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8 Bhadra, 1932 (Saka)

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RAJYA SABHA
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RAJYA SABHA

Monday, the 30th August, 2010/8th Bhadra, 1932 (Saka)

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

Re: ISSUE OF WORKING OF C.B.I.

MR. CHAIRMAN: Papers to be laid on the Table.

SHRI S.S. AHLUWALIA (Jharkhand): Sir, before you take up that issue, there is ...(*Interruptions*)...

SHRI PRASANTA CHATTERJEE (West Bengal): Sir, I have given a notice on the statement ...(*Interruptions*)...

MR. CHAIRMAN: Mr. Jaitley. ...(*Interruptions*)...

SHRI PRASANTA CHATTERJEE: Sir, I have given a notice ...(*Interruptions*)...

SHRIMATI BRINDA KARAT (West Bengal): Sir, we have ...(*Interruptions*)...

MR. CHAIRMAN: One at a time, please. ...(*Interruptions*)...

THE LEADER OF OPPOSITION (SHRI ARUN JAITLEY): Sir, I have given a notice. ...(*Interruptions*)... Sir, since there is no Question Hour today, the notice I have given to you is to permit us to take up this matter at 11.00 a.m. itself and permit a discussion on a matter of extreme importance. Originally, the functioning of the CBI and the entire politicization of that functioning was fixed as a possible debate in this House but it appears that because of lot of Governmental business, there may not be time. Therefore, we are requesting that the issue be taken up particularly in the context of the fact that we now have read in the newspapers a statement by a senior IPS Officer ...(*Interruptions*)...

SHRI PRAVEEN RASHTRAPAL (Gujarat): Sir, it cannot be debated here. ...(*Interruptions*)... It cannot be debated here. ...(*Interruptions*)...

श्री रामविलास पासवान (बहिर): सर, हमने भी: ...(*व्यवधान*)...

श्री रवि शंकर प्रसाद (बहिर): हमारे नेता को बोझने दिया जाए। ...(*व्यवधान*)...

MR. CHAIRMAN: Just one minute, please. ...(*Interruptions*)... Just one minute. ...(*Interruptions*)... No, no. ...(*Interruptions*)...

श्री एस.एस. अहलुवालिया: सभापति महोदय, जरा सदन को नयंत्रित कीजिए, अन्यथा झगड़ा होगा। ...(*व्यवधान*)...

श्रीमती माया सहि (मध्य प्रदेश): सर, सत्ता पक्ष के

लोगों को... (व्यवधान)...

MR. CHAIRMAN: Just one minute. ... (Interruptions)... अहलुवालिया
साहब , एक मिनट , बात सुन लीजिए। ... (व्यवधान) आज
जरा ... (व्यवधान)...

श्री रामविलास पासवान : सर, हम लोगों ने भी नोटिस दिया है... (व्यवधान)...

श्री सभापति : पासवान जी, आप जरा बैठ जाइए। ... (व्यवधान)...

श्री रामविलास पासवान : अगर सी.बी.आई. इनके पक्ष में चले तो बहुत बढ़िया , अन्यथा ... (व्यवधान)...

श्री एस.एस. अहलुवालिया : बहिर में जाकर बोलिएगा ... (व्यवधान)...

श्री सभापति : पासवान जी, आप बैठ जाइए , प्लीज़ , अहलुवालिया साहब , आप बैठ जाइए। ... (व्यवधान)... Let us be clear on one point. ... (Interruptions)...

SHRI S.S. AHLUWALIA: What is this, Sir? ... (Interruptions)...

MR. CHAIRMAN: Just one minute, please. ... (Interruptions).... आप जरा बैठ जाइए पासवान जी... (व्यवधान)... One minute, please. A subject of debate can always be raised, but it is well understood that matters which are sub judice would not be discussed ... (Interruptions)...

SHRI S.S. AHLUWALIA: No, Sir. ... (Interruptions)...

MR. CHAIRMAN: Now, go ahead, please. ... (Interruptions)...

SHRI S.S. AHLUWALIA: No, Sir, it is not a sub judice matter. ... (Interruptions)...

MR. CHAIRMAN: Please. ... (Interruptions).... The Leader of Opposition was raising a different matter, let him finish. ... (Interruptions).... Let him finish. ... (Interruptions).... He knows the law very well. ... (Interruptions)...

SHRI ARUN JAITLEY: Sir, I am not going to refer to any proceeding in a court, or to issues which are wholly or substantially in court. But, Sir, there is a statement to the effect by a senior IPS officer who is the Commissioner of Rajkot that "I am being compelled by a Central agency to implicate political leaders..." ... (Interruptions).... Now, this is a statement that "I am being compelled to implicate..." ... (Interruptions)....

श्री रामविलास पासवान : सर, ... (व्यवधान)...

श्री रुद्रनारायण पाणि (उड़ीसा) : सर, ये बार-बार क्यों उठ जाते हैं , उनको अनुमति है क्या ? ये तो मात्र दो मंत्री वाली पार्टी के हैं ... (व्यवधान)... दो नंबर की पार्टी के नेता जब बोलते हैं तो उनको डिस्टर्ब करना कहाँ तक ठीक है ... (व्यवधान)...

SHRI SITARAM YECHURY (West Bengal): Sir, I have one point, if you permit me. ... (Interruptions)...

MR. CHAIRMAN: Let him finish, please. ... (Interruptions).... पासवान जी ... (व्यवधान)...

SHRI ARUN JAITLEY: Sir, the issue of ... (Interruptions).... Sir, the

issue of functioning of the CBI is not pending in any court; an individual case may be pending in a court. Therefore, when a senior police officer says ...(*Interruptions*)...

श्री रामविलास पासवान : सर, ... (व्यवधान) ...

श्री सभापति : पासवान जी, जरा सा बैठ जाइए, आप बहुत सीनियर मेम्बर हैं ... (व्यवधान) ...

श्री सुद्वनारायण पाणि : सर, ... (व्यवधान) ...

श्री सभापति : नहीं - नहीं, यह क्या कर रहे हैं आप। आप वापिस जाइए, आप वापिस जाइए।
... (व्यवधान) ... No, no, please go back to your place.
... (*Interruptions*) ... पासवान जी, आप बैठ जाइए। ... (व्यवधान) ...

श्री रामविलास पासवान : सर, यह मामला सुप्रीम कोर्ट में है। ... (व्यवधान) ... सर, आप हमारी बात भी सुनिए। ... (व्यवधान) ... यह मामला सुप्रीम कोर्ट में है। ... (व्यवधान) ...

श्री सभापति : पासवान जी, आप जरा बैठ जाइए। ... (व्यवधान) ... आप लोग बैठ जाइए। Please. ... (Interruptions) ... Let the LOP finish. ... (Interruptions) ... Let the LOP finish. ... (Interruptions) ...

SHRI SITARAM YECHURY: Sir, before that, I just want to place on record our objections to the Finance Minister's comment on tackling Maoist violence. ... (Interruptions) ... The Government is running with the hare and hunting with the hounds in tackling Maoist violence. ... (Interruptions) ...

श्री सभापति : प्लीज़ , आप लोग बैठ जाइए। ... (व्यवधान) ... आप लोग बैठ जाइए। पासवान जी, आप बैठ जाइए। ... (व्यवधान) ... Let the LOP finish. ... (Interruptions) ... प्लीज़ , आप लोग बैठ जाइए। ... (व्यवधान) ... आप अपने मेम्बर्स को समझाइए। ... (व्यवधान) ... आप बैठ जाइए। ... (व्यवधान) ... पासवान जी, आप बैठ जाइए। ... (व्यवधान) ...

श्री अरुण जेटली : सभापति जी, ... (व्यवधान) ...

श्री सभापति : पासवान जी, आप जरा बैठ जाइए। ... (व्यवधान) ...

श्री रामविलास पासवान : सर, सुप्रीम कोर्ट ने कहा है कि ... (व्यवधान) ...

SHRI D. RAJA (Tamil Nadu): Sir, I have a submission. ... (Interruptions) ...

MR. CHAIRMAN: Only one person can speak at a time. ... (Interruptions) ...

श्री एस.एस. अहलुवालिया : सर, क्या इनके पास बोलने की अनुमति है? ... (व्यवधान) ...

श्री सभापति : आप बैठ जाइए। ... (व्यवधान) ... पासवान जी, आप बैठ जाइए। ... (व्यवधान) ... Let him finish. ... (Interruptions) ...

श्री रामविलास पासवान : सर, आप हमारी बात भी सुन लीजिए। ... (व्यवधान) ...

श्री अरुण जेटली : सभापति जी, आपने मुझे बोलने की अनुमति दी है। सीबीआई को जो राजनीतिकरण हो रहा है। एक वरिष्ठ IPS अधिकारी यह कहे कि मुझ पर सीबीआई के द्वारा दबाव डाला जा रहा है। ... (व्यवधान) ... ऐसा समाचार पत्रों में छपा है। ... (व्यवधान) ... हम लोग चाहेंगे कि सरकार इसके ऊपर रफिक्ट करे। ... (व्यवधान) ...

SHRI PRAVEEN RASHTRAPAL: Sir, the pressure is brought on Geeta Johry. ... (Interruptions) ... by the Gujarat Government.

...(Interruptions)...

श्री अरुण जेटली : सभापति जी, विशेष रूप से
...(व्यवधान)... सभापति जी, विशेष रूप से इसलिए कि जिसको
राज्य सरकार ने और बाद में सुप्रीम कोर्ट ने कहा कि तुम्हें इस
केस को इन्वेस्टिगेट करो, उसके संबंध में डराना, धमकाना,
गश्मतारी की धमकियां देना। ...(व्यवधान)...

MR. CHAIRMAN: One minute please. ...(Interruptions)...

श्री अरुण जेटली : जल्दी लोगों के खिलाफ ...(व्यवधान)...
अफसरों को धमकाना। ...(व्यवधान)...

SHRI PRAVEEN RASHTRAPAL: Sir, the Supreme Court's curative petition
cannot be referred to in this House. ...(Interruptions)...

श्री अरुण जेटली : अगर सीबीआई इस तरह का आचरण करने वाली है,
तो निश्चित रूप से इस सदन के अंदर सीबीआई के राजनैतिक आचरणके
ऊपर चर्चा होनी चाहिए। ...(व्यवधान)...

MR. CHAIRMAN: There is a pending work on this.
...(Interruptions)...

श्री रामविलास पासवान : सर, हमें भी बोलने की अनुमति चाहिए। ... (व्यवधान) ... सर, यह गंभीर मामला है।
... (व्यवधान) ...

MR. CHAIRMAN: One minute, please. I am giving the floor to the hon. Minister. ... (Interruptions) ... एक मिनट, आप बैठ जाइए। Please hear the hon. Minister what he has to say. ... (Interruptions) ... Please hear the hon. Minister. आप बैठ जाइए। ... (व्यवधान) ... आप बैठ जाइए। ... (व्यवधान) ... Please hear the hon. Minister. ... (Interruptions) ... आप बैठ जाइए। ... (व्यवधान) ...

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 Government is fully prepared to discuss the working of CBI as has been demanded by many hon. Members. Whenever you direct, we are ready for a debate. But this allegation, which has been made here, is patently untrue. ... (Interruptions) ...

SHRI S.S. AHLUWALIA: What? ... (Interruptions) ...

श्री राजीव शुक्ल (महाराष्ट्र): आप सुन लीजिए ... (व्यवधान) ...

SHRI PRITHVIRAJ CHAVAN: The matter is being litigated between the officer and the Supreme Court. ... (Interruptions) ... The investigating agencies cannot be browbeaten like this. ... (Interruptions) ... This is a matter which is *sub judice*.

We are prepared for a constructive debate. ... (Interruptions) ...

MR. CHAIRMAN: I think, that sums up the matter. ... (Interruptions) ... आप लोग वापस जाइए। ... (व्यवधान) ... आप लोग वापस जाइए ... (व्यवधान) ... ऐसा मत करिए। ... (व्यवधान) ... अभी नहीं। ... (व्यवधान) ... What do you wish to say? ... (Interruptions) ... Yes, Mr. Yechury.

Re: PRESS REPORT OF THE FINANCE MINISTER SUPPORTING
HIS COLLEAGUE ON A DIALOGUE WITH MAOISTS

SHRI SITARAM YECHURY (West Bengal): I am raising an issue on the statement of the Finance Minister of the country. ...(*Interruptions*)... He has supported his colleague on a dialogue with the Maoists. ...(*Interruptions*)...

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

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

The House reassembled at twelve of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

PAPERS LAID ON THE TABLE

I. Report and Accounts (2008-09) of NIFTEM, New Delhi and related papers.

II. Report and Accounts (2008-09) of IICPT, Thanjavur and related papers.

THE MINISTER OF FOOD PROCESSING INDUSTRIES (SHRI SUBODH KANT SAHAY): Sir, I lay on the Table—

I. A copy each (in English and Hindi) of the following papers, under sub-section (4) of Section 619A of the Companies Act, 1956:—

(a) Second Annual Report and Accounts of the National Institute of Food Technology Entrepreneurship and Management (NIFTEM), 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 (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (1) above.

[Placed in Library See No. L.T. 3038/15/10]

II. A copy each (in English and Hindi) of the following papers:—

(a) Annual Report and Accounts of the Indian Institute of Crop Processing Technology (IICPT), Thanjavur, 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.

[Placed in Library See No. L.T. 3039/15/10]

MESSAGES FROM LOK SABHA

(I) The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 2010.

(II) The Foreign Contribution (Regulation) 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 Salary, Allowances and Pension of Members of Parliament (Amendment) Bill, 2010, as passed by Lok Sabha at its sitting held on the 27th August, 2010.”

(II)

“In accordance with the provisions of rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 27th August, 2010, agreed without any amendment to the Foreign (Contribution) Bill, 2010, which was passed by Rajya Sabha at its sitting held on the 19th August, 2010.”

Sir, I lay a copy each of the Bills on the Table.

**REPORT ON INDIAN PARLIAMENTARY PARTICIPATION AT
INTERNATIONAL CONFERENCE**

SECRETARY-GENERAL: Sir, I lay on the Table, a copy (in English and Hindi) of the Report on the participation of the Indian Parliamentary Delegation at the One Hundred and Twenty-second Assembly of the Inter-Parliamentary Union (IPU) held in Bangkok (Thailand) from 27th March to 1st April, 2010.

**REPORT OF THE DEPARTMENT-RELATED PARLIAMENTARY
STANDING COMMITTEE ON AGRICULTURE**

SHRI MOHD. ALI KHAN (Andhra Pradesh): Sir, I lay on the Table, a copy (in English and Hindi) of the Twelfth Report of the Committee on Agriculture on “The Constitution (One Hundred and Eleventh Amendment) Bill, 2009”.

**REPORT OF THE STUDY TOUR OF THE COMMITTEE ON THE
WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES**

SHRI PRAVEEN RASHTRAPAL (Gujarat): Sir, I lay on the Table, a copy (in English and Hindi) of the Report of the on-the-spot study visit of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes to Mirchpur Village, District Hisar, Haryana on 2nd July, 2010.

STATEMENT BY MINISTER

**Status of implementation of recommendations contained in the Third
Report of the Department-related Parliamentary Standing
Committee on Rural Development**

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (KUMARI

AGATHA SANGMA): Sir, I make a statement regarding status of implementation of recommendations contained in the Third Report of the Department-related Parliamentary Standing Committee on Rural Development pertaining to Department of Drinking Water and Sanitation.

Re: ISSUE OF WORKING OF C.B.I. (Contd.)

श्री रामविलास पासवान : उपसभापति जी, under rule 238, sub-rule (i) के तहत मेरा एक प्वाइंट ऑफऑर्डर है, जिसमें लिखा है :

“A Member while speaking shall not refer to any matter of fact on which a judicial decision is pending.”

...(व्यवधान)...

सर, जब सदन शुरू हुआ, तो लीडर ऑफ द अपोजिशन ने ... (व्यवधान) ... ज्यूडिशियल ऑर्डर ... (व्यवधान) ... सर, इस पर ... (व्यवधान) ... रूलिंग देनी पड़ेगी ... (व्यवधान) ... Sir, I am not referring to anybody. ... (Interruptions) ...

MR. DEPUTY CHAIRMAN: Which judicial order? ... (Interruptions) ... Which judicial order?

श्री रामविलास पासवान : उपसभापति जी, ... (व्यवधान) ... हमारा यह कहना है कि लीडर ऑफ द अपोजिशन ने ... (व्यवधान) ... ज्यूडिशियल मैटर ... (व्यवधान) ... जो पेंडिंग है ... (व्यवधान) ... उसके संबंध में किया है ... (व्यवधान) ... आप इसको डिलीट कीजिए ... (व्यवधान) ... It should be deleted, Sir. ... (Interruptions) ... It should be deleted. ... (Interruptions) ...

श्री उपसभापति : पासवान जी, देखिए, सी.बी.आई. की फंक्शनिंग पर अगर कुछ ज्यूडिशियल है तो वह रिकॉर्ड में नहीं आएगा ... (व्यवधान) ... यह तो सी.बी.आई. की फंक्शनिंग का है ... (व्यवधान) ...

श्री एस.एस. अहलुवालिया : सर, सी.बी.आई. की फंक्शनिंग पर, मसियूज पर कुछ पेंडिंग नहीं है ... (व्यवधान) ...

SHRI SITARAM YECHURY: Sir, I am raising ... (Interruptions) ...

श्री उपसभापति : वह हो गया है ... (व्यवधान) ... आप बैठिए ... (व्यवधान) ... चेयरमैन साहब देखेंगे, आप बैठिए ... (व्यवधान) ...

श्री एस.एस. अहलुवालिया : उपसभापति जी, सीधी सी बात है ... (व्यवधान) ... Is there anything pending before the Supreme Court or any other court against the misuse of CBI? ... (Interruptions) ... We have raised the issue of misuse of CBI. ... (Interruptions) ... Why have you allowed it, Sir? ... (Interruptions) ... Why have you allowed it?

श्री उपसभापति : कौन सा allow किया है? We have not allowed it. ... (Interruptions) ... I have not allowed it.

SHRI S.S. AHLUWALIA: No, no; you said, “... साहब ...”

MR. DEPUTY CHAIRMAN: No, no, no. He is saying something which is ... (Interruptions) ... अहलुवालिया जी, देखिए, उन्होंने कहा है, sub judice matter है, लेकिन आपने तो sub judice matter रेज नहीं किया है ... (व्यवधान) ...

श्री एस.एस. अहलुवालिया : *sub judice* matter नहीं
है ... (व्यवधान) ...
श्री उपसभापति : नहीं है। उन्होंने कहा है यह *sub judice*
है ... (व्यवधान) ... हम देखेंगे ... (व्यवधान) ... आप
बोलिए ... (व्यवधान) ...

**Re: PRESS REPORT OF THE FINANCE MINISTER SUPPORTING
HIS COLLEAGUE ON A DIALOGUE WITH MAOISTS (Contd.)**

SHRI SITARAM YECHURY: Sir, I am raising a matter of very serious
importance. This

House was given an assurance some days ago by the Government. When the issue of certain complicity between certain Members of the Union Cabinet and the Maoists was raised, the hon. Minister had assured this House that they will examine the matter, come back and make a statement. Today, we have seen reports of the hon. Finance Minister also making some sort of remarks which are tantamount to the Government running with the hare and hunting with the hounds on this issue. Therefore, we strongly condemn this sort of attitude and we want a statement from the Government. ...(Interruptions)...

SHRI RAVI SHANKAR PRASAD (Bihar): We are with you. ...(Interruptions)...

SHRI SITARAM YECHURY: He has assured the House, Sir. ...(Interruptions)...

SHRI S. S. AHLUWALIA (Jharkhand): On an earlier occasion, the Minister has assured the House. ...(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, I had assured the House that we will get the facts about the rally, and I had assured the House that I will come back after assessing the facts. That promise still holds good. We will come back to the House. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Let him say. तपन सेन जी, अभी उन्होंने पूरी बात नहीं की है। ...(Interruptions)... He has not said what he wants to say. ...(Interruptions)...

SHRI SITARAM YECHURY: He did not say it. He has said that he stands by the commitment. That is what I understood. He has said that he stands by the Government's commitment and he will come back to the House. I want to know this. ...(Interruptions)... The House is scheduled to adjourn tomorrow *sine die*. ...(Interruptions)...

SHRI PRITHVIRAJ CHAVAN: Sir, I had made a commitment that I will assess the facts and come back to the House. That is being done. ...(Interruptions)...

SHRI SITARAM YECHURY: Sir, it should be done before the House

adjourns tomorrow. ...(*Interruptions*)... Otherwise, what is the point?
...(*Interruptions*)... Sir, the point is that the Government must
assure the House that before the House adjourns tomorrow evening they
will come back to the House. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Yes, he will come back. ...(*Interruptions*)...

SHRI SITARAM YECHURY: Will he come back before the House adjourns?
...(*Interruptions*)...

GOVERNMENT BILLS

MR. DEPUTY CHAIRMAN: He will come back tomorrow. Now, we will take up the Civil Liability for Nuclear Damage Bill, 2010.

The Civil Liability for Nuclear Damage Bill, 2010

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, with your permission, I beg to move:

That the Bill to provide for civil liability for nuclear damage, and prompt compensation to the victims of a nuclear incident through a no fault liability regime channeling liability to the operator, appointment of Claims Commissioner, establishment of Nuclear Damage Claims Commission and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

Sir, I am grateful to all sections of the House who contributed in building a broad political consensus on this very important legislation which seeks to avoid a situation like Bhopal where after an accident the compensation to the victims had to wait for a number of years. The victims had to go from court to court and from pillar to post, the Central Government had to enact a special legislation, and we have seen that some additional compensation will also be given 25 years after the incident.

Sir, our country is developing very rapidly and we need electricity. We are very short of electricity. Almost 50 per cent of our households do not have electricity. We have plans to reach electricity to every household and we have wired up these villages under the Rajiv Gandhi Gramin Vidyutikaran Yojana. But unless we have electricity, these will remain only wires and only a network, and there will be no lights in the poor households. We have options for expanding electricity generation programme. We have a major programme of producing electricity with coal. We are trying to build hydro projects. We are also trying to tap newer non-renewable sources like solar energy and wind energy. We are trying to exploit all these resources to the hilt. Nuclear energy is an option which is of a recent origin, 50 or 60 years. This is an option which has unique

features. The coal thermal power plants have the problem of carbon emissions. They also have a problem of getting rid of the ash which comes with coal. The solar technology, which has a low carbon footprint, is in its infancy; it is very expensive; and it requires, at today's efficiency level, a huge amount of land.

Hydro, on the first sight, appears to be very enticing source of electricity, but there are environmental costs to hydro project. As a matter of fact, only last week, the Government had to cancel a project, Loharinag Pala on the Bhagirathi River after almost Rs.600 crores were spent

on that project. But when it was realized that the environmental damage was too huge, the Government cancelled that project. Therefore, hydro projects are also not a very easy option. In Arunachal, we have got huge potential, but the point is how much of submergence of land can we afford and how much of damage to environment can we afford. Nuclear energy on the other hand is now getting more and more robust. After the 1974 nuclear explosion by India, the world community at large, created a specific technology denial regime against India in the form of Nuclear Suppliers Group, NSG which was completely focused and created to restrict India, to restrain India. It was a blessing in disguise. Because of that, although we had imported two nuclear reactors from the United States, from GE, which are still operating at Tarapur, any further civilian nuclear commerce was ruled out after 1974. As I said, it was a blessing in disguise, we created our own indigenous programme; a complete nuclear fuel cycle was mastered from mining, processing of fuel, fuel fabrication, reactors to disposal of waste. It was a completely indigenous programme which was based on the vision of late Homi Bhabha, who considering the availability of nuclear uranium resources in the country, envisaged a three phase programme. The first phase was based on heavy water, using natural uranium which we mine in Jharkhand and now trying to mine in Andhra Pradesh. We have limited quantity of uranium and the quality of uranium is very low, and, therefore, the cost of mining uranium and the cost of metal that we get, the fuel that we get from our mines is almost four times the international price. But we have to use the expensive fuel because they denied any civilian nuclear commerce.

Sir, after having mastered the programme, we have today 19 reactors which are operated by a Government company, the Nuclear Power Corporation of India Ltd. We have got another Government company called Bharatiya Nabhikiya Vidyut Nigam Ltd., BHAVINI, which has been specifically created to handle the second phase of our programme which is based on fast breeder reactors; the first fast breeder reactor will go on stream some time in 2012. These are both Government companies, fully owned by the Government. But we also have now expanded the programme to have a joint sector company. NTPC, the most successful company under the Ministry of Power and NPCIL have formed a 50 : 50

joint venture. They have signed an agreement and the joint venture will follow. Sir, as the technology denial regime was erected after the Pokhran-1 test, we had problems; we could not expand our nuclear power programme rapidly. Therefore, today we have 4,500 megawatts of nuclear energy build entirely with Indian efforts, by Indian scientists and engineers. We have an impeccable safety record. But we are constrained by availability of uranium.

There was a time when these 19 reactors were operating at a capacity factor of as low as 50 per cent, while they are capable of operating at above 90 per cent capacity, but because of uranium availability we had to berate them and work at a low capacity. That is why when the UPA Government came to power and when the Prime Minister realized that in order to continue

economic growth rate, the availability of electricity will be a major constraint, he initiated the historic journey to United States in July, 2005 and the historic Indo-US agreement between Dr. Manmohan Singh and President Bush was signed. We all hoped that with the intention of ending nuclear apartheid, we will start the nuclear expansion and the nuclear power programme right away. But it was not to be.

Some of our political friends, sitting on the other side, vehemently objected to the expansion of our nuclear programme in co-operation with the United States. It almost took three years of very hard negotiations, many debates in this House and in the country telling what the necessity was of ending the nuclear apartheid, the nuclear isolation, and the need for rapid expansion of the nuclear programme. We, finally, signed the 123 Agreement. The international isolation ended. The NST allowed us to do it. We agreed to do certain conditions of opening of some of our civilian reactors to public scrutiny, to the International Atomic Energy scrutiny; that is, we put them under safeguards. All that happened, and our next logical step was to start nuclear commerce. But, before that, of the thirty countries which have the Nuclear Power Production Programme, twenty-eight of these countries have a Civil Liability Regime for Nuclear Damage. India was the only country which did not have it, and the other country is Pakistan. Twenty-eight countries have a law; only two countries, Pakistan and India, did not have the law. Therefore, we took upon ourselves to carry forward the good work, which was started by the NDA Government, in the year 2000, by enacting some kind of a Civil Nuclear Liability Regime for Nuclear Damage.

A study was undertaken on the direction of the then Government. The study said that we must do this and that. A law was drafted in the Ministry of External Affairs, and the entire thing was moving forward till election intervened, and a new Government came in 2004. The new Government realized that just passing this law is not enough; we must end our nuclear isolation. Therefore, whatever work was done by the NDA Government was put on the back-burner, till we concluded the International Civil Nuclear Agreement, and the co-operation began. The logical step after that was the carry forward of the work done since 2002, and to enact a Civil Liability Regime for Nuclear Damage. And

that is precisely what this Bill seeks to do. What does it seek to do? We are trying to distinguish between a civil liability and a criminal liability and also the product liability that happens between supplier and buyer. Now, the Civil Liability Regime is put so that in case of an unfortunate accident, the victim is compensated promptly without the necessity of proving who was at fault. Having a 'no fault liability regime', so that victim is compensated early, is all that this Bill is trying to do. We are creating a Claims Commissioner.

Also, a very important and a contentious point that was raised during the debate, both inside and outside the House, was about the fixing of the limits. Fixing the limits was necessary because the operator, who is enjoined by this regime, to be the entity, which will pay civil

compensation to victims, must take a financial security, must take an insurance, because after an accident, the operator cannot come and say, "I am bankrupt and I cannot pay." So, before he is given the licence to operate, he has to take insurance, or he has to provide some financial security so that you don't have to go back again to the operator. It is exactly the same as the third party insurance that we have for motor vehicles. Or, to say, in case of international air travel, where insurance is taken that in case of any fatality, in case of an air accident, people are paid; not unlike, in Railways, where somebody says, 'so much *ex gratia* has been announced', where it depends upon the Government of the day to decide to what extent the *ex gratia* is to be given. That should not happen. Even in Bhopal case, the GoM had to be set up, and the GoM decided some figure. Where did it come from? It just came from the decision of the Government. It was not a legal liability to pay. There were no financial amounts mentioned there. What we are trying to do now is a system of Commissioner; Commissioners will be put in place, who will decide the amount of liabilities. And this decision of the Commissioner will not be challenged. Again, a lot of issues were raised. One such issue was: Why don't you allow appeal on the amount of compensation? The only problem is that under the Indian Constitution, if we allow appeal to victims, and you also allow right of appeal to an operator, or, the right of appeal to an insurance company, you again go back into litigation.

And, a very important point that has been made is that whatever remedy is available to a victim or to an operator or to an insurance company, under the current constitutional provisions, under the current legal system, nothing is being abridged. If we did not pass this law, we had nuclear industry functioning, suppliers supplied to Indian companies, NPCIL etc.; even foreign companies supplied to us; we have bought two reactors from America for our Tarapur plant; two reactors have been bought from Russia which are being constructed at Kudankulam. They are still supplying it to us. So, nothing that is existing today is being abridged in any manner. That is why, criminal liability laws by which we are pursuing a certain gentleman of Union Carbide, exist. Nothing is being abridged. All that is being done is a prompt payment regime so that in case of an accident, the victim does

not have to go from door to door and from place to place and he is assured of compensation as will be given by the system that will be in place. That is all that that is being done.

My friends from the Left have objected to the operator's liability limit of Rs.500 crores which we initially intended. If you look at the history of this legislation, it had been enacted over the last 40-50 years; initially, when the United States enacted this law, the ceiling on the operators' liability limit was only 60 million dollars, which was very low. But they went on increasing it. Today, we have agreed with the Left, we have agreed with the BJP when they insisted that the liability ceiling should be raised from a figure of 500 crores...

SHRI SITARAM YECHURY (West Bengal): Left or the BJP?

SHRI PRITHVIRAJ CHAVAN: From the Left, BJP included. Also, the Left's demand of Rs.10,000 crores has been accepted partially. We have brought it to Rs.1500 crores which is exactly the same as the amount of liability in the United States today, which is 10 billion dollars.

We have moved 18 amendments and, I am happy to report, those amendments were negotiated during discussions with the leaders of Opposition parties. We have taken note of the media comment on this very important Bill, the experts' evidence tendered before the Standing Committee, the recommendations of the Standing Committee and, very importantly, a series of meetings that were held with our friends from the Left Parties, the principle Opposition party, the BJP. These meetings were facilitated by the Leader of the House in Lok Sabha, Shri Pranab Mukherjee, who chaired many of these meetings. I am happy that on this very important national issue which seeks to expand our nuclear energy programme, there is a wide consensus. Of course, one could still have some points and I hope that this law, as USA's Price-Anderson Act which has specifically been enacted for this purpose has been amended many times, will also be strengthened from time to time. If in the operation of this law we found out that there was a need to further strengthen it, we would be willing to look at that.

Sir, I will conclude by saying that the 18 amendments that the Government brought in strengthen this law much more than what we had intended to initially. I am grateful to everyone, the civil society, the media, the leaders of Opposition parties, the Standing Committee, who helped us to make a much more robust Bill.

Sir, there was one last controversy about the role of suppliers. Sir, on the role of suppliers, there has always been a debate, that if you bring in suppliers there will be a confusion as to who does what. But, Sir, we have consciously, pushed the envelope, if I may use that phrase; we have pushed the international jurisprudence on this civil liability regime which does not have a major role for suppliers. We have brought in the suppliers. The suppliers are a little unhappy. But we will be able to explain to the suppliers that all the existing laws can not be abridged; some of the constitutional guarantees cannot be abridged; those will remain. We have worked with those laws up till now. In this civil liability regime, the role of suppliers has been brought in to a limited extent. I think this is the first country, out

of the 28 regimes that exist today, where we are now putting some responsibility on suppliers. That was necessary because this is the country which has suffered Bhopal. No other country has suffered an accident like Bhopal. There were also major accidents in the United States and the Mexican Gulf and they had raised many issues. Therefore, we are constrained that we must bring in the role of suppliers. I think that will be properly codified.

So, I urge all sections of the House to support this very important historic legislation which completes the journey that the Prime Minister of India began five years ago when he undertook that historic visit to America. I think it will allow us to expand our programme from the current low level of 4500 MW to something like 40-50 thousand megawatts.

Nuclear energy is not a panacea. It is not the final answer. It is an option which we cannot afford to overlook, which we cannot afford to give up, because ultimately when our three-phased programme concludes, when we reach the phase of thorium exploitation, I think, we really can look at energy independence, which is, today, not the situation. So, I urge the House to support the Bill, and, I commend the Bill to the House, Sir.

The question was proposed

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Mr. Deputy Chairman, Sir, the Bill in its amended form has already been passed by the Lok Sabha. It is only in this amended form that my party supports the Bill. It is obviously true that two years ago when this Government went ahead with the Civil Nuclear Deal with the United States, we had serious reservations; we continue to have serious reservations. And the reasons which we had stated at that time are the reasons which we subscribe to even today. I need not outline those reasons even today. But, despite those reservations, particularly keeping in mind the phrase used by the hon. Minister, it is an option which we are exploring, and that option need not be excluded, that is the option to further expand the nuclear programme, as far as power sector is concerned. There are still serious doubts people have about the cost effectiveness, as far as nuclear power is concerned, and that issue will continue to remain. But, notwithstanding our objections, the Government of the day decides to go ahead and explore the option of expanding it.

