expansion of this sector, we must also expand the jurisdiction of entities which deal with disputes. Various kinds of disputes are going to come up. Therefore, if we want to really fulfil the wishes and empower our people and I mean people in all categories with no exclusion – empower our minorities, empower our dalits, empower the backward communities, empower the poor in the forward communities, empower all – if that is going to be the inclusive agenda in education, then, it is necessary that the jurisdiction of the Commission that we have must also be expanded and more and more opportunities should be given to all sections of society to set up educational institutions because that is the only way in which our

communities will be able to empower themselves and we will get the kind of inclusive development agenda, that this country is moving on. I think that really is the spirit behind these amendments.

I, therefore, commend these amendments to the hon. Members of this House.

*The question was proposed.*

**श्री मुक्ता र अब्बास नकवी (उत्तर प्रदेश):** धन्यवाद उपसभापति महोदय। National Commission for Minority Educational Institutions (Amendment) Bill, 2010 के बारे में माननीय मंत्री जी ने थोड़ा संक्षेप में बताया। कांग्रेस पार्टी को और इस सरकार को लगभग 60 साल लग गए कि अल्पसंख्यकों के शैक्षणिक क्षेत्र में सशक्तीकरण के लिए, उनके सरोकार के लिए, उनकी शिक्षा के लिए कुछ सोचा जाए। लेकिन, माननीय उपसभापति महोदय, यह बहुत दुख के साथ कहना पड़ रहा है कि यह जो बलि है, यह सशक्तीकरण या empowerment के लिए नहीं, बल्कि यह confusion ज्यादा पैदा कर रहा है। यह confusion का एक पुलिंदा है। आज अल्पसंख्यक mainstream education के बगैर progress की mainstream में शामिल नहीं हो सकते, यह हमारा भी मानना है और इस सदन में बैठे हुए सभी लोगों का यह मत है। यह बात सच है कि पछिल्ले 60-62 वर्षों में शैक्षणिक क्षेत्रों में कहीं-न-कहीं अल्पसंख्यकों की उससे दूरी बनी है और वे मुख्यधारा की शिक्षा से दूर हुए हैं।

यहां पर माइनॉरिटीज की शैक्षणिक संस्थाओं के बारे में बात हो रही है। साथ इंडिया में, जैसे कर्नाटक, तमिलनाडु, केरल इत्यादि में अल्पसंख्यकों के जो शैक्षणिक संस्थान हैं, वे अच्छी तरह काम कर रहे हैं, लेकिन वहीं अगर आप नॉर्थ इंडिया या नॉर्थ-ईस्टर्न स्टेट्स में चले जाएं, तो वहां जो शैक्षणिक संस्थान थे, आज वहां कहीं पर मॉल बन गए हैं, कहीं मार्केट बन गई है और वे संस्थान बंद हो चुके हैं मुझे लगता है कि माननीय मंत्री जी ने जब इस विषय पर चर्चा की होगी, तब उनके ध्यान में भी यह बात आई होगी। ऐसे शिक्षा संस्थानों की जगह मदरसों ने ले ली है। हिंदुस्तान के रिकॉर्ड पर भारत में 30,000 से ज्यादा मदरसे हैं, लेकिन रिकॉर्ड के बाहर तो यहां 3 लाख से भी ज्यादा मदरसे होंगे। यह बात मैं इसलिए कह रहा हूं कि आप एक बहुत महत्वपूर्ण कमीशन को गठित करने की दशा में जा रहे हैं इस संबंध में आपने राज्यों के अधिकार को भी खत्म कर दिया है और आपने कहा कि स्टेट गवर्नमेंट का इसमें कोई दखल नहीं रहेगा। आपका कहना है कि यह कमीशन माइनॉरिटी इंस्टीट्यूशंस और माइनॉरिटीज के एजुकेशनल एम्पावरमेंट के लिए बहुत अच्छी तरह से काम करेगा।



महोदय , मैं आपको बताना चाहूंगा कि आप उस क्रौम की शिक्षा के बारे में चर्चा कर रहे हैं , जहां 10 प्रतिशत से कम लोग ग्रैजुएट , मैट्रिक या डिप्लोमा होल्डर्स हैं , यानी 90 प्रतिशत लोग शिक्षित ही नहीं हैं। यह जो बलि आप ला रहे हैं , यह उस समाज के बारे में ला रहे हैं , जहां 25 प्रतिशत से ज्यादा लोगों ने स्कूल या कॉलेजों की दहलीज़ पर कदम ही नहीं रखा है। 16 प्रतिशत तो केवल मुस्लिम अल्पसंख्यक ही इस देश में हैं। आप उन लोगों की बात कर रहे हैं , जहां पर शैक्षणिक क्षेत्र में देश में सबसे ज्यादा पछिड़ापन है। सर्व शिक्षा अभियान अथवा शिक्षा के अधिकार के माध्यम से आपने सारे प्रयास किये हैं , लेकिन उसके बावजूद भी उन प्रयासों की रोशनी और उन प्रयासों की किरणें उन तक नहीं पहुंची हैं। इसका नतीजा यह हुआ है कि वे लोग मदरसों में ही जाते हैं और वहां पर शिक्षा ग्रहण करते हैं , लेकिन मदरसों में कैसी शिक्षा होती है , उसके बारे में मुझे इस सदन में बताने की जरूरत नहीं है। उन मदरसों की शिक्षा से कोई मेस सूट्रीम एजुकेशन में नहीं पहुंच सकता , उन मदरसों की शिक्षा से कोई रोज़गार नहीं पा सकता , कोई मल्टीनैशनल कंपनी उनको रोज़गार नहीं दे सकती।

उपसभापति महोदय , इसका नतीजा यह है कि इस देश में आज जो 16 प्रतिशत मुस्लिम अल्पसंख्यक हैं , उनमें 3 प्रतिशत से भी कम आईएएस हैं , 1 प्रतिशत आईएफएस हैं , 4 प्रतिशत से कम रेलवे सर्विसिज़ में हैं ,

6 प्रतिशत से कम स्वास्थ्य सेवाओं में हैं और 6 प्रतिशत से कम ही नज़ी संस्थाओं में हैं। यह मैं इसलिए कह रहा हूँ कि शिक्षा से जुड़े हुए उतने महत्वपूर्ण मुद्दे पर अगर और अधिक कंफ़्यूजन रहेगा, तो यह प्रतिशत और भी नीचे आएगा।

आज मदरसों को इससे अलग रखा गया है और कहा जा रहा है कि मदरसों के लिए एक बोर्ड बनेगा। मुझे नहीं लगता कि शिक्षा के क्षेत्र में जो लोग काम कर रहे हैं, खास तौर से जो अल्पसंख्यक शैक्षणिक संस्थाओं से जुड़े हुए लोग हैं, माननीय मंत्री जी ने उन लोगों को बुला कर बात की। मेरा अपना खयाल है कि जब हम इस तरह के किसी रफ़ॉर्म की बात करते हैं और जब हम यह कहते हैं कि यह कदम अल्पसंख्यकों के सशक्तिकरण या इम्प्रावमेंट के लिए उठा रहे हैं, अगर उसमें कंफ़्यूजन पैदा होता है, तो वह इम्प्रावमेंट की तरफ न ले जा करके और पछिड़ेपन की तरफ ले जाता है।

सर, 1857 में अलीगढ़ मुस्लिम विश्वविद्यालय बना था। उस वक्त अंग्रेज़ों ने अल्पसंख्यकों को मूल शिक्षा से दूर कर रखा था और उसके वरिध स्वरूप सर सैयद अहमद खान ने अलीगढ़ मुस्लिम विश्वविद्यालय का गठन किया था। उस वक्त बहुत से कट्टरपंथी मुसलमानों ने उसका वरिध भी किया था। उन्होंने कहा था कि यह नहीं होना चाहिए, यहाँ तो अंग्रेज़ी पढ़ाई जाएगी, ऐसी शिक्षा होगी और धार्मिक शिक्षा नहीं होगी। शुरूआती दौर में मैं इस्लामिया कॉलेज में पढ़ा हूँ जो एक मेम सट्रीम एजुकेशनल इंस्टीट्यूशन है, जहाँ पर एक सब्जेक्ट दीनयात का होता था और उसके अलावा वहाँ सारे सब्जेक्ट्स भी पढ़ाए जाते थे। उसके बाद मैंने यह महसूस किया कि अगर हम अपने एजुकेशनल इंस्टीट्यूशंस को मेम सट्रीम एजुकेशनल इंस्टीट्यूशंस के रास्ते में रखेंगे तो निश्चित तौर से अल्पसंख्यक समाज मुख्य धारा की शिक्षा में जाएगा। मैंने इसीलिए मदरसे का नाम दोबारा लेकर माननीय मंत्री जी का ध्यान उसकी तरफ आकर्षित किया। मैं उस पर जोर देना चाहता हूँ क्योंकि आज देश में क्या माहौल है? कहा जाता है कि मदरसों से जेहददी पैदा हो रहे हैं। आज देश में क्या माहौल है? यूरोपियन कंट्रीज क्या कहती हैं? ... (व्यवधान) ... यूरोपियन कंट्रीज क्या आरोप लगाती हैं? ... (व्यवधान) ... मेरा कहना है कि मदरसों के बारे में इस बलि में क्या है, इस बलि में कौन सी जगह पर लखी है? आज माइनोंरिटी इंस्टीट्यूशंस की आप क्या बात कर रहे हैं? आज जहाँ इस देश में तीन लाख से ज्यादा मदरसे चल रहे हैं, एक-एक कमरे में माइनोंरिटी इंस्टीट्यूशंस चल रहे हैं, उनमें आप एक इतना बड़ा आयोग बना देंगे और उसके बाद कहेंगे कि स्टेट गवर्नमेंट्स को इसमें ज्यादा दखल करने का कोई हक नहीं है, इसमें तीन लोगों की यह कमेटी होगी तथा ये तीन

मैम्बर्स तय करेंगे कि कौन माइनॉरिटी इंस्टीट्यूशन हैं और कौन माइनॉरिटी इंस्टीट्यूशन नहीं हैं।

माननीय उपसभापति महोदय, शिक्षा राज्य का सब्जेक्ट है। माननीय मंत्री जी एक काबिल वकील भी हैं और इस बात को अच्छी तरह जानते हैं। आपके पास ऐसी कौन सी मशीनरी है या आपके पास ऐसा कौन सा तंत्र है जिससे आप यह तय कर सकेंगे कि अमुक शिक्षण संस्थान माइनॉरिटी इंस्टीट्यूशन है या नहीं? ऐसा कौन सा इंस्पेक्टर आपके पास बैठ हुआ है? तीन लोगों की यह जो कमेटी आप बना रहे हैं, उनके पास ऐसा कौन सा टीथ है और उनके पास कैसे यह अधिकार है कि वे यह तय करेंगे कि किस स्टेट में इतने माइनॉरिटी इंस्टीट्यूशंस हैं या इस स्टेट में इतने माइनॉरिटी इंस्टीट्यूशंस नहीं हैं? इसके लिये आप एक इंस्पेक्टर और डाल देंगे तथा वह इंस्पेक्टर तय करेगा कि यह ऐसा माइनॉरिटी इंस्टीट्यूशन है, जिसको खत्म कर दो या यह ऐसा माइनॉरिटी इंस्टीट्यूशन है, जिसको चलने दो। इसमें स्टेट गवर्नमेंट कुछ नहीं कर सकती। कह रहे हैं, स्टेट गवर्नमेंट करेगी। State Government is one of the parties, अगर कहीं कन्फ़्यूजन होगा या कहीं पर वक्किद होगा। State Government is one of the parties का क्या मतलब होता है? आज जब शिक्षा राज्य का सब्जेक्ट है और अगर वक्किद हुआ तो उसमें आप राज्य सरकार को भी एक पार्टी बना देंगे, तो इसका कोई मतलब नहीं है। आपके तीन लोगों का जो so-called commission बनेगा वह यह तय करेगा।

माननीय उपसभापति महोदय, एक जस्टिस सफ़िकी कमेटी बनी थी। उसने शिक्षा के बारे में और मदरसों के बारे में अपने अलग-अलग सुझाव सरकार को दिये थे। मैं समझता हूँ कि माननीय मंत्री जी को अच्छी तरह से

उसकी जानकारी होगी। मदरसों के जो दकियानूसी हास्यात हैं , उनके बारे में उन्होंने कुछ रकिमेंडेशन दी थी और कहा था कि इन मदरसों को भी मेन स्ट्रीम ऑफ एजुकेशन में लाने की कोशिश करनी चाहिए। एन.डी.ए. के समय में इसकी शुरुआत भी हुई थी। इन मदरसों को भी मेन स्ट्रीम ऑफ एजुकेशन से जोड़ने के लिए तमाम तरह की सुविधाएँ एन.डी.ए. के शासनकाल में दी गई थीं। मुझे सिर्फ़ एक बात कहनी है जो कि इस पूरे के पूरे बलि पर एक कन्फ्यूजन पैदा कर रही है। एक बहुत ही मशहूर शायर हैं , उनका इसी बात पर एक शेर मैं माननीय मंत्री जी को सुनाना चाहता हूँ :

बच्चे हमारे भूख के सदमे उठाते हैं ,  
मायूसियों को देख के आँसू बहते हैं।  
काबिल भी हैं पर अपने को मजबूर पाते हैं ,  
कहने में शर्म है कि मदरसे में जाते हैं।

हम इसलिए यह बात कह रहे हैं कि आपको यह लग रहा होगा कि मदरसा और minority institutions का इससे क्या मतलब है। आप जैसे काबिल आदमी को हो सकता है कि यह मतलब समझ में न आ रहा हो , लेकिन मेरे जैसे छोटे आदमी को , जो कि लोगों के बीच में रहता है , उसे समझ में आ रहा है। आज यह समझ में आ रहा है कि एक district में minority institution एक भी नहीं होगा , लेकिन मदरसे कम से कम एक हजार होंगे। उन मदरसों में बच्चे जाकर पढ़ने के लिए मजबूर होते हैं। आपका जो शिक्षा का अधिकार है , उनमें वे किसी तरह से मददगार साबित नहीं हो रहा है और उन मदरसों से शिक्षा लेकर बच्चा खड़ा हो रहा है। आप कह रहे हैं कि minorities का सशक्तिकरण होना चाहिए , उनके educational empowerment के लिए हम यह कर रहे हैं , वह कर रहे हैं। क्या मदरसों से empowerment होगा ? आप इस पूरे के पूरे दस्तावेज में उसका कहीं जिक्र ही नहीं करते , उसकी कहीं चर्चा ही नहीं करते , आप कहते ही नहीं कि ऐसा भी हो रहा है , यह भी कोई चीज़ है।

उपसभापति जी , मैं माननीय मंत्री महोदय को आपके माध्यम से बताना चाहता हूँ कि आज शिक्षा के क्षेत्र में minorities की क्या स्थिति है। मैं मुस्लिम minorities की बात कर रहा हूँ। इससे पहले भी मैंने आपको कहा कि जो धार्मिक अल्पसंख्यक हैं , उनमें 16-17 प्रतिशत मुस्लिम minorities हैं। उनमें कतिने लोग शिक्षा ग्रहण कर पा रहे हैं ? ... (व्यवधान) ...

श्री उपसभापति : नकवी साहब , आपकी पार्टी के ... (व्यवधान) ... दो और स्पीकर्स बोलने वाले हैं।  
... (व्यवधान) ...