We, therefore, Sir, for more than one reason, today, in this House, have agreed to the amended proposals of the Minister, particularly because a large number of concerns that we did show and expressed to the hon. Minister have been substantially accommodated by the Government. Secondly, Sir, it is the Government of the day, which decides the policy, is within its right to explore the option of expanding the nuclear programme. And, thirdly, Sir, irrespective of our reservations, we already have the nuclear programme, as far as nuclear power is concerned. This Bill really does not deal with the issue of whether to have the programme or not. This Bill in that sense does not even deal with the Civil Nuclear Deal. This Bill essentially

deals with the principal question, if you go in for an option to have nuclear power, whether it is existing or it is expanded, in the event of a nuclear incident, which is the nuclear accident, how are the victims of that accident going to be compensated in an expeditious manner. We have a sad and unfortunate experience of the Bhopal gas leak. The hon. Prime Minister is here. This law deals only with nuclear incidents. I think, two lessons still remain. If there are incidents and accidents which are not on account of a nuclear incident but because of which a large number of casualty and damage does take place, our legal regime even today is only the conventional legal regime that the victims go to a civil court, and then have their remedies adjudicated, and we are all conscious of the limitations of our legal system that it almost takes decades, not years, in order to compensate the victims, as far as those areas are concerned.

So, I would urge the Government while dealing with this expeditious legal remedy machinery for victims of a nuclear incident to also consider that other incidents of this kind, which are not caused on account of a nuclear leakage, also there ought to be a similar law which would deal with it. This law, obviously, the Minister is right, does not deal with the criminal remedies. But, we found, in that case, that the criminal remedies which are going to be the same, whether it is a nuclear leak or it is a gas leak or a chemical leak, also need to be strengthened so that the people who are guilty, not merely of gross negligence, because it is a settled principle, Sir, when you store or utilise the hazardous material and this is utilised in a manner, the fact that there is a leakage, itself is a proof that you did not handle it properly, and, therefore, you must be taken to task for this. Now, those remedies cannot be mild remedies which are presently there as far as Indian law is concerned. So, even the criminal law aspect will have to be separately dealt with though not as a part of this particular Bill which deals only with the civil compensation as far as victims are concerned.

Sir, I must take this opportunity to place on record a deep sense of appreciation that I do have for the hon. Minister, particularly for the flexibility and humility that he displayed in trying to accommodate various concerns, both of the opposition parties and other interested groups while this Bill was being drafted. But there are a lot of experiences that we have to learn from the drafting of this particular Bill. We must realise, Sir, that some of these experiences lead us to the conclusion how not to legislate. Landmark legislations, which will go on for decades, may be even a century or more, are not to be rushed through in a hurried manner. They are introduced in one Session in a hurried manner, then, the Standing Committee meets on day to day basis, changes, amendments even through consensus process are made. Adequate amount of public debate has to take place on laws of this kind, even public hearings have to take place and are not held, it gave the impression that why are we rushing through a Bill introduced in the later part of the Budget Session must be cleared in the Monsoon Session itself and cannot wait. It will still take a long time before we start buying the reactors, it will still take a long time when the reactors can be operated, it will still take a long time

before, I hope no such incident takes place, when the Bill has to be made operative, but within a matter of few weeks or a month or two that this Bill must come through, there has been comment in public that is it because of a pending visiting of an international dignitary that we have to legislate before that.

Now the Bills of this kind, therefore, ought not to be legislated in this kind of a hurry that we have displayed in a case of this kind, there has to be a far greater national debate that we have not undertaken. So, obviously, I may say that the Bill, as it was originally introduced, was not acceptable to us. The issue of who should operate nuclear power plants in India is not an issue which is dealt with by this law. In fact, a lot of people have come over and started debating the issue that why a restrictive provision is being made. That restrictive provision does not exist in this law. Who should operate the plant is a subject matter which is dealt with by the Atomic

Energy Act. The Atomic Energy Act in India which remains unamended very clearly provides that nuclear power plants can be dealt with in any form either by the Government of India or by a Company in which the Government of India has a majority holding.

So, it is the policy decision of the Government which has been legislated and that continued for the last four decades that operation can be done only by the Government or a Company controlled by the Government. There was a certain doubt which was raised and that doubt did arise on account of a simple fact that we have two basic principles when we deal with a liability law of this kind and these two principles are not the principles which are stated in any textbook or any Act made by Parliament, but these have evolved over a period of years as a result of Judge-made laws in India which has been read out from the Constitutional guarantees itself. The first principle is, Sir, which is a principle of any environmental law has been, that whoever causes the damage whether it is to environment or an individual that person must pay, the polluter must pay. And this principle has now emerged out of Indian Constitutional law. The second principle is that when you deal with incidents of this kind, the principle of no fault liability must apply and no fault liability is that a poor victim does not have to go and prove that the operator of the plant was negligent. He does not have to prove that the carbide committed an act of negligence or not. The underlying principle and this principle much before the carbide issue went to court has been discussed and laid down constitutionally in India that when you utilize land, when you utilize for an economic activity and you store hazardous material and use it for the purposes of any purpose like industry, nuclear power, chemical, gas, the condition on which you are allowed to utilize it that there will no less than 100 per cent caution which is taken to make sure that it does not cause damage to others. The fact that there is damage, the poor helpless victim does not have to go and show that the owner of the plant or the operator of the plant was negligent. The fact of the leakage itself is, because it causes havoc amongst the victims, you have to pay the victims. It is a proof of your negligence itself.

Now, these two principles cannot be altered by any law. Our two

reservations and that will exist and therefore, when this repeated argument is raised that we have to become a part of international mainstream, 28 countries have a law, they don't prescribe it. Well, some countries don't have a written Constitution. Some countries have a different concept of rights as far as citizens are concerned. What would happen when you translate this principle to a private sector? Let me first deal with what the structure of the Bill is. The structure of the Bill is very clear that it is a Bill for the protection of the victims. A victim of a nuclear holocaust or nuclear accident must not be compelled to go to five different forums chasing fifty different suppliers and operators and tell them that I have a liability to claim from you. What happened in Bhopal? The victims had to go to the court and then, the Government became a guardian of the victims and said, 'we will go to the court in the United States.' The court in the United States said, 'The

convenient forum is India. Go there' and finally under those helpless conditions we had to settle at a modest amount. Now, this law channels the rights of a victim. In that sense, from the operator's point of view, it channels legal liability. There may be 200 people who may be suppliers to a nuclear plant but there is only one operator. There may be agencies which may have given defective permissions. The inspectors may not have done their job. Is a victim supposed to go to civil courts against all of them in India, United States and France?

So, the essence of this law is, give the victims a right and give them an easy remedy and therefore, their first right is, that the victim will go only against one particular individual and that individual is the operator. The victim's liability with regard to an incident is defined. Originally, the liability that you defined was an upper cap of Rs.500 crores. After discussing with various sections you have raised the liability to Rs.1500 crores as far as operator is concerned. But, let me clarify that Rs.1500 crores should not be because there is some legitimate comment which has been made outside. Is it still an inadequate remedy? For much larger plants in America the liability today is up to 10.5 billion dollars for bigger plants. Therefore, the law in its amended form, not in its original form says, 'it is Rs.1500 crores for one incident or such other liability as may be fixed from time to time or notified by the Government and this liability is only the enhanced liability. The power to reduce it has been taken away'. So, Rs.1,500 crores, as inflation picks up, as claims pick up, real incomes go up, possible losses will go up, therefore, may have to be enhanced in the future.

Similarly, Sir, there is a second-tier that over and above Rs.1,500 crores or such enhanced figure, there is the liability of the Government also. The hon. Minister has borrowed this language from the CSC. Had it been done in dollars or in simpler currency - rupees - it could have been better. These days we can even understand millions of dollars. But, it says, 300 Special Drawing Rights. Now, normal Indian

will not understand what 300 SDRs is. This is the language which you have borrowed from the Convention on Supplementary Compensation (CSC). This translated into rupees comes to about Rs.2,150 crores. So, over and above, Rs.1,500 crores + Rs.650 crores is the Government's liability. Now, Sir, we express to the Government that we have no difficulty in Government taking or assuming a liability as far as a public sector operator is concerned. Now, if you start assuming the liability of a private sector operator - by assuming this was opened - how would it harmonize with the Indian Constitutional law? The polluter will be some private operator, the victims will be the people of India and the payment will come from the taxpayers of India, the public exchequer, through the Government of India! So, the victims will be the people of India, the compensation would be paid by the taxpayer of India. Therefore, we have serious reservations. That is why we insisted that the Government should make a declaration in this law that this principle is only applicable when it is a Government or a

Government-owned company. But, if you want to extend it, as has been extended in other parts of the world – I do not know how they have harmonized it with this particular principle – serious reservations would still come in. I am glad, to that effect, the declaration in this law itself has come.

The second aspect is, we were earlier being told, 'all right. We have kept a modest amount of Rs.500 crores. In Rs.500 crores, you go to the Claims Commissioner which is an expeditious remedy. But, if you want to prove negligence, go to a civil court.' Now, this would have been somewhat, or, at least, highly onerous as far as the victims are concerned. Are we to push the victims of a nuclear incident into multiplicity of litigations by asking them to go for a remedy before one forum, go before another forum for a separate remedy and keep fighting for their claims as the victims in Bhopal did for years? Therefore, Sir, it has to be borne in mind as far as the entire remedy for victims is concerned. That is the principle. On the principle of legal channeling of liability, which you have accepted, there are serious comments now being made by internationally reputed jurists who deal with nuclear jurisprudence whether this at all is a correct principle. But, then, the supplier-countries are the countries which have a large number of supplies for the first two who legislate this. When there was a first two to legislate this, this became the landmark international model. Today, this model is being imposed upon various countries in the world. And, whoever does not fall in line is not becoming a part of the international legislation. Now, this legal channeling should be accepted to the extent in India that it is a victim's welfare legislation. But, under no circumstances, this should ever be allowed to become a law where, instead of polluter paying, the Government starts paying for the polluter and, if we go to the next stage where the polluter gets paid, instead of polluter paying himself.

The second stage which we must resist to a large extent is – I am glad that we have tried to differ from there – that the law instead of becoming a victim's welfare law, becomes the supplier's immunity law. I must say, with a sense of deep regret, that there were several efforts made in order to change the character of this law even half way and mid way that instead of a victim welfare law, giving them a legal channel for a single liability or a single window through which

they get their claim, by a backdoor, we were trying to bring in a situation where this became a supplier's immunity law.

This is not the purpose of that law. We, on behalf of our party, had suggested several changes to the original Bill. We had wanted, as I have said, a declaration in the Bill itself that this principle of channeling of legal liability to an operator, and the Government paying for an operator or the Government subscribing to an international fund, which may further compensate the victims, is a principle that we accept in applying, as far as public sector companies are concerned; and, the present structure of the Atomic Energy Act remains the same. We wanted an increase in the liability of the operator for a single incident, I am glad that it has been increased, though we would have liked to see it more. But please neutralize the delegation of

power that the Government has today. And, the delegation of power, which you have from Parliament, is that, in future, when the need is, notify even a higher amount of liability, depending on the magnitude of an incident itself; I hope there is no incident. Similarly, the liability of the Government, with regard to an incident, because Governments have to have compassion, Governments can't close their eyes to a serious nuclear accident, would also have to be increased because there is a similar language, which we had requested the Minister, and the Government has added, that even the 300 SDR liability can be increased, from time to time, by a notification.

There were issues relating to liability during transportation. There were issues where we wanted the Government to keep its options open on whether or not to join an international convention, and, therefore, not be bound through this law by subscribing to some convention or making a direct or indirect reference to any of these conventions. We also wanted that as far as the victim is concerned, along with this principle of legal channeling of the liability, which has been restricted to the operator, the liability must be a no-fault liability; otherwise, the victims, villagers, slum-dwellers, uneducated people, who are already suffering from death, from destitution, as a result of an incident, will have to go before a judicial forum to prove negligence. If they have to go and prove negligence before a judicial forum, probably, it will take a lot of time. And, they may not even be having the resources to do that. Therefore, it necessarily has to be a no-fault liability.

Sir, most of these amendments were accepted by the Government. And, as I indicated in the beginning, that is one of the reasons why we had agreed to support the Bill. There is, however, this lingering debate that is going on. And, it is our insistence that there must be a reference to supplier's liability, as far as this law is concerned. Let me clarify, in fairness to the Government, clause 17, which deals with supplier's liability, is a right to recourse. The body and soul, as far as this legislation is concerned, deal with the rights of the victims. But clause 17 provides to the operator a right to recourse against others, that is, the victim's liability is channeled and he recovers this channelised liability only from the operator. Is the operator entitled to recover from anyone else? Now, in this case, we were particularly concerned that if there was an American company or a European company operating a plant, it may have been of secondary

interest to us, if they were the operators, whether they are able to recover from their suppliers or not. But, through you, through the Government, it is the taxpayer, the people of India, who operate the plant. It is the Government which operates it. It is the public sector which operates it. You are the trustees of the Indian people who operate it. Now, if for the acts of a third party, these rupees 1500 crores or 300 SDRs is to be paid by you, but the fault is not yours, the fault is of somebody else, should the Government of India or the public sector of India be helpless in these matters?

Therefore, the Government, to be fair to the Government, even in the original draft, did bring a provision in clause 17, which dealt with this right to recourse which an operator has

against others. And, this right to recourse was exercisable if it was so provided in the written contract or the second provision, i.e. clause 17(b), which is the bone of contention today, if the Government at that time had said, 'there is wilful negligence or wilful default as far as the supplier is concerned.' Now, this principle was debated, and after a lot of discussion, the Standing Committee came out with a formulation which was a consensus formulation and we had hoped that when the Bill is introduced in this House and approved by the Cabinet after the recommendations of the Standing Committee what was the consensus before the Standing Committee will apparently appear in the Bill itself.

Now, that is where I was constrained to make this comment in the beginning that there are some traces of the history of this Bill which actually teach us how not to legislate. Even when the suppliers' liability was there in a diluted form in the original Bill, the Standing Committee strengthened it further. But when the Report of the Standing Committee came, we found that in a very clumsy manner, the word 'and' was introduced between clause 17(a) and (b). Now what is the impact of the word 'and'? Sir, clause 17(a) says that there will be a right to recourse that the supplier has against the operator if there is a written contract. Now, obviously, those suppliers who today feel that they are the monopoly suppliers - there are four-five big suppliers in the world and from the smaller parts there are many other suppliers - will always form a cartel and say that as there is a standard form of contract, we don't provide for a right of recourse. So, instead of a victims' right law, this law would then have become a suppliers' immunity law. If you only trust the written contract, since there are few suppliers a cartel would be inevitable. You already see similar arguments from that cartel coming in a large section of the media. Then, if you put the word 'and' after the written contract and then introduce 17(b) which says, if there is substandard material or defective material, the operator can sue the supplier. This is preconditioned by the use of the word 'and'. He can only do it only if there is a written contract and there will be a written contract if that monopoly supplier is agreed to put this clause in the contract.

So, there was no word 'and' in the original Bill; there was no word 'and' before the Standing Committee when we saw it and I am told we

didn't see it in the proceedings as well. We saw it in the final report and when we saw the final report, there was an original typed page '30' which did not have the word 'and' and then there was a stapled page '30' on top of it which had the word 'and'. So this word 'and' had come in subsequently, consciously and as an afterthought to convert this Bill from a victims' rights Bill to a suppliers' immunity Bill. Now, obviously, this was noticed; it couldn't escape through; but the Minister was very fair. When he discussed with us, he agreed to delete the word 'and'; the Cabinet deleted the word 'and'.

THE MINISTER OF STATE OF THE MINISTRY OF SCIENCE AND TECHNOLOGY (SHRI PRITHVIRAJ CHAVAN): I am thankful to the Leader of the Opposition who acknowledged that the suppliers' liability was very much there when the Government first tabled the Bill in the form

of article 17(b). Now, Government cannot be responsible for what the Standing Committee does. I can only respond to the Report of the Standing Committee when it is tabled in the House and we look at the Standing Committee Report. The Standing Committee Report had the word 'and' to which the Leader of the Opposition has strong objection, and, precisely because of that, we didn't use the Standing Committee's formulation and we used the formulation which is agreed to later on. ...*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, the Standing Committee Report first had the word 'and'. Then it was deleted; and then the word 'and' was added when the Report was presented to the House. That is the story. It was stapled as a new page. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Now, the Report is before the House. ...*(Interruptions)*... It is laid. ...*(Interruptions)*... So, let us not*(Interruptions)*...

SHRI SITARAM YECHURY: How is that stapled later on? ...*(Interruptions)*...

SHRI PRITHVIRAJ CHAVAN: I can't be held responsible for that. ...*(Interruptions)*... I can only be responsible*(Interruptions)*...

MR. DEPUTY CHAIRMAN: He will not be able to say anything on that. ...*(Interruptions)*... Whatever report is laid on the Table of the House*(Interruptions)*...

SHRI SITARAM YECHURY: We are not saying that you are responsible for it. We are saying that that is the fact. That is how factually it appeared. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let it be not the issue here. ...*(Interruptions)*...

SHRI ARUN JAITLEY: Sir, let me assure Mr. Prithviraj Chavan that my intention is not to embarrass the Government. When I say, we insisted on the word "and" being deleted, we insisted on an adequate provision for suppliers' liability, it is not a favour that we were trying to show to the UPA Government. Today they are in power; tomorrow, somebody else may be in power. As long as these plants are to be operated – and that is why I paraphrased it – either by the Government or by the public sector, why must the Government of India and the

public sector take the liability if the mistake is committed by some third party? The equipment may be defective; the equipment may have a latent or a patent defect - I hope it does not. I agree when the Minister had said in the other House, and I have seen it in public statements, that nuclear technology in power plants has reached a stage of almost perfection; the accidents which take place are almost negligible. In fact, only two incidents have taken place in history, but after that there has been a lot of correction. I am sure nothing of this kind will happen. But we have to guard against it in the future, and the guard is that in future, if a supplier gives a defective equipment, any Government must shell out Rs.1500 crores from the public sector or more, 300 SDRs from the Government and have no right to recourse. This effectively means that the Government of India and the Indian tax-payers pay for the wrongs done by somebody else. That is why, it compelled me to say that we turn our law upside down; instead of the polluters paying,

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the polluters start getting paid or, at least, start getting incentivized, because they know that the liability would never be theirs.

Now, they were fair enough to say that it was done by the Standing Committee and still, after consultations, they deleted the word "and". But, when they deleted the word "and", they came out with a second amendment. The second amendment was that they added the word "intendment" in clause 17(b), which reduced clause 17(b) to a dead letter. That language of clause 17(b) would have meant that the supplier will be liable only if the supplier manufactured that equipment with the intention of causing a nuclear incident. Now, this was, with my respectful submission, Sir, a very crude kind of drafting. It was a dead letter. Such a situation would never have arisen where anybody could say - to be fair to the suppliers also, they are not subversive elements or saboteurs - that they would consciously manufacture an equipment with the intention of causing a nuclear holocaust. No supplier would do that. And if a supplier ever thought of doing that, he would never be regarded as a supplier; nobody will buy his equipment; he will be out of business. Now, this was introduced in order to reduce 17(b) to a dead letter and then, virtually provide a liability-free regime as far as the suppliers are concerned. Now, fortunately, as I have said, the Minister - and I say it with all sincerity, Sir - was in communication with all sections; he was flexible; he did a lot of leg work and finally, he saw reason, probably, in this argument, that just as "and" was uncalled for, which would dilute suppliers' liability, the word "intendment" being introduced in the Bill would also dilute suppliers' liability and reduce it to a dead letter. I am glad, today, in the amended form, that word has also gone.

But, Sir, I wish to deal with one fact, which really is not concerned with this Government or the Minister's stand today; there is this large campaign going on which says that because we have added suppliers' liability, the effect of the suppliers' liability would be that we have now produced a very tough law and, therefore, within this regime, nobody would be willing to make supplies to us. Suppliers,

both international and domestic, are almost talking in rhythm. I was equally concerned when we heard this campaign, and, therefore, we wanted to test whether it is a phoney campaign or whether it had any real basis. Sir, I regret to say that when India goes to the market and says that they want to buy 40 reactors or more at some stage, the character of the market is also going to alter. It is no longer going to be a sellers' market; it will also be a buyers' market. And in a buyer's market regime, the possibility of our getting fairer terms as a condition of bargain will be much higher. Therefore, I would urge the Government not to be overtaken by this campaign and negotiate those terms with a sense of confidence. Don't go into the mindset of adding the word 'and' or adding the word 'intent' or going with a defensive feeling that people won't sell to you. Because these forty reactors are to be bought in due course, it is

going to become a buyer's market and in the buyer's market a large number of these people would come in. Sir, we have not subscribed to either of these Conventions but there is something in our law which, I think, sends a global trend, and this is an experience for us not only in the field of nuclear science but in all other areas where we negotiate on international forums. Sir, when the Government of India a decade ago or more started taking a tough stand on an international forum like the WTO, we also gained experience; we started doing it. We were told be a part of international mainstream. It can't be that everything that western Europe or America says is the mainstream and those who don't agree are dissenters. Finally, what happened? More than 120 countries stood behind India and they continue to stand behind India even today. Therefore, what was our stand there which was then deviated from this so-called mainstream became the internationally acceptable stand putting world economic powers on a back foot as far as those negotiations are concerned.

Sir, we have a more recent example. In this very House in 2005, after the product patent regime, we brought in amendments to the Patents Law. On the floor of the House some political parties got together and then proposed amendments and the Government accepted those amendments. And in our Patent Law, in so far as they deal with pharmaceutical pricing, a unique India-specific provision was introduced. The Americans continue to criticize it even today. But then what happened? It kept our generic industry alive and, therefore, this whole process of ever-greening of patents has been checked as far as India is concerned. I am now given to understand that several developing countries have now accepted the Indian model, and that is now being accepted. Now translate this experience that as Indian democracy and as India's economy matures, we lay down the norms rather than succumb to everything that economic powers say 'well, that is the mainstream!' What will be the effect of 17(b) that you have introduced? Sir, I am just reading one sentence from the Vienna Convention. Clause 11.5 says, "Except as otherwise provided in this Convention, no person other than the operator shall be liable for nuclear damage." Only the operator is liable; nobody else is liable. So, they argued that the supplier is excluded. In the Paris Convention, the words are: "Except as otherwise provided in this Article, no other person shall be liable for damage caused by a nuclear incident." Now this exclusion of everybody else does exist in

our law, directly and by implication, that the victim can only sue the operator. But this law substantially, the core of it or soul of it, doesn't deal with operator and supplier.

I personally urge the Prime Minister to consider this. When some representatives of the suppliers have campaigned this, this is the response which we have given to them and we need not be apologetic about it. Assuming 17(b) were not there, and there was no direct or indirect reference to supplier's liability, then between the operator and the supplier the normal Tort Law will still continue to apply. Unlike the Paris or the Vienna Convention, it is not excluded. Under our law, there is no exclusion. So, the operator can say "I have had to pay hundreds of crores because you gave me defective equipment." He can go to court. All that 17(b), therefore, does

is to incorporate statutorily what already exists under the common Law of Tort. But even then when it only incorporates the existing provision of the existing common Law of Tort, a hue and cry will be globally raised, "Oh, you brought in the supplier's liability and, therefore, we won't go in for supply."

This is only, as I said, a phony argument being placed, merely to unsettle the bargaining equation between the seller and the buyer, and, therefore, the Government of India should never be apologetic about the clauses that this Parliament, the Standing Committee and the consensus process has sought to introduce because that strengthens the regime as far as India is concerned, and, I have not the least doubt that just as in the Patents law or the WTO, the stand that we took got internationally accepted by a large number of similarly-placed economies and similar-thinking people, in due course of time, this deviation from the so-called international process that we have done, as we are being accused of doing, will become a normal international norm, and, the original model of the law, which was more intended to be a supplier-immunity law will also undergo some element of change.

Sir, in the end, I can only say that there are two lessons. The good lesson from this experience has been that I can say, "All's well that ends well". But, then, the second lesson, which we must also remember, is that when we legislate, I think, it is important for the Government to be always upfront and forthright about its intentions and not bring in surreptitiously when there is, particularly, a national mood not to accept those kinds of provisions.

I am glad that some of those provisions have been deleted, and, therefore, I reiterate, "All's well that ends well". With these few words, Sir, I thank you for having permitted me to speak on this Bill. Thank you.

MR. DEPUTY CHAIRMAN: The House is adjourned for lunch for one hour.

The House then adjourned for lunch at seven minutes past one of the clock.

The House reassembled after lunch at six minutes past two of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

श्री सत्यव्रत चतुर्वेदी (उत्तराखण्ड): उपसभापति जी, वधायिका का सामान्यतः यह अधिकार और कर्तव्य होता है कि वह देश के लिये कानून बनाए। जब-जब हमने संसद के अन्तर्गत कानून बनाए हैं, हमने हमेशा इस बात की पुरजोर कोशिश की है कि जो कानून बनाए जाएँ, वे अच्छे-से-अच्छे कानून बनाए जाएँ, उनमें दोष न हो। हमारी हमेशा यह इच्छा रही है कि कानून बनाने के बाद उस

कामून का सख्ती से अमल हो, लेकिन यह एक वधित्र बाह्य है कि आज पहली बार हम एक ऐसा कामून बनाने जा रहे हैं कि हम सभी यह चाहेंगे कि यह कामून बने तो जरूर, लेकिन इस कामून को अमल में लाने का, भगवान करे, कभी मौका न आए। कोई भी यह नहीं चाहेगा कि यह कामून कभी भी अमल में लाना पड़े, क्योंकि वह बड़ी वधित्र और बड़ी दर्दनाक घटना होगी, जसि दबि हमें इस कामून को अमल में लाने की जरूरत पड़ेगी।

माननीय उपसभापति महोदय, पछिले डेढ़ दशकों के अन्दर विश्व में आर्थिक परिदृश्य जसि तरह से बदला, हमारी सरकारों ने भी विश्व के बदलते हुए आर्थिक परिदृश्य के अनुरूप भारत की आर्थिक नीतियों को बनाया, उनको संशोधित किया, उनमें सुधार किया। इसके परिणामस्वरूप पछिले डेढ़ दशकों में, विशेषकर पछिले 6-7 वर्षों के अन्दर, इस देश की अर्थव्यवस्था ने बड़ी तेजी से विकास किया और हमारी आजादी के बाद

पहली बार ऐसा हुआ कि लगातार अनेक वर्षों तक औसतन लगभग 8 से 9 प्रतिशत प्रति वर्ष की दर से हमारी आर्थिक विकास दर बढ़ी। हमारी आर्थिक विकास दर बढ़ी, औद्योगिक गतिविधियाँ बढ़ी, व्यापार-व्यवसाय बढ़ा और इसके साथ-साथ हमारे देश की जनसंख्या में भी वृद्धि होती चली गई। हमारा यह अपना अनुमान है कि आने वाले वर्षों के अन्दर भी हमारे देश में आर्थिक विकास तेजी के साथ होगा और हमारी जो जनसंख्या है, उसमें भी वृद्धि होगी। दोनों की अपनी ऊर्जा की आवश्यकताएँ होंगी और उनकी ऊर्जा की आवश्यकताओं की पूर्ति करने के लिए हमें आज से ही चिन्तन करना पड़ेगा। आज भी इस देश के अन्दर ऊर्जा की हमारी जितनी खपत है, उसकी तुलना में हमारी ऊर्जा का उत्पादन लगभग 1 लाख मेगावाट कम है, यानी अगर आज हम 1 लाख मेगावाट अतिरिक्त वद्वियुत उत्पादित करें तब हम अपनी ऊर्जा की समूची खपत के बराबर पहुँचेंगे।

उपसभापति जी, हमारी ऊर्जा की आवश्यकताएँ जो दक्षिण-पश्चिम दिशा में बढ़ने जा रही हैं, उनकी आपूर्ति करने का हमारे पास क्या उपाय है? आज इस देश में जितनी बजिली की आपूर्ति होती है, उसकी 60-61 प्रतिशत बजिली ताप वद्वियुत संयंत्रों के माध्यम से उत्पादित की जाती है। हमारी आपूर्ति की 28 प्रतिशत बजिली पन बजिली परियोजनाओं से आती है। गैर-पारंपरिक ऊर्जा के क्षेत्र से यानी सौर ऊर्जा, पवन ऊर्जा इत्यादि से हमारे देश में लगभग 8 प्रतिशत वद्वियुत का उत्पादन होता है। एक विकल्प जो स्वच्छ ऊर्जा इस देश को दे सकता है, वह है परमाणु ऊर्जा या परमाणु संयंत्रों से उत्पादित होने वाली ऊर्जा। आज यह विधि बाह्य है कि हमारे देश में कुछ वद्वियुत उत्पादन का मात्र 3 प्रतिशत परमाणु ऊर्जा के क्षेत्र से आता है।

उपसभापति जी, इस देश के अंदर जो संभावनाएँ हैं, उनके अनुसार हम लगभग 25 से 30 प्रतिशत ऊर्जा परमाणु क्षेत्र में उत्पादित कर सकते हैं, यह संभव है, लेकिन इसके लिए जरूरी है कि पहले हमारी परमाणु तकनीक और परमाणु संयंत्रों की स्थापना का काम पूरा हो। यदि हम विश्व की एक-दो अर्थव्यवस्थाओं को अपवादस्वरूप छोड़ दें, तो विश्व की जितनी भी बड़ी अर्थव्यवस्थाएँ या जितने भी आर्थिक रूप से संपन्न और विकसित देश हैं, उनकी ऊर्जा की आवश्यकताओं का एक बड़ा हिस्सा परमाणु ऊर्जा से आता है। इसलिए यह जरूरी हो गया है कि हम अपने देश की ऊर्जा की आवश्यकताओं के लिए एक ऐसे स्रोत के माध्यम से ऊर्जा उत्पादित करें, जो पर्यावरण के ऊपर दुष्प्रभाव न डाले। यहाँ पर कुछ चिन्तन व्यक्त किया गया, कुछ लोगों ने इस बाह्य पर आपत्ति की, कुछ क्षेत्रों से यह आपत्ति उठी है, बाहर भी यह चर्चा हुई कि परमाणु ऊर्जा शायद बहुत महंगी होगी। मैं समझता हूँ कि शायद यह बाह्य बहुत बढ़ा-चढ़ाकर

कही जा रही है और परमाणु ऊर्जा जल्लिनी महंगी बताई जा रही है , शायद यह उतनी महंगी नहीं है वैज्ञानिकों ने जो आकलनकिए हैं और हमारे पास पछिले वर्षों का जो व्यावहारिक अनुभव है , उसके आधार पर हम कह सकते हैं कि यह उतनी महंगी नहीं है , लेकिन थोड़ी महंगी हो भी , तो ताप वद्वियुत संयंत्रों और पन बजिली परियोजनाओं का देश के वातावरण और पर्यावरण पर जो दुष्प्रभाव पड़ने वाला है , उसकी कीमत बहुत ज्यादा होगी और मैं समझता हूं कि दूरगामी रूप से हमें कभी न कभी यह नीतिगत निर्णय लेना होगा कि हमें अपने पर्यावरण की रक्षा को प्राथमिकता देनी है या हमें महंगी और सस्ती बजिली में से चुनाव करना है मैं समझता हूं कि इस बाह को कभी न कभी सोचने की आवश्यकता जरूर पड़ेगी।

उपसभापति जी , आजजब हम परमाणु ऊर्जा की बाह कर रहे हैं , तो मुझे इस अवसर पर इस देश के दो महान सपूत याद आ रहे हैं - एक पंडित जवाहरलाल नेहरू और दूसरे डा. होमी जहांगीर भाभा। इनका सहज रूप से हमें स्मरण हो आता है ये दो व्यक्ति थे , जव्हिने इस देश के अंदर परमाणु ऊर्जा की प्रौद्योगिकी की आधारशिला रखी थी। मैं इस देश को भाग्यवान मानता हूं कि इसके पास उस समय ऐसा नेतृत्व था और 50 के दशक में ही उन्होंने इस बाह को समझा था कि आने वाले वक्त की जरूरत क्या होगी ? इस बाह को देखते हुए परमाणु ऊर्जा और परमाणु प्रौद्योगिकी के विकास के लिए जव्हि नीतियों को बनाया गया था , अगर परिस् थितियां हमारे लिए बाधा उत्पन्न न करतीं , तो हमारा जो लक्ष्य था कि लगभग 50 वर्ष के बाद 30 प्रतिशत ऊर्जा हम परमाणु संयंत्रों से उत्पन्न करेंगे , ऐसी संभावना का हमने उस समय आकलन किया था , आज वह इस देश में हो रहा होता और वह एक वास्तविकता होती , लेकिन यह इसलिए नहीं हो सका क्योंकि 1974 में जब