श्री मुख्तार अब्बास नकवी : आपने एक और इंस्पेक्टर राज खड़ा कर दिया है। आपने एक ऐसा इंस्पेक्टर राज खड़ा किया है कि

उन्हें जो कुछ शिक्षा मिली भी रही थी, वे दुकानें भी बन्द हो जायेंगी।

महोदय, मैं आपके माध्यम से माननीय मंत्री जी को दो-तीन बातें कहना चाहता हूँ। पहली बात यह कि इस पूरे बलि में मदरसों का क्या रोल होगा, मदरसे इसके दायरे में कैसे आएंगे, मदरसों पर किस तरह से रेगुलेशन या नबिरानी होगी और किस तरह से उन्हें एजुकेशन की मेकस्ट्रीम में लाने की कोशिश हो सकेगी? दूसरी चीज़ यह है कि आपने कहा है कि इसमें राज्य सरकारों का दखल लगभग नहीं होगा, वह ठीक नहीं है। यह बिल्कुल ठीक नहीं है। हमारा एक फेडरल स्ट्रक्चर है। अगर हम कहेंगे कि स्टेट गवर्नमेंट का उसमें कोई रोल नहीं है, तो यह बिल्कुल गलत है और इसमें संशोधन होना चाहिए। तीसरी चीज़, आपने यह कहा कि इसमें तीन मैम्बर्स होंगे। पहले इसमें दो थे, फिर आपने तीन किये, यह बिल्कुल गलत है। अगर आपको इसके बारे में आगे कुछ कदम उठाना है तो इसमें कम से कम 5-6 से ज्यादा मैम्बर्स होने चाहिए। आपके इस बलि में संशोधन का जो यह वर्तमान स्वरूप है, हम इसके खिलाफ हैं। मुझे लगता है कि इस पूरे के पूरे बलि में आपने कमीशन के अधिकार, उसके पास किस तरह की व्यवस्था है, किस तरह से वह minority institutions को जाँचेगा, परखेगा, इसको स्पष्ट नहीं किया है, क्योंकि स्टेट गवर्नमेंट तो उसमें कुछ कर नहीं सकती। ये सारी चीज़ें हैं।

मैं केवल एक बात कह कर अपनी बात खत्म करूंगा ,

यूँ ही बातों में अगर वक्त गुजर जाएगा ,  
इल्म की प्यास से कुचला हुआ मर जाएगा।

इसलिए बातचीत तो बहुत हो गयी। यह होसे हुए 60-62 साल हो गये। मुझे लगता है कि अब कुछ करने का वक्त है। अगर minorities के educational empowerment के लिए यह सरकार ईमानदारी से कुछ करना चाहती है तो उसे वास्तविकता को सफ़ि कागज़ों पर नहीं , बल्कि जमीन पर उतारना चाहिए। आपने ये जो सारे संशोधन कए हैं , इनसे confusion पैदा होगा , इनसे किसी तरह का सशक्तिकरण नहीं होगा। यही बात कह कर मैं अपनी बात खत्म करूंगा। धन्यवाद।

**श्री सत्यव्रत चतुर्वेदी** (उत्तराखंड) : धन्यवाद उपसभापति महोदय। राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्था आयोग (संशोधन ) वधियक , 2010 हमारे विचार के लिए सामने है और मैं इस वधियक पर अपने विचार व्यक्त करने के लिए खड़ा हुआ हूँ।

श्रीमान् , भारत विविधताओं का देश है। यहाँ सांस्कृतिक , धार्मिक , आर्थिक और राजनीतिक विविधताएँ हैं।

इन विविधताओं ने इस देश को विशिष्ट में एक विशिष्ट चरित्र दिया है , एक विशिष्ट दर्जा दिया है। विश्व के अर्थशास्त्री हों या नेतागण हों , भारत की इस विशिष्टता पर वे भी आश्चर्यचकित और अचंभित हैं और इसको भारत की एक बहुत बड़ी ताकत और बहुत बड़ी शक्ति मानते हैं। लेकिन जहाँ ये विविधताएँ हमारे देश की ताकत और शक्ति हैं , हमारी विशिष्टताएँ हैं , वहीं कभी -कभी इन विविधताओं से उत्पन्न नई विविधताओं के कारण हमारे सामने प्रशासनिक और कानूनी समस्याएँ भी पैदा होती हैं।

श्रीमान् , इस देश के अल्पसंख्यकों की एक बड़ी तादाद है और वे केवल मुस्लिम तक सीमित नहीं हैं , वे केवल जैन तक सीमित नहीं हैं , वे केवल क्रिश्चन तक सीमित नहीं हैं , बल्कि उनमें बहुत सारे समाज हैं। उनमें पारसी भी हैं , बौद्ध भी हैं , सिख भी हैं , ऐसे अनेक समाज हैं , जो अल्पसंख्यक के दायरे में आते हैं। हमारे संविधान के अनुच्छेद 30(1) के अंतर्गत इन अल्पसंख्यक समाजों के अधिकारों की गारंटी है और इस गारंटी में यह बात भी शामिल है कि ये अल्पसंख्यक शिक्षा के लिए अपनी संस्थाओं को स्थापित कर सकें , संचालित कर सकें और उन शिक्षा संस्थाओं को संचालित करने के लिए एक विधि व्यवस्था मौजूद है। शायद इसी दृष्टिकोण और इसी जरूरत को महसूस करते हुए 2004 में इस संसद के द्वारा एक अधिनियम पारित हुआ , जिसके द्वारा हमारे यहाँ , “राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्था आयोग अधिनियम , 2004” के द्वारा , एक कानून स्थापित किया गया।

इस कानून के तहत अल्पसंख्यकों के शैक्षणिक संस्थाओं और उनसे उत्पन्न हुई समस्याओं तथा उनके अंतर्गत आने वाली वसिगतियों के संबंध में इस आयोग को अधिकार दिये गये कि वह केन्द्र और राज्य सरकारों को सलाह दे सकता है। जहां पर अल्पसंख्यकों के अधिकारों का उल्लंघन हो रहा हो या उन्हें वंचित किया जा रहा हो, ऐसी शिकायतों की जांच करने का अधिकार भी इस आयोग को दिया गया। अगर कहीं इन संस्थाओं से संबंधित कोई न्यायालयीन प्रकरण चल रहे हों, तो उन संस्थाओं के न्यायालयीन प्रकरण में भी यह आयोग हस्तक्षेप कर सकता है, उसमें intervene भी कर सकता है। अल्पसंख्यकों को शिक्षा के जो अधिकार दिए गए हैं, उन अधिकारों को संरक्षण देने और उनको प्रभावी तरीके से अमलीजामा पहनाने, इत्यादि की बहुत सारी ज़िम्मेदारियां इस अल्पसंख्यक शैक्षणिक आयोग के हाथ में सौंपी गई।

वर्षित चार साल के अनुभव के आधार पर हम इस नतीजे पर पहुंचे हैं कि जो वसिधताएं हमारी शक्ति हैं, उनमें से एक वसिधता हमारी समस्या बन गई है। लोकतंत्र का तकाजा है कि इस देश के वभिन्न राजनीतिक दलों और वभिन्न वसिधधाराओं के लोगों की सरकारें हैं। यह अनुभव हुआ कि कुछ ऐसी राज्य सरकारें हैं, जन्होंने इस अधिनियम के तहत अल्पसंख्यकों को मल्लिने वाले अधिकारों के संबंध में या तो सक्रियता नहीं दिखाई या किसी वशिष्ट वसिधधारा के होने के कारण कुछ अल्पसंख्यक वर्गों के वसिद्ध उनके मन में एक bias उत्पन्न हुआ। उनके शैक्षणिक संस्थाओं के स्थापित करने से लेकर संचालित करने और उनका संवर्धन

करने के मामले में राज्य सरकारों का जो रवैया था, वह बहुत असहयोगपूर्ण और असहानुभूतिपूर्ण रूप पाया गया। इस संबंध में समय-समय पर, राज्य सरकारों से और राज्यों के अन्य NGOs से, विभिन्न संस्थानों से और व्यक्तिगत रूप से उन संस्थाओं से जो अल्पसंख्यक संस्थानों को संचालित करने वाले लोग हैं, अनेक शिकायतें यहां पर भेजी। अंत में, इसके ऊपर समग्र रूप से चर्चा करने के लिए मानव संसाधन मंत्रालय की स्थाई समिति के सम्मुख सारी सामग्री, सारे साक्ष्य तथा सारे तथ्य रखे गए। और अंततः उसकी सफ़ािश के आधार पर इस अधिनियम में संशोधन करने का प्रस्ताव यहां लाया गया और इसमें मूलतः चार संशोधन करने का प्रस्ताव है। जैसा मैंने आगे कहा, पहला संशोधन इस बात का है कि इसके पहले सर्वोच्च न्यायालय ने भी एक प्रकरण में एक आदेश दिया था, उसको ध्यान में रखते हुए धारा 2 के क्लॉज जी में एक संशोधन किया गया है, जिसमें पहले व्यवस्था थी कि किसी भी अल्पसंख्यक शक्षिण संस्था को, शक्षिण संस्था की जो परिभाषा है, स्थापित या अनुरक्षित, उसे शक्षिण संस्था माना जाएगा। इसमें संशोधन करके यह किया गया है कि अब यह "स्थापित और पूर्ण शक्ति" इन शब्दों से इसको वैकल्पिक रूप से बदला जाए, जिससे कि उन शक्षिण संस्थाओं को पूरी तरह से इसका लाभ मिल सके, वरना इस कमजोरी का लाभ बहुत सारी जगहों पर उठाया जा रहा था और वे शक्षिण संस्थाएं समुचित ढंग से संचालित नहीं हो पा रही थीं।

श्रीमन्, यहां पर अल्पसंख्यक शक्षिण संस्था की जो परिभाषा थी, उस परिभाषा में भी वसिगति थी और उसको स्पष्ट करने की दृष्टि से एक छोटा संशोधन उसमें लाया है। पहले इसके अंदर विश्वविद्यालय शब्द के अलावा अन्य जो संस्थाएं थीं, चाहे वह कॉलेज हो या स्कूल हो, उनको शक्षिण संस्था माना जाता था, यानी प्रभाव यह होता था कि अल्पसंख्यक अपने लिए कॉलेज तो खोल सकते हैं, स्कूल खोल सकते हैं लेकिन विश्वविद्यालय या Deemed University वे अगर चाहें भी, तो नहीं खोल सकते हैं। केंद्र सरकार नहीं खोलने जा रही है। राज्य सरकारें नहीं खोलने जा रही हैं, लेकिन वे शक्षिण संस्थाएं जो अल्पसंख्यक समुदाय स्वयं अपने लिए खोलना चाहते हैं, वह University हो या Deemed University हो, उन संस्थाओं को स्थापित करने का अधिकार उनको होना चाहिए, यह स्वाभाविक है और अभी तक उसमें इस बात पर रोक लगी हुई थी। इस रोक को हटाना, मैं समझता हूँ कि सरकार ने एक बहुत समीचीन कदम उठाया है और उसके लिए सरकार को मैं धन्यवाद भी देना चाहता हूँ और सरकार को बधाई भी देना चाहता हूँ। अगर सरकार न भी खोले तो अब कम से कम अल्पसंख्यक समुदाय के लोग अपनी संस्थाएं स्वयं स्थापित कर सकेंगे और विश्वविद्यालय स्तर तक की संस्थाओं को स्थापित करने से उनको न कोई कामून रोक सकेगा, न कोई सरकार रोक सकेगी - यह व्यवस्था की गई।



श्रीमन् , जो दूसरा संशोधन किया गया था, वह एक बहुत छोटा सा संशोधन है। इस आयोग में अभी तक अध्यक्ष के अलावा दो सदस्य और हुआ करते थे। यह महसूस किया गया कि इस आयोग में एक और सदस्य बढ़ाया जा सके, जिससे कि इस आयोग को जो जम्मेदारियां दी गई हैं, उन जम्मेदारियों को पूरा करने में, इन जम्मेदारियों को निभाने में उसको सहयोग मिलेगा, सहायता मिलेगी, तो यह एक छोटा संशोधन है, 2 से 3 सदस्यों का, इसमें एक ही संख्या और बढ़ा दी जाए।

श्रीमन् , धारा 10(1) के अंतर्गत एक प्रावधान यहां था, उस प्रावधान के तहत होता यह था कि बहुत सारी राज्य सरकारों का, जिनका मैंने ज़िक्र पहले किया विभिन्न कारणों से, चाहे वे कारण राजनीतिक रहे हों या अन्य रहे हों, बहुत सारे राज्यों ने अपने यहां पर अल्पसंख्यक शिक्षण संस्थाओं से संबंधित कोई नियम नहीं बनाए, कोई कानून नहीं बनाए और जब भी ऐसी संस्थाएं आवेदन करती थीं या ऐसे लोग आवेदन करते थे, शैक्षणिक संस्थाएं खोलने के लिए, तो ऐसे आवेदन कानून न होने के बहाने से वर्षों तक राज्य सरकारों के पास लंबित पड़े रहते थे और उनके ऊपर कोई फैसला ही नहीं लिया जाता था। जब फैसला ही नहीं लिया जाएगा, कानून ही नहीं होगा, तो इस बहाने से अल्पसंख्यक समुदाय को उन शैक्षणिक संस्थाओं को स्थापित करने से वंचित किया जाता था। अब इसमें यह संशोधन कर दिया गया है और संशोधन करने के बाद एक राज्य सरकार के लिए स्वयं यह आवश्यक हो जाएगा कि वह अपने प्रदेश में अल्पसंख्यक शैक्षणिक संस्थाओं के संबंध में एक वस्तुतः कानून बनाए और उस कानून में अपने प्रदेश की परिस्थितियों के अनुसार ...अभी मुख्तार भाई कह रहे

थे कि राज्य सरकारों को इससे पूरी तरह से अलग कर दिया गया है। वे बेघारे अभी चले गए हैं, क्या करें? उन्होंने अगर इसको ज़रा ध्यान से पढ़ लिया होता, competent authority कौन है? आज भी, इस संशोधन के बाद भी ज़रा ध्यान से पढ़ लेते, तो वे यह न कहते।

इस संशोधन के बाद आज भी no objection certificate या अनापत्ति प्रमाण पत्र देते का अधिकार राज्य सरकारों के ही पास होगा। Competent Authority आज भी राज्य सरकार ही होगी। इसलिए राज्य सरकार से सारे अधिकार छीन लिए गए हैं, ऐसा कहना सरासर गलत है, यह उचित नहीं है। Competent authority वहीं होगी, हाँ, इतना जरूर है, जैसा कि मंत्री जी ने अपने स्पष्टीकरण में कहा कि अगर कोई राज्य सरकार किसी अल्पसंख्यक संस्था को अनुमति देते से इंकार कर दे, तो वह संस्था कमीशन के सामने, आयोग के सामने जाकर अपील कर सकती है। लेकिन जो राज्य सरकार उस संस्था को स्थापित करने के लिए अनुमति देते से इंकार कर रही है, वहीं आयोग अगर राज्य सरकार से consultation करेगा या उनसे परामर्श लेगा तो क्या परामर्श आएगा? स्वाभाविक है कि राज्य सरकार का परामर्श यही आएगा कि यह संस्था खोले जाने के योग्य नहीं है, इसको न खोला जाए। कमीशन का वह जो निर्णय होगा, वह निर्णय पक्षपातपूर्ण हो जाएगा, वह न्यायपूर्ण नहीं हो पाएगा। इसलिए यह जरूरी था कि राज्य सरकार के consultation के लिए इसमें जो प्रावधान रखा गया था, उस प्रावधान को समाप्त किया जाए। राज्य सरकार स्वतः जब एक पार्टी बन जाएगी तो उससे परामर्श करने का कोई औचित्य नहीं रह जाता है, इसलिए राज्य सरकार को उससे दूर करने का जो संशोधन धारा 10(1) के अंतर्गत लाया गया है, वह बिल्कुल उचित है।