भारत ने तकनीकी प्रदर्शन के रूप में एक शांतिपूर्ण परमाणु वस्फोट किया, तो विश्व भर के वे देश और संगठन, जो परमाणु ऊर्जा और प्रौद्योगिकी के क्षेत्र में व्यापार करते थे, उन्होंने मलिकर भारत के ऊपर प्रतिबंध लगा दिया। 1974 से लेकर लगातार यह प्रतिबंध हमारे ऊपर लगे रहे। इन वर्षों के अंदर बहुत सारे घटनाक्रम बदले और दक्षिण एशिया के सामरिक और सुरक्षा परिदृश्य में भी बड़ा बदलाव आया। उसे देखते हुए भारत की सुरक्षा के लिए जरूरी था और लल्लिजा 1998 में हमें घोषित रूप से इस भारत देश को परमाणु शक्ति संपन्न देश घोषित करना पड़ा। जब हमने दोबारा पोखरण -II वस्फोट किया, तो उसके बाद प्रतिबंध और सख्त कर दिए गए तथा विश्व बसिदरी, परमाणु बसिदरी ने इसको और तेजी से लागू करने के लिए भारत के खिलाफ कदम उठाए। लल्लिजा हम जो लक्ष्य पाना चाहते थे, वह नहीं प्राप्त कर सके। इसके बावजूद हमारे वैज्ञानिक इस बीच हाथ पर हाथ रख कर नहीं बैठ रहे, बल्कि उन्होंने इस बीच जो काम किए, उनकी जतिनी प्रशंसा की जाए, वह कम है। तमाम प्रतिबंधों के बावजूद इस देश के अंदर तकनीक के विकास के लिए नए से नए अनुसंधान किए गए। बहुत सारी सीमाओं के रहते हुए भी हमने थोरियम के क्षेत्र में त्रिस्तरीय वदियुत उत्पादन का जो लक्ष्य रखा था, जो अनुसंधान शुरू किया था, हमें खुशी है कि आजहम लगभग उसके कबिरे पर हैं। संभावना है कि कुछ ही समय में हम विश्व के उन देशों में सबसे अग्रणी होंगे, जो थोरियम पर आधारित त्रिस्तरीय ऊर्जा का उत्पादन करते हैं। लेकिन, तब तक हमें अपनी आवश्यकताओं की पूर्ति करनी होगी।

श्रीमान् में प्रधान मंत्री जी को बधाई देना चाहता हूँ कि तमाम राजनीतिक झंझावतों के बाद इस सरकार ने दृढ़ता के साथ विश्व के बहुत सारे देशों के साथ चर्चा करने के बाद आजहम उस कगार पर हैं, 2008 में वह नौबत आई, जब उन्हीं देशों को, जल्लिहोंने हमारे ऊपर प्रतिबंध लगाए थे, यह स्वीकार करना पड़ा कि भारत एक जल्लिमेदार राष्ट्र है और परमाणु के क्षेत्र में उसका ट्रेक रकिॉर्ड कभी भी दोषपूर्ण नहीं रहा है तथा यह भी माना गया है कि 110 करोड़ से ज्यादा की आबादी वाले इस देश की ऊर्जा आवश्यकताओं की पूर्ति और पर्यावरण की सुरक्षा के लिए, दोनों दृष्टि से, यह जरूरी था कि इस देश के ऊपर जो प्रतिबंध लगाए गए हैं, उन प्रतिबंधों को दूर हटाया जाए और वे हटाए गए। उसके परिणामस्वरूप 2008 के बाद से अभी तक बहुत सारे देश, जैसे, अमेरिका, फ्रांस, ब्रिटेन और तमाम देश, जो परमाणु टेक्नोलॉजी से संपन्न हैं, उन्होंने भारत के साथ समझौते करने शुरू कर दिए।

श्रीमान्, इस वधियक को लाने का जो मुख्य कारण था, वह यही

था कि बहुत सारे अंतर्राष्ट्रीय कन्वेंशंस हैं , जैसे वयिना कन्वेंशन , पेरिस कन्वेंशन और ऐसे तीन -चार कन्वेंशंस हैं , जम्बिके जरिए यह अंतर्राष्ट्रीय नयिम और परंपरा बनाई गई कि कस्मि भी देश के साथ परमाणु संयंत्र , ईधन , उपकरण, मशीनें , टेक्नोलॉजी , आदि का व्यापार तभी संभव हो सकता है , जब उस देश के पास ऐसा कानून हो , जो कानून उसके नागरिकों को इस बात की गारंटी देता हो कि कस्मि भी अप्रिय दुर्घटना की स्थिति में वह अपने नागरिकों की क्क्षति पूर्ति कर सकता हो। हमें यहां इस कानून को लागू की जरूरत पड़ी और इस जरूरत को पूरा करने के लखि , जो हमारी अनिवार्यता है , हम इस कानून को यहां लाए हैं और उस पर आजयहां चर्चा कर रहे हैं।

जैसा कि पहले ही यहां पर वक्त्रिष के नेता जी ने भी इस बात को स्वीकार किया कि लगभग 28 देश ऐसे हैं , जहां पर ये कानून बनाए गए। हम भी उसी प्रकार से उसी तर्ज पर हमारी जो कानूनी जम्बिमेदारियां हैं , उनको पूरा करने के लखि इस कानून को लाए हैं। यह कानून क्या है ? मुख्य रूप से इस कानून के दो पक्ष हैं , जो महत्वपूर्ण बन्दिट्टु हैं। पहला पक्ष क्क्षतिपूर्ति का है और दूसरा पक्ष दायित्व निर्धारित करने का या जम्बिमेदारी निर्धारित करने का है। इन दो के आसपास ही यह सारा कानून बुना गया है। इसलिए इस कानून में , जो हमारे पछिले अनुभव हैं , उनका भी हमने लाभ लखा है। अभी कुछ ही दब्बि पहले हमने इसी सदन में और उस सदन में भोप्राल गैस त्रासदी पर वक्त्रिष से चर्चा की। हमने उस समय सबक सीखे हैं कि कस्मि तरह से और कब्बि कमजोरियों के कारण भोप्राल में हुई इस दुर्घटना के बाद जस्मि तरह से लोगों को राहत पहुंचाई जानी चाहिए थी , जस्मि तरह से क्क्षतिपूर्ति पहुंचनी चाहिए थी , जो उनके अधिकार का मामला था , वह क्क्षतिपूर्ति समय से

उनके पास नहीं पहुंच सकी। पच्चीस - छब्बीस साल के बाद भी हम उन मामलों को, उन मुकदमों को एक अदालत से दूसरी अदालत जाते हुए देखते रहे और जबि लोगों को तत्काल सहायता की आवश्यकता थी, उनको तत्काल सहायता के अभाव से बहुत सी अविस्मरणीय तकलीफों से गुज़रना पड़ा।

श्रीमान्, हममें से कोई नहीं चाहेगा, यह देश नहीं चाहेगा, सरकार नहीं चाहेगी और प्रतिपक्ष भी नहीं चाहेगा कि भविष्य में इस देश में कभी ऐसी कोई संभावना आए। नेता प्रतिपक्ष के इस सुझाव से मैं सहमत हूँ कि आज हम परमाणु दुर्घटना के वरिद्ध इस तरह का कानून बना रहे हैं और उस कानून को बनाने में सभी सहयोग देने को तैयार हैं, प्रतिपक्ष ने भी सहयोग दिया है, लेकिन परमाणु दुर्घटनाओं के अलावा, जो अन्य दुर्घटनाओं के बारे में आपने सुझाव दिया था कि उन दुर्घटनाओं के लिए भी ऐसे ही कसिी कानून की आवश्यकता है, जसिसे कसिी भी प्रकार की औद्योगिक दुर्घटनाओं में लोगों को यहां से वहां भटकना न पड़े और उनके जायज़ हक और क्षतिपूर्ति समय के अंदर उनको मल्लि सके, इस बाह्य का प्रावधान करने के लिए कानून लाना चाहिए, तो मैं इस सुझाव का स्वागत करता हूँ लेकिन इस कानून के तहत जो इसमें प्रभावित और पीड़ित व्यक्ति होंगे, उनको तीन माह के अंदर कमिश्नर के द्वारा क्षतिपूर्ति का वितरण करवाए जाने का प्रावधान रखा गया है और दूसरी बात, मुआवजे की राशि पर काफी बहस थी कि उसकी अंतिम सीमा क्या हो? पांच सौ हो, हजार हो या डेढ़ हजार करोड़ रुपए हों? तो यह सीमा निर्धारित करने के संबंध में पक्ष - प्रतिपक्ष के लोगों में जो आपसमें वचिर - वचिर्श हुआ, उसके बाद एक आमसहमति बनी कि उस सीमा को पंद्रह सौ करोड़ रुपए रखा जाए। पांच सौ से बढ़ाकर यह पंद्रह सौ करोड़ रुपए करने के लिए सरकार ने जो सहमति दी, उसके लिए मैं सरकार को धन्यवाद देता हूँ, लेकिन इतना ही पर्याप्त नहीं था। आजभी कुछ लोगों के मन में आशंका है कि क्या पंद्रह सौ करोड़ की यह सीमा पर्याप्त है? क्या इससे ज्यादा क्षति नहीं हो सकती है? इन सारी बातों पर वचिर कसिा गया है और इसका प्रावधान भी इस कानून के अंदर बनाकर रखा गया है। सरकार को यह अधिकार होगा कि वह समय-समय पर इस बाह्य का आकलनकरे, समीक्षा करे और यह देखे कि यदि इससे भी अधिक की क्षति सीमा बनाई जाती जरूरी है, तो वह इस क्षति सीमा को बढ़ाए। पंद्रह सौ करोड़ कोई अंतिम वाक्य या अंतिम आंकड़ा नहीं है, इसको समय रहते जरूरत के मुताबिक बढ़ा भी सकते हैं और वह अधिकार सरकार के पास है। आने वाली कोई भी सरकार अगर ऐसा समझती है कि यह अपर्याप्त है, तो इसे बढ़ाने के लिए उसके पास अधिकार होगा, यह व्यवस्था इस कानून के अंदर की गई है।

श्रीमान् , निर्धारित राशि से अधिक की अगर कृषति हो , तो इसका भी प्रवधान है। इस राशि से अधिक की कृषति हो , तो अंतर्राष्ट्रीय संस्थाओं से उस पंद्रह सौ करोड़ रुपए से ऊपर की राशि पर हमको सहायता मल्लि सकती है , जब हम यह कामून बना लेंगे , क्योंकि तब हम उस convention के अनुरूप अपना कामून बना चुके होंगे। उसके बाबजूद भी अगर और अधिक कृषति होती है , तो भारत सरकार ने गारंटी दी है। भारत सरकार भी उसमें एक गारंटर है , एक तरह से वह ऑपरेटर की तरह जम्मेदारी अपने ऊपर लेती है , इसलिए अगर भारत सरकार को और अधिक राशि की आवश्यकता होगी , तो वह करेगी। एक परमाणु दायित्व कोष स्थापित करने का प्रवधान इसमें कयिा गया है। यह परमाणु दायित्व कोष ऐसी चीज़ होगी कि जो भी ऑपरेटर है , यानी अभी तो हमारे यहां सरकार ही ऑपरेटर है या सरकार के द्वारा बनाई गई कंपनियां ऑपरेटर हैं , जसि कंपनियों का नियंत्रण सरकार के पास है तो उन सभी कंपनियों को , जो परमाणु ऊर्जा बनाने या परमाणु संयंत्रों को संचालित करने का काम करेंगे , उनसे समय-समय पर लेवी लेकर एक कोष की स्थापना की जाएगी और इस कोष में नरित्तर वह धन बढ़ता चला जाएगा। और इस प्रकार हमारे पास एक ऐसा फंड उपलब्ध होगा जसि फंड से , कृषतिपूर्ति के लखि अगर और अधिक राशि की आवश्यकता होती है , तो वह भी हम दे सकते हैं। कहने का मतलब यह है कि कृषतिपूर्ति के मामले में इस कामून के अंतर्गत इस बात का पूरा ख्याल रखा गया है कि विभिन्न चरणों में जो पीड़ित या प्रभावित लोग हैं , उनको कृषतिपूर्ति करने में कहीं कोई कोताही न बरती जाए , कहीं कसि प्रकार की राशि की कमी उनके लखि आड़े न आ सके। श्रीमन् , एक बात और चर्चा का वषिय थी कि

कृषिपूर्ति करने के लिए अवधि क्या हो? हमने भोपाल में देखा कि एक निश्चित अवधि के बाद में दाबे स्वीकार नहीं किए गए। यह कह दिया गया कि ये तो अवधि से बाहर हो गए हैं। इसलिए उन बेघारों को, ऐसे पीड़ितों को न्याय नहीं मंजूर किया जा सकता, जबकि वास्तव में न्याय मंजूर करना चाहिए था। इसीलिए सरकार ने सम्पत्ति के नुकसान के मामले में कृषिपूर्ति का दावा करने की यहां पर जो अवधि रखी है, वह दस वर्ष की रखी है, यानी घटना के दस वर्ष बाद तक सम्पत्ति की किसी भी कृषि के मुआवजा पाने का अधिकार या दावा पेश किया जा सकता है। इसी प्रकार व्यक्ति के स्वास्थ्य या उसके जीवन पर आने वाले किसी भी दुष्प्रभाव का अगर कोई दावा पेश करना है, तो घटना से बीस साल बाद तक वह दावा स्वीकार किया जाएगा। मैं समझता हूँ कि इस अवधि को रखने से इस तरह के किसी भी वस्फोट या दुर्घटना से जो दृग्गामी परिणाम हो सकते हैं, उनका जो प्रभाव लोगों के स्वास्थ्य पर पड़ सकता है, उसके संबंध में उनकी पूरी तरह से सुरक्षा की जा सकेगी।

श्रीमान्, दूसरी जो महत्वपूर्ण बात थी वह यह थी कि हम दायित्व की बात कर रहे थे। उस पर काफी चर्चा हुई है। दायित्व तो सारा का सारा ऑपरेटर का है। श्रीमान्, ऑपरेटर कौन है? जैसा कि मैंने पहले कहा, जो प्लान्ट को संचालित करेगा, जो संयंत्र को संचालित करेगा, वह ऑपरेटर होगा। हमारे कानून में संयंत्र को संचालित करने की व्यवस्था यह है कि हमारे यहां पर, जो सरकार के द्वारा स्थापित कम्पनियां हैं, वही संयंत्र संचालित करेंगी। इस प्रकार से पूरी तरह से दायित्व इन कम्पनियों पर होगा। अगर कोई ऐसी दुर्घटना होती है तो उस दुर्घटना से होने वाली कृषि के लिए कृषिपूर्ति का दायित्व ऑपरेटर के ऊपर होगा, उन कम्पनियों के ऊपर होगा, जो प्लान्ट संचालित करती हैं। महोदय, सरकार ने अपनी जम्मेदारी से अपना पल्ला झाड़ा नहीं है। ऑपरेटर तो वैसे ही सरकार के नियंत्रण के अधीन हैं और सरकार का उसमें शेयर होगा, लेकिन उसके बावजूद अगर कोई दोषपूर्ण संयंत्र आता है, जैसा कि 17(ए) और 17(बी) की चर्चा नेत्रा, प्रतिपक्ष कर रहे थे - इस तरह की चर्चा तो मैं बाद में करूंगा ही - इसमें आज यह प्रावधान है कि अगर कोई भी दोषपूर्ण संयंत्र आता है तो उस संयंत्र को सप्लाइ करने वाला जो सप्लायर है, यानी जिस कम्पनी से वे संयंत्र हमारे देश में खरीदे गए हैं, उनके ऊपर भी दायित्व बनता है। लेकिन कब?

महोदय, मुझे इस बात की खुशी है और मैं सरकार को, प्रधान मंत्री जी को और मंत्री जी को बधाई देना चाहता हूँ कि सामान्यतः कानून बनाने में यह होता है कि कृषिपूर्ति होती रहेगी और जो ऑपरेटर है, वह अपनी कृषिपूर्ति पहले करने के

लए कम्पनियों पर दावे करने लगता है। लेकिन आपने यहां पर यह प्रवधान रखा है कि नागरिकों की पूरी क्षतिपूर्ति वित्तित कर देने के बाद ही सरकार को यह अधिकार होगा या ऑपरेटर को यह अधिकार होगा कि वह सप्लायर के वरिद्ध कार्यवाही कर सके, उससे अपना हर्जाना वसूल कर सके। इसका अधिकार आपने बाद में दिया है। इससे यह सुनिश्चित होगा कि लोगों को जो निर्धारित तात्कालिक रूप से क्षतिपूर्ति होनी चाहिए, उस दायित्व को नर्वहन सरकार पहले करेगी और उस दायित्व के बाद फिर सरकार सप्लायर से अपने हर्जाने की वसूली की कार्यवाही कर सकेगी, जो अंतर्राष्ट्रीय कानून के अनुसार है। श्रीमन् चर्चा के समय यह वरिध्य भी माननीय प्रतिपक्ष के नेता ने उठाया कि इसमें एक कमी रह गयी थी कि कहीं सप्लायर को लाभ देने का यह कानून तो नहीं बन गया था - इस पर उन्होंने आशंका व्यक्त की थी। फिर बताया कि कैसे 'and' जोड़ा गया, कैसे 'intent' जोड़ा गया। मैं उस बहस के विस्तार में नहीं जाना चाहूंगा। क्योंकि जसि वातावरण में इस विधियक पर आजहम चर्चा कर रहे हैं, वह वातावरण एक भ्रमि स्तर पर है, कोई राजनीतिक पाइंट स्कोर करने का नहीं है, क्योंकि अब यहां पर कोई मैच नहीं होने वाला। हमारा आजभी यह कहना है और मैं यह ही कहना चाहता हूं कि Law of Torts जो आपूर्तिकर्ता है, अंतर्राष्ट्रीय स्तर पर कानून का यह मान्य सिद्धांत है कि उसकी तो जम्मेदारी प्रत्येक स्थिति में बनती ही है। फर्ज करें थोड़ी देर के लिए, इस कानून के 17वीं में अगर इस बात का प्रवधान न भी रखा गया होता, अंतर्राष्ट्रीय कानून के अनुसार तब भी जम्मेदार बनता और अगर वह हमें दोषपूर्ण संयंत्र सप्लाय करता तो उसको उस जम्मेदारी से बरी कोई दूसरा उपाय नहीं कर सकता था।

श्री उपसभापति : चतुर्वेदी जी, आपको पार्टी से 25 मिनट दिए गए हैं, 24 मिनट हो गए हैं।

श्री सत्यव्रत चतुर्वेदी : श्रीमान् , मैं अभी दो-तीन मिनट और लूँगा और इसके बाद मैं अपनी बात समाप्त कर दूँगा। करीब - करीब खत्म करने पर आगया हूँ।

आपूर्तिकर्ता के दायित्व निर्धारण के बारे में हमने पहले बताया था कि कृषिपूर्ति के उपरांत सरकार आपूर्तिकर्ता से अपना हर्जाना वसूल कर सकती है। जब परिवहन के दौरान , ट्रांसपोर्टेशन के दौरान भी अगर कोई दुर्घटना होती है तो उसके लिये भी आपूर्तिकर्ता को यहां जम्मेदार बनाया गया है। श्रीमान् , मैं सफ़ि दो बातें करके अपनी बातें करके समाप्त करूँगा । सामान्यतः यह लोकतंत्र में स्वाभाविक और स्वस्थ परम्परा ही मानी जाती है कि विभिन्न विचारों के , विभिन्न राजनीतिक चिन्तन के लोग अपनी-अपनी नीतियों के अनुसार अपनी-अपनी बातें कहते हैं। सरकार जब भी कोई प्रस्ताव लाती है तो उसके ऊपर आलोचनात्मक टिप्पणियाँ होना अस्वाभाविक बात नहीं , यह सामान्य स्वस्थ परम्परा ही मानी जाती है , क्योंकि कोई भी कानून बनाने से पहले यह सब का प्रयास होता है कि उस कानून में कोई दोष न रह जाए , कोई कमजोरी न रह जाए। लेकिन इस बात की मुझे खास तौर से प्रसन्नता है कि इस बार कानून बनाते समय जसि खुले मन से सरकार ने प्रतिपक्ष के विचारों को स्वीकार किया और जसि खुले मन के साथ इस कानून को और मजबूत कानून बनाने में योगदान किया , यह अपने आप में बहुत कम दिखाई देने वाला दृश्य है जो इस बार इस कानून के बनाते समय देखने को मिला और यह एक बहुत स्वस्थ परम्परा है कि राष्ट्र ट्रीय महत्व के , जन महत्व के ऐसे मसलों पर हम राजनीति से ऊपर उठकर, कष्टुद्र स्वार्थ से ऊपर उठकर ऐसी प्रक्रिया को अपनाएं जो एक अनुकरणीय प्रक्रिया बने और भविष्य में भी न केवल इस बिल के माध्यम में बल्कि राष्ट्रीय महत्व के जो अत्यन्त महत्वपूर्ण विषय हैं उन पर यह एक आम सहमति अगर बन सकती हो तो परस्पर आधार के ऊपर इस प्रकार की प्रक्रिया को संचालित करना , उसे बढ़ावा देना , मैं समझता हूँ कि यह एक स्वस्थ लोकतंत्र के लिये और भारत की भविष्य की राजनीति के लिये , इस देश के नागरिकों के लिये एक स्वागत योग्य बात है और इसलिए तमाम चीज़ें , जबकि जक्रि कभी यहां कभी वहां होता है कि कसिने क्या कहा , कसिने क्या किया , कसिने क्या बोला और कसिने क्या आलोचना की , मैं समझता हूँ कि ये सब चीज़ें व्यर्थ हैं , यह सब कुछ उस लोकतांत्रिक प्रक्रिया का हिस्सा था , जसि लोकतांत्रिक प्रक्रिया के माध्यम से इस कानून को बनाने के लिये साफ़-सुथरी नीयत के साथ पक्ष और प्रतिपक्ष दोनों ने मिलकर के योगदान किया। धन्यवाद , जय हस्दि।

श्री सतीश चन्द्र मशि (उत्तर प्रदेश) : उपसभापति

महोदय , मैं आपको धन्यवाद देता हूँ कि आपने हमें मौका दिया कि हम इस महत्वपूर्ण बलि पर अपनी कुछ बातें रख सकें जैसा कि लीडर ऑफ़ दी अपोजिशन बोले और माननीय मंत्री जी ने जो अपना बलि पेश किया और अभी सत्यव्रत चतुर्वेदी जी ने कहा कि यह एक ऐसा बलि है जो आम सहमति से तैयार होकर बना है जिसमें पक्ष और वक्त्र बराबर आपस में वार्ता करते रहे और इसमें 17 या 18 अमेंडमेंट आए, जिसके बाद मैं यह बलि आया, लेकिन कुछ पार्टियां हैं जो न पक्ष में हैं और न वक्त्र में मानी गईं, जैसे बी.एस.पी. है बी.एस.पी. को शायद पक्ष में नहीं माना गया इसीलिए किसी चर्चा में, कहीं पर भी, किसी स्टेज में उसका इंबोल्वमेंट नहीं रहा। इस वजह से इसके संबंध में मैं अपनी बात आपके सामने यहां सदन में रखना चाहूंगा।

कुछ माननीय सदस्य : आप पक्ष में हैं या वक्त्र में हैं ?

SHRI SATISH CHANDRA MISRA: So, there are certain important things which I, personally, feel are there. First of all, I would congratulate the hon. Prime Minister for steering this, because we are a country where there is shortage of power in a great manner, where people are not having power even for one hour or half-an-hour or even for a few minutes, and there are continuous power cuts because of shortage of power. Therefore, power is needed in this country. That is an admitted fact. We are suffering in Uttar Pradesh. We have already represented to the Government that we are trying to make power plants ourselves from our own

costs, but we are not getting the supply of coal. On that also, the hon. Prime Minister was kind enough to say that it will be looked into. Therefore, this is a country which needs power. Therefore, if nuclear power is there, it will help a lot. But, learning from the Bhopal incident, how are people suffering after some incident takes place? God willing, no such incident takes place. But, if some incident takes place again, then, how and in what manner the people, who are the sufferers, should be taken care of? The questions with respect to operator's liability, the supplier's liability and other things have already been discussed. I will not take much of the time because we have a very little time allotted to us for this discussion. So, I would not go into all those things because they have already been discussed. Now, the Leader of the Opposition has taken credit that this Bill is being passed, probably, because of the efforts put in by that side. The UPA Government feels that it has brought forward this Bill. But whoever has done it, there are certain things which, according to me, are still required to be considered, keeping in mind the plight of those persons who are, finally, going to be the sufferers if some incident takes place.

Now, we take clause 10 of the Bill in Chapter III; it provides for Claims Commissioner. Now, with respect to Claims Commissioner, there is a provision which has been made that appointment of a Claims Commissioner will be there and one single person will be a Claims Commissioner. Now, who will be a Claims Commissioner? The person, who will be qualified to be a Claims Commissioner, has been mentioned. Clause 10 (a) says, "... is or has been a District Judge". That is fair enough because he should have a judicial mind. He should know how to adjudicate matters because there is no such provision as has been kept in the other Chapter which deals with the Commission that Cr.P.C. would not apply, that it would be principles of natural justice which would be applying; that regular procedure would not apply except the provisions which have been mentioned. But, in this Chapter, it has been omitted. Therefore, the provisions of the Civil Procedure Code or other things would apply. So, the person should be qualified to understand and will have experience with respect to judicial proceedings, as has been stated by the hon. Supreme Court, in *S.P. Sampath Kumar's* case, and which is reported in Page 386 of the Judgement of 1987, where they have stated that wherever such tribunals are constituted, there should be a consideration that judicial mind has to be there. Even the hon. Supreme Court has gone to the extent of

saying that even in the case of the Commission or the Tribunal, you should have, in the Selection Committee, a person of the capability of the Judge of the Supreme Court, or, the High Court Judge, where it is with respect to States. Here, they have taken care of it. Here, in the Chapter which deals with the Commission, it has been mentioned, "The Selection Committee will consist of a Supreme Court Judge".

But, so far as Chapter III is concerned, this has got equivalent powers, except when it gets transferred to the Commission, once the Commission is notified; otherwise, the entire claims has to be decided by the Claims Commissioner. Now, here, a provision has been added further after sub-clause (a), and this says, "...is or has been a District Judge or in the service of the Central

Government and has held a post not below the rank of Additional Secretary to the Government of India or any other equivalent post in the Central Government." Now, this is objectionable because you are not having a Committee of three Members; you are not having a Commission of three Members, as you are having in the other Chapter, where the Commission is being appointed. You are going to have a Claims Commissioner who will be a single Member Commission. Therefore, you are wanting that a person, who is or has been in the capacity of Additional Secretary, or, has experience while having served as SDMs or in other capacities when they have worked in the initial stages, to do some judicial functions. But they do not have the capacity, as a Judicial Officer or as the District Judge, to adjudicate the disputes or issues which arise before them, and, therefore, it should be taken care of that this word 'or' is not there. You may provide for three Members again over here. Otherwise, as soon as you put 'or', it will be a discretion with the Government that they may appoint an Additional Secretary and not a District Judge, and he would adjudicate these cases, who has no experience with respect to adjudication and the Civil Procedure Code ...and specially looking into the aspect that here the procedure would apply, and in the case of the Commissions, it would not apply. Therefore, this needs to be taken care of.

Sir, Chapter V, section 19 onwards, deals with the Nuclear Commission. Section 20(c) provides for qualifications of the Chairperson and says that a High Court Judge or a person eligible to be one should be the Chairperson. Therefore, the constitution of the Commission has again been taken care of. It would be headed by a retired High Court Judge or a sitting High Court Judge or a person eligible to become a High Court Judge and the Members would be Additional Secretaries, which I think is not proper. This is such a sensitive issue. We should not think of giving re-employment to retired Additional Secretaries. There may be other places where they can be adjusted but not in such a case where we have had a tragedy like the Bhopal tragedy where so many years have passed but people are still languishing in the hope of getting some justice. Therefore, this provision should be seriously considered and looked into, because I know this is not a provision that can be taken care of at this stage; at a later stage, when it is thought proper by the Government, it

should be taken care of.

Secondly, I come to Chapter IV, Section 14. Since I said I would be confining myself to the issues which have not been discussed and since we are not members of the *paksh* and *vipaksh*, I would be talking only about those things. Now, Section 14, does not take care of those indigent persons who cannot approach a lawyer or an agent. I am saying this because it is such an important Clause. Section 14 (a), (b), (c) and (d) talks of the four occasions when an application for compensation can be filed before the Claims Commissioner or the Commission, as the case may be, in respect of nuclear damage; it may be made by a person who has himself sustained an injury, by the owner of a property, by the legal representative of the deceased, and by any agent duly authorized by such person or owner or legal representative. Now, this is what

Section 14 says. It does not take care of those persons who cannot appoint a legal representative, a lawyer or an agent. It does not take care of those who do not have the resources to approach an agency where they could hire an agent or a lawyer. Therefore, it is limiting the claim of compensation to only these four cases. There should have been a provision that persons wanting to make a claim could go even to a legal aid society, a legal aid authority or any other agency, which is already provided for under the Act – legal aid authorities are already provided for under the Act. If a person is unable to make a claim, there should be a provision that these authorities would come forward and give free assistance to them so that they too could make claims before the Claims Commissioner or the Commission. Otherwise, such persons will have no say before either the Commissioner or the Commission for their rights and they would suffer without any of their right being considered by any of these authorities. Probably, this has been omitted. It should be considered. It is not something because of which the Bill cannot be passed but it should be taken care of if, God forbidden, some incident takes place. We have the experience where so many years have passed and people are still without any compensation; they have not been able to get their claims. Therefore, this should be taken care of.

Then, there is a provision made in section 15. Now, Section 15 says that there is a limitation. Mr. Satyabrata Chaturvedi said that the Act has taken care of the limitation with the 10 and 20 years provision. Now, I find an anomaly. Maybe, it can be explained why it is there. Section 15(2) says, "Subject to provisions of Section 18, every application under sub-section (1) shall be made within a period of three years from the date of knowledge of nuclear damage by the person suffering such damage". Now, Section 18 says just the contrary. It says that the right to claim compensation for nuclear damage shall extinguish if such claim is not made within a period of ten years and 20 years, as has been mentioned in the two categories.

So, section 15 says three years. There is a limitation. And, there is nothing provided in this that for some unforeseen reasons, for certain other reasons, if a person is in coma for more than three years under this damage, if he is paralysed, he may not be in his senses, maybe so many handicaps which can come for the person which we

are seeing in the case of the Bhopal gas tragedy. So, three years is a limitation, maybe for a suit, but not for this. So, this three years in this case and 10-20 years could be explained; maybe I could not understand the two contradictory things. If it is ten years, it cannot be three years. Then, this should go from section 15(2). If the intention is only three years, then 10-20 years cannot be there. Both the sections cannot run concurrently with respect to limitation. Once limitation is provided, it is provided only at one stage, the limitation law is clear and on this there cannot be two limitations. Therefore, these are self-contradictory sections which have been incorporated and they should be looked into and taken care of.

I will then come to section 32 which provides adjudication procedure and powers of the commission. In this, the section says that it would not be bound by the procedure of CPC but no such provision has been framed for the claim commissioner; I have already said so, I will not go into the details, it has been omitted in section 10; I do not know why.

But, Sir, section 35 is important. It is for exclusion of jurisdiction of civil courts. This says, "Save as otherwise provided in section 46, no civil court except the Supreme Court and a High Court exercising jurisdiction under article 226 and 227 of the Constitution shall have jurisdiction to entertain any suit or proceedings in respect of any matter with the claims commissioner or the commission, as the case may be." A finality is being given to the decision of the claims commissioner or the commission. On the one hand we are giving finality to the claims commission and the commissioner; on the other hand, this is a provision which is not there normally in other acts where finality is given. It is being said, "No, you have a jurisdiction to go under article 226 and 227 and you can even go to the hon. Supreme Court with respect to any such matter which otherwise says this may be in power to adjudicate under this act and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power."

On the one hand we are excluding the powers of the civil court; on the other hand, we are specifically providing a relief under the Act itself saying that you can even go to a court under article 226 or 227. Any person, maybe the operator, maybe any other person, can immediately go into article 226 or 227 or 32; as soon as any proceedings are started, or in between, or otherwise, and the proceedings can be stopped. My only objection to this is, Sir, it was not required because the hon. Supreme Court laid down not in one case, in the Whirlpool case, but in several cases, one after the other that a petition under article 226 or a petition under article 32 except in relation to fundamental rights will not be entertained if there is an alternative remedy, if there is another remedy available. But, here, you are diluting that law by providing in the Act itself! You have this remedy. What was the necessity? If you are wanting a finality to be given, why should we say that you have a remedy under article 226,

we have a remedy under article 226 and 227 under the strength of section 35? Any proceedings, every proceedings at any stage, in between, after the order, during the proceedings, we have opened a Pandora's box that anybody can take this section and go and file a petition which will have to be considered and will have to be adjudicated upon.

Therefore, my submission is that this was not required. Looking into the law, as laid down by the hon. Supreme Court, if our intention is that they should get the benefit of the finality of the order which is being given, then this should not be there. Let the courts decide on this.

Now, one of the last submissions, with respect to one of the provisions, which I would like to bring, is this. I think, I would be getting an extra minute or two, especially in view of what I

said in the beginning. I am asking this because this is the place where I am getting the opportunity to speak on this Bill. Now, I refer to clause 39 which is about offences and penalties. Now, we are fixing the penalties. Clause 39 says, "Whoever - (a) contravenes any rule made or any direction issued under this Act; or (b) fails to comply with the provisions of section 8; or (c) fails to deposit the amount under section 36, shall be punishable with imprisonment for a term which may extend to five years or with fine or with both". Why are we bringing this to five years? It is very easy to violate and say, 'we don't comply with the orders; we don't comply with the directions and have an imprisonment for five years'. The violator will say like this. It is a dispute throughout the country after the judgement came in the Bhopal Gas Case from the magistrate 'that I cannot go because the Supreme Court has said this much, and this much of punishment can be given. These sections do not apply'. On the one hand, we are discussing and saying that that decision of the hon. Supreme Court was not correct; we are thinking of filing a curative petition and going to reopen the whole thing. On the other hand, we ourselves in the Act are providing a limit of punishment for offences, for not accepting the order or direction. You violate the order; you get a punishment of five years. So, this provision for five year punishment has to be considered, whether this is something which is adequate for a violator of the law in the case of this nature, where the tragedy can be of such nature which is unimaginable, which we have seen in the case of Bhopal.

Sir, now the last submission which I have to make is with respect to Clause 42 of the Bill, which says, "No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act: Provided that cognizance of such offence shall not be taken except on a complaint made by the Central Government or any authority or officer authorized in this behalf by that Government".

So, any offence under the Act cannot be taken cognizance of unless the Central Government agrees to it or the officer authorized agrees to it. This is something which dilutes the whole Act completely. Now, everything comes back to the discretion of the Central Government, it may give the permission or not, and the cognizance cannot be taken.

The cognizance itself cannot be taken unless the Government decides. So, we are coming back. This entire Bill is with respect to the Government owned companies. Therefore, the person or the authority or the supplier who himself becomes liable is being given the power in another manner that you decide whether cognizance should be taken or not. So, there is a serious objection to this.

So, Sir, after making these submissions on this Bill, I stand to support the Bill, but because of the nature of the Bill, these issues should be considered. This should be taken into consideration. Rectification is possible. It is not that rectification is not possible. You pass the Bill today. You can do it later on. There are other methods through which you can do it. There are ordinances and several other methods through which you can deal with this. But, these

things may kindly be looked into. This is my request to you. Sir, because we did not get the opportunity earlier, I have taken this opportunity to speak on this Bill. Thank you, Sir.

SHRI SITARAM YECHURY: Sir, I rise to raise certain very important and significant points which, I think, have a bearing not only on the immediate legislation that we are discussing but also on the direction in which the country is going, and how we are going to meet the pressing needs of our people in terms of adequate generation of electricity and power, which is also important for poverty eradication. I will come to those points, Sir. But, this Nuclear Liability Bill is being discussed in the immediate backdrop of the discussions we have had in this House on the Bhopal Gas Tragedy. And, when the question of liability on the Bhopal Gas Tragedy was being discussed, Sir, on the 12th of August the Union Home Minister has said on record, and I want to quote, "Everyone who has been a Prime Minister and headed a Government is in one way or the other responsible and accountable". And, then, he goes on to say, "I share the grief, the sorrow and the pain of the victims of Bhopal. I also wish to tell them that I see a deep sense of guilt that in all these 26 years neither the Executive nor Parliament appeared to have exercised the vigil and supervision that the situation warranted". "...and in a sense the elected political class of the country let down the victims of Bhopal." Twenty-six years after the accident here is the Union Home Minister saying the entire elected political class of the country has let down the victims of Bhopal. 'Let down' is because we did not have adequate liability laws. In response to that, Sir, I had to counter that and set the record straight. I quote from the Rajya Sabha proceedings of the same day, uncorrected version, what I said, "Whether they have raised, that is, the Congress, or they have raised it, that is, the BJP, that is not the issue, but we from the Left have been raising this issue in this House and in the other House all along since 1984. So, it is not correct to say that these questions were not raised. They were raised." So, it is not as though that it is the entire political class that showed a lack of vigilance. It was those who were in Government either from this side on my left or from that side on my right and that is the 26 years record which the Home Minister himself admitted 'due to lack of liability laws'.

Today, Sir, I am standing here to forewarn. On Bhopal, we have been

warning but today on the nuclear liability I am forewarning that I do not want a situation two decades down the line. When the incumbent Home Minister will come and say that entire political class has let the country down, has let the victims of nuclear accident down. However much I do not want any nuclear accident to happen, none of us would want that to happen, but I do not want such a situation to arise two decades down the line. That is why I say that this is an important issue for all of us to discuss. It is not a question of quantum of liability, it is a question of what is the responsibility that the political class, as the Home Minister called it, or what is the responsibility that this Legislature that keeps the vigil over the Executive and makes the Executive accountable, to the Legislature and through that to us we, the people. Are we going to exercise that and that is an important aspect of this law.

3.00 P.M.

Therefore, I would like to state very clearly, Sir, there are two very important issues that need to be considered by this Government and one of them is on the question of cap that is being put on the issue of liability. Now, from what I know most of the developed countries in the world all have a floor of the liability for the operator or the supplier. And many of them do not have suppliers, but I am happy that we have through mutual discussions come to an agreement on Clause 17 which also brings in the supplier and I will come to that point later, the finer details later. But the question is that instead of having a floor, we are now having a ceiling and now beyond that ceiling it is the Government that will take the responsibility depending on the gravity of the accident. Now, the Government will take the responsibility but the operator can be a Government operator. Your present law which is operable in our country, Atomic Energy Act, 1962, has no limit for liability. Here the limit has been drawn in with the presumption that if the extra that would be required in case of an accident the Government will step in. Very well, as the Leader of the Opposition argued, and he said that the operator is a Government company, the Government can step in. But the point is that the Government Company by definition can have 49 per cent of private shareholding.

By setting a ceiling you are giving benefit to the private element of the Government Company. The Government is going to take the extra responsibility while giving benefit to the private section of a Government owned company of 49 per cent. Why? Whose interests are we protecting? Is this a liability Bill for compensation to the victims or is this the insurance for those operators and suppliers of nuclear equipment? If latter is the case, change the title. Do not call this a Civil Nuclear Liability Bill. You call this 'the insurance for the protection of suppliers and operators in the case of a nuclear accident'. Now that is the logic which comes in here and this is something which, I think, is very important thing for us to consider. I still urge the Government, as my first point, to talk in terms of floor and not in terms of ceiling.

[THE VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair]

The other issue which is very important is of the supplier's liability and not the operator's. It is the supplier's liability issue that has been brought in I will come to that later. But this is the

first point I want to bring in is that what we require to protect are the victims of the accident and not the suppliers and other corporate interests.

The second important point, Sir, which I think, in this context, must be raised and which I am constrained to raise is: Is this Nuclear Liability Bill a direct consequence of the Indo-US Nuclear Deal? When this Indo-US Nuclear Deal was discussed in this House – all of us are aware, I am not going to go into that debate – there had been points that we had to raise, which we raised, which were answered. There was a big debate in the country but on one important issue, Sir, hon. Prime Minister is sitting here, remember on that occasion and that was again in August, 2006, full four years ago, exactly this month and I had asked for nine assurances from the Prime Minister, he had given me 12 and I was grateful at that time that he

had given me 12. But, one of the assurances that the Prime Minister gave me then was, and I quote from his speech on the 17th August 2006, "Whether the deal will give full civilian nuclear technology and lift all existing sanctions on dual use technology imposed on India for not signing the NPT. What is my response? The response is, the objective of full civil nuclear cooperation is enshrined in the July statement." Then, he goes on to say, "We seek removal of restriction on all aspects of cooperation and technology transfers pertaining to civil nuclear energy ranging from supply of nuclear fuel, nuclear reactors, reprocessing of spent fuel. That is all aspects of complete nuclear fuel supply." Now what I would like to know is, has this commitment been fulfilled? From what I learn, this commitment has not been fulfilled on the part of the United States of America and without fulfilling this commitment, how are we proceeding to the next stage of opening nuclear commerce with USA? Are we not in that sense negating what has been said in this very House? Are we not in that sense actually saying that this is something that we had expected and I quote the Prime Minister again, "My reply to Parliament debate in August 2006 – it is the same debate that I was quoting – will be the guiding principles of our position." Till this full civilian nuclear cooperation is ensured and the United States of America changes its laws and gives its promises and gives its assurance, the important word that the hon. Prime Minister himself used was the emphasis on what he termed as reciprocity. The entire deal is hinged on this one word of 'reciprocity'.

All I want to know today is, that as far as my reading goes that reciprocity has not been fulfilled by the United States of America and if that reciprocity is not being fulfilled, why are we now taking the further step of opening up nuclear commerce to benefit US corporates? That, Sir, is an important point that needs to be answered and if that is not the case in which case, then, we will have to try and understand why is this urgency with which we are moving towards this nuclear option. We have heard the hon. Minister making the statement about India's energy needs. Very true, there is no dispute on that. We

require energy at a faster rate of generation and at the moment, India's current power generation – the Power Minister is also here – I think is 127 giga watts and at the current rates of GDP growth we would require that this needs to go to 337 giga watts by 2016-17, i.e. you have to add 200 giga watts i.e. 28,000 mega watts by 2016-17 in order to meet our needs. Yes, we need energy. There is no doubt about it. But, is the nuclear option the best option we have? Now, if that was the best option we had then, why was it in the past that we actually, not only ignored but we neglected the nuclear option. I will tell you, Sir, you are today having something like 4000 nuclear mega watts being produced. Here Sir, is a letter from the Chairman, Managing Director addressed to one of our colleagues in this House of the Nuclear Power Corporation of India Limited and in that letter he tells the hon. Member and I

quote, "I would like to bring out that the country has enough resources of natural uranium to support the operation of 10,000 mega watts type units."

Now, if this was the situation in the 1990s, when you had this entire potential before us, why is it that our nuclear power generation remain only between 3,000 MW and 4,000 MW? Why did you not encourage it then? Why is this sudden enamoring of encouraging nuclear option now? Behind this lies the real question of interest elsewhere. If we are really committed to the question of using nuclear option, why did we not use our own internal resources and develop that? Why was it that subsequent Governments have not made proper allocations for that? That is one aspect which needs to be understood.

The second aspect which needs to be understood is this. Is this the best or the most efficient option that we have today? Please, for a moment, do not deduce that I am saying that I am against nuclear option for generating energy. No. Two generations down the line, at least, my grandchildren – many hon. Members are already having grandchildren – may have no other option except nuclear energy. All your fossil fuels might have been exhausted by then. But the question is, when do we move to that transition? What is the guiding principle for such transition? Today, Sir, as far as hydro electricity is concerned – the hon. Power Minister can correct me if I am wrong – the potential that we have in our country is nearly 150 Giga Watts. Out of this, only 33 Giga Watts has been installed by 2006. In addition, if we take our neighbouring countries of Nepal and Bhutan, you will have another 55,000 MW which can be garnered by us. Now, when we have this potential, where is the necessity for going in for nuclear energy?

I have heard the questions of concerns for environment. I have heard the questions of concerns for the amount of other resources that will be taken up and the energy inefficiency of, let us say, thermal generation, etc. But, the point is, what is the cost difference? The cost difference is 1:3. What does the 1:3 cost difference mean? The hon. Prime Minister has got a very laudable objective of wanting to generate 40,000 MW of nuclear power in the next two decades. Sir, 40,000 MW of nuclear power and 40,000 MW of power generated through hydro, thermal and all the available options, the cost difference

would be more than Rs.3,00,000 crores plus! And, what can we do with this Rs.3 lakh crores, Sir? You can build 20,000 hundred-bedded modern hospitals all over the country. You can have 2.5 lakhs of Navodaya Vidyalayas with boarding facilities for 100 students all over the country. Mahatma Gandhi's dream of every village having a school, of every habitation having a school can be achieved if we generate this electricity through our own resources that we have today. There is no dearth of those resources in our country. Then, why are we moving towards this nuclear option today. So, the question of moving towards the nuclear option is something that we have to judiciously exercise. And, my submission to you, Sir, is, today, it is more judicious for us to rely on our traditional sources of

energy generation and improve our efficiency, rather than move towards nuclear option. This is an option to which we move, but sometime later.

Sir, I notice that you are a little bit uneasy. Is it because of time or is it because of the argument?

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Not because of argument. Argument has no affect on the Chair. But, there is only time constraint. Yet, I did not ring the bell.

SHRI SITARAM YECHURY: Sir, I am speaking only in a lighter way. Sir, it is an important issue. You know me that, normally, I don't exceed time allotted to me. But, this is an important issue.

The reason why I am saying this is this. Yes; we will have go to the nuclear option sometime later. I am not saying 'no.' But the question is: Is this the time? Is this the time to go in for that when 55 per cent of my countrymen do not have direct access of electricity in their homes and 78 per cent of my countrymen do not have access hygienic sanitation conditions? If today we are protecting the carbon space in the world, we are doing it because we do not use unnatural elements for our sanitation like paper and other things. The point is, yes, we have to give them energy. But, is this through nuclear option? Therefore, what we have been saying and you have heard what I have been saying many times that 'two Indias' are in the making. I have been talking about the 'shining India' and the 'suffering India.' I am glad today that the most high profile General Secretary of the Congress Party has also spoke about 'two Indias.'

He also says that two Indias are in the making. So, if there are two Indias in the making, let us help the other India. Invest rupees three lakh crores plus, which we will be using extra for generating nuclear power, in our youth. Give us health; give us education. Then, that would be the way in which we should move in this direction. Therefore, this is an issue that has to be kept in mind before we open up this nuclear commerce. And, when we consider all these issues, we must also realize the fact that there is a very big corporate interest behind this nuclear commerce. Since 1980, the United States of America has not added a single megawatt of nuclear power in their country. The Three Mile Island nuclear accident that they had, fortunately nobody had died, was enough to deter the United States of America from going ahead with the production of nuclear power. ...(*Time-bell rings*)...

Sir, as I told you, please bear with me for a little while. There will be a day, which will come, when the bell will also ring by nuclear power.

THE VICE CHAIRMAN (PROF. P. J. KURIEN): But, right now, I am concerned about time factor.

SHRI SITARAM YECHURY: Okay, Sir. Why is it today that you are going in for this massive buying of this commerce? Look at the actual concrete issues in the Bill. Yes, the references to the entire question of Convention on Supplementary Compensation for Nuclear Damage - those references in the background, which were there in the earlier draft - are not there. But I

would like to urge upon the Government and I want an assurance from this Government that the implicit understanding behind it is not executed and we do not join any convention. There is no need for India to join any convention. But here is a letter, which is in public domain, written by the then Foreign Secretary to the US Under Secretary on 10th September, 2008. It says, I quote, "India also recognizes the importance of establishing an adequate nuclear liability regime and it is the intention of the Indian Government to take steps to adhere to the Convention on Supplementary Compensation for Nuclear Damage." Then, we have an interview on 10th March, 2010 by the US Secretary of State, who says, I quote, "Our interests are to ensure that the Bill that is ultimately enacted is compliant with the international standards in this area which is the Convention on Supplementary Compensation. That is our chief interest." So, the US interest in this Bill is very explicit. It is very explicit that they want this Bill and they want it compliant with the CSC in order to avoid any liability on the supplier. That is why the clause 7(a), where it says explicitly, "If there is an explicit contract between the operator and supplier..." I would ask this Government to make it very clear that that understanding between the supplier and the operator must be made public. It must come into public domain. Only then we will clearly know what the terms are by which this is being done. And, therefore, that must come into public domain.

THE VICE CHAIRMAN (PROF. P. J. KURIEN): Please conclude.

SHRI SITARAM YECHURY: Please, Sir. As I told you, I do not normally exceed my time limit. What I am saying is that there are, after much deliberations and consultations, you had a situation where the main Opposition and the ruling party have agreed to much of the suggestions, which they had made and we had also made. I do not want to go into the discussions of the Committee. The question of 'and' and objection to the 'and', which came from us, was supported by everybody else. I am not going into that. But what I am going into is the point that I want to finally make. It is not the question of...(Interruptions)...

THE VICE CHAIRMAN (PROF. P. J. KURIEN): Conclude please. ... (Interruptions)...

SHRI SITARAM YECHURY: The real credit is my final point. I am very

happy that the hon. Prime Minister is here before us. I am very happy that he did not have any foreign trips in this Session to detract his attention. I am glad that that suggestion was taken into consideration that the Prime Minister would not travel abroad during Parliament Sessions. But I had expected that because of his presence we will be rejuvenated. And, when we had that unprecedented procedure, which we adopted in this House and the other House, when the Chair moved a resolution on the price rise, urging the Government to actually take care of its negative effect on *aam aadmi*, we had hoped that the Prime Minister would intervene and would give us his strength in actually implementing that. But that did not happen. It did not happen on the question of Kashmir situation. It did not happen on the question of Bhopal gas victims. But he had intervened, in the other House, on the Civil Liability for Nuclear Damage Bill. ...*(Time-bell rings)*...

Please, Sir. ...(Interruptions)... Please, Sir.
...(Interruptions)... Please, Sir. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Please, don't interrupt.
...(Interruptions)... Please don't interrupt.

SHRI SITARAM YECHURY: Sir, I have the greatest respect because, please understand, he is not only your Prime Minister. He is my Prime Minister. He is the country's Prime Minister. So, please do not take it in that sense.

Therefore, Sir, what I am trying to say here is that it may be today they have come together to get this Bill passed. But I would appeal to both of them to please have a rethink. As far as the Bhopal Gas tragedy is concerned from which I began, you had the admission by the Union Home Minister that Governments, the successive Governments of both the BJP and the Congress, have failed this country.
...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Please.

SHRI SITARAM YECHURY: Now, they have both come together to get this Bill passed. ...(Interruptions)... So, I will only urge, please have a rethink. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Please.

SHRI SITARAM YECHURY: Please have a rethink. We have had proper consultations; we have had proper discussions on this issue. Please have a rethink and please agree with us that let there be a floor and not a ceiling on this compensation and let the terms of how the supplier is going to be made liable be made public. Let that come into the public domain.

Most importantly, Sir, please press the pause button today; wait for the nuclear options for some years; do not divert our resources; use those resources for our schools, colleges and for our education; and invest in India's youth. Your General Secretary is saying, 'an empowered India and an unempowered India'. So, empower that 'unempowered India'. You don't agree with what I say. Okay. But agree with what your General Secretary is saying. Empower the 'unempowered India' and then move to this nuclear option. That is my sincere appeal to this House.

श्री शक्तिनन्द तिवारी (बहिर) : उपसभाध्यक्ष महोदय , इस बलि पर सदन की सर्वानुमति है , इसलिए इसके पास होने में कोई संदेह और शुब्हा नहीं है। महोदय , हमें याद है जब Nuclear Deal पर हस्ताक्षर की बात चल रही थी , उस समय कई तरह के सवाल इस डील को लेकर उठाए जा रहे थे और मेरे मन में भी उस समय एक शंका पैदा हुई थी , जब हमें पता लगा कि इस nuclear power को पैदा करने में कितनी बड़ी पूंजी लगेगी , इसकी technology हमारे पास नहीं है , इसका raw material हमारे पास नहीं है और इसमें जो वशिल पूंजी लगने वाली है , वह भी हमारे पास नहीं है। इसके बाद इस project को हम कैसे ले रहे हैं , यह बात हमारी समझमें नहीं आई थी। कोई भी आदमी ऐसा कोई project नहीं लगा सकता है , जिसकी technology उसके पास नहीं हो , raw material उसके पास नहीं हो और उसके लायक पूंजी भी नहीं हो। आजभी मेरे दस्त्रिग में

यह सवाल है और जैसा सीताराम येचुरी जी ने कहा कि आखिर इसकी हडबड़ी क्यों है, यह बात हमारी समझमें नहीं आई।

उपसभाध्यक्ष महोदय, इस देश का एक सबसे बड़ा संकट यह है कि विकास के बारे में एक सर्वानुमति बन गई है। हमें याद है जब प्रधान मंत्री मनमोहन सहि, जी, नरसिंह राव जी की सरकार में वित्त मंत्री थे और 1990 में आर्थिक उदारीकरण की नीति चली थी, तो दोनों सदनों में एक वक्तव्य की आर्थिक नीति की बात होती थी कि हम स्वदेशी की आर्थिक नीति चलाएंगे। उस समय लगता था कि मनमोहन सहि जी के नेतृत्व में जो आर्थिक नीति चलाई जा रही है, वह स्वदेशी नहीं, वदेशी है और उससे देश की sovereignty compromise होगी - यह एक आवाज़ वक्तव्य की आर्थिक नीति के तौर पर चलती थी। मैं भी उस स्वदेशी की आर्थिक नीति से बहुत प्रभावित था, लेकिन मुझे इस बात का खेद है कि उन लोगों को जब मौका मिला, जो सरकार चलाने के लिए स्वदेशी की आर्थिक नीति की बात करते थे, तो उनमें और नरसिंह राव जी की सरकार में, डॉ. मनमोहन सहि के नेतृत्व में जो आर्थिक नीति चल रही थी, कोई फर्क नहीं दिखाई दिया, मुझे ऐसा लगता है कि उस समय मामनीय प्रधान मंत्री जी को बहुत खुशी हुई होगी और उनको लग रहा होगा कि मेरी जो आर्थिक नीति है, वह vindicate हुई, क्योंकि जो opposition है, वह स्वदेशी की आर्थिक नीति की बात करता था और उसके पास कोई वक्तव्य की आर्थिक नीति नहीं है। यह देश के सामने संकट है। जब नरसिंह राव जी की सरकार गई थी, उस समय हम opposition में थे। हमने यह कहा था कि इस देश की जनता ने नरसिंह राव जी की सरकार को हटाया। मनमोहन सहि जी को जो आर्थिक नीति थी, उस नीति को देश की जनता ने खारिज किया लेकिन उसके बाद जो नई सरकार आई है, जसिने स्वदेशी की आर्थिक नीति पर mandate दिया है, वह उन्हीं नीतियों को क्यों चला रही है, जसिने नीतियों को नरसिंह राव जी की सरकार चला रही थी?

आज विकास की बात होती है कि विकास के लिए बज्जिली की जरूरत है और इसके लिए हमारे सामने nuclear energy के अलावा और कोई रास्ता नहीं है। मैं जानना चाहता हूँ कि यह कैसा विकास है - जसिने बारे में अभी सीताराम येचुरी जी ने कहा - कि इस देश के आधे बच्चे कुपोषण के शिकार हैं, उनको भरपेट भोजन नहीं मिलता है? यह कैसा विकास है कि इस देश का कसिन आत्महत्या कर रहा है और आप कह रहे हैं कि आपका जी.डी.पी. का ग्रोथ रेट 8.5 परसेंट है? महोदय, मैंने अखबार में देखा है कि फाइनेंस मन्निस्टर का बयान आया है कि हमारा जी.डी.पी. 8.5 परसेंट है। सुधीम कोर्ट ने अभी हाल ही में एक फैसले में कहा कि यह कैसा विकास है कि आपका जो जी.डी.पी. है और जो human development index है, इन दोनों में कोई match नहीं है? यह किस तरह का विकास

हैं, इस बात को हम समझ नहीं पा रहे हैं। देश की जनता के सामने एक tragedy है, उसके सामने कोई विकल्प नहीं है। हम जानते हैं कि जब पूरा सदन, पक्ष और वक्ता, एक साथ हो गया है तो इस बलि को पास होना ही है, लेकिन मेरे मन में आज भी डर है कि जितना बड़ा project हम लोग लेबे जा रहे हैं, उसको हैंडल करने की क्षमता क्या हमारे देश में है? हमारा देश बहुत लापरवाह कश्मि का देश है। हमने देखा है कि क्या हासिल हुई है - हमारे देश में सरकार का वज़ापन छपता है, उसमें देश के एयरफोर्स के कैप्टन के बदले पाकिस्तान के एयरफोर्स के सेनापति का फोटो छप जाता है, हमारा देश इतना inefficient है। हमने यह देखा है। एक बार हमने अखबार में पढ़ा कि प्रधान मंत्री जी हैदराबाद गए थे और उनका helicopter कसौ दीवार से टकरा गया था। इसी प्रकार राष्ट्रपति जी को कहीं जाना था तो जो सीढ़ी है, वह जाकर जहाज से लग गयी थी।

महोदय, हमारा देश बहुत लापरवाह कश्मि का देश है। आप भोपाल गैस को देखिए। अचानक से कोई दुर्घटना नहीं हुई थी। उसके पहले चेतावनी मल्लि गयी थी कि वहां पर सब कुछ ठीक नहीं है। जो सेफ्टी के norms हैं, उनका maintenance नहीं हो रहा है, लेकिन हमने उसको कभी दुरुस्त नहीं किया। इसलिए हमें कभी - कभी डर भी लगता है। मैं जानता हूँ कि यह प्रधान मंत्री जी का बहुत ही pet project है। हमने अखबारों में पढ़ा था कि प्रधान मंत्री जी इसके लिये अपनी सरकार तक दाब पर लगाने के लिये तैयार थे। मुझे बहुत खुशी

होती , अगर प्रधान मंत्री जी , इस देश के जो कुपोषित बच्चे हैं , आधे बच्चे हैं , उनको कैसे पोषण मल्लि , इसके लिए अगर उन्होंने सरकार को दांब पर लगाने का प्रयास किया होता , तो मेरे जैसा आदमी उनको मास्रा पहनाता। आज भ्रष्टाचार का क्या आलम है ? यहां अय्यर जी मौजूद हैं आज भ्रष्टाचारियों की हकिमत इतनी बढ़ गयी है कि दिल्ली में Common Wealth Games के नाम पर हमारी छाती पर चढ़कर लूट हो रही है – सरकार की नाक के नीचे , प्रधान मंत्री जी की नाक के नीचे यह सब हो रहा है और हम कुछ भी नहीं कर पा रहे हैं। आज हम लोग इतने बेबस हो गए हैं। अगर प्रधान मंत्री जी ने इस देश से भ्रष्टाचार को मल्लिने के लिए अपनी कुर्सी को दांब पर लगाया होता , तो मेरे जैसे आदमी को खुशी होती और मैं दाबे के साथ कह सकता हूं कि वैसी हालत में प्रधान मंत्री के रूप में मनमोहन सहि जी का नाम इतिहास में लिखा जाता। लेकिन आज जसि सवाल पर इस सरकार को दांब पर लगाने का इन्होंने प्रयास किया है – हमने देखा है कि लोक सभा में जैसे ही The Civil Liability for Nuclear Damage Bill, 2010 पास हुआ , सबसे पहली बधाई अमेरिका से मल्लि। चाहे आप जसिना भी कहें कि हम अपने देश की sovereignty के साथ , हमें अपने देश के अंदर जो फैसला लेना है , उस पर जो हमारा अधिकार है , उसके साथ हम कोई समझौता नहीं करने वाले हैं , ऐसा हमें नहीं लगता है , कोई इसे मानने के लिए तैयार नहीं है।

महोदय , मुझे बहुत अफसोस है कि हम लोग उसी रास्ते पर बढ़ रहे हैं। 1909 में महात्मा गांधी ने “हकिद सवराज ” में लिखा था कि कसि अंधे आदमी को मास्रम होगा कि जो-जो industrialized nations हैं , उनके वकिस के रास्ते को अगर हम लोगों ने कबूल किया तो हम लोग नर्क के रास्ते पर जायेंगे। उन्होंने कहा कि हम लोग वकिस के रास्ते पर जायेंगे। महोदय , इस देश में गांधी जी पैदा हुए जबकि मरने के बाद ... (समय की घंटी)... में समाप्त कर रहा हूं , आनस्टाइन ने कहा कि आने वाली पीढ़ियों को आश्चर्य होगा कि हाइ -मास्र का बना हुआ एक जसि आदमी इस धरती पर चलता था। आज उस आदमी के इस देश में हम वकिस की ऐसी नीति बना रहे हैं , मैं जवाबदेही के साथ कह रहा हूं , कि हमारी जो sovereignty है , उसे हम दांब पर लगा रहे हैं। हमें यह नहीं दिखाई दे रहा है कि हम अपने बच्चों को सही खुरक नहीं दे रहे हैं , उनको सही शिक्षा नहीं दे रहे हैं , अपने बीमारों का हम इलाज नहीं करा रहे हैं , उसके बाबजूद ... (व्यवधान)...

उपसमाध्यक्ष (प्रो . पी . जे . कुरियन) : अब समाप्त कीजिए।

श्री शविनन्द तविरा : प्रधान मंत्री जी का pet bill पास

होमे जा रहा है, इसके लिये मैं उनको बधाई देता हूँ कि आप संतोष कर सकते हैं। बहुत-बहुत धन्यवाद।

SHRIMATI KANIMOZHI (Tamil Nadu): Sir, India produces around 4500 Mw electricity from nuclear power. As we all know, the demand for electricity is constantly increasing with urbanization and development of this nation at large. Some of the speakers have mentioned here that so many homes are not lit and there is power in so many places just for an hour in a day. If this continues and if we do not increase our supply of power, most probably, there will be a day - it is just not our homes - when this House will not have electricity power to function at all. So, before a day like that arrives we have to think of alternative measures and we have to think of new scientific measures to bring about this nuclear power between demand and supply. The present-day economy is producing power supply at much higher rate than what we are capable of producing today. Apart from strategic and political considerations, there are environmental concerns too. Our world-wide industrial civilization is run on energy and 85 per cent of world's energy is provided by fossil fuels, coal, oil and gas. The fossil fuels are depleting gradually.

Moreover, burning of fossil fuel injects 23 billion tonnes of carbon dioxide every year into the atmosphere, that is, 730 tonnes per second. Nuclear power will be more efficient and cleaner. Once developed, the nuclear power would become cheaper and a viable source of power. Of course, when we talk about other methods of generating power like building a dam, we should also think of number of people who are going to be displaced and what will happen to their lives. We cannot turn a blind eye to people who have lived in a land traditionally for centuries together. You cannot just displace them.

So, where there is another option we have to start thinking of that and go towards that. Of course, there are cheaper options, but, unfortunately, today there is nothing better than this available to us. Till the day when some better options are available, we cannot be in darkness and we cannot make our country to live in darkness. Sometimes people talk that this Bill is just being passed without any consideration or care about people of this nation. For example, in Tamil Nadu we have this Kalpakkam Nuclear Power Station. People say that when a nuclear incident happens it is just not that it is going to affect a very short distance around it; it is going to affect cities and maybe almost all parts of the State where the incident has happened. They also say that a lot of us who support the Bill, in some way or the other, are going to live near Nuclear Power Station and our kith and kin or loved ones are going to be around it and it is not that anybody can escape from this. People who have blindly accused the Government that attention is not being paid have to understand that all of our lives are at stake and, of course, at least, we should believe that we care for ourselves. Today 28 out of 30 countries with nuclear power plant already have national legislation. Presently, India has no existing legislation that defines Nuclear Damage Compensation Procedures and Liability issues. Hence, this Bill is necessary to ensure compensation, fix liability and outline procedures in the unlikely event of nuclear incident. After the enactment of the Nuclear Liability Bill, India will join the International Convention on Liability in the civil nuclear arena, that is, the Convention on Supplementary Compensation for Nuclear Damage. The UN-adopted CSC is an initiative by the International Atomic Energy Agency. It provides additional compensatory support to its Members in case of a nuclear

incident. The need of India to be a part of an International Convention also arises from the efforts to put to rest the concerns of neighbouring countries.

Sri Lanka has already voiced its concern over nuclear plants in the State of Tamil Nadu. With more plants planned for States like Gujarat, Rajasthan and West Bengal, which are having international boundaries, it is in the wider interest of India to be a part of an international body, especially, the one, which has the backing of the UN. Also, the immediate and long-term benefits in terms of energy independence, valuable trade and such advancements are a likely outcome of this legislation. To put it simply, the Bill will increase our ability to produce energy and electricity, help us to flourish in nuclear commerce, international trade, and, assist us in

developing Defence technology and nuclear research applications. It will go a long way in nuclear science, nuclear medicine, and, one day, when we build our huge hospitals, definitely, we will need scientific advancement and nuclear medicines to support us. We cannot have huge and modern hospitals without facilities which all the developed nations have with themselves.

No fault liability is a very important aspect in this Bill. It means that victims of a nuclear incident will be compensated even without any fault being fixed for the same. By prescribing no fault liability, the Bill ensures that payment of compensation to victims is prompt and does not get entangled in any drawn out legal battle.

The Bill envisages a three-tier liability system, wherein at the first tier, the operator assumes a liability up to Rs.1,500 crores, where no proof of culpability is required. The second tier makes the Government liable up to 300 million SDR, and, at the third tier, India can draw funds from the Convention on Supplementary Compensation, which, I think, is a very, very important thing.

Sir, my Party and I support this Bill, and, we are very proud of it. We would like to appreciate the hon. Prime Minister and the Government for making sure that this Bill is being passed. However, I would like to make one suggestion. At this moment, there is no Government agency, which is capable of studying the ill-effects of radioactive substances on environment and public health. The Government should set up an expert body to study and research the various possible health effects and environmental damages due to radiation. We have had some small incidents, leakages in the nuclear power stations. So, we need some agency which can do a proper study on this. This body may advise the Government on setting up specialty hospitals and water-testing agencies, which will prove to be vital in the case of nuclear incident. ...(*Time-bell rings*)...

Sir, there is a time limit on claims, which has been contested also, of ten years to twenty years. Keeping in line with the international standards, if this could be increased to thirty years, I think, it would be a welcome feature. With these few words, I support the Bill. Thank you.

DR. JANARDHAN WAGHMARE (Maharashtra): Sir, I rise to support the Civil Liability for Nuclear Damage Bill, 2010, which is a landmark in

the annals of post-Independent India. Let me tell this august House that now the nuclear age has dawned in India in the real sense.

Is it not a *fait accompli* just before the end of the first decade of 21st century? It is indeed a quantum leap. The first decade of the 21st century will end with a bang and not with a whimper. The whole world will hear that bang in astonishment. This historic event is a shadow of the greatest event that is going to take place at the end of the second decade of the 21st century when India will be a world power with a democratic polity. India will take a quantum leap in every decade of the 21st century.

Twenty-first century, let me assure you in all solemnity, will go down in the history of the world as a century of Asia. The pendulum of power will swing from the West to the East. Asia's

power will not emanate from colonialism but from its own natural, human and spiritual resources. The future will witness Asia-oriented and India-centric history of the world.

Sir, with adopting and passing of this historic Bill, our isolation from the nuclear world will end. After the Pokharan, the international community imposed nuclear apartheid on India. India has always been suffering from the jealousy of the nations in the world. In spite of divisive factors and forces, India's democracy survives. *कुछ बल है कि हस्ती मडिली नहीं हमारी।* We shall further develop that *हस्ती*, that existential essence with nuclear power. India will be a catalyst in the process of transforming Asia.