मुझे इसमें एक शंका है और मैं मंत्री जी का ध्यान उस तरफ दिखाना चाहता हूँ। आपने राज्य सरकारों को यह अधिकार तो दे दिया कि वे अल्पसंख्यक शैक्षणिक संस्थाओं के संबंध में अपने यहां पर एक कामून बनाएं, लेकिन इस बात की क्या गारंटी है कि ऐसी राज्य सरकारें जो अल्पसंख्यकों के वस्ति दुर्भावना रखती हैं या ऐसी राज्य सरकारें जो अल्पसंख्यकों की शैक्षणिक संस्थाओं को वकिसित होने से रोकना चाहती हैं, वे अपने यहां के कामून में अगर कुछ इस कस्मि के प्रावधान रख दें, जसिसे कि अल्पसंख्यक संस्थाओं को अनापत्ति प्रमाणपत्र लेना और अधिक कठिन हो जाए, फरि उस मामले में यह आपका जो प्रावधान है, जसिके तहत 10 (1) में जो संशोधन किया है, यह अल्पसंख्यक संस्थाओं की मदद करने के बजाए उनके लिए एक मुसीबत बन जाएगा। इसलिए मैं चाहता हूँ कि इस कामून के मामले में या इस धारा के मामले में स्पष्ट होना चाहिए। कोई ऐसा प्रावधान होना

चाहिए कि मूलतः संसद द्वारा पारित जो कानून हैं, उस कानून की मूल भावना के विपरीत राज्य सरकार कोई कानून नहीं बना सके। इस पर एक रोक होनी चाहिए और इसके लिए स्पष्ट प्रावधान किया जाना चाहिए, जिससे कि वह इस अधिनियम की मूल भावना के विपरीत कोई कानून न बना सके।

आखिर में वही बात है, जिसकी चर्चा मैं पहले भी कर चुका हूँ कि चूंकि कोई औचित्य नहीं था राज्य सरकार को इसमें परामर्श के लिए रखने का, तो धारा 12(बी) के अंतर्गत, उसकी उपधारा IV में संशोधन किया गया है। इस तरह से स्पष्ट है कि इन संशोधनों से वे वसिंगतियां दूर हो सकेंगी, जो पछिले चार वर्षों में हमारे अनुभव में आईं और अल्पसंख्यकों को अपनी संस्थाओं को चलाने के लिए और अधिक सशक्त करने के लिए इस अधिनियम के प्रावधानों के लिए यह संशोधन वधियक यहां लाया गया। इसका हम स्वागत करते हैं और आमतौर पर इस देश में लोग इसका स्वागत करेंगे। हां, कुछ चंद लोग हैं, जिनको हम कतिना भी समझाएं, कतिना भी मनाने की कोशिश करें, पर उनकी विचारधारा और उनकी दुर्भावनाओं की दुर्बल कभी दूर होने वाली नहीं है। ऐसे जो लोग हैं, ऐसी जो शक्तियां हैं और ऐसी शक्तियां से संचालित जो सरकारें हैं, उन सरकारों को मनमानी न हो सके, इसीलिए यह संशोधन लाया गया है। इससे अल्पसंख्यकों को अपनी शिक्षा के मामले में, संस्थाओं को चलाने, स्थापित करने और संचालित करने में सुविधा होगी। मैं इसका स्वागत करता हूँ और समर्थन करता हूँ धन्यवाद।

6.00 P.M.

श्री सल्लिम अन्सारी (उत्तर प्रदेश) : इष्टी चेयरमैन साहब का मैं शुक्रिया अदा करता हूँ। अभी माननीय मंत्री जी ने राष्ट्रीय अल्पसंख्यक शैक्षणिक संस्था आयोग (संशोधन) बलि, 2010 बड़ी सावधानी के साथ पेश किया है, इस पर हमारे कुछ साथियों ने चर्चा की। दोस्तों, माननीय मंत्री जी का जो यह बलि है, इसका मैंने बहुत अध्ययन नहीं किया, जिसको लोक सभा ने पारित भी कर दिया है। लेकिन मैं यह कहना चाहता हूँ कि इस मुद्दा में आजादी मल्लिने के बाद खास तौर से माइनॉरटी को आर्टिकल -30 में यह अधिकार दिया गया था कि वह आर्टिकल -30 के अनुसार अपनी शैक्षणिक संस्थाएं कायम करे और उनको चलाए। बड़ी तादाद में अल्पसंख्यक लोगों ने अपनी संस्थाएं खोलीं, जिनमें कुछ को आपने रजिस्ट्रेशन दिया और कुछ आज भी लटकी हुई हैं। बड़ी तादाद में लटकी हुई हैं। इस मुद्दा में बड़ी तादाद में अल्पसंख्यक रहते हैं, जिनमें खास तौर से मुस्लिम अल्पसंख्यक सबसे बड़ी तादाद में हैं और वे इसका शक्तिर जयादा हैं। मुद्दे के बेशतर राज्यों में कहीं-कहीं इनको मल्लि और कहीं-कहीं नहीं मल्लि। अब भी बहुत से लोग इससे जूझ रहे हैं, लड़ रहे हैं, कहीं कोर्ट में उनका मामला फंसा है, कहीं सपेट के अंदर फंसा हुआ है, कहीं और फंसा हुआ है। आज 63 साल के बाद हमारे मुद्दा की गवर्नमेंट इस पर एक वधियक ला रही है तथा उसको आज यह सोचने का मौका मल्लि है कि जो अल्पसंख्यक इतनी बड़ी तादाद में रह रहे हैं उनकी शैक्षणिक संस्थाओं के बारे में एक बलि बनाएं। कपिल सखिल साहब ने जो बलि रखा है, मैं उसका स्वागत करता हूँ। लेकिन उसमें कुछ चीजें बदलना जरूरी है। वह इसलिए जरूरी है कि बहुत बड़ी तादाद में लोग मायूस होकर अपनी शैक्षणिक संस्थाओं को बंद करके, अभी जैसे नकवी साहब ने कहा कि मदरसों की तरफ मूव कर दें।

इसलिए जब आप उनको मान्यता नहीं दोगे तो आदमी कहीं न कहीं जाएगा। इसलिए मायूस होकर बड़ी तादाद में अल्पसंख्यक मुसलमान मदरसों की तरफ मूव कर गए। उसकी तात्तल्लिम के बारे में भी अभी उन्होंने बताया कि वहां क्या तात्तल्लिम होती है। उसमें उन्होंने आधुनिक शिक्षा का इंतजाम किया। उसके माध्यम से उन मदरसों में साइंस टीचर्स, हल्दी टीचर्स, इंगलिश टीचर्स भी रखने का काम किया। लेकिन मैं माननीय मंत्री जी से पूछना चाहता हूँ कि कम से कम वे ये जानने की कोशिश तो करें कि उन मदरसों में जो आपने आधुनिकीकरण के नाम पर टीचर्स को दिया है क्या उनको वेतन भी मल्लि रहा है। कहीं एक साल से बाक्री है, कहीं 9 महीने से बाक्री है। तो इन चीजों पर भी ध्यान देना चाहिए कि हम जसि टीचर का अपाइंटमेंट कर रहे हैं, उसको हम वेतन नहीं देंगे तो वह क्या पढ़ाएगा। इस प्रकार बड़ी तादाद में टीचर मायूस हैं। अभी सचचर कमेटी की रिपोर्ट आई। उसमें यह स्पष्ट है कि

तात्कालिक के मामले में दलितों से भी स्थिति माइनॉरटीज की है। तो इसको अगर गंभीरता से भारत सरकार ले रही है तथा उसकी मंशा साफ़ है और अगर वह यह चाहती है कि हम अल्पसंख्यकों की शिक्षण संस्थाओं के बारे में फ़क़्रिमंद हैं और उनके लिए कुछ करना चाहते हैं, उनको कुछ देना चाहते हैं, तो आज ऐसी संस्थाएं लाखों की तादाद में पैडिंग पड़ी हुई हैं, जो उनके द्वारा एस्टैब्लिश की गई हैं, उनके द्वारा गवर्न की जा रही हैं, वे आज भी बड़ी तादाद में हैं और उनके लिए आप कमेटी बना रहे हैं। दो ही जगह तीव्र कर लें, इसमें हमें कोई आपत्ति नहीं है, लेकिन हमें यह कहना है कि जिन राज्यों का मामला होगा उन राज्यों से भी एक नुस्खाइन्दा उसमें रखा जाए, ताकि वह अपने स्टेट की बात को कमेटी में सही ढंग से रख सके। इसलिए उस स्टेट से एक आदमी को अवश्य रखा जाए। जहां तक मदरसों का सवाल है, मदरसों के बारे में भी चर्चा होनी चाहिए थी। माननीय मंत्री जी को भी मदरसों की दशा के बारे में इस बिल में दरसना चाहिए था। चूंकि बड़ी तादाद में मदरसे हैं और उन मदरसों से लड़के पढ़-लिखकर समाज में अपनी डिग्रियां लेकर घूम रहे हैं, जिनको नौकरी के लिए कोई नहीं पूछ रहा है। मैं उत्तर प्रदेश सरकार को बधाई देना चाहता हूँ कि उसने उर्दू -अरबी -फ़ारसी यूनिवर्सिटी बनाई, जो इस मुल्क के किसी राज्य में नहीं है। उत्तर प्रदेश की पहली सरकार है जिसने यह साहस का कदम उठाया और उत्तर प्रदेश सरकार ने दो हजार करोड़ रुपया देकर यह यूनिवर्सिटी बनाई। उन सारे मदरसों का इससे इलहाक होगा, जब बच्चे मदरसों से पढ़कर निकलेंगे तो सीधे नौकरियों के लिए दरवाजे उनके लिए खुले होंगे।

**एक माननीय सदस्य :** बंगाल में भी खुली है।

श्री सलिम अन्सारी : बंगाल में भी खुली है तो इसके लिए आपको धन्यवाद है। ... (व्यवधान) ... इसके अलावा बहिर में भी खुल गई है।

इस तरह से और राज्यों में होना चाहिए। कपिल सब्बल साहब यह जो संशोधन बिल लाए हैं, मैं चाहूंगा कि उसमें व्यापक रूप से मदारिस को जोड़कर और जो उनकी दशा और दशा हैं, उसके बारे में गौर करके एक ऐसा कमीशन बनावें कि जो हमारे पेंडिंग वदियालय हैं, जो सही मायनों में अल्पसंख्यकों द्वारा कायम किए गए हैं, उनके द्वारा चलाए जा रहे हैं, लेकिन आज भी उनको अल्पसंख्यक का दर्जा नहीं दिया गया है, ये बड़ी तादाद में हैं, उनकी इक्वारी कराकर, राज्य सरकारों से कंसल्ट करके बड़े पैमाने पर इसको करें। इसके साथ ही मैं अपनी बात खत्म करता हूँ धन्यवाद।

SHRI MOINUL HASSAN (West Bengal): Thank you, Mr. Deputy Chairman. We are always supporting the attempts by the Government for protecting the constitutional rights of the minorities which are ensured by article 30 of our Constitution. All of us are aware of the fact that various committees have pointed out that the main problem with the minority communities is their backwardness. As you know, educational backwardness is one of the main reasons for the social and economic backwardness of the minorities. Hence this issue should be addressed properly. I support clause 3 of the Bill which proposes to increase the number from two to three, if it is necessary, for the better functioning of the Minority Commission, the Minority Committee and things like that.

Sir, three or four hon. Members have already expressed their views. I would like to submit my opinion before you. We must uphold the main essence of our Constitution. We should never try to dilute the federal structure of our Constitution and this august House also should not do that.

Sir, I will be brief. In his speech the hon. Minister has stressed on two or three points as to why these amendments have become necessary. Section 12B is intended for exploring the role of the State in determining the minority status. Sir, I have seen for several months that the objective of most of the Bills prepared by the Human Resource Development Ministry is to concentrate the power in the Central Government. This Bill is also one such attempt. On subjects in the Concurrent List, the Centre and the State have the power to make laws. But a legislation on a subject in the Concurrent List, totally excluding the role of the State Government, is unconstitutional. In

other words, I would like to say that the Bill is unconstitutional. I know that I am arguing before such a person not less than Shri Kapil Sibal. He is a constitutional expert. He is a legal luminary in the judicial area. Still I would like to say this point that it is an unconstitutional move on the part of the Ministry. So, I demand to retain section 12B as it is in the original Act of 2004. It is needless to say that in his initial remarks the Minister also told us about the T.M.A. Pai Foundation *versus* State of Karnataka which *inter alia* had made different observations and laid down what the role of the State Government is. This decision of the Supreme Court has made it very clear that the role of the State is very important to fulfil these conditions. I again demand to retain this section as it is in the original Act of 2004.

Another point regarding the amendments is that we are informed about the State's power under section 10, that is, granting NOC.

The Minister has said that the Government did not grant the NOC. What is the way out? Is bypassing the State Government a way out? My specific suggestion to the Government is, do not curb the power of the State Government. You can make another observation or provision that if any application is not considered within three months or six months, it would automatically be treated as NOC. I would like to say that it should be defined properly in the Bill.

My next point is regarding section 2, which is another major subject incorporated in the Bill. In the prevailing circumstances, there is no regulation for private universities. In the prevailing situation, anybody can set up a private university. It is a fact. According to article 30 of the Constitution, it is a constitutional right to administer or manage educational institutions by minorities. So far as the private universities are concerned, there is no specific rule to manage them. So need not be hasty, but you must look into it.

So far as NCME is concerned, I would like to express some practical experience of mine. What is happening at the State level? I would request the Minister to address this issue. Some people have already made a group and they are declaring themselves that they are the representatives of the NCME. They are also bypassing the State Government or any other administration. They go to any minority institution and tell them that they have come from the National Commission. I would like to site one example here. Three people went to the La Martiniere school in Kolkatta and said that they were the representatives of NCME. They are doing it. I have read in newspapers also that they have visited that school as representatives of the National Commission for Minority Education. Some people are doing wrong things and bypassing every institution. Secondly, today if we give minority status to any institution of Bengal or Kerala or any other place in the country, what will be the status of teachers and non-teaching staff? My apprehension is that the total roster would be jeopardized so far as the Scheduled Castes and Scheduled Tribes are concerned. Thirdly, is it a fact that after this Bill is passed, in a minority dominated district, all the institutions will get the status of a minority institution? Is it a fact that there is a diversification of madrassa education throughout the country? The same madrassa is prevailing in Bengal and the north of India. There are different types of madrassas. Is it a fact that after this all the



madrassas would get minority status? I fully agree with the hon. Minister that education is empowerment. So we should provide this weapon to the minority community of our country. My esteemed colleague, Shri Mukhtar Abbas, has raised this point and said that 25 per cent of the young boys or girls of this community have never stepped in in any educational institution.

So, emphasis should be given for empowerment of education of this section.

Sir, I come to my last point. Sometime ago, there was a move on the part of the Minister to establish a Central Madrasa Board. In principle, I myself was in favour of this proposal of the Minister. But, after that, there has been no move on the part of the Government in this regard. It is one of the weapons which will give education, proper and scientific education, to children who

are going to this institution. So, what is the position of that proposal which was floated on behalf of the Ministry of Human Resources Development?