Sir, India wants to be a nuclear power in the world, not for war but for peace. We are committed to culture of peace. That was the vision of Pandit Jawaharlal Nehru, and that was the dream of Dr. Homi Bhabha.

Sir, this is indeed a great achievement. No achievement is easy. It was a hurdle race for us. There were hindrances and hindrances in our way. There were prophets of doom who made ill prophecies. There were die-hard critics who attributed motives to Dr. Manmohan Singh and his UPA Government. There were very few people to cheer him up. The critics told him, time and again, that sovereignty of India was in danger. 'Don't fall into the trap of America' was their advice. The critics should know that our sovereignty is inalienable. It is India's soul. Fire cannot burn it and water cannot drench it. No weapon can cut it. Now, it is a soul with nuclear power.

The nuclear deal with the USA is a historical achievement. It was an achievement of Dr. Manmohan Singh's vision, tenacity and diplomacy. The Civil Liability for Nuclear Damage Bill is yet another great stride on the path of nuclear power.

Sir, we can understand the apprehensions, fears, doubts and anxieties in the minds of the people about the nuclear installations. We have become too sensitive about such matters after the Bhopal gas tragedy. India has faced many disasters and calamities – both natural and man-made. We should look many times before we leap. We should not leap into a well of darkness with blind-folded eyes. This indeed is a great leap ahead that we have taken with boldness, foresight and utmost care. This is not a decision taken in haste.

What is the core issue of this legislation? It is, of course, the

issue of liability. Liability of the nuclear operation and of the Central Government is crucial. This core issue is adequately addressed in the Bill. It has also considered the limits of the liability of the operator. It has considered very carefully the compensation of nuclear damage and its adjudication. The Bill provides for nuclear damage Claims Commission. Amounts of liability too have been fixed.

Sir, ours is a race against time and we shall win it. Our ultimate goal is self-reliance in every field, in every sector. India will be a self-reliance country in nuclear power. But, Sir, at the same time, we would like to say that we have to explore all sources for generating energy we need. Rural India is still in darkness and now with nuclear power, it should be in the light. Thank you, Sir.

SHRI PYARIMOHAN MOHAPATRA (Orissa): Sir, I rise to support this Bill, even though it has been said that it is being done under the U.S. pressure. It has been said that only four out of thirty nuclear power countries have ratified the CSC and that this Bill is meant to take us to the CSC. It has been stated that nuclear power is very costly and is not necessary. This 40,000 mw of power generation will be at an extra cost of three lakh crore rupees which can be used in other areas. In spite of all that, I support this Bill.

I will first deal with the energy issue, which the hon. Minister raised in his introductory remarks. He talked about problem of ash with coal. That problem will remain as long as you do not insist on users and coal mines to do backfilling of mines and penalise them if they don't do so. Today, there is no penalty for it, and Coal India and all its subsidiaries are totally negligent - 90 per cent plus negligent - in doing their task of backfilling the mines. It also includes the metallurgical industry, which uses a lot of coal. Besides, the Power Minister is here, he does not insist on supercritical power plants even though lots of them are available today. On cost factor they are going in for non-supercritical power plants which entail pollution.

Regarding solar energy, the hon. Minister said that it was expensive. Why don't you spend fifteen-twenty five thousand crores of rupees on research and development in the field of solar energy? Let us try it. We cannot wait for western countries to do R&D in it and then to exploit us by supplying equipments.

Regarding hydro power, the Minister said that it had environmental hazards. What are the environmental hazards? Environmental hazards are submergence of large areas. What are you doing in case of Polavaram project in Andhra Pradesh? You are giving a reward of ten thousand crore rupees from the national kitty to Andhra Pradesh where the Congress Government is in power. I have no quarrel with Andhra Pradesh. Let them get ten thousand crore rupees in some other ways. But why do you submerge one and a half lakh acres of land in Telangana and another fifteen-twenty thousand acres of land in Orissa where adivasis reside? You cannot say that in the same breath about hydro power limitations. All other countries in the world are moving away from large reservoirs, large dams. Do move away from large dams. Let

us move towards barrages, multiple barrages and have the same kind of irrigation, may be a little less, but don't submerge people. Don't create more and more displaced persons. Create more and better laws. The model law is still lying with the Government, Mr. Prime Minister.

Take the case of Bhopal tragedy. Every one of us has been talking about Bhopal tragedy. Many years later, there was a full-fledged discussion in both the Houses and the extent of tragedy was brought to the public knowledge. Bhopal victims have been forgotten as victims of nuclear holocaust would be forgotten. Why is there a cap? Because your Group of Ministers put up a cap of 1,500 crore rupees in case of Bhopal? Should we have a cap of 1,500 crore rupees? Should we have a cap of 300 million SDRs which is 2,100 crore rupees? I am of the view that

there should be no cap. In any case, the nuclear plants will either be owned by the Government or the PSUs which may be Government companies. So, it is immaterial. It is Government to Government. You are assuming responsibility, so why should there be a cap?

I congratulate both the Government and the Opposition on having come together to achieve this aim. But, I do hope that with the substitution of supplier contract with a supplier liability regime, which is certainly good for us, the supplies will really come in. Will the suppliers come in? That has to be taken care of by giving them certain assurances.

Sir, Mr. Jaitley talked about no-fault liability and that it should be victim welfare legislation and not a suppliers' immunity law. This has been achieved by the amendments. When poor people are in the hands of lawyers, half of the compensation is taken away by the lawyers and they get a pittance.

Then, I will give one or two more suggestions where I feel, enough attention has not been given. In clause 3, it has been provided that where the Board feels that the threat and risk in a nuclear incident is insignificant, it shall not be required to notify. This can be misused. This can be dangerous. Please clarify that. Clause 45, again, is more dangerous. The Government gets the power to exempt a nuclear installation from operation of this law where the quantity of nuclear material is small and risk is insignificant. I want to ask: Where the risk is insignificant? We had the Delhi University episode recently. After years and years, what has come out? A very small bit of nuclear radiation came out through contaminated materials used in research. It can cause problems and you want to exempt. If this causes problem and the Board does not notify, where would the victim go? Please reconsider these issues. Thank you.

श्री . राम गोपाल यादव (उत्तर प्रदेश): धन्यवाद श्रीमन् । इस बिल पर हमारे बहुत वद्वान साथियों ने चर्चा की। इस कमेटी का सदस्य होने के नाते मैंने इसके पक्ष और वपक्ष में जो तर्क सुने हैं , वे इतने हैं कि कोई भी व्यक्ति इसके पक्ष में भी बहुत लम्बी बात कह सकता है और वपक्ष में भी बहुत कुछ कह सकता है। लेकिन मैं यहाँ इस वधियक का समर्थन करने के लिए खड़ा हुआ हूँ मैं कोई बाल की खाल नहीं नकिलना चाहता , इसलिए मैं केवल कुछ सुझाव देना चाहता हूँ

श्रीमन् , इसमें compensation के लिए समय की सीमा 10 साल और 20 साल है। चेर्नो बिल की घटना के बाद जो कुछ studies हैं ,

उनसे यह साबित हुआ है कि अभी तक radiation-induced cancer से लगभग 65 हजार लोग मर चुके हैं। हरिशिमा और नागासाकी में अब भी कहीं-कहीं सन् 1946 के उस radioactive radiation का असर देखने को मल्लिता है। इसलिए यद्यपि जीवन की हानि के लिए यह अवधि 10 वर्ष से बढ़ा कर 20 वर्ष कर दी गई है, लेकिन भविष्य में जब कभी संशोधन हो, तो मेरा सुझाव है कि इसको 20 वर्ष की बजाय 30 वर्ष कर दिया जाए, क्योंकि radiation बहुत धीरे से असर करता है और बहुत दक्षिण तक असर करता है, ताकि लोगों को उसका मुआवजा सही तरीके से मल्लि सके।

एटॉमिक एनर्जी ऐक्ट के हिसाब से केवल गवर्नमेंट या गवर्नमेंट की कंपनी की ओनरशिप ही हो सकती है, लेकिन 49% तक शेयर इसमें प्राइवेट कंपनी के भी हो सकते हैं। यह 49% कभी 51% न होने पाएँ, इसका आश्वासन भी मैं चाहूंगा। जब फाइनेली उधर से कोई बात हो या प्रधान मंत्री जी स्वयं इसमें हस्तक्षेप करें, तो इस बात को जरूर देखें। देश की सुरक्षा की दृष्टि से इतने सेंसिटिव क्षेत्र में इस तरह के उद्यमों का नज्दी वयक्तियों के हाथ में होना बहुत खतरनाक साबित होता है।

मेरी दृष्टि से एक बहुत ही खतरनाक और साबधानी बरतने वाली जो चीज़ है, वह है सेफ्टी। कलपक्कम में जहां हमारे रणिक्टर तैयार हो रहे हैं, जैसे फास्ट ब्रीडर रणिक्टर, वह स्थान बिल्कुल समुद्र के कबिरे है। मैंने वहां के अधिकारियों से पूछा भी था कि जब मुम्बई जैसे स्थान पर हमला हो सकता है, जो समुद्र के कबिरे इतनी घनी आबादी में बसा है, तो इस बिल्कुल सुबसान इलाके में भी एंटी-सोशल एलिमेंट्स, टैरिस्ट्स या डब्लिअरप्टिव फोर्सिज़ इन इन्स्टालेशंस को नुक्कसान पहुंच सकते हैं। अगर ऐसा होता है तो बहुत बड़ा नुक्कसान होने की आशंका रहेगी, इसलिए उसकी सुरक्षा भी का पूरा इंतजाम होना चाहिए। अगर कोई नाब के जरिए आएगा, तब तो आपकी फोर्सिज़ है, सीआरपीएफ है, आर्मी के लोग हैं, जो सुरक्षा का इंतजाम देख रहे हैं, लेकिन हमारे आसपास और भी कई लोग ऐसे हैं, जो हमारे प्रति शत्रुता का भाव रखते हैं। वे नहीं चाहेंगे कि हब्लिदुस्तान एक बड़ी ताकत के रूप में उभर कर आप रोज़ाना साज़िशें होती हैं, सारा देश जानता है, हम कसिी देश का नाम नहीं लेना चाहते हैं। पंडुबियों के माध्यम से भी रणिक्टर्स को खतरा हो सकता है, उनसे आप कैसे इसकी रक्षा करेंगे, इस पर भी वचिर करने की बहुत जरूरत है। अगर ऐसा हो जाता है, तो इसका जो मैम्नीट्यूड है, जो नुक्कसान होगा, उसकी कल्पना भी नहीं की जा सकती है, ... (समय की घंटी) ... सर, मैं बस आधे मन्डिट में ही अपनी बात समाप्त कर रहा हूँ। ये तो अब अनावश्यक बातें हैं कि 1500 करोड़ कर दिया या 2100 करोड़ कर दिया। मैं चतुर्वेदी जी की इस बात से सहमत हूँ, भगवान न करे कभी ऐसा वक्त आए कि इस कानून को लागू करने की जरूरत पड़े, लेकिन मान लीजिए कि कभी दुर्घटना होती है, तो जो नुक्कसान होगा, चाहे वह 1500 करोड़ का हो, 2000 करोड़ हो या 3600 करोड़ का हो, वह सब कम पड़ जाएगा। बहुत सारे ऐसे लोग होंगे, बहुत सारे ऐसे परिवार होंगे, जो इस स्थिति में भी नहीं होंगे कि मुआवज़ा ले सकें।

कुछ सुझाव मन्शि जी ने भी दए हैं, जो एनामिलीज़ से संबंधित हैं, कभी जब जरूरत पड़े तो आप उनको भी देख लीजिए। अभी तो यह बलि इसी रूप में पारित होना ही है, लेकिन जो कुछ सुझाव दए गए हैं, उनके अनुसार इसे ठीक करने की कोशिश करें। इन शब्दों के साथ मैं इस वधियक का समर्थन करता हूँ।

DR. V. MAITREYAN (Tamil Nadu): Thank you, Mr. Vice-Chairman, Sir, for having given me this opportunity to place certain viewpoints on behalf of All India Anna Dravida Munnetra Kazhagam. The Civil Liability for Nuclear Damage Bill, 2010, popularly known as a "Nuclear Bill", is before us, today, after being passed by the Lok Sabha with a

near-total consensus. In fact, the Government was so accommodative and flexible to take the Opposition on board that it brought as many as 18 amendments.

The Parliamentary Affairs Minister walked an extra mile to bring the consensus and he deserves our commendation. Compare this with the adamancy and rigidity shown by the Government during the Indo-US nuclear deal on which a lot of debate had taken place in the very same House nearly 20 months ago. At that time, the Government was blind to the sense of the House. What is the reason for the palpable difference in the Government's attitude between nuclear deal and the Nuclear Bill? The first, the nuclear deal, doesn't require Parliament's approval, whereas the second, the Nuclear Bill, does require the approval of the House. That is the essential difference for this consensus approach.

I have a book here called "Final Warning - The Legacy of Chernobyl" written by Dr. Robert Peter Gale, the world renowned medical oncologist who did bone marrow transplants on the Chernobyl nuclear accident victims. I was fortunate to be trained by him in bone marrow transplantation in the US in 1987-88.

The prelude of the book mentions the quote of Bertrand Russell and Albert Einstein in September, 1955, the month and year in which I was born. It says:

“We are speaking on this occasion, not as members of this or that nation, continent, or creed, but as human beings, members of the species called “man”, whose continued existence is in doubt”.

It goes on to add:

“All, equally, are in peril and if the peril is understood there is hope that we may collectively avert it”.

In Chapter 14, Dr. Robert Peter Gale says:

“Everyone agrees that nuclear technology offers benefits, poses dangers, and represents an enormous challenge”.

What is the danger? The risk of an accident. He mentions that nuclear accidents happen. He says:

“In sum, accidents happen. This is why the nuclear industry continues to insist upon laws limiting its liability for damages arising out of nuclear accidents”.

At the conclusion of the Chapter, Dr. Gale says:

“As for Chernobyl, it may be that the greatest contributions made at Hospital Number 6 were not the lives saved but the lives lost. For the failure to save lives demonstrated how deadly nuclear power can be and how helpless the world is when radiation rages wild.

In the end, we all live near Chernobyl.”

That is why the civil liability for nuclear accident assumes enormous importance.

Hence it becomes absolutely necessary that any Bill that attempts to provide prompt compensation to the victims is truly victim centric and addresses their interests in true sense of the term. The Bhopal gas disaster is also a grim reminder of the need for us to place the victims of industrial accident at the heart of any legislative action. But the dilemma that confronts this Bill is the international law regime, which has come up over the last 40 to 50 years, does not really place the victim at the centre. It is essentially, in its origin, designed to favour nuclear suppliers and nuclear exporters and in-between some provisions beneficial to potential victims also got incorporated in the Bill to make it appear that the legislation is pro-victim. But the bitter reality is that in terms of its entire

thrust, its origin and its objectives it is basically aimed at protecting the interests of the nuclear suppliers and not the victims.

This Bill is no different from those similar international legislations. This Bill is also camouflaged to look pro-victim but in its spirit it is also aimed mainly at protecting the interests of the powerful and influential nuclear suppliers and exporters.

Now, I come to the specific provisions which seek to protect the interests of the victims in this Bill. One of the greatest advantages advocated by the Government in favour of this Bill is

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that the victims will get prompt compensation because the nodal agency liable to pay damage has been designated as the operator, notwithstanding the fact that he is at fault or not. The other provision which is in the interest of the victims is the appointment of Claims Commissioner as provided in clause 9 and the constitution of a Nuclear Damage Claims Commission as provided in clause 19 to adjudicate and award compensation for nuclear damage within a period of three months. Except for these two clauses, I don't find any other positive features in the Bill which protect the interests of the victims.

Sir, now I come to the specific provisions of the Bill which go against the interests of the victims. The first such clause, I would like to mention, is clause 2 (f) which lists out a number of eventualities *vide* sub-clauses (iii) to (vii) in which case victims can claim damages. The relevant portion of the provision, I would like to quote, which reads, "nuclear damage" means (i) loss of life or personal injury to a person; or (ii) loss of, or damage to, property, caused by or arising out of a nuclear incident and includes each of the following to the extent notified by the Central Government". The catch point is 'to the extent notified by the Government'. Such a provision has been made with an intent to hurt the interest of the victims because they will not be able to claim the entire damage or loss actually suffered by them but only to the extent to which it has been notified. Since, the Government is the operator of the nuclear power plant, *i.e.* the person liable to pay compensation is also the authority to decide the extent of damage, it is very natural that attempt will be made to pay as less compensation as possible and the interest of the victims will suffer in the process.

The next one is clause 3, whereby the Atomic Energy Regulatory Board, AERB will notify an incident. What is the status of AERB? It is not a statutory, autonomous or independent regulatory body. It has been constituted under an executive order of the Government and as such acts as an extended arm of the Department of Atomic Energy and the Government. Furthermore, AERB is responsible for monitoring and enforcing safety guidelines in atomic power plants so as to avoid any incident or mishap. Now in the given arrangement the possibilities of Government pressure coming in the way of objective notification of an

incident by the AERB on the one hand and the reluctance of the AERB to admit its own failure in enforcing safety guidelines in nuclear power plants on the other hand become greater. In the process, who will suffer? It is the victim and the victim alone. An autonomous and independent agency, therefore, could be a better option to notify a nuclear incident.

Clause 5 of the Bill exempts the operator of nuclear power plant from his liability in the eventualities of grave natural disaster, hostility or terrorism. This may encourage the operators to be slack in taking appropriate precautionary and preventive measures.

The total maximum amount of liability in case of a nuclear accident, as of now, gets limited to 300 million SDR, roughly Rs.2163 crores, through clause 6 (i) of this Bill. If the magnitude of

the damage of the incident is of grave nature, the amount of total compensation payable to the victims shall be limited to the amount specified. How is this going to help the victims, I am not able to understand.

Last but not the least, by providing in clause 35 of the Bill that no civil courts shall have jurisdiction over the matters related to nuclear damage, the right of the victims to claim adequate compensation from the Government in case they are not satisfied by the awards given by the Claims Commissioner or the Nuclear Damage Claims Commission has been taken away. The victim has been entirely left at the mercy of the Claims Commission or the Claims Commissioner.

In view of the above, I would like the Government to make this Bill pro-victim rather than pro-supplier. Thank you.

SHRI D. RAJA (Tamil Nadu): Mr. Vice-Chairman, Sir, I am happy that the Prime Minister is present during this very serious debate. The Left has raised very serious concerns on this Bill. Today, the Left may find itself in a minority, but one can say it is in a revolutionary minority. History will acknowledge that the Left did not or has not hesitated to raise sincere and serious concerns when the Bill was debated. Sir, the nuclear liability legislation involves a three way conflict of interests. This is because in the event of a catastrophic nuclear accident the lives and property of victims are put at huge risk. The operator of the nuclear plant and its supplier will have to pay a large amount for damages.

In India, the victims are likely to be the residents of rural areas where nuclear plants are commonly built. The operator is likely to be, or, is a public sector company and, in many cases, the supplier will be a large multinational corporation like G.E., Westinghouse or Areva.

So, the central question is: "Whose interests does the Civil Liability for Nuclear Weapons Bill represent" Does it represent the interest of the ordinary people who could be victims, or, does it protect the interests of the public sector operator, or, is it meant to guarantee the profits of the multinational supplier? I, strongly, feel that any legislation passed by Parliament of India should put ordinary citizens before the interests of large corporations which will operate or supply the plant. Unfortunately, the present Bill does exactly the opposite. Except for a limited Right of Recourse in clause 17 (b), it indemnifies the supplier of the nuclear plant. Next, it

caps the liability of the operator of the plant at a very small level of Rs.1,500 crores. In the event of a serious nuclear accident, it is the ordinary people, who will end up bearing the costs of cleaning up.

Sir, coming to the issue of the cap on the liability of the operator, a nuclear accident can easily cause damage that exceeds the amount of Rs.1,500 crores, mentioned in the Bill. In case of the recent accident at the Deepwater Horizon Offshore Oil Drilling Platform, in which 11 people died, BP has already paid billions of dollars for cleanup and settlement of claims. The U.S. Government forced BP to set aside an amount of USD 20 billion in an escrow fund to settle claims; this is more than Rs.9,000 crores. A serious nuclear accident will have consequences

that are much more severe than this oil spill. I ask of the Government of India: Does it believe that Indian lives and property are less precious than American lives and property? This is a genuine question raised by the common people.

In 1982, a study done by the U.S. Sandia National Laboratory, for the "India point" nuclear plant near New York, found that a catastrophic nuclear accident could lead to damages of up to 300 billion USD. Even disregarding inflation, this is worth about 15 lakh crores of rupees. Unfortunately, the Government has set the cap on the liability of the operator at one-thousandth of this amount. If the Minister contests this figure, then, the Government should set up a committee to study the effects of nuclear damage on India. This Committee should take into account the specifics of the Indian situation including the dependence of many people on land for a livelihood. It should consist not only of nuclear scientists and engineers, but also economists, agricultural scientists and public health experts. In fact, while deposing before the Standing Committee, the Secretary, Ministry of Health and Family Welfare, has said that the Department of Atomic Energy did not even consult the Ministry while drafting this Bill. If this is not correct, the Minister can correct me. I will subject myself for correction. We are sorry that the Government, instead of seriously examining the effects of a nuclear accident and inviting the broadest possible consultation, chose to arbitrarily cap the liability in a hurried manner.

Sir, the cap on liability will also have an impact on the safety of nuclear installations in the country. This is because the cost of a single nuclear reactor can be as high as Rs.30,000 crores as in the case of the reactor planned at Jaitapur by Areva. So, the cost of a reactor can be 20 times the maximum amount of liability. This means that it might be cheaper for the operator to take the risk of paying the maximum liability than to spend, say, 10 per cent extra in adding safety features to the plant. So, I believe that the cap on the liability of operators must be raised substantially...(*Time-bell rings*)...

Even though the Bill passed by the Lok Sabha includes a right of recourse for the operator, this is very insufficient. First, the liability of the supplier is limited to Rs.1,500 crores which is the maximum third party damage that the operator will have to pay.

However, as mentioned above, the cost of the plant that the supplier will be selling will be much higher. So, the supplier may sell a plant for Rs.30,000 crores but will be liable for a maximum of only 5 per cent of that amount.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please conclude.

SHRI D. RAJA: I feel that the liability of the supplier should not be limited by the third party damages paid by the operator and should also cover the cost of the plant.

[MR. DEPUTY CHAIRMAN in the Chair]

Sir, section 46 of the Bill suggests that existing criminal laws can be used only against the operator. I feel that existing criminal laws, including section 304 and section 304A of the India Penal Code should be applicable to the supplier.

Finally, since I have moved some amendments, I would like to give a gist of those amendments.

Sir, it is a matter of great concern that victims will not have the right to directly press claims against the supplier. In the Bhopal gas disaster case, the Government of India took upon itself the sole right to represent all the victims and later settled with Union Carbide for the insufficient sum of USD 470 million. In the current atmosphere, where the Government of India often seems more worried about turning off investors than protecting the rights of its citizens – I am sorry I am making this comment because I have to articulate what people outside Parliament think – we are concerned that the operator will not fully utilize this right of recourse against the supplier and might even sign it away in individual contracts.

Sir, the Government of India claims that nuclear power will be the solution to India's energy needs. I don't deny that. However, its projections for nuclear energy do not seem to be realistic. If I quote the figures given by DoE, the Government of India has the ambition of increasing the power generating capacity of India more than a hundred times by 2050 from its current level of 4.12 gigawatts to 650 gigawatts. I am quoting the figures given in July, 2008. *...(Interruptions)...* Sir, if these figures are wrong, the hon. Minister can correct me. I am quoting what the Department of Atomic Energy has said.

MR. DEPUTY CHAIRMAN: Please conclude, Mr. Raja.

SHRI D. RAJA: I am concluding, Sir.

In any case, even if the Government's projections are taken at face value, for the next decade, nuclear energy will continue to play only a small role in India's energy needs. So, we have to consider the other options of comparable sources of energy like coal, hydel power, renewable sources of energy and so on and fully develop its existing alternatives including coal and natural gas.

Sir, we have had the experience of Enron.

MR. DEPUTY CHAIRMAN: Mr. Raja, you have to conclude.

SHRI D. RAJA: I am concluding, Sir. Sir, the Parliament should establish laws that protect the rights of Indian citizens as fully as possible. The point here is, the current wording of the Bill defines a

Government company to be one that has at least 51 per cent Government-ownership. This opens the door for entry of private players as minority partners in the nuclear sector for the time-being for damages beyond Rs.1,500 crores. This means that the taxpayer will be subsidizing the share of damages that are owned by the private company. So, the Bill should apply to only, to only Government-owned companies.

Then, Sir, the Bill defines...

MR. DEPUTY CHAIRMAN: No, Mr. Raja, please conclude.

SHRI D. RAJA: Sir, I would take just half-a-minute. I am completing, Sir. The Prime Minister is sitting...(Interruptions)... The only thing is, the nuclear fuel, means uranium mines, will be excluded from this legislation. Since they do not use nuclear fuel, the victims of radiation, exposure or accidents at uranium mines in places like Jaduguda which have vulnerable adivasi population, who should have the right to approach the claims commissioner, are benefited from the legislation.

Then, Sir, the definition of radioactive ...

MR. DEPUTY CHAIRMAN: Please conclude, Mr. Raja.

SHRI D. RAJA: This point is the last one, Sir, please listen to me. The definition of radioactive products or waste must include radioactive materials used for scientific, agricultural, commercial and industrial purposes. This will allow the victims of accidents like radiation exposure incident that took place at Mayapuri in Delhi recently to take advantage of this legislation.

Sir, these are all the positive criticisms of the Bill. The Government should take these criticisms as constructive. The Government should apply its mind and consider these criticisms. Thank you.

DR. ASHOK S. GANGULY (Nominated): Mr. Deputy Chairman, Sir, I consider a great honour and privilege to be present in this august House to support this Bill. I am thrilled to witness, I think for the first time during my period in this House, a collaboration and agreement on a 21st Century initiative by the ruling party and the principal opposition parties. This augurs well for this country because it is for the benefit of the country. I wish, one could witness every day this sort of amity and friendliness so that the business of the House can be conducted with dignity and decor.

I have a couple of points that I wish to raise and a couple of suggestions I wish to make. First of all, India must rise and not be afraid of technology. We must respect technology but not be afraid of it. The whole morning, I was listening as to what can go wrong. I wish to hear of and I wish to support what can go right. And what can go right is the advent of clean technology for the first time in this country. Nuclear power will lead in this area. We are just seeing the tip of the iceberg. The iceberg has yet to emerge. I believe that it is important that we must ensure that another Bhopal does not happen in the history of this country in the future. Be that as it may, but

precaution must be taken even for the minutest of probability of an accident and this has been well considered and well recorded.

It is important that two issues we need to consider very closely. Given the concern about what might happen in the very small probability of an accident and that nuclear power will be a major source of energy in the coming decades of this century, I would urge the Government to very seriously consider a totally independent regulatory safety authority which must be made responsible and accountable to Parliament for the safety record of the suppliers, the supplies as well as the safety of operations of nuclear power plants.

As a matter of fact, I will further suggest that every nuclear power plant, those which have been built and which are going to be built, be inspected every six months, and a safety report be submitted to this House for the record that nuclear plants are being run in a safe manner and which is independent of either the suppliers or the operators.

Secondly, I would also suggest that a whole regime of experts on nuclear safety be built up in the new universities and post-graduate studies that are being now instituted in various universities, as well as the new universities that are coming up so that we have a cadre of well-equipped, well-educated experts of world-class caliber so that we are not afraid of when an accident might happen but to ensure that an accident never happens. I believe very strongly that when the thorium technology, which this country has been pursuing for a long time now, and which will see the light of the day during not necessarily our lifetime but the lifetime of our children and grand children, that India will be not only the recipient of technology or recipient of raw material but will be the principal innovators of new technology and a raw material which is in abundant supply.

Finally, Sir, it was said that the airline industry was possibly one of the most unsafe industries in the early part of the twentieth century, yet thousands of people travel by airlines everyday, and we never talk about the safety issue any longer. Safety is an issue; accidents do occur. But, more people die in road accidents rather than in airlines accidents. So, once again, Sir, before concluding, I would like to suggest that do not be afraid of technology; embrace new technology, be creators of new technology, be respecters of technology, but take all the precautions that the technologies do not become our masters, but that we become the masters of technologies. With those few words, Sir, I take great pleasure and privilege to support this Bill, and compliment the Government and the opposition parties for this unique event which marks the beginning of the way we may look at issues in this House. Thank you very much, Sir.

MR. DEPUTY CHAIRMAN: Shri Rajeev Chandrasekhar; not here. Now, Shri Rajniti Prasad, just two minutes.

श्री राजनीति प्रसाद (बहिर): धन्यवाद सर। सबसे पहले तो मैं इस बिल का समर्थन करता हूँ और इसलिए समर्थन करता हूँ

क्योंकि आनी वाली जो पीढ़ी है, अभी तो हम लोग कुछ नहीं कर पाएंगे इसमें समय लगेगा, लेकिन आने वाली जो पीढ़ी है उसके लिये हम लोगों को कुछ करके जाना चाहिए। 2008 में कलावती का नाम आया था जो अपने बच्चों को पढ़ाना चाहती थी, लेकिन बजिली नहीं है, पानी नहीं है, खेत में भी पटवन नहीं हो रहा है, बजिली के अभाव के कारण कारखाने बंद हैं और हमारी पढ़ाई का भी नुकसान हो रहा है, ये सारी स्थितियां हैं और जो आपके पाँवर प्रोजेक्ट हैं, जबकि बारे में चतुर्वेदी जी ने और कई लोगों ने कहा, उसमें पर्यावरण का मामला आता है। सर, जब कोई चीज़ एस्टेब्लिश करेंगे तो उसमें नफा नुकसान जरूर होता है। लेकिन अगर हम नुकसान को ही लेकर के बात करेंगे तो अच्छी बात नहीं है। नुकसान को लेकर के नहीं, बल्कि हम ऐसा चाहते हैं कि ऐसा रजिस्टर हमारे पास आए, ऐसा सामान हमारे यहां आए जो खराब नहीं हो। लेकिन जो पैबल्टी आपने तय की है वह भी ठीक है। मैं आपसे नविदन करना चाहूंगा कि यह बलि हम लोगों के लिये

नहीं है, लेकिन आने वाले भविष्य के लिए है, क्योंकि हम कत्तिना इंजार् करेगे, बहुत इंजार् नहीं कर सकते। हमारी जो नदी के बारे में है, पन-बजिली के बारे में है, एक आदमी ने कहा कि वहां कत्तिना इंजार् होता है कि उसमें डैम बनाएंगे जसिसे लोगों की जमीन चली जाएगी। इसलिए हमको यह लेना पड़ेगा, यह कॉस्टली जरूर है। कई लोगों ने कहा कि बच्चों को खाना नहीं मल्लिता, बच्चों को और अन्य चीजें नहीं मल्लित्ती। सर, बजिली से सारी समस्याओं का समाधान होता है, अगर बजिली नहीं है तो कुछ भी नहीं है, अगर बजिली है तो हम वर्ल्ड के साथ भी कम्पटीशन कर सकते हैं। सर, मैंने कहा था दो मल्लिट लूखा और दो मल्लिट में मैंने अपनी बात खत्म कर दी है। बहुत -बहुत धन्यवाद।

श्री उपसभापति : आपने एक मल्लिट में खत्म किया है।

DR. BARUN MUKHERJI (West Bengal): Sir, the Civil Liability for Nuclear Damage Bill, 2010 is indeed an important Bill of national importance that will have far-reaching impact on the future safety of our people and country. That is why I can testify as a Member of the Standing Committee on Science and Technology, Environment and Forest that all the Members of the Committee, irrespective of political affiliation, took the trouble for a couple of months to scrutinize all the clauses of the Bill and suggested a lot of amendments to modify the clauses that were detrimental to the interest of the country. The Government accepted some of those amendments, but, at the same time, declined to concede to some of the major recommendations of the Left, which has made the Bill in its present form unacceptable to us.

The biased approach of the Bill to the Convention of Supplementary Compensation, that is, CSC, keeps open India's option to join it at any convenient time. In spite of asserting in clause 1(3A) that only the Government Company will be the operator for nuclear power plants, its joint venture with private sector is not excluded until the Atomic Energy Act, 1962 is amended. Entry of private sector is further facilitated by inserting a new provision under clause 7, which says that the Central Government assumes full liability for a nuclear installation not operated by it if it is of the opinion that it is necessary in public interest. This paves the way for the liability burden of any private sector to be borne by the taxpayers.

A lot of debate took place on capping the liability of an operator and the Government finally settles in clause 6(2), ignoring the Left's demand for Rs.10,000 crores, on a maximum of Rs.1500 crores. This is too low in view of Chernobyl nuclear accident. Moreover, total

liability for each nuclear incident remains capped at 300 million SDR, that is, Rs.2122.40 crores or \$455 million as per clause 6(1). The amount is less than even the Bhopal settlement of \$470 million, which has been acknowledged as grossly inadequate by the Government itself.

The Government expressed its keen interest in exempting suppliers of any liability while bargaining on clause 17.

A lot of debate centred around operator's right of recourse in clause 17. Suppliers should not be allowed any escape route thorough ambiguous language as found in the Bill. It should be explicitly stated in clause 17(b) that the operator shall have a right of recourse when the nuclear incident has resulted as a consequence of suppliers' substandard, with latent or patent defect,

material or defective equipment, design or services or due to gross negligence on the part of the supplier. ...(*Time-bell rings*)... One minute, Sir.

The most confusing part is the clause 17(a). To get rid of the confusion, it should be made mandatory to expressly provide the operator's right of recourse in writing in the agreement between the operator and supplier.

Clause 46 should also be similarly amended in respect of non-exemption of supplier.

I shall urge upon the Government to further amend the Bill in respect of aforesaid suggestions to make the Bill fully oriented in favour of Indian victims in case there is any nuclear incident. Thank you.

SHRIMATI SHOBHANA BHARTIA (Nominated): Sir, the world is moving towards alternative sources of energy given the high cost of fossil fuels and the negative environmental impact of degrading non-renewable resources. Sir, we have been left out in the cold for three decades due to international sanctions on nuclear commerce but there is a growing realization now, both within India and outside, that India's exclusion is beneficial to no one. Sir, we have a largely indigenous nuclear power generation and we hope to be able to generate 63,000 mega watts by 2032 to meet our growing demand. Sir, in view of that, there is a peak power deficit that we are suffering at the moment which is over 12.6 per cent. It is against this that the Indo-US Nuclear Deal has to be viewed. Sir, the Indo-US Nuclear Deal was the first step towards opening of nuclear commerce with the United States.

To my mind, this is the next logical step towards India becoming a full-fledged member of the international civil nuclear regime and Sir, towards greater cooperation with the rest of the world in terms of getting newer technology and fuel for our reactors. Sir, despite that, there have been over 400 reactors in the world, there have been only three major incidents and accidents but as we have seen in the case of Chernobyl, even the cost of one was too high and more recently the Bhopal Gas disaster and the consequent struggle for compensation by the victims has raised a very important issue about the role of multinational companies and who has to pay the liabilities. Sir,

enactment of the Civil Liability Law is a pre-condition before the Indo-US Bill can be operationalised. In fact, the Indo-France agreement also explicitly states about India creating a civil liability regime for any accidents that might occur due to nuclear materials. So, this Bill is not only about US as many would choose to believe. Sir, the US example would also show us that initially unless there was some liability, unless there was some cap, the nuclear industry would not have survived. In fact, Sir, with limited liability this legislation is intended to provide investor confidence in an area which is viewed as being very new and very risky. The Atomic Energy Act so long does not allow the private sector to come into nuclear power generation and the Government does not have any proposal of changing that in the near future. So, Sir, the question being asked is: is this cap on 1500 adequate? The Price-Anderson Act did

warrant a much higher amount but we have to realize it was built up over the years. In fact, the third tier was introduced recently. Coming after 53 years, I felt that this initial cap of 1500 could have been a little more handsome, Sir, but I do realize that the size of our power reactors is going to be significantly smaller. So it may be a good starting point. The point that I would like to make here, Sir, is that it must be inflation indexed. God forbid, if we were ever needed to use this money after ten or twenty years this 1500 would not really have much meaning. So the amount should be independently inflation indexed to make sure that we manage to retain the quantity of what we want to set aside for the victims.

Sir, many other countries have unlimited liability but I think, as a starting point we have done the right thing in starting with the 1500 liability and 300 SDRs if we were to go beyond that. Sir, coming to the supplier's liability, I have concerns over there and I feel that it is not very attractive and I also feel that it would be bit of a deterrent in an industry which is just starting. Sir, I have following reasons to support that. One, Sir, the Indian Nuclear industry has been supplying parts to the Department of Atomic Energy very successfully even though the technology has been in the development stage and even though this is the phase of capability demonstration and there has been no civil liability at all on these suppliers. Two, Sir, suppliers of nuclear material are responsible players, both within the country and overseas, they have their own quality assurance systems and the international warranties which are available for one and a half to two years which is the common international practice. Three, Sir, as per industry practice all critical components are subjected to in-service periodic reviews to verify that they are maintained well and in fact, after the Three Mile Island disaster and the Chernobyl disaster these protocols were further tightened and now they are being strictly adhered to as well. In fact, Sir, there is a periodic review done for the safety of nuclear plants by the suppliers every ten years, not only looking at how they performed but also importantly looking ahead for the next ten years. That apart, global insurance products are not easily available. It is not to say that a large market like India will be ignored. I am sure we will be able to get enough insurance people but it will come with a cost to the consumers and a higher cost at this point will be passed on to the consumers in the sense of higher electricity cost.

Sir, lastly where will we go hunting for suppliers after 10, 20 or 30 years? The life of a nuclear plant may be 60 years and the supplier may or may not be in business after that.

This whole debate has gained momentum, largely, because the operator, in this case, is going to be the Government and the supplier would come from the private sector. I think, if the operator and the supplier were both from the private sector, then, this issue would have been seen in a more holistic manner. But, having said that, I do hope, now, that we take into cognizance the fact that there will be reluctance on the part of many suppliers to come and join this effort.

Sir, the civil liabilities Bill is all about fast tracking compensation. The Bill has done well to adhere to that and it is no force liability. I would like to complement the Government. We took

chances when we opened up the economy to the rest of the world. I am glad and would like to support this Bill. We should hope that this unity that we have seen gets translated in going forward. Thank you.

SHRI M.V. MYSURA REDDY (Andhra Pradesh): Mr. Deputy Chairman, Sir, people will appreciate to produce nuclear energy. At the same time, we are not against nuclear energy. But, there is a doubt whether this piece of legislation protects the interest of victims or it helps the Government in joining the CSC or whether it is opening the doors for suppliers and also to the Indian corporate sector for nuclear commerce. If you look at the Bill, it appears that the Government is interested on the second and third issue.

Maybe, under pressure from right side or this side, the Government might have been accepted to amend Clause 17(b). I would say that in spite of this amendment, there is a possibility that the NPCIL or other corporation to enter into contract with international suppliers with explicitly renouncing the right of recourse. It is because, already, the Government entered into an agreement with Russia and France. This has been reported in the Press. So, will the hon. Minister assure this House that this will not happen?

Sir, the other day I was watching a panel discussion on a TV channel in which the hon. Minister had also taken part and said that everybody is saying that we are bringing this piece of legislation under the US pressure. But, where is the question of US pressure when the two companies owned by US corporate sold to Japan. I am bringing it to the notice of the hon. Minister whether he has knowledge of this. I don't know. The Westinghouse Toshiba sold, in 2006, 20 per cent of its equity to a Shaw Group based in Luciana, USA. This Group is having strong links with the US Government. There are various things. I have given notice of amendments to Clause 7(1). I will explain this at the time of taking up of consideration of Clause 7. I will explain it to the House how the suppliers are coming through the backdoor method. In spite of showing interest towards suppliers and others, it would have been better if the Government shows some interest on the benefits to victims.

Coming to Clause 46 of the Bill, I would like to submit that this Clause is not clear. We don't know whether the Law of Torts is applicable. So, there is a need for explanation for this Clause. It would be better if the hon. Minister brings an

official amendment to this clause. If it is brought, it would become clear and known to the people whether the Law of Torts is applicable.

The Bill is silent about the impact on health hazards due to radiation on succeeding generations. It is not only my feeling, but it is the feeling of the Health Secretary who expressed this when she deposed before the Committee. It has also been mentioned in the Report. It is at page No. 22. It says and I quote, "There is not a single clause which speaks about taking healthcare during the radiological emergencies..."

It talks only about the payment of compensation due to health hazards of such radiations. ...(*Time-bell rings*)... I am just concluding, Sir. Then, the Bill is also silent on its impact on

agriculture, food, and other impacts of a nuclear accident. The Ministry of Health and Family Welfare, the Ministry of Agriculture, the Ministry of Labour and Employment, the Ministry of Food and Public Distribution, etc. replied in negative. I would like to quote from page 25 of the report, "The Committee, therefore, recommends that the Government, in future, should consult all such Ministries and Departments which are even remotely concerned with the provisions of the proposed legislation." In view of this, the Minister may assure this House that he would consult all the Ministries, at least, at the time of subordinate legislation.

Thank you very much.

SHRI H.K. DUA (Nominated): Thank you, Mr. Deputy Chairman, Sir. I rise to wholeheartedly support the Bill for various reasons. One is the way the journey the Bill has crossed through the Standing Committee. The Standing Committee certainly deserves congratulations for the spirit of give and take that prevailed in its deliberations. And our particular thanks go to Shri Prithviraj Chavan and the Leader of Opposition for putting extra labour.

There is a message in the way the Bill is being passed. In another hour or so it will be through. The spirit of this message is the consensus arrived between the ruling party and the Opposition. This speaks well of parliamentary democracy despite much of *hulla gulla*, adjournments, etc. There is an ingrained commonsense which shows that the democracy has to arrive at a consensus on crucial occasions. The Opposition and the ruling party have the capability of arriving at a consensus on vital issues. Why can't this process be extended to other areas where consensus is badly needed. For instance, on the issues of national security, on the issues concerning fighting terrorism, on Foreign Policy, on communal harmony, on Kashmir issue. We need consensus on such issues. In many areas, solutions are pending, waiting for national decisions, which require national consensus. I hope, the same spirit, which guided the passage of this Bill, will guide more important issues lying before the country.

There has been give and take. Democracy, ultimately, runs on give and take. There is no absolute one opinion on any subject. If we have to run various institutions of the country under the constitution which are increasingly losing respect among the people, if they have to rework them and we have to regain the respect of people. And, one

thing, that will help will be a consensus between the ruling party and the Opposition.

Coming to the *nitty gritty* of the Bill, I will not go into the clauses. The Standing Committee has sieved it with a fine comb. I was there in Washington D.C. in July, 2005. A few persons have spoken about American pressure and all that. On many issues of the nuclear deal in 2005, we, the newsmen, came to know that the Indian delegation was not succumbing and, ultimately, the American delegation, at the last minute, had to compromise and accept our demands. So, there is always a feeling in the country that we are always on the losing end. Sir it is not so. We are a nation of over a billion people. We should have the confidence to deal with the mightiest of the powers in the world. This Bill is a part of the Indian drive to become a big power of the 21st

century. We have the confidence, and we should have the confidence, to march towards that and this Bill and the earlier nuclear deal are the two steps of the many steps that are still to be taken. In the field of economics, we are doing very well. In the political side, we need to do more. But for all this, we need self-confidence to face the world and look straight into the eye.

Sir, I will not take much of your time. Thank you very much.

SHRI ABANI ROY (West Bengal): Sir, first of all, I would like to thank you for having given me this opportunity to speak on this Bill.

Sir, I wonder why the Government is in a hurry to pass this Bill even by extending the House. But, at the same time, the Government is not at all ready to pass the Food Security Bill or the Land Acquisition Bill or a very important Bill which has been pending for years together, *i.e.*, Women's Reservation Bill. It is also least interested to control the price rise but it is very eager to pass this Bill.

Sir, before taking part in the discussion on the Civil Liabilities for Nuclear Damage Bill, 2010, I will request the Members from all the political parties, including the Ruling Party, to go through a debate of May 10, 1954 held in the first Lok Sabha, where Pandit Nehru in reply to a debate initiated by a renowned scientist, Dr. Meghnad Saha, underlined the attitude and intentions of the US Government with regard to acquisition of thorium, *i.e.*, monazite sands from India.

Sir, I rise to oppose the Bill as we have also opposed the Nuclear Deal. I do not seek to oppose it merely because I sit in the Opposition Benches or as I am ideologically against US imperialism, but because I strongly feel that this is a one-sided Bill which seeks to protect nuclear power plant equipment suppliers rather than ordinary citizens.

Sir, the test of any good law passed by a legislature in a democratic nation is that the law should protect the common man and their property.

The intent of the Bill clearly seems to be to reassure foreign and domestic suppliers.

This Bill which limits their liability makes it bounden on the common man to prove in court that they indeed supplied a part which caused an accident, a task, which all Members of this august House will agree with me would indeed be Herculean. Which individual or group of individuals with their limited resources would ever be able to take on the might of these mega-corporates backed by a super power in the courts of law?

Is Bhopal not an eye-opener for us? Are we not aware how both our Government as well as the Government of USA, now a new found ally of this nation, connived to save the skin of Mr. Anderson and his Union Carbide?

We are talking of limiting the liability but how much would that be per head in case we have a Chernobyl on our hands?

May I ask the Government whether it consulted the Ministries of Agriculture, Rural Development, Labour and Employment, Health, Environment & Forests and Water Resources besides the National Disaster Management Authorities and State Governments who will be expected to host the nuclear sites before finalizing this Bill?

I would like to point out an article in the Hindu dated August 24 which spoke of the perfidy committed by the Government in trying to tinker with the Bill's drafting to suit certain vested interests. It spoke of how: "Not once but thrice has the Government's managers been caught trying to fiddle with the Bill in order to address the concerns of nuclear suppliers that are obviously so illegitimate. Nobody seems to have the political stomach to even try to convince the public about them."

Is it, indeed true, as the article says, that at the initial stages of consideration, an attempt was made to simply delete clause 17(b), which allows the Indian nuclear operator, who is otherwise wholly liable, to exercise a right to recourse in the event that an accident is caused by gross negligence on the part of the supplier, difficult though it may be to prove gross negligence? The point I am trying to make is that if, even before the Bill is passed and a single American powered nuclear plant starts functioning in this country, we act in such a subservient manner to foreign commercial interests, how will we act once they are here?

Every second piece of legislation that we seem to be passing in this august House since liberalization began seems to be designed to help corporates, especially multi-national corporates. FDI in defence, education and retail are being contemplated; PSUs are being privatized on one pretext or the other. ...(*Time-bell rings*)... Sir, I am concluding.

The Government is willing to dilute its ownership to just 51 per cent. In the process and manner in which we rush to embrace a new ideology, are we not weakening one of the pillars of our polity, namely, democracy? Need I recount how this Government is using various organs of the state to get the majority it needs to pass various bills?

Before this House passes this Bill - and I know that the passage has already been decided behind our backs - I would ask Members from

both sides of the divide to ponder over the issues I have raised and think, at least once, whether we are doing justice to the millions who have reposed faith in us.

MR. DEPUTY CHAIRMAN: Shri Naresh Gujral; you have four minutes.

SHRI NARESH GUJRAL (Punjab): Sir, I rise to support this historic bill and I feel, with the passage of this Bill, India's nuclear isolation will be history and in the future, the country shall walk tall with the rest of the developed world.

Sir, today, India is respected the world over because of the rapid strides that its economy is making. We are growing at over eight per cent per annum and, hopefully, we shall touch double digits very soon. But, in order to meet that, we require energy and in the future, clean energy is the only way forward.

Sir, while it is important to invite foreign investment in this field and not to scare them away, I am not too happy with the cap of Rs.1500 crores. I have four suggestions for the Government.

In view of what happened in Bhopal - and the country is still paying the bills 25 years later - I would suggest that the Government set up a nuclear disaster fund, and every company or every operator that comes in this field should be made to pay a small percentage - it could be 0.20 or 0.25 per cent - of its total turnover, every year, to this fund. This could be like a surcharge or a license fee, as is the case with the Telecom sector.

Sir, another thing that I would like to say is that we should ask every operating company to create a sinking fund in its balance sheet. Banks are made to do that to meet any unforeseen eventuality, disaster or bad debt. In this case also these companies should be asked to create a sinking fund. In order not to de-motivate them, in the Income Tax Act, necessary changes can be made that we give them a weighted deduction for tax purposes.

Sir, my third point is that as many players will enter this field, it is important that we cut out the red tape from Government decision-making totally because with nuclear safety we cannot take any chances. While the Atomic Energy Regulatory Board is doing commendable work, but, right now, it reports to the Atomic Energy Commission. I suggest that henceforth it should report directly to a Group of Ministers created specially for nuclear safety in order to cut out and eliminate any kind of bureaucratic delay. In future, to meet our growing demand, India will need to train more engineers in this field. And I suggest that we should introduce a special course in nuclear technology in all our IITs, and not just in IITs even in other educational institutions, where nuclear technicians could be trained. In the end, I would like to say that for too long we have had "चलता है" kind of an attitude in this country. This must be ended if we have to enter the nuclear field. I look forward to our generation next to show the way and end this lethargy.

SHRI KUMAR DEEPAK DAS (Assam): Sir, it becomes pertinent to this House, after passing this Bill, to give protection to those who will suffer nuclear damage during the coming days. I would like to make

some observations and would like to be clarified on some points so far as this Bill is concerned. The proposed attempt to cap the level of compensation for victims of nuclear accident is related to the Fundamental Rights as guaranteed by the Constitution of India. Therefore, it requires revisit of clause like clause 3. It is a complex legislation and it requires more deliberation on liabilities of operators. My hon. friends like Mr. Gujral and others have given some valuable suggestions. I support those suggestions, and I am sure that Government will definitely consider those suggestions. Nuclear damage to human, animal life and the environment are long term. So, it needs a thorough understanding of the subject. It also needs more scientific guidelines to ensure the competent claims since, so far as health is concerned, nuclear damage involves changes in DNA. Sir, the Government should look upon it and the Government should

5.00 P.M.

consider whether it needs expert bodies to look after such problems and things. I want to seek clarification whether the Bill ignores the judgement of the Supreme Court of India "Polluter pays principle". The Bill provides for the payment of penalty by the operator and not by the supplier companies. Why? On this, I want to be clarified. Sir, there is an enormous need of power generation. It is needed for the protection of poor people, elimination of poverty and for the economic growth of the country. India presently produces 4500 MW of electricity, but we need to generate, at least, 20,000 MW by 2020. The present state of affairs of hydropower generation and effects of big dam in the State of Assam are well known to the House. We, the people of Assam, time and again, tried to draw the attention of the hon. Prime Minister in this regard.

Sir, I find it relevant to mention here, and, I take this opportunity to mention as the hon. Prime Minister is sitting here, that we the people of Assam will get immediate relief from the ill-effects of the proposed and under construction big dams in the North East through nuclear power generation. With these words, I conclude. Thank you.

DR. BHALCHANDRA MUNGEKAR (Nominated): Sir, it is a privilege and pleasure for me to support this historic Bill. I am not an expert in nuclear technology, and, that is why, I will make only a few observations more as a concerned citizen. Sir, the Indian economy is the only economy amongst the four economies of the world along with the United States, China and Japan, which is a trillion-dollar economy. Indian economy is the only economy which could immediately come out of the world economic crisis of 2008. It happened because the fundamentals of the economy were in place, and, the economy, particularly, the banking system was regulated to some extent.

Since beginning, I am always in favour of the distributive justice and inclusive growth. But, Sir, without growth itself, eight per cent, nine per cent, or ten per cent, it will be absolutely futile to speak about the distributive justice or inclusive growth. From these points of view, just as the physical body requires blood-circulation, the agriculture, services, trade, self-employment, and, each and every economic activity requires the most fundamental input, that is, energy, and, that is why, it is a pleasure to support this Bill.

I must say that I had some apprehensions about the earlier form of the Bill, discussed nearly one and a half year ago. But since eighteen amendments have been accepted by the Government because of its full consideration and considered view, I think, most of the issues and apprehensions have been successfully, competently, judiciously have been addressed and allayed. So, it is a pleasure to support this Bill.

Secondly, Sir, since I joined and took oath on 15th of April, 2010 as a Member of Parliament being a nominated Member of Rajya Sabha, I find today extreme unanimity on certain national issues beyond the Party considerations. Even those who are having different views, and, who are not inclined to support fully, I don't think, they can be accused of. I remember a historical

anecdote. In 1971, when India emerged victorious after the Bangladesh war, Shri Atal Behari Vajpayee, one of the doyens among Indian politicians and political leaders, without reservation, described Shrimati Indira Gandhi as *Durga Mata*, a spirit, the Indian democracy should cherish, and, whenever there are national issues of historical importance, I think, we shall definitely become true political and economic superpower in the world with this spirit. Thank you very much.

श्री राशिद अल्वी (आन्ध्र प्रदेश): धन्यवाद सर। सर, यह एक तारीफी बलि है और सबसे खुशी की बात यह है कि ऐसे मौके पार्लियामेंट के अंदर बहुत कम ही आते हैं, जब कमीबेश तमाम मेम्बर्स एक साथ, एक आवाज में बोलते हैं, जसिसे पता चलता है कि इस बलि की अहमियत और हैसियत क्या है। सर, आजउसका एक पड़ाव है, जो सफर हब्दिस्तान ने शुरू किया था। 1974 में हमने पहला पोखरण किया, तो हमारे ऊपर तरह-तरह की पाबंदियां लगा दी गईं, Sanctions लगा दी गईं, लेकिन हमने सफर जारी रखा और 1998 में हमने दूसरा पोखरण किया, तो दुनिया भर की नई टेक्नोलॉजी के दरवाजे हमारे लिये बंद कर दिए गए। हमें नई technology को छूने नहीं दिया गया, लेकिन हम उससे नहीं घबराए और आगे बढ़ते चले गए। मुझे याद है कि एन.डी.ए. की सरकार में जसवंत सहि जी ने American Foreign Minister के साथ दस बार मीटिंग की और next step, Strategic Partnership पर signature हुआ। इसके अंदर वे तमाम बातें थीं - हर dimension की बात उसके अंदर थी और वह बात भी थी जसिका जिक्रि हम आजकर रहे हैं। उसी को हमने आगे बढ़ाया और जुलाई, 2005 में हमारे प्राइम मिनिस्टर डॉ. मनमोहन सहि जी ने तारीख का एक नया पन्ना उलटा। कतिनी कोशिशों के बाद हम इस मंज़िल तक पहुंचे। बहुत सारे लोगों ने, जो उस सफर में हमारे साथ थे, जसि पर तकिया था, उन्होंने हमें हवा दी, लेकिन न इसके बाबजूद हमने अपना मकसद हासिल किया और जुलाई, 2005 में Nuclear Deal पर sign हुआ। वह पहला वक्त था जब दुनिया को अहसास हुआ कि हम उस isolation से बाहर निकलने वाले हैं, नई technology के दरवाजे हमारे लिये खुलने वाले हैं और उसके बाद हब्दिस्तान के लिये यह पहला मौका है, जब आजहम clean energy के लिये यह कामून बनाने जा रहे हैं।

सर, Eleventh Five Year Plan में जो हमने 9 परसेंट ग्रोथ की बात की है, वह बगैर energy के हम पूरी नहीं कर सकते हैं जो energy हम पैदा करते हैं, उसमें हमारा दुनिया में 7th नंबर है, लेकिन consumption में हमारा 5th नंबर है। दुनिया की 2.4 परसेंट energy हब्दिस्तान प्रोड्यूस करता है, लेकिन 3.45

परसेंट हम consume करते हैं , इसके बावजूद Economic Survey के मुताबिक 50 परसेंट पॉपुलेशन तक बिजली नहीं पहुंचती है। 50 फीसदी लोगों के घरों में अंधेरा रहता है और 50 फीसदी लोग , जिनके घरों में बिजली पहुंचती है , उनका अहसास भी हमें है कि कितनी बिजली पहुंचती है और कितनी नहीं पहुंचती है। हिन्दुस्तान के two-third households जो crops का भूसा होता है , जो लकड़ी होती है , dung cakes होते हैं , जो हमारे यहां “उपले ” कहलाते हैं , सिर्फ़ उनसे चूल्हा जलाते हैं। सिर्फ़ one-third लोग हैं , जो clean energy का इस्तेमाल करते हैं , यह हमारी सचिवालय है।

सर, जैसी तरिके से हम electricity पैदा कर रहे हैं , चाहे वह coal से कर रहे हों , थर्मल से कर रहे हों या पानी से कर रहे हों , हमारे देश के अंदर 2.53 billion tonnes कोयला है , उसका स्टॉक है , लेकिन सन् 80 से अब तक जितना कोयला हमने निकाला है , वह three times है। हम टोटल प्रोडक्शन के अंदर 74 परसेंट कोयला सिर्फ़ electricity generate करने के लिए इस्तेमाल करते हैं और करीब -करीब 19 परसेंट हम इंपोर्ट करते हैं , तब जाकर total energy का 66 परसेंट , हम कोयले से energy पैदा करते हैं और वह कौन सी तरिके की energy है , यह हम सबको मायूम है। कितनी Carbon Dioxide पैदा होती है ! पानी से हम energy पैदा करते हैं , हम nuclear energy पैदा कर रहे हैं , लेकिन Economic Survey के मुताबिक पिछले दो सालों के

अंदर जो हमारा टार्गेट था कि हम 9 परसेंट increase करेंगे , generate करेंगे , वह 9 परसेंट हम नहीं कर पाए , सिर्फ 2.7 परसेंट हम generate कर पाए और वजह क्या थी? वजह यह थी कि पानी का फ्लो नहीं था , वजह यह थी कि हमारे पास nuclear plants के अंदर सप्लाई नहीं थी। सिर्फ 5.8 परसेंट coal energy हमने जरूर बढ़ाई है और वह टार्गेट जो हमारा 9 परसेंट का था , वह सिर्फ 2.7 परसेंट रह गया। इन हालात के अंदर जो हमारा टार्गेट था , वह पानी से 8.4 परसेंट हम कम energy पैदा कर पाए और सिर्फ सप्लाई की वजह से Nuclear energy की हम 12.3 परसेंट energy कम पैदा कर पाए।

सर, आजहमें energy की जरूरत है , बगैर energy के हम आगे नहीं बढ़ सकते हैं। सर, मैं सरकार को मुबारकबाद देता हूँ , प्रधान मंत्री जी को मुबारकबाद देता हूँ कि हम तारीख का एक नया पन्ना लखिने जा रहे हैं। यहां पर तरह-तरह की बातें कहीं गयीं। इस पूरे बिल के अंदर मैं तमाम clauses की बात नहीं करना चाहता , हमारे बहुत सारे साथियों ने बात की है , लेकिन क्लॉज - 6 और क्लॉज -17, जिसकी चर्चा यहां पर हो रही है , उनके बारे में कहना चाहता हूँ। सर, अगर हमने पांच सौ करोड़ से बढ़ाकर पंद्रह सौ करोड़ किया , कुछ लोग कह रहे हैं कि unlimited होना चाहिए। सर, अगर कैष बढ़ेगा तो insurance बढ़ेगा , insurance बढ़ेगा तो energy का प्रोड्यूस बढ़ेगा। आजहम अमेरिका की बात करते हैं। अमेरिका के अंदर 1000 बिलियन है। सर, मैं हाउस को बताना चाहता हूँ कि पहली बार अमेरिका ने जो कानून बनाया , वह 1957 के अंदर बनाया और उस वक्त उनका कैष सिर्फ 60 बिलियन डॉलर था। दूसरा अमेंडमेंट उन्होंने 1975 के अंदर किया और तीसरा अमेंडमेंट उन्होंने 2005 के अंदर किया। दुनिया भर के अंदर जितने nuclear accidents हुए , छोटे-बड़े मिलाकर 99 incidents हुए , जिनमें से अकेले 57 अमेरिका के अंदर हुए। एक ही बड़ा incident हुआ जो यूक्रेन के अंदर हुआ , जिनमें करीब 4000 लोग मारे गए और 7 बिलियन डॉलर का नुकसान हुआ। इसके अलावा कोई दूसरा बड़ा incident दुनिया भर के अंदर नहीं हुआ। सर, Atomic Energy Commission के Former Chairman डॉ. अनिल काकोडकर का इस बिल के बारे में कहना है कि "The provisions of the Bill have been finalised after detailed studies by experts and all concerns have been taken into account. I think it is quite balanced and needs to be passed in its present form." सर, Prime Minister के Principal Scientific Advisor, डॉ. आर. चट्टिम्बरम का कहना है कि "The DAE has done a very good job in drafting a fair legislation. Country will benefit if it is passed by the House." सर, इसी प्रकार से The Indian

Express का editorial है। The Indian Express के बारे में हम सब जानते हैं कि वह सरकार की कोई बहुत ज्यादा प्रशंसा नहीं करता है, आंखे बंद करके तारीफ नहीं करता है। The Indian Express ने 31 मार्च को अपने editorial में लिखा "Such a law is necessary to lay the foundations of nuclear industry, to create an insurance sector, and allow for private participation. While it has been unfairly cast as a favour to American business interests, it is patently in our own interests to get nuclear business going." यह The Indian Express का कहना है। सर, यह बलि victims को immediate compensation देना। सरकार की अपनी ज़िम्मेदारी है जो इस बलि के अंदर की गयी है। मैं इस हाउस में International Atomic Energy Agency की एक स्टडी जरूर mention करना चाहूंगा। 1970 से लेकर 1992 तक, यूक्रेन के nuclear accident को छोड़ दीजिए, उसने एक worldwide स्टडी की कि जसि तरीके से हम electricity generate करते हैं, कसि-कसि चीज़ के अंदर कतिने-कतिने accidents हुए। सर, according to that report, coal power plant के अंदर पूरी दुनिया के अंदर 6,400 लोग काम करते हुए मारे गए। इसी प्रकार natural gas power plant के अंदर 1,200 लोग मारे गए, hydroelectric power plant के अंदर 4,000 लोग मारे गए और यूक्रेन को अगर छोड़ दिया जाए तो nuclear plant के अंदर सिर्फ 39 लोगों की death हुई। सर, यह बात बार-बार की जाती है कि शायद हम जल्दी में यह बलि पास कर रहे हैं, अमेरिका के दबाव में यह बलि पास कर रहे हैं।

दुनिया में हमें दोस्तों की जरूरत है। हम पाकिस्तान से भी दोस्ती चाहते हैं, अगर पाकिस्तान दोस्ती नहीं चाहता, तो इसमें हम कुछ नहीं कर सकते। हम अमेरिका से दोस्ती चाहते हैं, अमेरिका ने हमारी मदद की। अगर अमेरिका सप्लायर ग्रुप्स के साथ हमारी मदद न करता तो हम यहां तक नहीं पहुंच सकते थे। अगर अमेरिका हमारी दूसरी मामलात के अंदर मदद नहीं करता तो हम यह achieve नहीं कर सकते थे।

सर, मैं यह नहीं कह रहा हूँ कि हम अमेरिका के दबाव के अंदर कोई काम कर रहे हैं। अमेरिका ने तो हमसे कहा था कि एन.पी.टी. पर साइन कर दीजिए, हमने तो साइन नहीं किए। अमेरिका ने हमसे कहा था कि सी.टी.बी.टी. पर साइन कीजिए, हमने तो साइन नहीं किए। अमेरिका ने तो हमसे कहा था इराक के अंदर फौजें भजिवाइए, हमने तो फौजें नहीं भजिवाईं। लेकिन बदकिस्मती है कि पाकिस्तान से हम बाह्न करते हैं तो कहा जाता है कि अमेरिका के दबाव में बाह्न हो रही है। अगर हम ईरान के खलिफ वोट देते हैं तो हमसे कहा जाता है कि हम अमेरिका की वजह से वोट कर रहे हैं और आज अगर यह इंपोर्टेंट बल्लि हम इस पार्लियामेंट के अंदर पास कर रहे हैं तो हमसे कहा जाता है कि हम जल्दी में हैं और हम अमेरिका के दबाव में कर रहे हैं, चूंकि प्रेजीडेंट ओबामा यहां आने वाले हैं। सर, फ्रांस के प्रेजीडेंट भी यहां आने वाले हैं। अभी तक हम 8 एग््रीमेंट वभिन्न कंट्रीज से कर चुके हैं और हमने पहला एग््रीमेंट अमेरिका से नहीं किया है, हमने पहला एग््रीमेंट फ्रांस के साथ किया है, दूसरा एग््रीमेंट अमेरिका के साथ किया है। मुझे मालूम है कि वक्त कम है और आप घंटी बजाने वाले हैं, उससे पहले मैं अपनी बाह्न खत्म करना चाहता हूँ।

सर, मैं सफ़ि इतना ही कहूंगा कि यह एक इंपोर्टेंट बल्लि है और इस बल्लि को हमें सपोर्ट करना चाहिए। हमारे लेफ्ट के साथी पूरी ताकत के साथ इसकी मुखातिफत कर रहे हैं। मुझे याद है मैं नाम नहीं लेना चाहता, लेकिन जब न्यूक्लियर बल्लि की बाह्न हो रही थी तो एक इंपोर्टेंट लीडर ने कहा था कि अगर न्यूक्लियर डील पर साइन हुआ तो चायना की तरक्की रुक जाएगी, उसकी तरक्की और हब्दिस्तान की तरक्की एक साथ है, जसिका बाद में क्लेरिफिकेशन भी आया था। सर, अगर रोशनी के लखे कोई दीया जलाया जाता है और हवा तेज चलती है तो हथेलियों से उसको बचाने की कोशिश की जाती है। दीये को यह पता नहीं होता कि मेरी रोशनी को हथेलियों से बचाया जा रहा है।

“हवा की जक से जसिको बचा रहा था मैं ,
उसी दीये ने जलाया मेरी हथेली को ।”

उसको पता नहीं होता है इन्हीं अलफाज़ के साथ मैं हाउस से
दरखास्त करता हूँ कि इस बलि को पास करें। थैंक्यू।

SHRI BHARATKUMAR RAUT (Maharashtra): Sir, thank you for giving me time. Sir, I will not take much time because a lot has been said about this. I just want to attract the attention of the Government to two points. One is, Chapter IV clause 14 provides for the people entitled to apply to the Commissioner. In that, it provides for (a) a person who has sustained injury; or (b) the owner of the property to which damage has been caused; or (c) the legal representatives of the deceased; or (d) any agent duly authorised by such person. Sir, here, the point is, suppose I am not a sufferer, but I care for the society. If I am an NGO, I may not be directly a sufferer but I care for the sufferers. So, do I have a right to appeal to the Commissioner? There is no clarity on that. I think, the right should be given to all. Even if I am not a direct sufferer from the injury, then also, I should be able to apply, I should be able to take recourse. And, that is possible if you add point (e) which can include NGOs or other people who would like to be party to the case.