With these words, I conclude.

SHRIMATI VASANTHI STANLEY (Tamil Nadu): Mr. Deputy Chairman, Sir, thank you for giving me this opportunity to speak on the Bill. The National Commission for Minority Educational Institutions was constituted in 2005 by the previous U.P.A. Government, and till date, it has been functioning very successfully. Though the decisions of the NCMEI are recommendatory in nature to both the Central and State Governments, it has been functioning very effectively.

I would like to recall here quite happily that I had the privilege of being a member of the Commission representing the Christian Minority. Though the membership was for a very short period, I had to resign it to become a Member of this august House. I could realise some practical difficulties of the Commission in implementing some of the provisions of the NCMEI Act. Hence this Amendment Bill has been proposed after taking into careful consideration so many Supreme Court rulings and also some other relevant points.

Firstly, it is proposed that the definition of the Minority Educational Institution can be newly defined by omitting the words "other than a University" and by substituting the words 'establish and administer' for the words 'established or maintained'. This proposed Amendment is clear in nature and classificatory as well. Hence I support this Amendment. Then, comes the Amendment for increasing the number of members from two to three. Considering how well they fare in the Commission, I welcome this Amendment. I heartily congratulate the pro-minority UPA Government for setting up this separate Commission for the redressal of minority educational institutions all over India separately. Under the able chairmanship of Justice M.S.A. Siddique, the Commission is performing very well. Whenever a minority educational institution in any State, except, of course, J&K, is aggrieved of any rights, they can approach the NCMEI like a civil court. This is a cost free mechanism for giving relief to minority educational institutions. Therefore, there is no need to appoint an advocate or anybody to plead their case. Aggrieved institutions can

represent themselves before the Commission. The Commission has disposed of all the 373 cases that came in 2005. In 2006, out of 2074 cases, 2069 cases were cleared. In 2007, all the 1096 cases were cleared. In 2008, out of 1648, 1617 cases were cleared. In 2009, out of 1,833 cases, 1,471 cases were cleared. In 2010, that is, the current year, out of 1,231 cases, 403 cases have been cleared. In view of the best performance given by the Commission in redressing minority educational institutions, the increase in the number of members is highly justifiable. But, Sir, article 30 of the Constitution applies to both religious and linguistic minorities. Hence linguistic minorities must also be brought under the ambit of the Commission. The Joint Parliamentary Committee has also recommended this point. The number

of members may further be increased considering that linguistic minority should also be brought under this ambit.

Further Amendment is for sub-section 1 of Section 10. A bare reading of this Section gives an impression that a N.O.C. is required for establishment of any minority educational institution. But the fact is that it is not so. We have the case of the *State of Maharashtra versus Sant Dynaeshwar Shikshan Sanstha Mahavidyalaya* and Others.

It has been held by the Supreme Court in this case that so far as coordination and determination of standards for education and research in scientific and technical institutions are concerned, the subject is exclusively covered by Entry 66 of List I of Schedule VII to the Constitution and the State has no power to encroach upon the legislative power of the Parliament. In such cases, NOC is not required from the State Government. Therefore, the words "subject to such law, as may be made by the appropriate Government" have been added. This is also a welcome amendment, Sir.

The next amendment relating to sub-section 4 of section 12(b) is that the words "and in consultation with the State Government" shall be omitted. A bare reading of this amendment sounds as if this is depriving the rights of the State Government. I am from Tamil Nadu and our Chief Minister and the leader of our party has always fought for the rights of the State and the minorities as well. A clear reading of this amendment is required. If an appeal provided under section 12B is to be decided with the consent or concurrence of the State Government, then, that procedure will be offending the principles of natural justice, as the hon. Minister has rightly pointed out here. It virtually takes away the substantive right of appeal created in favour of an aggrieved party. As a result, the appeal will depend not on the merits of the case, but on the consent of the respondent and that would result in gross injustice to the appellant. It is hardly likely that that was the intention of the Legislature, as such an interpretation would lead to absurdity or injustice to one of the parties in the proceedings.

The aforesaid expression also leads to an inference that what the Parliament had given with one hand is taking away with the other. Since the expression "and in consultation with the State Government" completely destroys the right of appeal created in favour of the aggrieved party, it is

appropriate to delete this expression. Hence, this is a suitable amendment,  
Sir.

Before concluding, I would like to bring something to the notice of this august House, as a previous member of this commission. The orders are all passed well in time by the Commission, but 90 per cent of the orders are being executed by the State Governments and there are certain States which do not follow them. I propose that further amendments must be brought to ensure that the orders that are passed by the Commission are also acted upon. In other words, I would say that Constitutional status needs to be conferred upon this Commission considering that this Commission has been functioning well. With this, I would like to welcome all the amendments.

**श्री कशोर कुमार मोहन्ती** (उड़ी सा): उपसभापति महोदय , आज “The National Commission for Minority Educational Institutions (Amendment) Bill, 2010” में जो चार amendments आए हैं , उनके कुछ बन्दिओं पर मैं टिप्पणी करूँगा।

महोदय , मंत्री जी ने कहा कि एजुकेशन सटेट का subject है। यह एक सही बात है , लेकिन इसमें जो amendments आए हैं , इन्हें सटेट के वरिद्ध लया है। मैं कुछ दलितों से देख रहा हूँ कि कोई भी कमिशन या नेशनल कमिशन बैठता है तो उसमें कुछ ऐसे subjects आते हैं जिनमें केंद्र को more powerful करने के लिये या कमिशन को more powerful करने के लिये subject में amendment लाया जा रहा है।

सर, मैं यह कहना चाहूँगा कि कुछ दलितों पहले मेडिकल काउंसिल ऑफ इंडिया के चेयरमैन कसि हासत में पकड़े गए थे यह आप भी जानते हैं और सारा हिन्दुस्तान भी जानता है। सेंट्रल गवर्नमेंट ने सारे भारतवर्ष को अच्छी शिक्षा देने के लिये यू.जी.सी. फॉर्म किया था। उसमें भी सारे भारतवर्ष में बहुत सी deemed universities खुल गई , जो vague थीं वे भी यू.जी.सी. के कार्यक्रम पर उभरी उठती हैं।

सर, यहाँ पर एक चीज़ मुझे समझ में नहीं आई कि अगर work-load बढ़ गया था और दो की जगह तीन मैम्बर्स कर देने से वह work-load घट जाएगा , तो यह कसि तरह का amendment है? जहाँ पर ये educational institutions बनाए जाएँगे , minority communities के institutions बनाए जाएँगे , वहीं की सरकार को आप बोलेंगे कि उनको कुछ अधिकार नहीं है। जहाँ पर वे बिल्डिंग बनाएँगे और जहाँ से उनको No Objection Certificate लाना है , उनको आप बोलेंगे कि उनको No Objection Certificate की कोई दरकार नहीं है।

जब वे नेशनल कमिशन के पास अपील में आएंगे तो वहाँ पर पार्टी होंगे। यह कसि तरह का अमेंडमेंट है? अगर एक सटेट के ऊपर केन्द्र को भरोसा नहीं है तो फेडरल स्ट्रक्चर में यह एक बहुत ही वसिधाभासी बात है। सटेट और सेंटर का रलेशन हमेशा अच्छा होना चाहिए। कसि सटेट की जो कार्य प्रणाली है , उस पर केन्द्र का ऊंगली उठाना अनुचित है। अगर हम इस तरीके से काम करेंगे , अगर हम सटेट का वसिवास नहीं रखेंगे और सटेट में जो भी लेजिस्ले चर हो रहा है , जो भी कार्य हो रहा है , उस पर केन्द्र को वसिवास नहीं होगा तो आने वाले दलित में यह फेडरल स्ट्रक्चर के लिये परेशानी है। सर, यह danger है। इसी कारण , यह जो अमेंडमेंट हमारे मंत्री जी लाए हैं कि इसमें केन्द्र से consultation करने की दरकार नहीं है , मैं इससे सहमत नहीं हो सकता हूँ। मैं

चाहूँगा कि जब भी किसी भी चीज़ पर कोई भी अमेंडमेंट आए, अगर किसी भी clarification की दरकार है तो वे स्टेट से clarification ले सकते हैं। वहाँ उनके consultation के जरिए no objection लाएँ। अगर no objection लाएंगे और अगर वह बाद में अपील में आता है अथवा स्टेट गवर्नमेंट no objection नहीं भी देती है, तो उनको वहाँ पर बुलाकर इस बात की query की जा सकती है कि आपने no objection क्यों नहीं दिया। अगर आप ऐसा कह रहे हैं कि उनसे consultation की दरकार ही नहीं है, तो इसमें naturally स्टेट की जो पावर है, उसको हम लोग override कर रहे हैं, इससे यह बात समझ में आती है।

मैं यही चाहूँगा कि जो ये दो-तीन बिन्दु हैं, उन पर मंत्री जी अगर सही तरीके से अमेंडमेंट लाए होते तो हमें उनका समर्थन और सहयोग करने में कोई दुविधा नहीं होती। आप दो मैम्बर्स से बढ़ाकर तीन मैम्बर्स करने के लिए यह जो अमेंडमेंट लाए हैं और जैसा आपने अपने भाषण में बताया कि वर्कलोड कम करने के लिए दो से तीन मैम्बर्स किये हैं, तो उसको आप पाँच मैम्बर्स कर दीजिए, इससे वर्कलोड और भी कम हो जाएगा। उसमें क्या है? जब आप अमेंडमेंट ला रहे हैं तो दो से तीन क्यों, दो से चार-पाँच क्यों नहीं हो सकता है? इसमें यह चीज़ होनी जरूरी थी। मंत्री जी अगर यह बलि सही मंशा से लाये हैं, तो मैं यही कहूँगा कि राज्य सरकारों का जो अधिकार है, उसके ऊपर कोई encroachment न किया जाए। मैं मंत्री जी से यही अनुरोध करके अपनी बात समाप्त करता हूँ।

SHRI M.P. ACHUTHAN (Kerala): Mr. Deputy Chairman, Sir, I am mentioning only two points. One is, this amendment Bill is an encroachment on the rights of the States. As you know, education was a State-subject. In 1975, it became a subject under the Concurrent List. After that, there is a deliberate attempt on the part of the Union Government to grab the rights of the States. This move is the latest one. Honorable Minister has explained that the States can make a law to determine criteria but in practice it is not happening; the competent authority is the State Government. But, in the law, it is specifically stated that the National Commission for minority institutions will decide the minority status of an educational institution. It is under section 12(b) of the Act. The final authority is the Commission. If there is some dispute in dealing with the appeal, it is said that you need not have even to consult the State Government! You are not ready even to consult, to take an opinion of the State Governments. That is against the spirit of federalism and is against the ruling of the Supreme Court. You have quoted the judgment of T.M.A. Pai case. In the T.M.A. Pai case, the Supreme Court has stated that you have to take the State as a unit in determining the status of minority. So, it is a deliberate attempt to deprive the right of the States and over-concentrate the powers in the hands of the Central Government. It is detrimental to our federal structure.

So, I oppose that amendment, and you have to delete that clause. Sir, my next point is concerning the university. It is about minority status to a university. As the hon. Minister himself has stated that, as it is now, there is no private university in our country. Only Central Universities, State Universities and Deemed universities, and the private universities which came before our Independence. Now, you want to open it. We know that we are in an atmosphere of privatization and commercialization of the educational sector, and this is a part of it. So, you want to open private universities in the name of minority community. You have said that the amendment is the result of an evaluation of the four or six years of the implementation of the Act. Then, we have to assess how this Act has benefited the minority community. ...*(Time-bellring)*... Just one minute, Sir. Of course, it is a lofty ideal; I do not object to it, and we have to give more and more facilities to the minorities. But, there is a provision in the Bill which says that minority status is determined, if it is run by a member of a minority community, not by societies. There are very good organizations, voluntary organizations and societies which run minority educational institutions, and we support it fully. But, when



it comes to a person, if he happens to be a member of a minority community, then all the facilities and all the protection of this Bill goes to him. So, we have to revisit the Bill. The criteria must be the percentage of students are from the minority community, and that too from the economically backward sections of that community. Then only we can achieve the aims of this Bill.

MR. DEPUTY CHAIRMAN: Please conclude, Mr. Achuthan.

SHRI M.P. ACHUTHAN: Sir, we cannot see so many Sir Sayyed Ahmed Khans in this era.

MR. DEPUTY CHAIRMAN: Please conclude. You have taken more than the time allotted to you.

SHRI M.P. ACHUTHAN: There are some rich people who open universities and educational institutions for profit. So, be guarded against them. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Yes, the next speaker.

SHRI M.P. ACHUTHAN: As for enhancing the number, you can have five or seven, as the Standing Committee has recommended. I do not object to it.

श्री अहमद सईद मलीहाबादी (पश्चिम बंगाल): मोहतरम डिप्टी चेयरमैन साहब, आपका बहुत शुक्रिया। National Commission for Minorities Educational Institution Act के बारे में जो तरमीमी बलि हमारे वजीरे मोसूम ने पेश किया है, उसके बारे में अभी वक्ता की तरफ से जो पहली आवाज उठी थी, उसमें यह था कि यह बलि बहुत confuse करने वाला है। मैं यह समझता हूँ कि वे या उनके जैसा सोचने वाला जो कोई भी हो, वह खुद बहुत बड़े confusion में मुब्तला है। बात दरअसल यह है कि यह जो कमीशन बना है, यह सिर्फ religious minorities के लिए नहीं बना है, बल्कि इसमें कोई भी minorities शामिल हो सकती है, चाहे वे religious minorities हों या linguistic minorities हों। मजहबी अक्लियत में सिर्फ मुसलमान ही नहीं हैं, बल्कि हमारे देश की बहुत सी अक्लियतें हैं। उसी तरह से जो linguistic minorities हैं, देश के eastern region में चले जाइए, वहां जो हब्दी बोझने वाले हैं या हमारे बंगाल में जो हब्दी भाषी हैं, अगर वे वहां पर कोई हब्दी मडियम में स्कूल कायम करना चाहेंगे, तो वे वहां linguistic minorities हैं। हमारे बंगाली भाई, जो यूसी या बहिर में आकर बसे हुए हैं, अगर वे बंगाली मडियम में कोई स्कूल कायम करना चाहें, तो वह वहां linguistic minorities हैं।

यह जो कमीशन है, यह तमाम मुश्किलत और परेशानियों को दूर करने के लिए है। लेकिन बात दरअसल यह है कि कुछ लोगों के अंदर एक आदत पड़ गयी है कि अगर लफ्ज -ए-माइनॉरिटी आएगा तो उनके सीने के ऊपर सांझ लौटने लगता है, कुछ लोगों के अंदर यह खसलत पैदा हो गयी है। अभी हमारे दोस्त यहां से चले गए हैं, वे बहुत से शेर सुना रहे थे। मैं भी उन्हें एक शेर सुना सकता हूँ और वह यह है कि:

लाख हो मुशाहिदे हक की गुफ्तगु,  
बनती नहीं है बाढ़ -ओसागर कहे बगैर।

बात वहीं से चली थी, लेकिन वह मदरसों तक लाकर जोड़ दी गयी और जो कुछ उन्हें उसके ऊपर तज्करा और तबखरा करना था, वह उन्होंने किया। इसका मदरसों से कोई ताल्लुक नहीं है, मदरसे के बारे में कोई डिस्प्यूट नहीं है, वे माइनॉरिटी इंस्टीट्यूशन हैं - न उनके लिए किसी एनओसी की जरूरत है, न उनका कोई मसला है - उनका इससे कोई ताल्लुक नहीं है। मेरे