Sir, I have another point. Chapter V clause 20 (2) provides for the composition of the Commission. The Commission consists of a Chairperson and two Members in which the Cabinet Secretary is the Chairman and the Secretary, Department of Atomic Energy and the Secretary, Ministry of Law and Justice are Members. Sir, my request to the Government is, this is a very, very important body as far as this Bill is concerned. For people at large, this Commission is very important. But, you have only three persons and all of them are Government nominees, Government employees and Government officers. My suggestion is, there are many more people who would be useful members of the Commission. For example, some atomic scientists can become part of the Commission as non-official members. There could be some social workers. People working with NGOs would be interested.

There could have been some public health officials, some medical practitioners or some doctors also. They could have become members of the Commission. You have made a provision for seven members. Why not have some part-time or non-official members or some private people? They can also become members of the Commission. That will make this Commission a very comprehensive and inclusive one. These are my couple of suggestions. Thank you, Sir, for having given me the opportunity to speak.

MR. DEPUTY CHAIRMAN: The last speaker is Shri M. Rama Jois. Three minutes. You are requested to take only three minutes, Mr. Jois.

SHRI PIYUSH GOYAL (Maharashtra): Sir, I have also given my name.

MR. DEPUTY CHAIRMAN: No, no, no. Only one of them was to be allowed. ...(*Interruptions*)... Only one of them.

SHRI RUDRA NARAYAN PANY (Orissa): Sir, he is a young MP.

MR. DEPUTY CHAIRMAN: No, no; not the young one alone is to be allowed. There is no time left. It was requested that one of them should be allowed, and, then, preference is given to Mr. Jois.

SHRI RUDRA NARAYAN PANY: He is from your State, Sir.

MR. DEPUTY CHAIRMAN: No, no; no preference to my State MP. It is the decision of the Whip.

SHRI M. RAMA JOIS (Karnataka): Sir, I only want to make three points. I want to know what would be the cost of electricity from foreign built nuclear power reactors. The second is how much time it is likely to take for the country in getting electricity from such nuclear power reactors. The most important and the third point is, the

solid waste from nuclear power plants is estimated to be radio active for 22,000 years. All the major countries which are running these nuclear power plants are unable to still solve the problem of depositing the nuclear solid waste and it will remain radio active for 22,000 years. I want to know how the Government is going to meet that situation and how the Government is going to solve not only the problem of solid waste disposal but also the damage arising therefrom. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Mr. Piyush Goyal. Please take two minutes.

SHRI PIYUSH GOYAL: Thank you, Sir. I just want to make two or three very brief interventions. The Bill, in its Section 3(A), states that it will apply only to nuclear installations controlled either directly or through an authority by the Central Government. But there is a proviso to Section 7(i) in which they have said: "The Central Government may, by notification, assume full liability for a nuclear installation, not operated by it." I would seek the Government's clarification on that.

Secondly, Sir, in Section 4, they have explained that if there is any damage caused during temporary storage of the material or during transportation of the material, it will be deemed to be the operator's liability. I am concerned about the safety aspects, especially in transit or in storage; people think that there will be a premium not to be safe. So, we should have some liability also imposed on the people who are storing and transporting, or some incidental or criminal liability should have been imposed on them.

The third point, Sir, is, there is a very big concern, that is being expressed by many speakers and authors, that there will be a premium to be unsafe. If there is a cost involved in making the plants more safe or if it comes to light that there could be some improvements to the plants, which will make it safer, then the operator will think that the cost is too much and the liability at Rs.1500 crores is being capped; it is much cheaper.

And lastly, Sir, one small point. By limiting the liability to 300 SDRs, are we limiting the funds available under CSC to our beneficiaries? In the unfortunate event of an accident, I think, CSC could also participate beyond 300 SDRs; I do not know what the Government's stand is.

Just one last point. In the Lok Sabha debate, the hon. Minister has mentioned that though the liability in civil jurisdiction is limited, there will be unlimited liability. Yes, it is on record; in the Lok Sabha - I heard it on T.V. - the Minister mentioned that the real liability would be unlimited and the courts of law can give any larger claim also. I would seek the Minister's clarification on this point. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Now, the hon. Minister.

SHRI PRITHVIRAJ CHAVAN: Sir, we have had a very well-informed debate and I personally thank every hon. Member who participated in this debate and has made very, very valuable suggestions and comments.

To begin with, Sir, I would like to appreciate the efforts put in by the Members of the Standing Committee on Science and Technology and I would thank the Chairman, Dr. T. Subbarami Reddy, who made intense efforts to understand the very complex subject which is too technical, economic and legal in nature.

But every single Member of the Standing Committee took pains to understand it and there

were wide consultations with experts. Many people who rendered evidence also contributed to the essential outcome of this Bill.

Sir, the Government would also like to acknowledge the personal contribution of the Leader of the Opposition who used his legal acumen and experience to help create a better legislation than we had brought before the House originally. He also initiated the debate and made some important points.

Sir, here the Prime Minister didn't intervene today. He did intervene in the debate in the Lok Sabha. I take this opportunity to reiterate some of the points that he had made in the other House. Number one, he wanted a wide national consensus on this very important national issue, which is vital for the economic growth of our country and also for the well-being of our people because electricity is important. Sir, he had assured the other House that we will take adequate steps to strengthen our regulatory regime, the Atomic Energy Regulatory Board, which is currently under the Department of Atomic Energy. He had given an assurance in the other House and I assure this House, on behalf of the Government, that we will take necessary steps to strengthen the regulatory regime to regulate the entire nuclear electricity generation programme.

Sir, many good suggestions have come. This is the first attempt to draft a very complicated and difficult legislation. Many suggestions have come and this is not the final thing. As we implement this law over a period of time or a number of years, we will take care of every single suggestion that has been made during the debate in this House and the other House, and if required, we can change it for better. We take the suggestions on board. So, I would like to tell you that this is not the finality. We can always change it like the Constitution keeps changing. Similarly, we can look at the nuclear regulatory legislation, both for regulation and for liability regime that we have brought forward.

I will now come to some specific points and I will not take much time. There was a lot of debate on ceiling. Why has the ceiling been kept at a particular level? As I have informed in the opening remarks, this is a Bill for prompt payment, no fault payment, to likely victims or unfortunate victims. All other laws that are in existence in the country like the criminal liability law, the tort law, the product liability law, etc., are not being touched at all. They are all in

place. This is an additionality. If we don't pass this legislation today, all those laws which are in existence today will remain and the liability of the supplier for negligence, gross negligence, wilful negligence, etc., will be in place because they are there in the Law of Torts and other criminal law regime. What is being done here is that we are bringing a new regime for quickly compensating the victims.

Sir, the Leader of the Opposition made a very important suggestion that, maybe, such a legislation would also require for non-nuclear hazardous industries. I would like to inform the hon. Leader of the Opposition that we have a law which we enacted after the Bhopal incident, in 1991, which is called "Public Liability Insurance Act". Unfortunately that Act, when it was passed

in 1991, had a Schedule which said that in case of death the compensation to be given was Rs.25,000. Now, we have got suggestions and formulations that we should not fix the caps today, but we should say that the Government will by notification increase both the caps, if required. Going by the suggestions we need to re-look at the law, the Public Insurance Liability Act, which keeps very low limits of compensation in case of death and injury. We definitely need a civil liability regime for other hazardous industries also.

Sir, on the amount of ceiling that we have now come to, it has now gone to Rs.1,500 crores from Rs.500 crores as it was originally envisaged for an operator.

This ceiling, incidentally, is the same as the ceiling in the United States for operators today. The United States started out with a very low ceiling of 60 million dollars when the Price Anderson Act was enacted. But, as they grew, they kept on changing their liability regime and today, the operators liability in the United States is just the same as what we are legislating, that is, Rs.1500 crores. As I said, we have another limit. We have specified another limit of 300 million SDRs. That is being put for a specific reason; it has been put so that we can approach, if required, an international fund, if it comes into being. That is just an enabling provision.

Sir, we have also brought a new amendment to create a nuclear safety fund. It would be created by the Industry based on the number of units generated through nuclear energy. This fund, over a period of time, by the time the new reactors are built, would become adequate and so, there would be no Government role. The Rs.750 crore cap that is apparent today will be taken care of by this fund. So the Government's role, like in the United States, would become extinct through this law itself.

Sir, Shri Sitaram Yechury talked about costing. He mentioned some figures, saying that the nuclear projects are three times costlier than other projects. I would like to inform him that the tariff, the cost of nuclear energy, is comparable to any other tariff. As a matter of fact, it is much cheaper than the potential tariff on solar energy, which is about three or four times the tariff that we pay today for coal. I can give you figures. The nuclear tariff is as low as 92 paise

in the case of Tarapore. It goes to about three rupees per unit in other newer plants. The average price of nuclear energy which is being sold to the Electricity Board is two rupees and thirty-three paise. As we come up with newer plants, they would be a little more expensive, but the tariff would be comparable. We are in talks with companies from four countries - France, the Russian Federation, a company which is jointly owned by America and Japan, and the company, Mitsubishi, a majority of which **is owned by** a Japanese company. So, it is not specific to the United States; we are keeping our options open. We would go to these companies because at present, we do not have the technology to build large reactors of the capacity of 1,000 megawatts or 1650 megawatts, as is being done throughout the world. Also, our current capacity, with plants built with our indigenous efforts and based on our indigenous Uranium, goes up to 500 megawatts. We would be now building a plant with our indigenous capability to

generate 700 megawatts. We have got a large indigenous programme and that indigenous programme is not being curtailed at all.

Mention was made about our dream of producing 10,000 megawatts with indigenous technology. Sir, we could not achieve that target, and the primary reason for that was shortage of Uranium. Even as recently as in the last couple of years, we had to run our indigenous plants at a plant load factor of about 50 per cent while they are capable of working at 90 per cent, just because we did not have sufficient Uranium and the Uranium that we have is of extremely low quality.

Sir, Uranium is now being explored in Andhra Pradesh, in the Cuddapah district, Lambapur and in Meghalaya. We want to open mines, but there are some difficulties. There are some environmental concerns, and we will not start any mine unless all the environmental concerns are addressed. But the fact remains that we can expand our indigenous programme based on indigenous Uranium to not more than 10,000 megawatts, and that will run out after 40 years. Therefore, we have to access international Uranium, and that is precisely what was achieved when our Prime Minister made that historic journey and got the US to agree to end our nuclear isolation. Now we are free to import Uranium. From wherever we may import Uranium, the plant load factor of our plants which are on the international safeguards has already gone up to a very high level.

Sir, Shri Sitaram Yechury also mentioned that this money that we are spending on expansion of our nuclear programme would better be utilized for schools and hospitals. Of course, schools and hospitals are needed. But if you require energy of any variety, whether coal-based or solar-based or hydro-based, it will require money. And, ultimately, how much we can expand our nuclear programme or coal-based programme or solar-based programme will depend on how much money we can invest. Ultimately, the hard question has to be put. Are you, in principle, against nuclear energy? If you are against nuclear energy in principle, then, say so. But I don't think the House ever said...

SHRI SITARAM YECHURY: Neither did I.

SHRI PRITHVIRAJ CHAVAN: ...that we do not want nuclear energy. Nuclear energy is one of the options we keep open, because, ultimately, this will be the option when we reach the third phase of our programme. I would also assure the House that our three-phase programme, which was conceived by Dr. Bhabha, is fully in place. We are vigorously following it. We have completed the first Phase based

on Heavy Water Reactor. Now, we are starting the second phase of Fast Breeder Reactor. The first one will come up in the next couple of years. When we have sufficient quantity of power through Fast Breeder Reactor, we will, then, go on to the Thorium Phase, that is Phase-III. And when we reach and master the third Phase of Thorium, then, we can really look forward to some energy security which is really going to happen.

The other point is, the hon. Members have wanted to know whether we have concentrated on other issues, like, its effect on health, agriculture, etc. I would like to humbly submit that this

Bill is about compensating victims of an unfortunate accident. The National Disaster Management Authority and its Force will kick into, will start working within months or hours of an accident happening. Relief and rehabilitation are entirely different things. That will be taken care of in case of any accident. Not only in case of a nuclear accident but also in case of any natural disaster or any other industrial accident, we have now set in motion the National Disaster Management Force which will kick in immediately after that.

There were some concerns expressed about clause 7 (1). There was an amendment which was introduced. Many people have misread that amendment. The Amendment talks about Government taking responsibility of a nuclear reactor run by company. The question was: Why is it so? I would say that there is nothing underhand about it. It is simply because when we go to take insurance, obviously, the Indian companies will not be able to provide insurance to the level of Rs.1500 crores; it will have to be insured abroad. When foreign insurance companies come to insure our companies, especially, the NPCIL, they would, naturally, like to visit the plant. But there are certain plants where we do not allow visit of inspectors from IAEA or international agency, and, therefore, we cannot allow any foreign inspectors from any country to visit some plants. I am saying very carefully, 'some plants'. Obviously, those plants are required for national security. That is why we do not want those plants to be insured. So, the responsibility of compensating the victims will be with the Government. That is why an amendment has been brought in. There is nothing untoward about it.

Shrimati Kanimozhi has raised concern as to whether there is any body to study health and environmental aspects. Both the Bhabha Atomic Energy Centre and ERD continue to carry out research in the areas of effects of nuclear radiation on health, agriculture and environment, and this will be further strengthened.

There was a suggestion made by the hon. Member, Shri Ashok Ganguly and other Members that we should increase our manpower for nuclear research. I would like to inform the House that the Prime Minister exactly thought of the same thing. Therefore, while expanding our higher education programme, we have now set up an institute called the National Institute for Engineering Science and Research. This has been set up. This is already functioning at Bhubaneswar on a 700-acre

campus. This Institute, besides what we do in the University of Mumbai, will create world-class nuclear engineers, scientists and physicians who will expand our programme.

Sir, my friend, Shri Raja mentioned about certain numbers. I would like to inform him that the Sandia study, that he has talked about, in spite of the Sandia Laboratory Report, the U.S. liability cap is only Rs.1500 crores. He talked about the value of a nuclear reactor to be Rs.30,000 crores. I do not know from where he got that number. That, of course, is not right. The nuclear programme is not being expanded by 100 times. It is only being expanded by ten times, from the current 4000 MW or 4500 MW.

It all depends on how much money you have to spend. Therefore, the first requirement is that you must get an internationally compatible liability regime in place and, then, find out which reactors are acceptable to us, which reactor manufacturers are giving us plant that will give a tariff comparable to the existing conventional tariff and, therefore, we will go in for those and gradually expand the programme. But I would like to assure you that we are also starting research on technologies that we are buying today – the light water reactor, the boiling water reactor, which we do not have, but in a short time we will have those reactors working with us.

There were a lot of points made about suppliers, about Clause 17(b). I would not like to get into the details. Enough has been said. But I would like to inform the House that India's nuclear programme was made by Indian industry and we are very proud of what they have done. We are really proud of their accident-free record. Not even a nut or a bolt was supplied by any foreign country because in the existing technology...(*Interruptions*)... regime, it is these suppliers who would benefit. Don't look at only American suppliers, Russian suppliers or French suppliers because in any nuclear power plant, even if you go with international cooperation, only a part of the whole nuclear plant will be supplied, will be bought, not as a turn-key contract, but from component to component; the Nuclear Power Corporation will design the plant. It will vet every component, every supplier as to their quality. And, then, we build the plant. Seventy per cent of that work is done by the Indian industry. I am sure the Indian industry and our foreign suppliers need not worry. We are not adding anything that does not exist in our current legislation.

Sir, I talked about NDMA. Shri Naresh Gujaral talked about creating a fund. We already have a fund in the new legislation. He talked about the AERB. We are strengthening it. We are opening up a new institution.

Sir, I am about done. Yes, Mishraji made some points. There were two points. We have changed the time-limit within which one can ask for compensation. Earlier, it was ten years. Now, we have changed it, in case of personal injuries, to twenty years. The studies show us that if, at all, any harm is caused to the body, normally, it manifests itself in ten to fifteen years; we have kept it twenty

years. I feel that in case of an accident, personal injury should be compensated liberally and one should not look at the fine-print of a legal agreement; we should be liberal. The three-year limit that we talk of is only for personal injury; that must be reported in three years. But you have time till twenty years for a person to claim compensation.

There was an issue of safety. My good friend, Rashid Alvi *ji*, gave numbers of some incidents in other sectors of our power generation. He is right. The nuclear industry, after the unfortunate accidents of Chernobyl and Three Mile Island, has been extremely safety-oriented. We cannot afford to have a major nuclear accident. The Chernobyl accident happened because of a faulty design. It did not have a second containment which is now compulsory for all nuclear power plants. Even then, the number of deaths was very small; two in case of Chernobyl.
Two

people died. Twenty-eight firemen who went to extinguish the fire died. It was very unfortunate. But, after that, there has been no death in any nuclear power plant accident. The world has an experience of 14000 reactor years. We have our own experience of 19 reactors or 400 reactor years. Technology is getting more and more safe with fault-tolerant designs, dual redundancy, and so on, so that if one system fails, the dual redundancy system takes over. The whole system is extremely reliable.

Sir, I have covered most of the points raised by hon. Members, but, as I said, I will assure you on behalf of the hon. Prime Minister that all the good suggestions that have come will be kept in mind and if, at all, there is a need to amend the law, when we frame rules under the legislation, we would take care of all your concerns. I, once again, thank this entire House for this very valuable and very informed debate.

I commend the Bill to the House.

SHRI M. RAMA JOIS: The nuclear solid waste will remain radio active for 22,000 years. Even the advanced countries, till today, have not solved the problem. This question has not been answered by the hon. Minister.

SHRI TAPAN KUMAR SEN (West Bengal): The Minister has just said, if I remember correctly, that our programmes for generation of 10,000 MW nuclear power could not be done because of shortage of quality uranium. I would just like to draw your attention on a fact. On 13th October, 2007, the Chairman of the Nuclear Power Corporation of India Ltd., wrote to me in response to a letter of mine, "I would like to bring out that the country has enough resources of natural uranium to support the operation of 10,000 MW." I think, the Minister's answer is not matching with this reply.

SHRI PRITHVIRAJ CHAVAN: Sir, two points have been raised. One is about the waste management. Yes, Sir, the nuclear waste has to be managed and the waste has to be safely kept because it has a very high half-life; it continues to radiate for a long time. But, the Indian programme is based on reprocessing the waste so that we take more radioactive energy from the waste unlike the U.S., where they do not reprocess the waste; they have a larger problem than us. But, I assure you that the waste remains up to reprocessing. It is very, very carefully stored in safe installations. Very safe stainless steel is used. It is an internationally accepted design of immobilizing the

waste. It is vitrified and put in a glass-kind of a shelf. It is again put in a stainless steel container. It is known as a double container. Then it is carried to a place. It is completely and safely handled. I assure you that we will continue to treat the waste very, very carefully.

On the second point, about 10,000 MW indigenous programme, yes, you are absolutely right. Our known uranium sources are about 1,47,000 tonnes. That is the explored source. But, what comes out of the ground is only when you start digging. The main ore mine in Meghalaya we are not able to start for about 20 years because of local issues. We have got a very rich source of ore in Lumbapur in Andhra Pradesh; we have not been able to start it because of the

same reasons. We have started mines in Kadapa district. Our main uranium comes from Jharkhand region, from the Jaduguda mines. That is a low grade ore. It is almost four times expensive as Durg; the uranium at this mine is as expensive as four times of what we get from the international source. Because of self-reliance in certain critical sectors, for national security, we mine that uranium and we continue to mine that. We have opened a new mine in Kadapa and a small mine in Gulbarga district at Gopi. Wherever we have the known sources, we explore them. But, we have to take the environmental concerns into account before starting our mines. We have not been able to start the mines in Meghalaya which is the richest source available. In that if uranium becomes available, yes, we will fulfill the 10,000 MW indigenous programme which will not be under 'safeguards'; it will be for our own needs. So, it is not the technology that comes in the way. As I said, we are starting research on thorium. We are starting to build new reactors of capacity of 700 MW with our indigenous uranium, which we have not yet built. On both, the mining front and on building new capacity for building fuel facilities, we are going ahead. The Government is fully supporting this programme because this is vitally important for the future of our country. Thank you, Sir. ...*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, what I am going to say would benefit the whole House. ...*(Interruptions)*... Twice the Minister has said that the cap we have fixed for the operator liability is the same as that of the U.S. The Minister must clarify because the whole country can be enlightened; according to information that is here, the U.S. cap on the operator is 11,900 million US\$ while ours is 109 million US\$.

SHRI PRITHVIRAJ CHAVAN: I said the operator's cap. There are two caps. One is the operator's cap, and there is the other cap. In our case, the operator cap is Rs.1,500 crores and the other cap is at 300 million SDR. You are talking about the 300 million SDR cap, that is 11 billion there because it is created through a fund. But the operator's cap is 300 million... ...*(Interruptions)*...

SHRI SITARAM YECHURY: I am talking of the operator's cap. The operator's cap there is 11,900 million US dollars.

SHRI PRITHVIRAJ CHAVAN: That is the ultimate cap. See, there are... ...*(Interruptions)*...Please understand. We have two caps. ...*(Interruptions)*... We have a cap of 300... ...*(Interruptions)*... See, you are talking about this. This is a fund. This 11 billion is a fund, like the one which we have created also. The fund pays the remaining amount. ...*(Interruptions)*...

SHRI SITARAM YECHURY: This is the liability, Sir. It is listed here that 11,900 million US dollars is the operator's liability. Our liability is 109 million.

SHRI PRITHVIRAJ CHAVAN: That is right. That is the second tier liability.

SHRI SITARAM YECHURY: That is what we are saying. Don't say it is the same.

SHRI PRITHVIRAJ CHAVAN: Our liability, the top liability for insurance purposes is Rs.1500 crores. The other liability is 300 billion SDR. In the US case, the operator's liability, the first level operator, the individual operator, individual company's, is 300 billion dollars. In the United

States, the individual liability of a nuclear operator in 1950 was 60 million dollars; it was raised in 1982 to 160 million dollars, and today, in 2005, it is 300 billion dollars. It is exactly same as ours. That is the individual liability of the operator.

SHRI SITARAM YECHURY: Your 300 SDRs which you are talking about is not the operator's liability.

SHRI PRITHVIRAJ CHAVAN: I am talking about 300 million dollars.

SHRI SITARAM YECHURY: Yes, that is right. But, the point is, today, the operator's liability, according to the figures that they have given themselves, I don't know about which figures you are talking, is 11,900 million US dollars.

SHRI PRITHVIRAJ CHAVAN: I would like the hon. Member to read the Price-Anderson Act very clearly, and I am repeating what I am saying. The cap on the individual operating unit is 300 billion dollars in the Price-Anderson Act, 2005. ...(Interruptions)... The fund they have created is 11 billion...

SHRI SITARAM YECHURY: I disagree. But, even then, accepting what you said... ...(Interruptions)... Even then, accepting what you said, just now, the US operator's liability is three times that of the Indian. ...(Interruptions)... But, you said this is the same. ...(Interruptions)... You said this is the same.

MR. DEPUTY CHAIRMAN: I think, this could have been brought out earlier. ...(Interruptions)... Please, sit down. ...(Interruptions)...

SHRI PRITHVIRAJ CHAVAN: Please read the Price-Anderson Act of the United States. ...(Interruptions)...

श्री सीताराम येचुरी : यह आंकड़ों का खेला नहीं है
...(व्यवधान)...

श्री उपसभापति : आप लोग बैठ जाइए ...(व्यवधान)... Please, sit down. ...(Interruptions)... Please, sit down. ...(Interruptions)...

SHRI SITARAM YECHURY: It is three times more than ours.

MR. DEPUTY CHAIRMAN: Yechuryji, you should have brought out this thing in your debate. ...(Interruptions)...

SHRI SITARAM YECHURY: All that I am saying is, don't say they are equal. That is all.

SHRI PRITHVIRAJ CHAVAN: No, I am not saying this. All I am saying is... ...(Interruptions)...

SHRI SITARAM YECHURY: You said, twice, they are equal.

SHRI PRITHVIRAJ CHAVAN: I am making a factual statement to which I stand by that the individual liability of the nuclear operator under the Price-Anderson Act of the United States, as amended in 2005, is 300 billion dollars. This is exactly the same of the

Indian...(Interruptions)...

SHRI SITARAM YECHURY: Why? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no; when the Minister
has...(Interruptions)... Yes, Ahluwaliaji.

6.00 P.M.

SHRI S.S. AHLUWALIA (Jharkhand): Sir, I just want to clarify that both of them are partly wrong and partly right. I will just quote the figure. ...(Interruptions)... This is a nuclear operator liability amounts and financial security limits as of December, 2009, published by AEA and NEA. In the case of America, Sir, they have written, "commercial power reactors rated at or above 1 lakh KWE, the liability is, 11.9 billion US dollars". ...(Interruptions)...

SHRI SITARAM YECHURY: This is exactly the same.

SHRI S.S. AHLUWALIA: It further says, "And commercial power reactors rated at less than 1 lakh KWE, and transport activities, 560 million US dollars".

MR. DEPUTY CHAIRMAN: It is the capacity.

SHRI S.S. AHLUWALIA: So, Sir, they are partly right and partly wrong. The point is, the figure is this. Now, it is up to the Minister to justify it. ...(Interruptions)... I have the paper. ...(Interruptions)...

SHRI PRITHVIRAJ CHAVAN: Please read the Price Anderson Act. Read the official...(Interruptions)...

SHRI S.S. AHLUWALIA: I also have this paper. ...(Interruptions)... The point is, ...(Interruptions)...

MR. DEPUTY CHAIRMAN: The question is:

That the Bill to provide for civil liability for nuclear damage, and prompt compensation to the victims of a nuclear incident through a no fault liability regime channeling liability to the operator, appointment of Claims Commissioner, establishment of Nuclear Damage Claims Commission 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 clause-by-clause consideration of the Bill.

In clause 2, there is one amendment by Shri Sitaram Yechury. Mr. Yechury, are you pressing?

CLAUSE 2: Definitions

SHRI SITARAM YECHURY: Sir, I move:

(1) That at page 3 for lines 46 to 50, the following be substituted, namely:-

“(o) ‘radioactive products or waste’ means any radioactive material produced in or any material made radioactive by exposure to, the radiation incidental to the production or utilization of nuclear fuel.”

The question was put and the motion was negatived.

Clause 2 was added to the Bill.

Clauses 3 to 5 were added to the Bill.

CLAUSE 6: Limits of Liability

MR. DEPUTY CHAIRMAN: In clause 6 there are amendments by Shri Sitaram Yechuryji. Mr. Yechury, are you moving?

SHRI SITARAM YECHURY: Sir, I move that:

2. That at page 5, for lines 43 to 49, the following be substituted, namely:-

“(2) The liability of an operator for each nuclear incident shall be-

- (a) in respect of nuclear reactors having thermal power equal to or above ten MW, rupees ten thousand crore;
- (b) in respect of spent fuel reprocessing plants, rupees five thousand crore; and
- (c) in respect of the research reactors having thermal power below ten MW, fuel cycle facilities other than spent fuel reprocessing plants and transportation of nuclear materials, rupees three thousand crore.”

MR. DEPUTY CHAIRMAN: Okay.

SHRI SITARAM YECHURY: Sir, we would like division on it.

House Divided

MR. CHAIRMAN: Ayes : 24
Noes : 127

AYES - 24

Achuthan, Shri M.P.
Amin, Shri Mohammed
Baidya, Shrimati Jharna Das
Balagopal, Shri K.N.
Behera, Shri Shashi Bhusan
Chakraborty, Shri Shyamal
Chatterjee, Shri Prasanta
Karat, Shrimati Brinda
Mohanty, Shri Kishore Kumar
Mohapatra, Shri Pyarimohan
Moinul Hussan, Shri
Mukherji, Dr. Barun
Parida, Shri Baishnab
Parjapati, Shri Ranbir Singh

Pathak, Shri Saman

Raja, Shri D.
Rajeeve, Shri P.
Reddy, Shri M.V. Mysura
Roy, Shri Abani
Roy, Shri Tarini Kanta
Seema, Dr. T.N.
Sen, Shri Tapan Kumar
Singh, Shri R.C.
Yechury, Shri Sitaram

NOES - 127

Adeeb, Shri Mohammed
Agarwal, Shri Ramdas
Agrawal, Shri Naresh Chandra
Ahluwalia, Shri S.S.
Aiyar, Shri Mani Shankar
Akhtar, Shri Javed
Ali, Shri Munquad
Alvi, Shri Raashid
Ansari, Shri Salim
Antony, Shri A.K.
Apte, Shri Balavant *alias* Bal
Ashwani Kumar, Shri
Azad, Shri Ghulam Nabi
Badnore Shri V.P. Singh
Baishya, Shri Birendra Prasad
Batra, Shri Shadi Lal
Budania, Shri Narendra
Chaturvedi, Shri Satyavrat
Chavan, Shri Prithviraj
Condpan, Shri Silvius
Das, Shri Kumar Deepak
Dave, Shri Anil Madhav

Deora, Shri Murli
Deshmukh, Shri Vilasrao Dagadojirao
Dwivedi, Shri Janardan
Faruque, Shrimati Naznin
Fernandes, Shri Oscar
Ganguly, Dr. Ashok S.
Gill, Dr. M.S.
Gnanadesikan, Shri B.S.
Goyal, Shri Piyush
Gujral, Shri Naresh
Gupta, Dr. Akhilesh Das
Hashmi, Shri Parvez
Husain, Shri Jabir
Jai Prakash, Shri
Jain, Shri Ishwarlal Shankarlal
Jaitley, Shri Arun
Javadekar, Shri Prakash
Jinnah, Shri A.A.
Jois, Shri M. Rama
Jugul Kishore, Shri
Kalita, Shri Bhubaneswar
Kanimozhi, Shrimati
Karan Singh, Dr.
Karimpuri, Shri Avtar Sigh
Kashyap, Shri Narendra Kumar
Keishing, Shri Rishang
Khabri, Shri Brijlal
Khan, Shri Mohd. Ali
Khuntia, Shri Rama Chandra
Koshyari, Shri Bhagat Singh
Krishna, Shri S.M.
Kshatriya, Prof. Alka Balram

Kurien, Prof. P.J.
Lad, Shri Anil H.
Lepcha, Shri O.T.
Mahendra Prasad, Dr.
Manjunatha, Shri Aayanur
Mathur, Shri Om Prakash
Mishra, Shri Kalraj
Misra, Shri Satish Chandra
Mukut Mithi, Shri
Munda, Dr. Ram Dayal
Mungekar, Dr. Bhalchandra
Naik, Shri Pravin
Naik, Shri Shantaram Laxman
Nandi Yellaiah, Shri
Natchiappan, Dr. E.M. Sudarsana
Pany, Shri Rudra Narayan
Patel, Shri Ahmed
Patel, Shri Surendra Motilal
Pathak, Shri Brajesh
Pilania, Dr. Gyan Prakash
Punj, Shri Balbir
Rajan, Shri Ambeth
Rajaram, Shri
Ram Prakash, Dr.
Ramalingam, Dr. K.P.
Rao, Dr. K. Keshava
Rao, Dr. K.V.P. Ramachandra
Rao, Shri V. Hanumantha
Rashtrapal, Shri Praveen
Ratanpuri, Shri G.N.
Ratna Bai, Shrimati T.
Raut, Shri Bharatkumar

Raut, Shri Sanjay
Ravi, Shri Vayalar
Reddy, Dr. N. Janardhana
Reddy, Dr. T. Subbarami
Roy, Shri Mukul
Rudy, Shri Rajiv Pratap
Rupala, Shri Parshottam Khodabhai
Sadho, Dr. Vijaylaxmi
Sahu, Shri Dhiraj Prasad
Sai, Shri Nand Kumar
Saini, Shri Rajpal Singh
Seelam, Shri Jesudasu
Selvaganapathi, Shri T.M.
Shafi, Shri Mohammad
Shanappa, Shri K.B.
Sharma, Shri Raghunandan
Sharma, Shri Satish
Shukla, Shri Rajeev
Singh, Shri Birender
Singh, Shri Ishwar
Singh, Shri Jai Prakash Narayan
Singh, Dr. Manmohan
Singh, Shrimati Maya
Singh, Shri Shivpratap
Singh, Shri Veer
Siva, Shri Tiruchi
Soni, Shrimati Ambika
Sood, Shrimati Bimla Kashyap
Stanley, Shrimati Vasanthi
Tak, Shri Ashk Ali
Tariq Anwar, Shri
Thakor, Shri Natuji Halaji

Thakur, Dr. Prabha
Thakur, Shrimati Viplove
Thangavelu, Shri S.
Tiriya, Ms. Sushila
Uikey, Miss Anusuiya
Verma, Shri Vikram
Vora, Shri Motilal
Vyas, Shri Shreegopal
Waghmare, Dr. Janardhan

The motion was negatived.

MR. DEPUTY CHAIRMAN: There is one amendment (No. 7) by Shri M.P. Achuthan, Shri Syed Azeez Pasha and Shri R.C. Singh. Are you moving?

SHRI M.P. ACHUTHAN (Kerala): Sir, I move:

(No. 7) That at page 5, for lines 43 to 49, the following be substituted, namely:-

“(2) The liability of an operator for each nuclear incident shall be-

(a) in respect of nuclear reactors having thermal power equal to or above ten MW, rupees ten thousand crores;

(b) in respect of spent fuel reprocessing plants, rupees five thousand crores; and

(c) in respect of the research reactors having thermal power below ten MW, fuel cycle facilities other than spent fuel reprocessing plants and transportation of nuclear materials, rupees three thousand crores.”