अर्ज करने का मकसद यह था कि पहली बात तो यह साफ हो जानी चाहिए कि इसमें कोई confusion नहीं है, यह बलि और इसका यह अमेंडमेंट अपनी जगह पर बिल्कुल सही है। अर्ज सिर्फ यही करना है कि अभी हमारे वज़ीर -ए-मोहतरम ने स्टेटमेंट ऑफ ऑब्जेक्शंस एंड रीज़ंस में जो कुछ बतलाया है और उसमें उन्होंने other than university का जो ओरिजनल बलि में से साफ़ित कर दिया है, अगर इस तब्दीली के बाद इसका फायदा ज़मिया मल्लिया इस्लामिया के अकलियती करिदार को बहाल करने में मदद कर सकता है तो मैं वज़ीर -ए-मोहतरम को अभी पेशगी बहुत ही मुबारकबाद देना चाहता हूँ, पूरे मुल्क की ज़िन्नी हमारी मल्लि लत-ए-इस्लामिया है, उसकी तरफ से मुबारकबाद देना चाहता हूँ। अगर इससे यह मकसद पूरा नहीं होता है तो मैं उनसे गुज़ारिश करूंगा कि इस मसले के ऊपर वे दुबारा गौर फरमाएं। सर, मैं एक आखिरी बात यह अर्ज करना चाहता हूँ कि सेक्शन -10 पर काफी बहस हो रही है। जो no objection certificate लेने की बात है, मैं वज़ीर -ए-मोहतरम साहब से यह माह्रूम करना चाहता हूँ, उनका गोश -ए-गुज़ार करना चाहता हूँ, उनसे मेरी गुज़ारिश है कि आर्टिकल -30 में मेरा जो फंडामेंटल राइट है, उसमें तो मुझे कहीं मजबूर नहीं किया गया था कि जब तक मुझे कहीं से no objection certificate नहीं मल्लिगा, मैं अपना कोई तालीमी इदारा कायम नहीं कर सकता। यह मेरे फंडामेंटल राइट के ऊपर restriction कायम करना है, यह उसके ऊपर हाथ डालने वाली बात है - चाहे वह स्टेट गवर्नमेंट हाथ डाले या सेंट्रल गवर्नमेंट हाथ डाले। आपने उसका रास्ता खोला है, हम उसके लिए आपका शुक्रिया अदा किया है कि

मुख्तलिफ रयिसतों में उनके जो तालीमी इरादे हैं , बीस -बीस , तीस -तीस साल से वे इदारे चल रहे हैं , स्कूल चल रहे हैं , मजबूर होकर दूसरे स्कूलों में , जो affiliated हैं या recognized हैं , वहां जाकर उनको अपने बच्चों को इम्तिहा न में बठिना पड़ता है। यह जो मुसीबत खड़ी कर दी गयी है , कहां से मेरे ऊपर यह मुसीबत लागू करके restriction लगायी जा रही है , पाबंदी लगायी जा रही है कि पहले मैं no objection certificate लेकर आऊं। मैं कोई शराबखाना या बार थोड़े ही खोल रहा हूं , मैं कोई जुए का अड्डा थोड़े ही खोल रहा हूं , मैं स्कूल कायम करना चाहता हूं , उसके लिये क्या मुझे इजाजत लेनी पड़ेगी ? मुझे constitution इजाजत दे रहा है , आप अपनी choice को कायम करते हैं , as a minority. चाहे मैं religious हूं , linguistic minority हूं लेकिन सरकार यह कह रही है , स्टेट की सरकार यह कह रही है कि पहले आप हमसे सर्टिफिकेट लीजिए। It is to the pleasure and mercy of that State Government. Where is my fundamental right? इसका मतलब अगर वे देंगे , if they say, 'Yes', then, it is all right; if they say, 'No' तब मुझे यहां मरकज़ में इस कमीशन के पास आना पड़ेगा। हम शुक्रगुजार हैं क्योंकि रवैया यही है। बहुत सताया है , बहुत परेशान किया है और इसकी वजह से माइनॉरिटीज़ को एजुकेशन hamper हुई है। हमारे दोस्त यहां पर हमें बहुत कुछ बुरा -भला सुनाकर चले गए हैं कि हमारे बच्चे नहीं पढ़ सकते , मेन स्ट्रीम में नहीं दाखिल हो सकते। उनका रास्ता तो सरकारों ने रोक रखा है , अगर वे अपने तालीमी इदरो कायम करते हैं तो आप उनको पढ़ने की इजाजत नहीं दे रहे हैं। आप बोल रहे हैं कि हम आपको इजाजत ही नहीं देंगे। पहले आप हमसे परमिशन लीजिए , तब आप स्कूल खोल सकते हैं। यह तो लाइसेंस देने वाली बात है कि हम आपसे लाइसेंस लेने जाएं। Where is my fundamental right? आर्टिकल -30 खत्म है , उसको ग़र्क कर रहे हैं। मेरी गुज़ारिश यह है कि इस बात को भी जरूर पेश -ए-नज़र रखा जाए। एक धंधा चल रहा था , रयिसती हुकुमतों ने एक मुसीबत लगा रखी थी , उसका आपने एक रास्ता नक़्क़ा ला है। मैं वज़ीर -ए-मौसूफ़ का इसके लिये शुक्रिया अदा करता हूं। इस बात को जरूर ध्यान में रखना चाहिए कि मेन स्ट्रीम की जो बात की जाती है , इस मुल्क की तमाम अकलियतें पूरी तरह से मेन स्ट्रीम में दाखिल हैं , चाहे वे मदरसों में पढ़ रही हों , स्कूलों में पढ़ रही हों या कॉलेजों में पढ़ रही हों। एक बात याद रखनी चाहिए कि इन मदरसों से हमारे मुल्क की आज़ादी के लिये सच्ची नक़िले हैं जव्हिने अपनी ज़ामें न्यूछावर की हैं , फांस्वियां पाई हैं , काब्र पानी की सज़ाएं काटी हैं। आज उनको इस तरह से बदनाम किया जा रहा है कि वहां से कट्टरपंथी और आतं कवादी नक़िलते हैं। ऐसी बातें कहने वालों को शर्म आनी चाहिए। मैं इस बलि का पूरे तहे -दबि से इस्तक़बाल करता हूं , इसका स्वागत करता हूं और वज़ीर -ए-मौसूफ़ को मुबारकबाद देता हूं। आखिर मैं यही कहना चाहता हूं कि ज़ामिया मल्लिया इस्लामिया के बारे में वे अगर इसमें इस बात को ला सकते हैं तो इसके ऊपर गौर फरमाएं। बहुत -बहुत शुक्रिया।

جناب احمد سعید ملیح آبادی (مغربی بنگال) : محترم ڈپٹی چیئرمین صاحب، آپ کا بہت شکریہ۔ National Commission for Minorities Educational Institution Act کے بارے میں ترمیمی بل ہمارے وزیر موصوف نے پیش کیا ہے، اس کے بارے میں ابھی وپکش کی طرف سے جو پہلی آواز اٹھی تھی، اس میں یہ تھا کہ یہ بل بہت کنفیوژ کرنے والا ہے۔ میں یہ سمجھتا ہوں کہ ان کو یا ان کے جیسا سوچنے والا جو کوئی بھی ہو، وہ خود بہت بڑے کنفیوژن میں مبتلا ہیں۔ بات دراصل یہ ہے کہ یہ جو کمیشن بنا ہے، یہ صرف religious minorities کے لئے نہیں بنا ہے، بلکہ اس میں کوئی بھی مائنارٹیز شامل ہو سکتی ہیں، چاہے وہ linguistic minorities ہوں یا religious minorities ہوں۔ مذہبی اقلیت میں صرف مسلمان نہیں ہیں، بلکہ ہمارے دیش کی بہت سی اقلیتیں ہیں۔ اسی طرح سے جو linguistic minorities ہیں، دیش کے eastern region میں چلے جائیے، وہاں جو ہندی بولنے والے ہیں یا ہمارے بنگال میں جو ہندی بھاشی ہیں، اگر وہ وہاں پر کوئی ہندی میٹیم میں امسکول قائم کرنا چاہیں گے، تو وہ وہاں linguistic minorities ہیں۔ ہمارے بنگالی بھائی، جو یوپی۔ یا

†[Transliteration in Urdu Script]

بہار میں آکر بسے ہوئے ہیں، اگر وہ بنگالی میڈیم میں کوئی اسکول قائم چاہیں، تو وہ وہاں linguistic minorities ہیں۔ یہ جو کمیشن ہے، یہ تمام مشکلات اور پریشانیوں کو دور کرنے کے لئے ہے۔ لیکن بات دراصل یہ ہے کہ کچھ لوگوں کے اندر ایک عادت پڑ گئی ہے کہ اگر لفظ 'مانٹارٹی' آنے گا تو ان کے سینے کے اندر سائپ لوٹنے لگتا ہے۔ کچھ لوگوں کے اندر یہ ایک خصلت پیدا ہو گئی ہے۔ ابھی ہمارے دوست یہاں سے چلے گئے ہیں، وہ بہت سے شعر منا رہے تھے۔ میں بھی انہیں ایک شعر سنا سکتا ہوں اور وہ یہ ہے کہ :

لاکھ ہو مشاہدہ حق کی گفتگو

بنتی نہیں ہے باد و ساغر کہے بغیر

بات کہیں سے چلی تھی، لیکن وہ مدرسوں تک لاکر جوڑ دی گئی اور جو کچھ انہیں اس کے اوپر تبصرہ اور تذکرہ کرنا تھا، وہ انہوں نے کیا۔ اس کا مدرسوں سے کوئی تعلق نہیں ہے۔ مدرسے کے بارے میں کوئی ڈسپیوٹ نہیں ہے۔ وہ مانٹارٹی انسٹی ٹیوشن ہے۔ نہ ان کے لئے کسی این۔اوسی۔کی ضرورت ہے، نہ ان کا کوئی مسئلہ ہے۔ ان کا اس سے کوئی تعلق نہیں ہے۔ میرے عرض کرنے کا مقصد یہ تھا کہ پہلی بات تو یہ صاف ہونی چاہئے کہ اس میں کوئی کنفیوژن نہیں ہے۔ یہ بل اور اس کا یہ امینڈمینٹ اپنی جگہ پر بالکل صحیح ہے۔ عرض صرف یہ کرنا ہے کہ ابھی ہمارے وزیر محترم نے اسٹیٹمینٹ آف آبجیکٹ اینڈ ریجنس میں بتلایا ہے اور اس میں انہوں نے other than University کا جو اورجنل بل میں سے ساقط کر دیا گیا ہے، اگر اس تبدیلی کے بعد اس کا فائدہ جامعہ ملیہ اسلامیہ کے اقلیتی کردار کو بحال کرنے میں مدد کر سکتا ہے تو میں وزیر موصوف کو ابھی پیشگی بہت ہی مبارکباد دینا چاہتا ہوں، پورے ملک کی جتنی ہمارے ملت اسلامیہ ہے، اس کی طرف سے مبارکباد دینا چاہتا ہوں۔ اگر اس سے یہ مقصد پورا نہیں ہوتا ہے تو ان سے گزارش کروں گا کہ اس مسئلے کے اوپر وہ دوبارہ غور فرمائیں۔

سر، میں ایک آخری بات یہ عرض کرنا چاہتا ہوں کہ سیکشن-10 پر کافی بحث ہو رہی ہے۔ جو no objection certificate لینے کی بات ہے، میں وزیر محترم صاحب سے یہ معلوم کرنا چاہتا ہوں، ان کو گوش گزار کرانا چاہتا ہوں، ان سے میری گزارش ہے کہ آرٹیکل-30 میں میرا جو فنڈامینٹل رائٹ ہے، اس میں تو مجھے کہیں مجبور نہیں کیا گیا تھا کہ جب تک مجھے کہیں سے no objection certificate نہیں ملے گا، میں اپنا کوئی تعلیمی ادارہ قائم نہیں کر سکتا۔ یہ میرے فنڈامینٹل رائٹ کے اوپر ریسٹرکشن قائم کرنا ہے، یہ اس کے اوپر

ہاتھ ڈالنے والی بات ہے۔ چاہے وہ اسٹیٹ گورنمنٹ ہاتھ ڈالے یا سینٹرل گورنمنٹ ہاتھ ڈالے۔ آپ نے اس کا راستہ کھولا ہے، ہم اس کے لئے آپ کا شکریہ ادا کرتے ہیں کیوں کہ اسٹیٹ گورنمنٹ نے ہمیں اتنا پریشان کیا ہے، اقلیتوں کو اتنا پریشان کیا ہے کہ مختلف ریاستوں میں ملک کے جو تعلیمی ادارے ہیں، بیس-بیس، تیس-تیس سال سے وہ ادارے چل رہے ہیں۔ مجبور ہو کر دوسرے اسکولوں، جو affiliated ہیں یا recognized ہیں، وہاں جاکر ان کو اپنے بچوں کو امتحان میں بٹھانا پڑتا ہے۔ یہ جو مصیبت کھڑی کر دی گئی ہے، کہاں سے میرے اوپر یہ مصیبت لاگو کر کے ریسٹرکشن لگائی جا رہی ہے، پابندی لگائی جا رہی ہے کہ پہلے میں no objection certificate لیکر آؤں۔ میں کوئی شراب خانہ یا بار تھوڑے ہی کھول رہا ہوں، میں کوئی جوئے کا آڈہ تھوڑے ہی کھول رہا ہوں، میں اسکول قائم کرنا چاہتا ہوں، اس کے لئے کیا مجھے اجازت لینی پڑے گی؟ مجھے کانسٹی ٹیوشن اجازت دے رہا ہے، آپ اپنی جوائنس کو قائم کرتے ہیں، as a minority۔ چاہے میں ریلیجنس ہوں، یا linguistic minority ہے۔ لیکن سرکار یہ کہہ رہی ہے، اسٹیٹ کی سرکار یہ کہہ رہی ہے کہ پہلے آپ ہم سے سرٹیفکٹ لیجئے۔ It is to the pleasure and mercy of that State۔ Government. Where is my fundamental right? اس کا مطلب اگر وہ دیں گے، it they say, 'Yes', then, it is all right; if they say, 'No' کمیشن کے پاس آنا پڑے گا۔ ہم شکر گزار ہیں کیوں کہ رویہ یہی ہے۔ بہت ستایا ہے، بہت پریشان کیا ہے اور اس کی وجہ سے مائنارٹیز کو ایجوکیشن ہیمر ہونی ہے۔ ہمارے دوست یہاں پر ہمیں بہت کچھ برا بھلا سنا کر چلے گئے ہیں کہ ہمارے بچے نہیں پڑھ سکتے، مین اسٹریم میں نہیں داخل ہو سکتے۔ ان کا راستہ تو سرکاروں نے روک رکھا ہے۔ اگر وہ اپنے تعلیمی ادارے قائم کرتے ہیں تو آپ اس کو پڑھنے کی اجازت نہیں دے رہیں ہیں۔ آپ بول رہے ہیں کہ ہم آپ کو اجازت ہی نہیں دیں گے۔ پہلے آپ ہم سے پرمشن لیجئے، تب آپ اسکول کھول سکتے ہیں۔ یہ تو لائسنس دینے والی بات ہے کہ ہم آپ سے لائسنس لینے جائیں۔ Where is my fundamental right? آرٹیکل-30 ختم ہے، اس کو غرق کر رہے ہیں۔ میری گزارش یہ ہے کہ اس بات کو بھی ضرور پیش نظر رکھا جائے۔ ایک دھندہ چل رہا تھا، ریاستی حکومتوں نے ایک مصیبت لگا رکھی تھی، اس کا آپ نے ایک راستہ نکالا ہے۔ میں وزیر موصوف کا اس کے لئے شکریہ ادا کرتا ہوں۔ اس بات کو ضرور دھیان میں رکھنا چاہئے کہ مین اسٹریم کی جو بات کی جاتی ہے، اس ملک کی تمام اقلیتیں پوری طرح سے مین اسٹریم میں داخل ہیں،

چاہے وہ مدرسوں میں پڑھ رہی ہوں، اسکولوں میں پڑھ رہی ہوں یا کالجوں میں پڑھ رہی ہوں۔ ایک بات یاد رکھنی چاہئے کہ ان مدرسوں سے ہمارے ملک کی آزادی کے لئے سپاہی نکلتے ہیں۔ جنہوں نے اپنی جائیں بچاؤ کی ہیں، پھانسیاں پائی ہیں، کالے پانی کی سزائیں کاٹی ہیں۔ آج ان کو اس طرح سے بدنام کیا جا رہا ہے کہ وہاں کٹر پنٹھی اور آتک وادی نکلتے ہیں۔ ایسی باتیں کہنے والوں کو شرم آنی چاہئے۔ میں اس بل کا پورے تہہ دل سے استقبال کرتا ہوں، اس کا سواگت کرتا ہوں اور وزیر موصوف کو مبارکباد دیتا ہوں۔

آخر میں، میں یہی کہنا چاہتا ہوں کہ جامعہ ملیہ اسلامیہ کے بارے میں وہ اگر اس میں اس بات کو لا سکتے ہیں تو اس کے اوپر غور فرمائیں۔ بہت بہت شکریہ۔

(ختم شد)

MR. DEPUTY CHAIRMAN: Further discussion on the Minority Educational Institutions Bill will continue later.

Now, we will take up the Clinical Establishments (Registration and Regulation) Bill. The debate was over. Now, the hon. Minister will reply and then we will take up Clause-by-Clause consideration.

SHRIMATI BRINDA KARAT (West Bengal) : Sir, there are amendments.

SHRI GHULAM NABI AZAD: I am giving reply to the debate, including the amendments. Sir, Brindaji is such a nice lady that she would not press for amendments.

#### **The Clinical Establishment (Registration and Regulation) Bill, 2010**

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD): Mr. Deputy Chairman, Sir, I am grateful for the keen interest evinced in this House on the Clinical Establishment (Registration and Regulation) Bill. As many as eighteen Members have participated in the discussion on the Bill. They have raised a wide area of issues. Shri Natchiappan eloquently brought out the salient features of the Bill. He got, since it was his maiden speech, got the maximum time. The concerns voiced by the hon. Members were generally as under:—

1. The Bill is oriented more towards registration of clinical establishments with hardly any provision for their regulation.

I am reminding you what all you spoke yesterday.

2. Rates and charges for services provided by clinical



establishments and need to be notified by the Government.

3. A general point mention by the hon. Members was the provision for providing emergency medical care is ineffective as there is no penalty prescribed for non-compliance.
4. Most of the clinical establishments are either sub-standard or poorly equipped in terms of infrastructure, equipment and manpower.
5. The Bill will result in Inspector Raj and corruption.
6. The Bill is a toothless law.
7. The District Collector should not be the Chairperson of the District Registering Authority.
8. Regulation of clinical establishments should be left to the State Governments as 'Health' is a State Subject.

Sir, some hon. Members have also raised some points specific to their States or their area of interest. I have listened intently and carefully to the sentiments expressed by hon. Members who have participated in the discussion on this legislation.

Sir, before I venture to reply to the issues raised during the debate over this Bill, permit me to elaborate the basic objective of this Bill. I think, there is something missing of what we wanted to do. I think, not much thrust has been given on that. It is not that we are not interested to do what the hon. Members have suggested. But, we wanted to do much more than what the legislation prescribed and I would like to throw some light on that, because not many, rather no hon. Member, spoken on this.

[THE VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair]

Sir, many hon. Members have described that the Bill is much more oriented towards registration of clinical establishments. This policy decision has been taken after very careful consideration.

The Government is not willing to run into regulating without having a fair idea of what is being regulated. Hon. Members have asked that the regulation should be enforced. But what to regulate and how to regulate? Where is the category? Which is category 'A' or category 'B' or category 'C' or category 'D'? If we have to categorise something we have to regulate something for a particular category. That categorisation has not taken place. This is what we would like to do first. Currently, there is no authenticated data available in the country regarding the number of clinical establishments that have been set up and are operational. Mr. Natchiappan had also highlighted this

deficiency yesterday.

In every session of Parliament my Ministry is flooded with questions pertaining to number of hospitals, bed capacity, number of doctors and nurses both in public and private sector. There is a standard reply for such question from the Ministry that health is a State subject and such data is not maintained centrally. But should this data not be maintained centrally? I would like to know it from you. That is why this piece of legislation is there. How long we are going to tell

Members of Parliament that we don't have the data of hospitals, bed capacity, doctors, and nurses in position. We quote what comes out of institutions. After their leaving those institutions, we don't have any data on how many went abroad, how many are doing Government jobs, how many after marriage are not pursuing the job, and how many of them have got employment. In the absence of such data how are we to formulate policies for improving delivery of health care services in the country?

Our national health programmes are based on surveys and estimates of health infrastructure. For this reason, their implementation can be quite off the target. It is also ironic that while we export our vaccines made in India to more than 156 countries and we are the third largest producer of pharmaceuticals in the world, we have no authentic data about the state of our own clinical establishments.

I, therefore, believe that registration of clinical establishment is a very important tool for correcting imbalances in health care infrastructure. Registration is necessary to generate authentic data about: (a) the spread and reach of clinical establishments in the country; (b) the deficiencies in the health care system; and (c) measures required to be taken to rectify the flaws, shortcomings and deficiencies indicated above.

We need such data for disease control and for planning our response to medical emergencies. For instance, our response to the H1N1 pandemic could have been better organised if data about hospitals with isolation wards had been available. Same holds true for outbreak of other infectious diseases as well. When we were told by the WHO that we must have isolation halls in each hospital, we requested all the State Governments. But when they failed to give us the details whether they can have it, then I had to request the Prime Minister and the Cabinet Secretary to give me at least 30-40 Additional Secretaries. I am very happy that Cabinet Secretary did so and I was provided Additional Secretary and also 30-50 Joint Secretaries. I rushed all of them together in one go to all the respective States for discussion.

And what was the discussion? It was to identify isolation halls in the hospitals. So, we have this type of problem. We don't have any data. If we have data, should anything happen in future, we will know where is the isolation hall in the hospital, which hospital has the capacity to deal with what type of disease, what type of pandemic they are capable to deal with, etc.

On the other hand, if we straightway start pushing up for regulation of clinical establishments, it would be a typical case of putting the cart before the horse. We must know what we are to regulate and how we are to do it. Registration holds the key to successful regulation of clinical establishments. While for even establishing a video parlour or a cinema hall, an appropriate licence is needed, there is no such requirement for opening hospitals and diagnostic centres or for that matter, small or big laboratories. Therefore, it has been very consciously decided to start implementation of this Act through provisional registration of all clinical establishments. This would generate a reliable data base and facilitate policy

formulations, resource allocation and determination of standards. This data base would also help to categorise and classify various types of clinical establishments into manageable classes and categories. Once adequate data about the State of clinical establishments in the country becomes available, development of realistic standards can be undertaken which would then pave the way for permanent registration of clinical establishments and translate into delivery of assured quality healthcare services by the various providers. If regulation of clinical establishments could be done by merely enacting laws, then, the States that have already enacted such laws should have completed this exercise long back. Evidently, this has not happened. Yesterday, we have all heard hon. Members of Parliament speaking about poor conditions of hospitals and diagnostic centres in their respective States. Honourable Members, Shri Rajniti Singh and Shri Avinash Rai Khanna, in particular, have highlighted this aspect. These conditions continue to exist because of the fact that while laws have been enacted, there are no benchmarks set and no milestones to be achieved. These measuring tools can be created only through registration that would give baseline data. I would, therefore, sincerely urge this august House not to downplay the importance of registration as a pre-condition for effective regulation of clinical establishments. Additionally, registration would empower us to develop data base, policies and programme and make implementation more realistic and focussed.

Sir, let me now respond to some other issues raised by hon. Members during the debate. Considerable concern was voiced that rates for treatment procedure and services provided by hospitals should be fixed under the proposed law. Honourable Shrimati Brinda Karat and other hon. Members said that rates and charges for clinical tests should be fixed, regulated and monitored under the proposed law.

Sir, the general drift of the debate appeared to suggest that the private health care sector is dominated by institutions, not caring for poor and underprivileged sections of society.

Given the complexity of the health sector, fixation of rates would be a quite challenging and formidable task. Currently, there are no standard treatment guidelines in the country.

Treatment provided can, therefore, vary from doctor to doctor. Accordingly, the cost could also vary from procedure to procedure and

from establishment to establishment.

Even the Standing Committee of Parliament had only recommended that the details of charges, facilities available should be prominently displayed at a conspicuous place. We are finding a solution. Madam Karat and other friends have raised this issue. We are not totally dismissing this issue.

What we are, therefore, hoping to achieve, through this legislation, is to determine minimum standards and to prescribe a range of costs that could be charged by a hospital for different procedures after complying with the approved standards. If it is 'A' category, for a heart operation there has to be a range of costs. There cannot be, as somebody yesterday, Rs. 60,000/- in one hospital and Rs. 4 lakhs in another hospital. ...(*Interruptions*)... I totally

agree with you; I am not disagreeing. Once we have that categorization and if we fix, today, a rate, a person will say: "Yes, there is some hospital, which is a 'B' class hospital, in which there is no place to sit; there is no fan; there is no air-condition; there is no facility. Here, I am in a hospital. I belong to 'A' plus category and I have everything under the sky available with me. So, you cannot really fix it just for an operation." As I said, you have to see the infrastructure; you have to see the procedure; you have to see the equipment; you have to see the comfort; you have to see the location; you have to see the facility provided by each health care provider. Once the categorization takes place, then you can have for 'A' plus category, okay, one range. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT (West Bengal): Are you doing it? You give us an assurance.

SHRI GHULAM NABI AZAD: Yes, we are doing it.

SHRIMATI BRINDA KARAT: Give us an assurance.

SHRI GHULAM NABI AZAD: I am saying this. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: You have not said in the Bill that you are going to do this.

SHRI GHULAM NABI AZAD: Isn't it what I am saying? Should I read it again? This is what I am saying. What we are, therefore, hoping to achieve, through this legislation, is to determine minimum standards and to prescribe a range of costs that could be charged by a hospital for different procedures after complying with the approved standards. So, for 'A' particular category, there will be one name. There might be a difference between.....

SHRIMATI BRINDA KARAT: There will be a penalty if they charge more.

SHRI GHULAM NABI AZAD: There will be. You are jumping straight to the penalty aspect. First, let us categorize it. So, this we are taking care of.

This will be taken care of while making the rules wherein we will also ensure accountability for quality of services rendered.

It has been pointed out that this legislation is toothless. Again,



Brinda Karatji pointed out certain loopholes in the Bill, that could enable clinical establishments to wriggle out of their statutory obligations.

I would beg to differ. The intention of this legislation is not to impose upon the health sector any structure of licence raj.

So, while we would like to do our best, at the same time, we should be very careful. We should not bring some deterrent law in the beginning only. It is only for the past few years that the private sector in the health area has chipped in.

7.00 P.M.

Earlier we didn't have it. As a result of this, the private sector is helping the healthcare system. A lot of capacity building is there. If you bring very hard legislation, it will be a great deterrent for the private hospitals to come up. Then, I think, we will be able to solve one problem, but we will be creating so many other problems. I think, we shall have to go slow. We can't just take harsh measures which will be much more problematic than what we are facing today. We are dealing with doctors, who are well educated and well-meaning citizens. It is conceded that there are distortions in the health care system. But that is primarily due to lack of minimum standards and oversight mechanism. This law seeks to fill up these gaps by providing for a gradual but time-bound programme for development of standards and their subsequent enforcement.

Sir, on the issue of territorial jurisdiction of the law, most hon. Members have expressed their disappointment that this law, if enacted, will initially apply to the States of Arunachal Pradesh, Sikkim, Mizoram, Himachal Pradesh and all Union Territories and it will *inter alia* apply to Delhi and Chandigarh which are more important because many private sector and Government sector institutions are located here. However, Shri K.K. Mohanty, Shri Avinash Rai Khanna, Shri Azeez Pasha and Shri Mysura Reddy were of the view that health being a State subject, regulation of clinical establishments should be left to the States.

It is a fact that initially this law would apply to the four States and all the Union Territories. This is because the Legislative Assemblies of only these four States have passed resolutions authorising the Parliament to enact this law. The other States will have to adopt this law after its enactment. Since health is a State subject, usually most Central legislations on health have been enacted in a similar manner and over the time have become applicable to all the States in the country.

I have personally written to all the hon. Chief Ministers of States and many have responded positively about adopting this law after it is passed by Parliament.

SHRIMATI BRINDA KARAT: They have to pass a resolution.

SHRI GHULAM NABI AZAD: Yes. It is necessary in the case of a State subject.

SHRIMATI BRINDA KARAT: Will it not happen automatically?

SHRI GHULAM NABI AZAD: It will happen automatically in the case of those States which have said okay. This is the provision. Whenever you bring a legislation in respect of a State subject, two or three States have to adopt a resolution. ...(Interruptions)... In this case, four States have already written. It doesn't mean that it is only for four States. It is just an enabling provision. ...(Interruptions)... Naturally, it is something which is going to help them. So, as I have said, I have already written to the hon. Chief Ministers and most of them have replied in the affirmative.

Shri Avtar Singh Karimpuri, Shri K.K. Mohanty and Shri Mysura Reddy had expressed concerned about single doctor establishments being brought under the purview of this law. This

provision was one of the key recommendations of the Parliamentary Standing Committee and I totally agree with the Parliamentary Standing Committee. Even if it is one doctor establishment, you just don't know what he is giving; from where he is operating; what he is up to; what equipment he has; what he is treating, etc. It is all the more important for one doctor establishment to register and he has to comply with it. He should have some minimum standard. It is all the more important for one doctor establishment because you don't have any other facility.

He is a doctor for heart diseases; he is a doctor for cancer; he is a doctor for diabetic patients; he is everything. So I think we need to have some minimum standards for him. If we let him off then he is at the mercy of god. As my friend said, somebody was using knife or chaku or chura for operation, so he will also be using chaku or chura. I think it is all the more important that one-man doctor should be included in this.

Most health-care services, especially in rural areas, are provided through single doctor clinical establishments. ...(*Interruptions*)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): How much time will you take?

SHRI GHULAM NABI AZAD: I will not take more than 10 minutes. It is a very important Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You try to finish. Don't react to the interventions.

SHRI GHULAM NABI AZAD: By keeping these doctors out of the purview of this law, we would be excluding a major category of health-care providers.

I appreciate the concern expressed by the hon. Members that the registration process should not put them out of the business. This is not the intention of the Bill. The provisional registration process is very simple and based on self-declarations.

(MR. DEPUTY CHAIRMAN in the Chair)

Permanent registration comes into play only when standards get notified and we need not presume prematurely that this process would be very cumbersome. Mr. Rajeev Shukla wanted that even the Government establishments be incorporated and be inspected under this law. I would like to inform the hon. Members that all the private and Government clinical establishments are going to be part of this.

Rather it is also applicable to the Indian Systems of Medicines. This concern was expressed by Shri Mohammed Adeeb and Shri Sabir Ali. The hon. Members have also expressed their concern that provisions of the Bill could be subverted and lead to wide scale corruption. Sir, there are adequate safeguards in this legislation. Firstly, the provisional registration is simply a process of self-declaration. There is no inspection involved initially. The clinical establishment will provide the details and will automatically get a provisional registration. After standards are notified, permanent registration will come into play. This process has been made timebound so that no application remains unattended. The decision of

the registering authority is appealable before the State Council. Thereafter, the writ jurisdiction of the courts can also be invoked.

Shrimati Karat had expressed dissatisfaction with the provision in clause 12 (2) that makes it mandatory for every clinical establishment to provide treatment to stabilize the emergency medical condition of any individual who comes or is brought to such clinical establishment. Her apprehension was that the wording was not sound enough to create a watertight obligation. I do not think that is the case. Emergency medical treatment provided by a clinical establishment would be determined by the standards prescribed.

MR. DEPUTY CHAIRMAN: Mr. Minister, after you conclude I need another 45 minutes.

SHRI GHULAM NABI AZAD: That I have taken care of. I am replying to the amendments also.

MR. DEPUTY CHAIRMAN: I have to read the whole thing.

SHRI MOTILAL VORA (Chhattisgarh): Sir, it is a historical Bill.

SHRI GHULAM NABI AZAD: Sir, health is the most important subject. These Bills related to health would bring a sea change in the entire country.

Just having to sit for some time more, you are so worried. That is why I wanted to do it today. I could have done it yesterday in five minutes. But a lot of research had to be put into it. You should all know what the Bill is for. If the hon. Members say, इसका जवाब दियो , इसका जवाब दियो। 60 साल में हमारे पास कुछ बना नहीं है। अस्पताल बना दियो है, डिसिपेंसरी बना दी, वहां डॉक्टर है या नहीं है, एक्स-रे मशीन है या नहीं है, जब हमारे MPs को यह मालूम हो जाएगा, तो दुनिया को भी मालूम हो जाएगा। बेघारे MPs को बलि का मालूम नहीं होगा ... (व्यवधान) ...

श्रीमती वृद्धा कायत : सर, हम लोग बेघारे भी बन गए। एक तो हम सात बजे तक बैठ रहे हैं, उसके बाद भी हम बेघारे बन गए ... (व्यवधान) ...

श्री गुलाम नबी आज़ाद : सर, मुझे कोई objection नहीं है, मैं सीधे कहूंगा कि, "I request that the Bill be passed". If they do not want to listen, then, why have they put their queries?

Now, I am replying to individual questions raised. Some hon. Members have said that the District Collector should not be the

Chairman. Let me tell you why. The provision of the District Collector chairing the District Registering Authority was also opposed by some hon. Members. When the Bill had been introduced in its original form in 2007, the District Health Officer was proposed as a registering authority. The Standing Committee of Parliament had recommended that it should be a multi-member body to inspire confidence of all systems of medicines as well as the public at large. Hence it was decided to provide for the District Collector as the Chairperson. It must also be remembered that the process of prominent registration would be like a quasi-judicial process and generally the District Collector is very familiar with such legal requirements. Shri Rama Jois and Ms. Rebello had suggested mandatory accreditation with the

National Accreditation Board of Laboratories and National Accreditation Board of Hospitals to weed out sub-standard establishments, as accreditation, usually, is a voluntary process. Standards for accreditation are much higher than the minimum standards. Regulation is enforced through minimum standards, and this is what the Bill seeks to do.

Sir, Ms. Rebello had highlighted the need for AIIMS-like institutions in Jharkhand. I would like to mention for the information of the hon. Member that RCC, Ranchi, is being upgraded with an investment of Rs.120 crores...(Interruptions)... Without listening to me, you are jumping to conclusions. An amount of Rs.120 crores has already been sanctioned by the Health Ministry to make it an AIIMS-like institution. The definition of Clinical Establishment also came up for discussion. Some Members felt that partnership and charitable institutions had been excluded. Shrimati Brinda Karat and Shri Vijay Darda wanted mobile clinics to be specially included in the definition of Clinical Establishment. The definition of the term, Clinical Establishment, is a clear one. Whether an institution is clinically established would be determined by the services rendered. These are stated unambiguously in clause 2(c).

Sir, Shrimati Brinda Karat had also suggested that Yoga should be excluded from the purview of the law by amending this clause. This point was examined in detail by the Parliamentary Standing Committee, which in its report pointed out that Yoga is a well-established system having a wide acceptability increasing day by day among the masses needed to be considered as a recognized system of medicine. I would tend to agree with Shri Bharatkumar Raut that if Yoga is propagated for treatment of chronic and other diseases, then, it needs to be regulated. However, it is not our intention that every single teacher of Yoga must register under the law.

SHRIMATI BRINDA KARAT: That is what my point was.

SHRI GHULAM NABI AZAD: No.

SHRIMATI BRINDA KARAT: But you should make it clear, Sir.

SHRI GHULAM NABI AZAD: I have made it clear. You have asked about it today and I am saying it today.

SHRIMATI BRINDA KARAT: You are saying it but you are not going to be there for twenty years, even though I wish you to remain the Minister for 20 years! But it has to be brought into the law.

SHRI GHULAM NABI AZAD: I am saying that we would formulate the



rules. The whole law is made clear in the rules. So, individual Yoga teacher will never be a part of it. But we have a full department, AUYUSH Department, where we have Ayurveda, Unani, Yoga, etc.

According to Shri Bharatkumar Raut, the National Council was not needed as its work would be done by the State Councils. I would like to make it clear to the hon. House that the role of the two Councils is clearly defined. The National Council will only formulate standards and maintain the National Registry. That is all. Once they formulate, the categorization, what should

be the equipment, the manpower, the infrastructure, the human resource of Categories A, B or C and what should be the standard for each of them, then, their job is over. The implementation for that...

SHRI BHARATKUMAR RAUT (Maharashtra): Will the State Councils not be subordinate to the National Councils.

SHRI GHULAM NABI AZAD: I will come to that.

And they have to maintain the National Registry. How the National Registry is going to be maintained because the Registering Authority is the District where the Chief Medical Officer is there. There are other people also. It is a multimember committee. The Collector is going to be the chairman. So, actually, registration is going to take place at the district level. The district level will pass it on to the State level. The States would maintain the Register of all the Districts. All the States will, in turn, send that material to the Centre. So, the Centre will maintain the Registry of the entire country. They have only to maintain the Registry of the entire country and initially lay down standards. Their job is over with that. And the State Councils will work independently. They are not subordinate to anybody because their job says that the National Council's job is over. They are then functioning independently and if the District level takes action against anybody, then, the appellate authority is the State and not the Centre.

Shrimati Brinda Karat and Ms. Kanimozhi also suggested the provision for reserving free beds in private hospitals. It may be mentioned that all private hospitals cannot be asked to keep aside free beds for BPL patients or, for that matter, poor people. Usually, such conditions are imposed on such private hospitals that have received concessions from the Government and we are totally for that. While the idea is laudable, it cannot be implemented through the current legislation. Whichever State Government has given concessions to that hospital, it is for them to implement those conditions given under that provision.

It may well be asked that if we are not going to regulate ways to ensure free treatment to the poor, then how the law would help the public at large. Sir, Smt. Kanimozhi, while supporting the Bill has said that the good work done by the States that have their own laws for regulation of clinical establishments should not be undone by the

Central law. At the outset, I would like to congratulate the southern States in general, and Tamil Nadu so far as the extremely good work they have done in healthcare. Let me assure her and the hon. Members that that is not the intention. This is also for West Bengal, Brindaji; this is also for those States which have their own laws; I think, there are 7-8 States which have their own laws. In clause 56, we have protected quite a few existing State legislations and this list can be expanded by the Government. However, please note that the thrust of the Bill is towards creation of a national database and the development of uniform standards for clinical establishments across the country. States which are already having their own laws would either adopt the Central law or amend their laws to provide for the flow of data into the national database and also adopt the national standards.

The strength of this legislation, Sir, lies in the fact that it places the entire process of registration and the data of clinical establishments into the public domain. So, sitting here you will come to know what is what across the country.

Clauses 37, 38 and 39 make it mandatory for every registering authority, the State Government and the Central Government, to compile, publish and maintain in digital format a register of clinical establishments. What will this register contain? This will contain particulars of clinical establishments that have been registered by the authority. These particulars will include the details of infrastructure, human resource, equipment, procedures undertaken and charges therefor. Once such a data is available district-wise, State-wise and for the entire country, it empowers the public or any individual to access the quality of care that can be provided and the costs that would have to be incurred. So, at the moment you are saying that one is charging this and the other is charging that. Once you have a database and when it is online, sitting at home, you will come to know which hospital in the country is charging what money for the ailment and facilities. So, he has a choice. He cannot be cheated. It also informs the public about the details of the equipment and the staff which the clinical establishments claim to have and if these are not available, then the recourse is available to proceed against the clinical establishment; it is thus a very powerful tool of public empowerment.

Additionally, as pointed out at the very beginning of my reply, the law will enable the Governments at the national and State-level to plan better because of the data that would be generated by the process of registration. I would appeal to all the State Governments to adopt this law as quickly as possible.

Sir, at the end, I must humbly submit that we are not positioning this legislation as a magic wand. Please do not expect miracles overnight. It has taken us considerable effort to bring this Bill to Parliament and the opportunity of improving the health sector through positive regulation is in the hands of the hon. Members of Parliament.

It is also not my position that this legislation is perfect in all its aspects. There is always room for improvement. We will use the rule-making power to close whatever critical gaps that have been identified by hon. Members of Parliament in this House, but let us

pass this Bill today. I would, therefore, urge upon the hon. Members of Parliament in general, and Mrs. Brinda Karat in particular, not to press for any amendment.

MR. DEPUTY CHAIRMAN: Shri Rama Jois also. ...(*Interruptions*)...

SHRI GHULAM NABI AZAD: The Bill may be passed as it has been passed by the Lok Sabha. We owe it to our people that they have access to standard healthcare services. Let us not miss this opportunity. Thank you, Sir.

श्री अवतार सहि करीमपुरी (उत्तर प्रदेश): सर, हम इसके ऊपर क्लैरिफिकेशन्स चाहते हैं। ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: The question is:

That the Bill to provide for the registration and regulation of clinical establishments in the country and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

In Clause 2, there are three amendments (No. 2-4) by Shrimati Brinda Karat. Do you press for it?

SHRIMATI BRINDA KARAT: Sir, what I want to say here is this. On all these amendments, since the hon. Minister has given a categorical assurance that individual yoga practitioners are not going to be included in the ambit of this Bill, and since he has said that the other aspect of the mobile clinic is also going to be included in this Bill, on those grounds, I do not press my amendments.

MR. DEPUTY CHAIRMAN: So, the amendment is not pressed.

*Clause 2 was added to the Bill.*

*Clauses 3 to 7 were added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 8, there is one amendment (No.5) by Shrimati Brinda Karat.

SHRIMATI BRINDA KARAT: Sir, I would like to state before this hon. House that I believe that this Bill has done an injustice by not including the issue of trade practice and control of prices in the legislation itself. However, in view of the categorical assurance given by the hon. Minister that prices are going to be regulated, fees are going to be regulated, after the categorization, I do not press my amendment. But, as far as (g) is concerned, Sir, I regret that the hon. Minister has not even considered the fact of beds in hospitals for the poor. But, he has said where there are subsidies; he will bring it in a legislation. So, I thank you for that, and I will not press my amendment.

MR. DEPUTY CHAIRMAN: O.K.

*Clause 8 was added to the Bill.*

*Clause 9 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 10, there is one amendment (No.6) by Shrimati Brinda Karat.

SHRIMATI BRINDA KARAT: Sir, I am not pressing it.

MR. DEPUTY CHAIRMAN: O.K.

*Clause 10 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 11, there is one amendment (No. 12)  
by Shri M. Rama Jois.

SHRI M. RAMA JOIS (Karnataka): I want that there should be a condition for National Accreditation Board for the medical laboratories. Unless accreditation is there, it should not be registered. That is my amendment. There is Quality Control of India.

MR. DEPUTY CHAIRMAN: Anyway, he has assured it.

SHRI M. RAMA JOIS: The Quality Control of India has established National Accreditation Board for medical laboratories. We are speaking of medical laboratories in this legislation. Therefore, unless it gets accreditation from the National Accreditation Board it should not be registered. Therefore, this should be made one of the conditions for registration. That is my amendment.

श्री मुद्रनारायण पाणि (उड़ीसा): मंत्री जी ने क्या आश्वासन दिया है? अगर मंत्री जी आश्वासन देंगे, तो वह वापिस हो जाएगा। ... (व्यवधान) ...

श्री गुलाम नबी आज़ाद: सर, मैंने बता या है कि यह जो एक्रिटिडिशन है, यह इससे बहुत हायर चीज़ है। अभी हम कटेगोराइजेशन स्टेज में हैं। अभी हम उससे बहुत नीचे हैं। जब minimum स्टैंडर्ड तय हो जाएंगे, तो उसके बाद automatically that will follow.

MR. DEPUTY CHAIRMAN: In view of the assurance, do you press for this?

SHRI M. RAMA JOIS: I am not pressing my amendment.

MR. DEPUTY CHAIRMAN: O.K.

*Clause 11 was added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up clause 12. There is one amendment by Shrimati Brinda Karat. Are you pressing for it?

SHRIMATI BRINDA KARAT: Sir, I am afraid, the Minister has not categorically stated that in a medical emergency if there is a refusal, then penalty will follow. That point he has not stated.

SHRI GHULAM NABI AZAD: As I said, there are number of things and there are number of loopholes which can be taken care of in the rules.

SHRIMATI BRINDA KARAT: Specifically on this, if any clinical establishment refuses as they are doing at present to admit a patient requiring emergency medical treatment, is that going to be punished? Will you put that in the rules?

SHRI GHULAM NABI AZAD: We will have some provision in the rules.

SHRIMATI BRINDA KARAT: Thank you. I am not pressing for my



amendment.

MR. DEPUTY CHAIRMAN: O.K.

*Clause 12 was added to the Bill.*

*Clause 13 was added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up clause 14. There is one amendment by Shri Rama Jois.

SHRI M. RAMA JOIS: Sir, I am not pressing.

MR. DEPUTY CHAIRMAN: O.K.

*Clause 14 was added to the Bill.*

*Clause 15 was added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up clause 16. There is one amendment by Shri Rama Jois.

SHRI M. RAMA JOIS: I am not pressing.

MR. DEPUTY CHAIRMAN: O.K.

*Clause 16 was added to the Bill.*

*Clauses 17 to 24 were added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up clause 25. There is one amendment by Shri Rama Jois.

SHRI M. RAMA JOIS: I am not pressing.

श्रीमती माया सहि (मध्य प्रदेश): सर, मंत्री जी एक बार आश्वासन तो दें दें।

श्री उपसभापति: उन्होंने आश्वासन दे दिया है। He has said that whatever loopholes are left, they will be taken care of in the rules.

*Clause 25 was added to the Bill.*

*Clauses 26 to 35 were added to the Bill.*

MR. DEPUTY CHAIRMAN: There is insertion of a new clause 35A. There is one amendment by Shri Rama Jois.

SHRI M. RAMA JOIS: Sir, it is important because the State Government shall after previous publication fix upper limit of every individual test in every private laboratory. Without fixation of the rates, what is the use?

MR. DEPUTY CHAIRMAN: He wants the maximum rates of clinical labs should be fixed. ...(Interruptions)...

SHRI GHULAM NABI AZAD: Sir, I have already replied. ...(Interruptions)... I have said that at this stage you cannot fix a rate because. ...(Interruptions)...

SHRI M. RAMA JOIS: In the beginning he has said, you have admitted that without any data ...(Interruptions)...

SHRI GHULAM NABI AZAD: I have said that once the categorization is fixed, the range of rates will be fixed. I have said it in my reply.

MR. DEPUTY CHAIRMAN: Insertion of clause 35A is not pressed.

*Clause 36 was added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up Clause 37. There is one

Amendment No. 8 by Shrimati Brinda Karat. Are you pressing, Mrs. Karat?

SHRIMATI BRINDA KARAT: No, Sir.

MR. DEPUTY CHAIRMAN: O.K.

*Clause 37 was added to the Bill.*

*Clauses 38 and 39 were added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up Clause 40. There is one Amendment No. 17 by Shri Rama Jois. Are you pressing, Mr. Jois?

SHRI M. RAJA JOIS: No, Sir.

MR. DEPUTY CHAIRMAN: O.K.

*Clause 40 was added to the Bill.*

MR. DEPUTY CHAIRMAN: We shall now take up Clause 41. There are two Amendments No. 9 and 18 by Smt. Brinda Karat and Shri Rama Jois. Are you pressing?

SHRIMATI BRINDA KARAT: Sir, on this point, I am afraid that the hon. Minister has not even mentioned this issue. What you have done in this Bill is, you have included employees or staff of the establishment with a punishment of Rs, 25,000. My point is: you are not regulating the wages of nurses. There is no mention of the staff conditions here. Although, we all know how nurses are being exploited. When you are not doing that, why do you want to punish them under this Bill? How can a woman working as nurse expected to know whether that establishment is registered or not? So, my humble request is, please do not punish the staff because most of them are going to be women there.

SHRI GHULAM NABI AZAD: Sir, it is not the staff that is going to be punished; it is the establishment that is going to be punished. The provision says that if somebody works in a hospital which is not registered...

SHRIMATI BRINDA KARAT: Sir, how will I know whether it is registered or not? I am poor woman working as nurse there.

SHRI GHULAM NABI AZAD: How can a poor woman be a nurse?

SHRIMATI BRINDA KARAT: Sir, you are mistaken.

SHRI GHULAM NABI AZAD: A nurse has to study about four years in a nursing college.

SHRIMATI BRINDA KARAT: Sir, nurses are bonded labour today in many of the private hospitals.

SHRI GHULAM NABI AZAD: A nurse who has spent four years in a nursing college says that she does not know this, then, what sort of treatment she would do.

SHRIMATI BRINDA KARAT: Sir, it seems, the hon. Minister does have

the knowledge of the condition of nurses today.

SHRI GHULAM NABI AZAD: I know their condition ...(*Interruptions*)...  
No, no.

SHRIMATI BRINDA KARAT: Sir, I cannot accept this kind of attitude.

SHRI GHULAM NABI AZAD: We want to...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, nurses are bonded labour today in private hospitals. They are not getting even the minimum wages.

श्रीमती माया सहि : नर्सों को कई-कई घंटे काम करना पड़ता है... (व्यवधान) ... वे तीन-तीन हजार रुपए पर काम कर रही हैं... (व्यवधान) ...

श्रीमती वृद्धा कारत : सर, आप क्या बात कर रहे हैं ? ... (व्यवधान) ... इसमें नर्सों के हास्य पर एक शब्द भी नहीं है... मैंने सोचा कि यह लेबर का मामला है... (व्यवधान) ... You want to punish them. How can I accept that? ... (Interruptions) ...

श्रीमती माया सहि : I agree with Brindaji. वृद्धा जी बिल्कुल ठीक कह रही हैं, नर्सों की हास्य बिल्कुल अच्छी नहीं है... (व्यवधान) ...

श्री गुलाम नबी आज़ाद : यह सर्फ़ नर्सों के लिए ही है... (व्यवधान) ...

श्रीमती माया सहि : उन्हें काम करना पड़ता है... (व्यवधान) ...

श्री गुलाम नबी आज़ाद : यह सटाफ के लिए है... (व्यवधान) ...

MR. DEPUTY CHAIRMAN: Mr. Minister, their point is: why staff should be penalized for non-registration of the establishment? That is their point.

श्री अवतार सहि करीमपुरी : सटाफ को बचाएंगे। ... (व्यवधान) ...

श्री कशोर कुमार मोहन्ती (उड़ीसा) : सर, सटाफ का क्या कुसूर है ? ... (व्यवधान) ...

SHRIMATI BRINDA KARAT: Yes, Sir ... (Interruptions) ... Sir, Sub-Clause (2) of Clause 41 says that whoever knowingly serves in a clinical establishment which is not duly registered under this Act, shall be punishable with monetary penalty which may extend to twenty-five thousand rupees. How can I accept this, Sir?

SH. GHULAM NABI AZAD: Sir, it says, 'knowingly.' If anybody does any offence knowingly, it is punishable... (Interruptions) ...

SHRIMATI BRINDA KARAT: Sir, I make a request. The other day when I spoke to the hon. Minister, he expressed a problem that whatever amendments we move here – since this Bill has already been passed by the Lok Sabha – have to go back to the Cabinet and then to Lok Sabha for its approval. I do not want to stop this Bill. I am in favour of regulation and registration. But, what I am sorry about it is that the hon. Minister has not said even a single word about this Clause! So, what I wanted to say is the way this Clause has been framed is very

dangerous for the staff working in the establishment.

Therefore, let the Minister give us a compromise solution here as to how he is going to deal with it. I am not at all in favour of stopping this Bill on this one.

SHRI GHULAM NABI AZAD: Should I reply now?

SHRIMATI BRINDA KARAT: Yes, you reply.

SHRI GHULAM NABI AZAD: Sir, what is the clause? Clauses 41 and 42 are expected to have a deterrent effect. This is not for the employees basically. It is basically for that institution which gets people and never tries to have it registered. This is the point. Whether he gets people or does not get people, he as to perforce register it. ...(*Interruptions*)... This is the point.

SHRIMATI BRINDA KARAT: Sir, you may have one hundred points which are all valid. In this country, a nurse cannot get a job. She is being forced to work in these establishments. How can you hold nurses or the poor staff responsible who have been offered the job? Given the unemployment rate today, any poor boy who has been offered a job in any establishment, is he going to take it or is he going to say अरे बाबा , इसका रजिस्ट्रेशन है कि नहीं ? बेरोजगारों के बारे में यह क्या संवेदनशीलता है ?

SHRI GHULAM NABI AZAD: When you spoke I listened. Now when I speak you listen to me.

SHRIMATI BRINDA KARAT: Sir, I also listened to you.

SHRI GHULAM NABI AZAD: I said if any person knowingly — the word is 'knowingly' — works in an unregistered clinical establishment or wilfully disobeys any direction, he shall be liable. ...(Interruptions)... I am saying knowingly. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Now you please tell me whether you want to press the amendment. ...(Interruptions)...

श्री कशोर कुमार मोहन्ती : अगर कुछ करना है , तो उसके owner को कीजिए , paramedical staff के लिए यह ठीक नहीं है। ... (व्यवधान) ...

डा. राम प्रकाश (हरियाणा) : सर, मंत्री जी जो कह रहे हैं , वह बिल्कुल ठीक है। अगर क्लिनिक को रजिस्ट्रेशन के लिए मजबूर करना है , तो ऐसा करना पड़ेगा। ... (व्यवधान) ... अगर उनको सफा मंजूर रहेगा , तो वे क्यों रजिस्ट्रेशन कराएँगे ? ... (व्यवधान) ... यह employees के हक में है। इससे ज्यादा -से- ज्यादा अस्पताल रजिस्टर हो सकेंगे। ... (व्यवधान) ...

श्रीमती वृद्धा कारत : आप किसी को रोजगार दे नहीं सकते और आप 25 हजार रुपए का ... (व्यवधान) ... मैं इसको नहीं मानती। ... (व्यवधान) ...

MR. DEPUTY CHAIRMAN: Are we starting a discussion? ...(Interruptions)... I am not allowing any discussion. ...(Interruptions)... यह discussion की बात नहीं है ... (व्यवधान) ... She has moved an amendment. I cannot allow everybody to speak on the amendment. Where is the provision? ...(Interruptions)...

डा. प्रभा ठाकुर (राजस्थान) : सर, हमें मंत्री महोदय के intention पर कोई doubt नहीं है , ... (व्यवधान) ... लेकिन हम सफ़ि यह नविदन करना चाहते हैं कि ... (व्यवधान) ... कहीं इस clause का दुरुपयोग करके नर्सों या दूसरे लोगों का exploitation न हो। ... (व्यवधान) ... उसके बारे में कोई कड़ा नियम और बना दें , ताकि इस बहाने से कहीं उनका exploitation न



हो, क्योंकि exploitation बहुत है। ... (व्यवधान) ...

PROF. P.J. KURIEN (Kerala): Brindaji has said it has to be passed. Nobody is doubting the intention. The fact is that even today nurses are treated as bonded labourers. ... (Interruptions)... Let me say that there is no service condition. There is no regulation for salary and they are forced to work for 14 hours a day. I am getting umpteen complaints. It is natural that a lady Member would raise and argue for nurses. ... (Interruptions)... I know my position. Everybody is supporting the Bill. Everybody knows that the Bill is well-intentioned. We are all supporting it. I have to support it. All I am asking the Minister is to give an assurance that you will consider this aspect and come to this House and give some solution later. That is what I am asking. ... (Interruptions)...

श्री उद्गनारायण पाणि : सर, पहले बताया जाता है कि... (व्यवधान) ...

श्री उपसभापति : पाणि जी, मंत्री जी बोले रहे हैं... (व्यवधान) ...

श्री गुलाम नबी आज़ाद : सर, मैंने शुरू में ही बताया है कि जब भी कोई कानून हम लाते हैं, तो उसमें कतिनी ही दफा अमेंडमेंट होती है और जब तक वह फील्ड में ऐक्ट बनता है, तब तक उसमें काफी समय लग जाता है। अभी दो साल तो इसको रजिस्ट्री बनने में लगेंगे, दो साल के बाद... (व्यवधान) ...

SHRIMATI BRINDA KARAT: What does that mean?

श्री गुलाम नबी आज़ाद : आप सुनिए... (व्यवधान) ... दो साल इसको कलैक्ट करने में लगेंगे। पहले प्रोविज़नल सर्टिफिकेट मल्लिगा, प्रोविज़नल सर्टिफिकेट के बाद दो साल इसकी कैटेगोराइज़ेशन में लगेंगे, दो साल के बाद यह पब्लिश होगा और फिर दो साल के बाद इसमें... (व्यवधान) ... Just listen to me... (Interruptions)... दो साल के बाद इसमें इम्प्लमेंटेशन शुरू होगा, उस वक्त न सर्फ़ि... (व्यवधान) ...

श्री उद्गनारायण पाणि : उस समय शायद आप भी नहीं होंगे।

श्री गुलाम नबी आज़ाद : कोई तो होगा। आप नहीं होंगे या मैं नहीं होऊंगा, लेकिन कोई तो होगा। इस दुनिया में तो कोई भी परमानेंट नहीं है। उस वक्त यही नहीं शायद और दस चीज़ें कम करनी पड़ें... (व्यवधान) ...

SHRIMATI BRINDA KARAT: Sir, if you give an assurance on this clause, I will accept it. ... (Interruptions)... You give me a specific assurance. ... (Interruptions)...

SHRI GHULAM NABI AZAD: Definitely the Health Minister of that time will say that. ... (Interruptions)... कोई भी होगा, दो साल बाद, तीन साल बाद या चार साल बाद... (व्यवधान) ...

SHRIMATI BRINDA KARAT: I don't accept this. He is making fun of us. What is he saying? ... (Interruptions)... I am saying, under the rules, let him give an assurance that this issue of further putting conditions so that staff of the hospital are not punished in any way. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: He has already said that it is not applicable to staff. ... (Interruptions)...

SHRI GHULAM NABI AZAD: That is already in the law. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: He said that it is not applicable to staff.  
...(Interruptions)...

SHRI GHULAM NABI AZAD: It is not applicable to everybody.  
...(Interruptions)...

SHRIMATI BRINDA KARAT: Sir, he is not saying that. He is saying 'knowingly'. What is 'knowingly'? The police will pick you up and सर, पुलिस आपको उठाकर ले जाएगी, दो डंडे लगा कर पूछेगी कि आप नोइंगली जानते हो... (व्यवधान) ... क्या बात कर रहे हो आप.. (व्यवधान) ...

MR. DEPUTY CHAIRMAN: You please examine it.

SHRI GHULAM NABI AZAD: Sir, we will examine. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: That will be examined. ...(Interruptions)..  
Both these amendments will be examined. Amendments by Shrimati Brinda Karat and Shri Rama Jois are not being pressed.

*Clause 41 was added to the Bill.*

MR. DEPUTY CHAIRMAN: Now, we shall take up clause 42. There is one amendment

(No. 10) by Shrimati Brinda Karat. Not pressed.

*Clause 42 was added to the Bill.*

*Clause 43 was added to the Bill.*

MR. DEPUTY CHAIRMAN: Now, we shall take up clause 44. There is an amendment

(No. 11) by Shrimati Brinda Karat. Are you pressing?

**श्रीमती वृद्धा कारत :** मैं यह बात कह रही हूँ आपसे , Sir, I want to say this that he is so sure that he cannot exempt the staff. But, he is equally sure that he can exempt the owner of the establishment. Why is the owner of the establishment exempted? ...(Interruptions)... Please say it loudly. ...(Interruptions)... Thank you. ...(Interruptions)... Now, Sir, when I have got the support of such an eminent colleague of mine, Shri Ashwani Kumar, I am sure, the Minister is going to consider this. What is our experience? Cost cutting is not because of the cheap doctors. Cost cutting and lowering of standards is because of the owner and the profit motive. You cannot keep the owner out of the ambit of this Bill. That's all I am saying. Please answer that.

SHRI GHULAM NABI AZAD: We will put it in the rules.

SHRIMATI BRINDA KARAT: Thank you, Sir. I am very grateful. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: That is why, you are not pressing. He has already said that. It has come on record.

*Clause 44 was added to the Bill.*

*Clauses 45 to 56 were added to the Bill.*

*Clause 1 and the Enacting Formula were added to the Bill.*

MR. DEPUTY CHAIRMAN: Now, we will take up the Preamble. There is one amendment by Shrimati Brinda Karat. Are you pressing your amendment, Smt. Karat?

SHRIMATI BRINDA KARAT: Sir, on the issue of prices, he has given us an assurance. So, I am not pressing my amendment.

MR. DEPUTY CHAIRMAN: O.K.

*The Preamble was added to the Bill.*

*The Title was added to the Bill.*

SHRI GHULAM NABI AZAD: Sir, I move:

That the Bill be passed.

*The question was put and the motion was adopted.*

MR. DEPUTY CHAIRMAN: The House is adjourned to meet tomorrow at 11 a.m.

The House then adjourned at fifty-two minutes past seven of the clock till eleven of the clock on Wednesday, the 4th August, 2010.