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: There is one more amendment (No. 13) by Shri D. Raja. Are you moving, Mr. Raja?

SHRI D. RAJA: Sir, I am moving, but not asking for division. I move:

(No. 13) That at page 5, for lines 37 to 53, the following be substituted, namely:-

“6. (1) The maximum amount of liability in respect of each nuclear incident shall not be limited.

(2) The liability of an operator for each nuclear incident shall be-

- (a) in respect of nuclear reactors having thermal power equal to or above ten MW, rupees ten thousand crores;
- (b) in respect of spent fuel reprocessing plants, rupees five thousand crores; and

(c) in respect of the research reactors having thermal power below ten MW, fuel cycle facilities other than spent fuel reprocessing plants and transportation of nuclear materials, rupees three thousand crores.

Provided that the Centre may, by notification, increase the amount of liability of the operator:

Provided further that the Central Government shall review the amount of the operator's liability every five years."

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: Now, there is one more amendment (No. 17) by Shri Mysura Reddy. You are moving, Mr. Reddy?

SHRI M.V. MYSURA REDDY: Sir, I move:

(No. 7) That at page 5, for lines 43 to 49, the following be substituted, namely:-

"(2) The liability of an operator for each nuclear incident shall be-

- (a) in respect of nuclear reactors having thermal power equal to or above ten MW, rupees ten thousand crores;
- (b) in respect of spent fuel reprocessing plants, rupees five thousand crores; and
- (c) in respect of the research reactors having thermal power below ten MW, fuel cycle facilities other than spent fuel reprocessing plants and transportation of nuclear materials, rupees three thousand crores."

The question was put and the motion was negatived.

Clause 6 was added to the Bill.

CLAUSE 7 - Liability of Central Government

MR. DEPUTY CHAIRMAN: We shall, now, take up Clause 7. There is one amendment (No. 8) by Shri M.P. Achuthan, Shri Syed Azeez Pasha and by Shri R.C. Singh. Is anybody moving?

SHRI M.P. ACHUTHAN: Sir, I move:

(No. 8) That at page 6, lines 9 to 11, be deleted.

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: There is one more amendment (No. 18) by Shri M.V. Mysura Reddy. Are you moving?

SHRI M.V. MYSURA REDDY: Sir, I move:

(No. 18) That at page 6, in line 10, the word "not" be deleted.

The question was put and the motion was negatived.

Clause 7 wad added to the Bill.

Clauses 8 to 9 were added to the Bill.

CLAUSE 10 – Qualification for appointment as Claims Commissioner

MR. DEPUTY CHAIRMAN: We shall, now, take up Clause 10. There is one amendment (No. 6) by Shri Mysura Reddy. Are you pressing, Mr. Reddy?

SHRI M.V. MYSURA REDDY: Sir, I move:

(No. 6) That at page 6, lines 36 to 38, be *deleted*.

The question was put and the motion was negatived.

Clause 10 was added to the Bill.

Clauses 11 to 16 were added to the Bill.

CLAUSE 17 – Operator's right of recourse

MR. DEPUTY CHAIRMAN: We shall, now, take up Clause 17. There is an amendment

(No. 3) by Shri Sitaram Yechury. Are you moving, Mr. Yechury?

SHRI SITARAM YECHURY : Sir, I move:

(No. 3) That at page 8, for lines 11 to 13, the following be *substituted*, namely:-

“(b) the nuclear incident has resulted as a consequence of latent or patent defect, supply of sub-standard material, defective equipment, design or services or from the gross negligence on the part of the supplier of the material, equipment or services;”.

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: We shall, now, take up amendment (No. 9) by Shri M.P. Achuthan, Shri Syed Azeez Pasha and Shri R. C. Singh. Is anybody moving the amendment?

SHRI M.P. ACHUTHAN: Sir, I move:

(No. 9) That at page 8, for lines 11 to 15, the following be *substituted*, namely:-

“(b) the nuclear incident has resulted as a consequence of latent or patent defect, supply of sub-standard material, defective equipment or services or from the gross negligence on the part of the supplier of the material, equipment or services;

(c) the nuclear incident has resulted from the act of commission or omission of an individual.”

The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN: We shall, now, take up amendment (No. 14) by Shri D. Raja.

SHRI D. RAJA: Sir, I move:

(No. 14) That at page 8, after line 15, the following be *inserted*, namely:-

“Provided that the right of recourse of the operator shall

not be limited by the provisions of section 6.”
The question was put and the motion was negatived.
Clause 17 was added to the Bill.
Clauses 18 to 34 were added to the Bill.

CLAUSE 35 - Exclusion of jurisdiction of civil courts.

MR. DEPUTY CHAIRMAN: There is one amendment (No. 15) by Shri D. Raja. Are you pressing?

SHRI D. RAJA: Sir, I move:

(No. 15) That at page 11, after line 22, the following be inserted, namely:-

“35.(2) No civil court shall have jurisdiction to entertain any suit or proceedings brought by the operator, in respect of any matter which the Claims Commissioner or the Commission, as the case may be, is empowered to adjudicate under this Act”.

The question was put and the motion was negatived.

Clause 35 was added to the Bill.

Clauses 36 to 45 were added to the Bill.

CLAUSE 46 - Act to be in addition to any other law.

MR. DEPUTY CHAIRMAN: There is one amendment (No. 16) by Shri D. Raja. Are you pressing?

SHRI D. RAJA: Sir, I move:

(No. 16) That at page 13, for lines 33 to 35, the following be substituted, namely:-

“46. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt the operator or supplier of the material, equipment or services from any proceeding which might, apart from this Act, be instituted against such operator or supplier”.

MR. DEPUTY CHAIRMAN: There is one more amendment (No. 4) by Shri Sitaram Yechury. Are you pressing, Mr. Yechury?

SHRI SITARAM YECHURY: Sir, I move:

(No. 4) That at page 13, for lines 33 to 35, the following be substituted, namely:-

“46. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt the operator or the supplier of any material, design or services, from any proceeding which might, apart from this Act, be instituted against such person either in any Indian or any external court”.

The questions were put and the motions were negatived.

Clause 46 was added to the Bill.

Clauses 47 to 49 were added to the Bill.

CLAUSE 1 – Short title, extent, application and commencement.

MR. DEPUTY CHAIRMAN: There is one amendment (No. 10) by Shri D. Raja. Are you pressing?

SHRI D. RAJA: Sir, I move:

(No. 10) That at page 2, for lines 9 to 14, the following be substituted, namely:-

“(3A) It applies only to the nuclear installation wholly owned or controlled by the Central Government either by itself or through any authority or corporation established by it or a Government company”.

The question was put and the motion was negatived.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI PRITHVIRAJ CHAVAN: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

The Representation of the People (Amendment) Bill, 2010

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): Sir, I move:

“That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration.”

[THE VICE-CHAIRMAN (PROF. P.J. KURIEN) in the Chair]

Sir, it is a long-standing demand on the part of the non-resident Indians. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Hon. Members, please follow the decorum. ...*(Interruptions)*... Please, please...*(Interruptions)*... Please don't talk. ...*(Interruptions)*... What is this? ...*(Interruptions)*... Those who want to move out can do so. ...*(Interruptions)*...

SHRI M. VEERAPPA MOILY: Sir, there are as many as 25 million non-resident Indians. There has been a long-standing demand on the part of the NRIs. We always fail to differentiate between the non-resident Indians and the people of Indian origins, called PIOs and overseas citizens of India (OCIs), and categorize the entire Indian Diaspora as NRIs, which is not correct. It is only the non-resident Indians who are Indian citizens by definition and hold valid Indian passport, nevertheless, for some educational and employment reasons, they have been residing outside India.

We must know that voting right is being given to the NRIs, not the PIOs and OCIs and this is not very unique to India. In many countries

like Argentina, Australia, Belgium, Brazil, Canada, Columbia, Ecuador, Estonia, Finland, France, Germany, Honduras, Italy, Luxemburg and so on, they are given this kind of right. I don't think that Indian citizens who are holding the legitimate and genuine passports should be denied vote. This is a long-standing demand and I put it across the House for consideration.

The question was proposed.

श्री प्रकाश जाबडेकर (महाराष्ट्र): सर, यह जो बलि आया है, It says, "It is to provide the voting right to the Non Resident Indians." Nobody will object to the purpose of it. Originally, there is a provision in the present law that voting right is granted to the citizens who are ordinarily staying at that place. तो यह प्रॉविजन बदलने की बात है। हमारे देश में एनआरआईज़का कंट्रिब्युशन बहुत है। वे अपने ही सट्टीजन हैं। वे शिक्षा के लिए, नौकरी के लिए, व्यवसाय के लिए बाहर गए हैं, उनको देश से लगाव है, वे वोट करना चाहते हैं, वे भागेदारी करना चाहते हैं, वैसे भी वे हमारे फॉरेन एक्सचेंज रजिर्व का मैम्बर हस्सिा है, जो ओवरसीज़ एनआरआईज़ रहे हैं। उन एनआरआईज़का जो कंट्रिब्युशन है, inward remittances है वह भी बहुत महत्वपूर्ण है। इस उद्देश्य से कोई मतभेद नहीं रखेगा, जो एम. वीरप्पा मोहली जी ने रखा है। But my basic objection is, and it is always for all such amendment, that we are very casual in our approach. My first question regarding this Amendment Bill is: How are they going to vote? Nothing has been specified and we have experience on our hand. सेवा के जवान जो देश की रक्षा करते हैं, उनको अधिकार दिया गया था कि वे जहां भी होंगे, place of ordinary residence पर नहीं रह रहे हैं, फरि भी, उनको वोटिंग का अधिकार दिया गया। इसको लगभग सात साल हुए, लेकिन 2009 के लोक सभा चुनाव में एक परसेंट सैनिकों का भी वोट नहीं पड़ा था। अभी तक एक परसेंट सैनिक वोट नहीं कर पाए हैं। ऐसे कानून बनाने का क्या मतलब है? आप कागज पर अधिकार देंगे, लेकिन उसका क्रियान्वयन कैसे होगा, उसके लिए व्यवस्था क्या होगी, यह इसके साथ बताया नहीं है? See, we have the experience and we have gone to the Election Commissioner. जो सेवा की प्रक्रिया बनाई थी, वह इतनी जटिल बनाई कि सेवा के लोग यहां से मतपत्र ले जाएंगे, फरि वह कहां, कसि पोस्ट पर है, वह कौम से जलि की कौम सी कन्स्टिचूअन्सी में वोट करता है, वह देखा जाएगा और उसका मतपत्र उसको मल्लिगा और फरि वह मतपत्र पर लिखकर भेजेगा, ऐसा होना नहीं है। एक परसेंट भी उनकी वोटिंग नहीं हो रही है। अगर इस देश की सीमा की रक्षा करने वाले जवानों का एक परसेंट वोट भी आज भी चुनाव प्रक्रिया में कानून बनाने के बाबजूद नहीं गरि रहा है, तो क्या गारंटी मोडली साहब दे रहे हैं कि ये वोट एनआरआईज़को देने के बाद कैसे आएगा? दुनिया के कई देशों में इंटरनेट वोटिंग है, लेकिन अपने यहां इसका प्रॉविजन नहीं है। आपको प्रत्यक्ष जाकर वोटिंग करनी पड़ती है या पोस्टल बैलेट का अधिकार दो तरह के लोगों को दिया गया है - एक जो चुनाव के काम में लगे होते हैं और दूसरे जो सीमा पर तैनात हैं।

जैसा मैंने कहा कि जो वहां पर तैयार हैं , उनके वोट भी नहीं आते हैं , तो फिर NRI का वोटिंग कैसे होगा , वे क्या करेंगे , पोस्टल भी नहीं हो सकता है। इसकी 22 से 24 दलितों की प्रक्रिया है और 24 दलितों की प्रक्रिया में उम्मीदवार का नाम छाप कर जो बैलट पेपर तैयार होगा , वह उसके पास कब जाएगा और कब आएगा। आपको इसके साथ ही उस कानून को बदलना चाहिए था , जिसमें इंटरनल वोटिंग का प्रोविजन करना है। यह कानून पूरी दुनिया में चलता है। हमारे देश में एक ही दलितों में सुबह सात बजे से सायं पांच बजे तक वोटिंग होती है। अन्य देशों में वोटिंग के लिए दो-तीन दलितों का समय रखा जाता है और वोटिंग मशीन 24 घंटे खुली रखी जाती है। अनेक लोग समय अभाव के कारण एक दलितों में अपना वोट नहीं डाल सकते , तो वे दूसरे दलितों में अपना वोट डाल सकते हैं। आपने चुनाव सुधार का ऐसा कोई विचार नहीं किया है , केवल सहानुभूति जताने का और overseas India का सम्मेलन होता है , भारत दलितों पर, तो भारत दलितों पर एक आश्वासन दिया है कि आपको dual citizenship देंगे और आपको वोटिंग का राइट देंगे , इसलिए बलि लाए हैं। आपने उस पर कोई तार्किक विचार नहीं किया है और न ही उसकी कोई व्यवस्था की है , नहीं तो आप उस व्यवस्था के बारे में हमें जरूर बताते और उसमें भी संशोधन करते। Therefore, I really oppose this casual approach of the UPA Government. It should really be a comprehensive thinking. It should really be a totally well thought-out plan so that the change which you are proposing will be brought into practice. पर

यह नहीं है। आज यह जो बलि आया है, इसमें यह हो रहा है कि NRI वोट कैसे देगा। NRI की एक दूसरी category भी है। उन्होंने दो categories बताई हैं - एक Persons of Indian Origin, PIO लेकिन those who have acquired citizenship और कई पीढ़ियों से वे वहां पर रह रहे हैं, ऐसे भी लोग हैं। मैं कम लोगों की बात नहीं कर रहा हूँ, इन categories में दो करोड़ लोग हैं। इन दो करोड़ लोगों में अगर PIO हैं, तो वैसे भी हैं, जिन भारतीयों ने overseas citizenship प्राप्त की है, उनकी भी संख्या है। एक तीसरी category है, जो परमानेंट रेजिडेंट्स हैं, परमानेंट वर्क परमिट है, यहां आपकी व्याख्या मैं वे आ रहे हैं, या नहीं आ रहे हैं, कृपया इसका खुलासा भी किया जाए। इसमें यह मुद्दा है कि वे क्या करेंगे ?

हमारे कामून में एक पेचीदा बात है कि जो आदमी जेल में है, वह वोट नहीं डाल सकता, लेकिन उम्मीदवार बन सकता है। जसिको दो साल की सजा हो चुकी है या जुडिशल कस्टडी में है, वह वोट नहीं डाल सकता है, लेकिन वह उम्मीदवार बन सकता है। अब इससे तो NRI को वोट डालने का अधिकार होगा, लेकिन वह कैसे वोट डालेगा, यह नहीं बताया है। क्या वह उम्मीदवार बन सकता है, इसका भी कोई खुलासा नहीं किया गया है। क्यों खुलासा नहीं किया गया है ? अगर उसको वोटिंग राइट दे रहे हो तो फरि कैंडिडेट बनने से कैसे रोक सकते हो ? Why are you not answering that? अगर देना है, तो पूरा अधिकार दे दो और पूरा वधिार करके दे दो, नहीं तो ऐसे लीआपोती मत करिए। यह सब लीआपोती है और कुछ भी नहीं है। अच्छी कल्पना होने के बावजूद अगर उस पर सही अमल नहीं हो रहा है, तो ये केवल कागजी कामून ही रहेंगे। और इन पर अमल नहीं होगा। मेरी आपसे यह मांग है कि जो अधिकार सेना को मिला है, उसके बारे में भी मंत्री महोदय बताएं कि उसका कैसे अमल होगा। जो दिया है, उसको तो कर नहीं रहे हो। अनेक सैनिक जब मलिते हैं, तो यही कहते हैं कि हमें वोट डालनी है। इस बार तो उनमें वन बैंक, वन पैशन का इश् यु काफी प्रभावी था और आज भी है, इसलिए उन्होंने यह तय किया है कि हम वन बैंक वन पैशन के पक्ष में वोट देंगे। वे वोट कैसे देंगे ? क्योंकि उनके पास मत पत्रिका पहुंचती ही नहीं है। उसका रजिस्ट्रेशन ही नहीं होता है। यह इसलिए है, क्योंकि हर तीन महीने में उनकी पोस्टिंग बदलती रहती है। सेना के जवानों का कोई परमानेंट एड्रेस नहीं होता है। सेना के जवान को अधिकार देने के साथ साथ बाढ़ भी अगर उस पर अमल नहीं हुआ है, तो इसके बारे में पहले सरकार को एकाउंटबिलिटी सुनिश्चित करनी पड़ेगी। उसको यह जवाबदेही देनी पड़ेगी। वह न देखे हुए, चूंकि प्रधानमंत्री ने एन.आर.आई. को आश्वासन दिया है कि आपको वोटिंग राइट देंगे, सब

जगह बैबर लाइन पर छपा था, इसलिए केवल एक नई खानापूति करने के लिये बलि ला रहे हैं, अगर यही प्रोविजन है तो इससे कुछ नहीं होगा, यह केवल एक कागजी कानून बनकर रहेगा, यह अधिकार केवल कागज पर रहेगा, इस पर वास्तविकता में कुछ अमल नहीं होगा। इसलिए मैं मांग करता हूँ कि सरकार सेवा के अधिकार के प्रयोग का खुलासा करे। इसको कैसे करेंगे, सरकार इसका ऐक्शन प्लान भी लाए। हम इसके लिये सुझाव देने के लिये तैयार हैं। आप मीटिंग बुलाइए, इलेक्शन कमीशन के साथ मीटिंग बुलाइए, एक प्रोसिजर तय करेंगे, जिससे यह बात सुलभ होगी। इसके साथ ही साथ एन.आर.आई. की वोटिंग कैसे होगी, इसका भी खुलासा होना चाहिए, वह उम्मीदवार का अधिकार कैसे प्राप्त कर सकता है, यह भी आपको बताना पड़ेगा कि, He will be a voter but he cannot be a candidate. Or, at least, that is ambiguous. इसलिए मैं मांग करता हूँ कि अगर इस बारे में वचिार करके कुछ ऐक्शन प्लान देंगे, तो इसका समर्थन करने का मतलब है, नहीं तो यह केवल एक कागजी खेप है। थैंक यू, सर।

SHRI SHANTARAM LAXMAN NAIK (Goa): Sir, I rise here to support the Representation of People (Amendment) Bill, 2010. In fact, Sir, I was a little worried at the fag end of the Session whether this Bill will come at all or not. From my point of view, Sir, and from the point of view of the Chair also, this Bill is very important. Our two States, Goa and Kerala, are maximum affected. Karnataka is also affected because of this. Now, Sir, why was this Bill needed? Why

was the need of this Bill felt? In my humble opinion, till today, the definition of ordinary resident, as interpreted by the Election Commission, was not correct. As the law stands itself, people who are in Gulf countries, people who work on board a ship, are still entitled to vote, and they were and they are the ordinary residents of the place. It is because the officials of the Election Commission, in their respective States, interpreted the word ordinary resident wrongly, names of lakhs and lakhs of voters were removed from the electoral roll. Therefore, it is shocking, I would say. We are passing this Bill today and their rights will, no doubt, be restored, but this aberration should not have been there. I would like the Law Minister to take this into consideration. You have to take a lot of trouble to see that the Bill is introduced when it was not necessary. It is because of wrong interpretation by the Election Commission officials that we have to take this exercise, and it took long three years for us to restore this. The Election Commission should be the main authority to understand the democratic values. Who should understand the voting right of the people? It is the Election Commission. The Election Commission itself is doing such a thing which we cannot understand. This has not happened with respect to voting right only. There are many other such things, Sir. Now, Sir, those who work in Gulf countries, where is their house? They have gone from their house. They are working on board a ship. Does the Election Commission say that the ship is their house? Why were their names removed? Somebody should answer this. They don't have a house. They are working temporarily there and the names of such people were removed. Will anybody answer this? Those who work temporarily in small barracks in Gulf countries, their names were removed. Who removed their names? What was the interpretation of an ordinary resident? Will somebody reply to this question? It may be that those who have done this are constitutional authorities. We are a body created by the Constitution. We have the right to ask that body as to why those names were removed. It is not a simple matter. Every time a law is interpreted by the Election Commission, we have to bring amendments to restore our rights. Where will it end? This is not a simple matter. You should have a thorough study of it and find remedies.

I would just read Article 324 (1) of the Constitution. It says that

the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of election to the offices of President, etc., lie with the Election Commission.

Does this give the Election Commission power to make laws? In the name of Article 324, the Election Commission issues letters in every election. And during election period, every day a letter is issued and it says that its letters are the laws. The letters issued under Article 324, the directions given under Article 324, and the circulars issued under Article 324 on all the subjects, which come under its jurisdictions, are the laws of the State. The Election Commission should understand our powers. This precedent was, unfortunately, laid down by the earlier Chief Election Commissioner, Mr. Seshan. Mr. Seshan used to say, 'My powers under Article 324

supersede the power of Parliament of India.' He used to make such statements. Somehow the tradition laid down by Mr. Seshan, unfortunately, is being followed – I would not say the present regime follows it totally – but to a lesser extent.

Look at the “laws” created under Article 324 by the Election Commission. They are voluminous. You look at the number of pages. And look at the Representation of People Act, 1950 and the Representation of People Act, 1951. If you look at the letters written by the Election Commission, they are as voluminous as these laws. Laws created by the Election Commission are voluminous.

Sir, one day I went to Mr. Moilyji and he was kind enough to take note of my submission. I told him whatever letters had been written by the Election Commission, whatever circulars had been issued under Article 324 – which I am saying ‘illegal’ – if they contain some good suggestions, incorporate them in the law. It is our power. But don't let our power to be exercised by the Election Commission through its letters.

Lastly, Sir, we are in a hurry to pass this legislation. Let the Election Commission decide as to which law passed by Parliament will regulate the conduct of expenditure and general observers during election. When elections take place, two kinds of observers go there. One is expenditure observer and the other is general observer. They create their own laws in the constituencies. They go to campaign office and see what you are eating and what your workers are eating. Suppose a worker is eating a samosa, they will say that its cost is ten rupees. Some worker is putting on a cap, they will say that its cost is twenty five rupees. They will decide the rate. This will affect your expenditure ceiling. Those people decide the rates of a cap or a T-shirt or a samosa or a soft drink or a *mandap*. Even if a *mandap* does not have chairs, the observer will charge five hundred rupees as rent for 500 chairs.

Sir, these things appear to be minor but they affect all the candidates who contest elections. Sir, the Election Commission has to be told that under article 324, their powers are very, very limited. And, if they don't listen, you have to specifically amend article 324 to restrict the powers of the Election Commission. Thank you, Sir.

श्री अवतार सहि करीमपुरी (उत्तर प्रदेश): थैंक्यू, सर।

हमारे माननीय मंत्री जी “The Representation of the People (Amendment) Bill, 2010” लाने के लिए बधाई के पात्र हैं। इसके माध्यम से जो भारतीय वद्विर्शों में जाकर बसे हैं, उनको हम भारत में वोट का राइट देने जा रहे हैं। हमारी सरकार इसके लिए बधाई की पात्र है, क्योंकि बहुत बड़े पैमाने पर भारतीय अपने रोजगार के लिए, पारिवारिक जरूरतों को पूरा करने के लिए वद्विर्शों में जाकर बसे हैं। लेकिन हम जब एनआरआईज़का नाम वोटर लिस्ट में एनरोल करेंगे, वह कैसे होगा? टाइम टू टाइम इलेक्शन कमिशन जब वोटर लिस्ट को रिव्यू करता है, उस वक्त वोटर का प्रॉफ़ैट होना जरूरी होता है, अदरवाइज़ उसमें से उसका नाम नक्काल दिया जाता है। मंत्री जी इसके लिए क्या प्रवधान कर रहे हैं? हमारे जो भारतीय वद्विर्शों में रह रहे हैं, वोटर लिस्ट में उनका नाम एनरोल करने का क्या प्रोसेचर है और उसको कैसे कंटीन्यू रखा जाएगा? मेरा सुझाव है कि इसमें इस तरह की पारदर्शिता हो और ऐसी व्यवस्था हो, जिससे बार-बार उन्हें नाम एड करवाने के लिए न आना पड़े या फिर उसको कंटीन्यू करने

के लए न आना पड़े। इसके लए क्या प्रवीजन हो सकता है, यह जरूर सोचा जाना चाहिए। हमारे पंजाब के भी बहुत से भाई बड़े पैमाने पर इंग्लैंड, कनाडा, यूएसए, यूरोप, यूएई वगैरह कंट्रीज़ में बसे हुए हैं।

महोदय, हम देखते हैं कि अगर एक माँ का बच्चा आधा घंटा भी देरी से पहुंचता है तो उस माँ को नींद नहीं आती है, वह देखती है कि मेरा बच्चा अभी तक क्यों नहीं आया है। लेकिन, आज जब वदियों में रह रहे भारतीयों को हम वोट का राइट देते जा रहे हैं, तो हमारी सरकार को भी इस बारे में सोचना है कि हमारे करोड़ों भारतीयों ने भारत देश को छोड़ कर आखिर क्यों दूसरे देशों में जाकर बसने का फैसला किया। आखिर क्यों उन्होंने अपनी मातृभूमि को छोड़ा, जसि माँ ने जन्म दिया, उसको छोड़ा, पत्नी को, भाई को, बहन को सबको छोड़ा। जबि अंग्रेजों को भारत से नक़िलाने के लए भारतीय फ़ांसी पर लटके, आजवही भारतीय पेट की खातिर उन्हीं अंग्रेजों के शासन में जाकर अपने पेट की भूख मट्टि रहे हैं। जब हमारा देश अंग्रेजों का गुलाम था, तब देश की आजादी के आंदोलन के संचालक यह कहते थे कि इस देश में भूख का कारण अंग्रेज हैं, गरीबी का कारण अंग्रेज हैं, शोषण का कारण अंग्रेज हैं, अन्याय और अत्याचार का कारण अंग्रेज हैं। अंग्रेजों को नक़िलो तो सब ओर साधन सम्पन्नता हो जाएगी। सब का सम्मान होगा और किसी को भूखे पेट नहीं सोना पड़ेगा। देश की जनता ने कुर्बानियाँ दीं। कोई कासेपानी गया, कोई जेलों में रहा, किसी ने अपना जीवन कुर्बान कर दिया। जलियाँवाला बाग का साका हुआ, जहाँ अंग्रेजी हुकूमत द्वारा हजारों लोगों पर गो़लियाँ चलाई गईं।

आजहमें इस बात पर भी सोच करनी है कि क्यों उन अंग्रेजों के राज में जाने के लए हमारे भारतीय अपनी माँ, पत्नी और जन्मभूमि को छोड़ कर जा रहे हैं, जबिको नक़िलाने के लए हमें फ़ांसी के रस्से को चूसना पड़ा? मैं यह समझता हूँ कि यह आजतक की हमारे केन्द्र की सरकारों का फेल्योर रहा है कि हम इस देश के पोर्टेशियल को नहीं संभाल पाए हैं, हम इस देश के वासियों को रोजगार नहीं दे पा रहे हैं और हमारी सरकार अपनी जम्मेदारी नहीं नबि पा रही है। यह तो ऐसा ही काम है जैसे 63 साल की आजादी में जबि गरीबों को झुग्गी दी है, उनकी झुग्गी में अब चाय पी जा रही है। इसी तरह से जबिको हम देश में रोजगार नहीं दे पा रहे हैं, जबिको हमारी सरकारों ने मजबूर कर दिया कि आप अपना परिवार छोड़ो, अपनी माँ, बहन और भाई को छोड़ो और वदियों में जाओ, उनको अब हम वोट देते का एक राइट देते जा रहे हैं। हम यह कहना चाहेंगे कि जो मूल समस्या है, उस

के लिये हम सोचें , हम इस देश में ऐसा वातावरण पैदा करें कि कसि भी भारतीय को कम-से-कम पेट की भूख की खातिर और अपनी पारिवारिक जरूरतों की खातिर अपना देश न छोड़ना पड़े।

सर, हमारी सरकार के पास शायद यह आँकड़ा हो या न हो , लेकिन हजारों लोग ऐसे हैं । मैं अभी कह रहा था कि माँ इंतजार करती है कि मेरे बच्चे के आने में देर क्यों हो रही है , वह अभी तक घर क्यों नहीं आया ? हजारों बच्चे ऐसे हैं , जिनको उनकी माँ अपने सीमे पर पत्थर रख कर घर से कसि एजेंट के हाथ में पकड़ा देती है। वह उसको जंगल में ले जाता है या समुद्र में कश्ती में कहीं ले जाता है। उसे जहाँ कहीं पहुँचने का झाँसा दिया जाता है , वहाँ पर पहुँचने से पहले ही उसको समुद्र में डुबो दिया जाता है। आप उसको कैसे वोट का राइट दे सकेंगे , जसि माँ का पुत्र वापस नहीं आया ? हमारे पंजाब में हजारों ऐसी माताएँ हैं , हजा रों बहने ऐसी हैं , जसिके पुत्र और भाई वापस नहीं आए हैं। उनके लिये भी हमको सोचना पड़ेगा। हमें एक कारगर नीति बनानी पड़ेगी। इस देश के अन्दर इम्प्लॉयमेंट के ज्यादा - से-ज्यादा मौक़े जेनरेट करने होंगे , ताकि हमारे कसि भी भारतीय भाई को , कसि भी भारत के वासी को , कसि भी भारतीय को , अपने पेट की खातिर , भूख मछिने के लिये वदिशों में जाकर अपने आपको सरेंडर न करना पड़े।

सरकार यह जो बलि वोट का राइट देते के लिये लाई है , ... (समय की घंटी)... इसके लिये सरकार को बधाई देते हैं , धन्यवाद करते हैं , लेकिन हम यह चाहते हैं कि साथ-ही-साथ सरकार एक ऐसी संजीदा नीति बनाए जसिसे हमारे देश का जो नौजवान है , जो हमारे देश का पोर्टेशियल है , उसको देश के बाहर जाने के लिये मजबूर न होना पड़े। आपका धन्यवाद। जय भीम , जय भारत।

उपसभाध्यक्ष (प्रो . पी.जे. कुरियन): धन्यवाद , करीमपुरी
जी! ... (व्यवधान)... Now, Shri P. Rajeeve.
.....(Interruptions).....

SHRI P. RAJEEVE (Kerala): Sir, I rise to support this Bill. I thank you, Sir, this is the first time I got an opportunity to support a Bill moved by this Government. This is a long-standing demand of the Non Resident Indians; the Government of Kerala has also submitted several memoranda to the Central Government for giving voting rights to the Non Resident Indians. My party, Community Party of India (Marxist) also raised the slogan for giving the voting rights to NRIs for several decades.

Actually, this is a belated introduction. The Ministry had introduced this Representation of the People (Amendment) Bill in 2006 and the Standing Committee had submitted its Report on 4th August, 2006. The Ministry has been sleeping over this Bill for four years. Anyway, it is a belated introduction and I welcome this Bill.

Sir, I come from the State of Kerala. Thirty-five lakhs of Malayalees are working outside India and most of them are working in the Gulf countries. Their contribution to the State domestic product is 25 per cent. They take keen interest in the affairs of the country and they are also participating in the nation building activities through various methods. They are also helping to mobilise resources for the development of the nation.

Sir, Kerala is one of the model States in our country in protecting the interests of the Pravasis by enacting various legislations, taking welfare measures and setting up welfare mechanisms. Now, the State Government has constituted a Pravasi Board for the welfare activities of Pravasis. It includes different schemes like insurance scheme to protect the returnees from Gulf countries. But actually the Central Government has done nothing for the welfare of the NRIs. It is a good move to give voting rights to the NRIs. But it has done nothing for the welfare of the NRIs. The constitution of the new Ministry, the Ministry of Overseas Indian Affairs, is a good move. The Ministry has taken some initiatives. But it is working with empty hands. The allocation to the Ministry is Rs.80 crores. The total number of Indians working outside is more than 25 millions and the allocation is only Rs.80 crores. I request the Government to provide more allocation to the Ministry. I urge upon the Government to take up more welfare activities for the benefit of the NRIs who are contributing to the development of the country.

Sir, the Government collects huge amounts, crores of rupees, as Emigration Fund. It utilises the fund for the benefit of other schemes and not for the welfare of the Pravasis. I would like to take this opportunity to urge upon the Government to utilise this Emigration Fund for the welfare of the NRIs exclusively.

Sir, in the Census process, there is no mechanism to include the names of the NRIs. While giving the voting rights to the Pravasis, there should be some mechanism under the Ministry of Home Affairs to include the names of the NRIs in the Census process.

Sir, as regards the situation in the Embassies, I would like to know whether the Government is ready to evaluate the strength of the workforce in the Embassies. Several lakhs of Indians are

working in the Gulf countries. The existing staff strength in European countries and the USA is much more than in the Gulf countries. So many people approach the Embassies in the Gulf countries, but there are no facilities and the staff strength is quite inadequate to address the genuine issues of the NRIs living in the Gulf countries. So, I request the Government to evaluate the staff pattern and also allocate adequate funds to the Embassies in different countries.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Mr. Minister, he is talking of the shortage of staff strength in the Embassies. That is what he is saying.

SHRI P. RAJEEVE: The hon. Minister is more aware of this issue than me. If he is ready to give an assurance in this House, I will be happy.

Sir, article 326 of the Constitution of India says that every person who is a citizen of India, who is not less than eighteen years of age and who is not otherwise disqualified under the Constitution or any law made by the appropriate Legislature is entitled to be registered as a voter. There is a provision in the Constitution. But there are some provisions in the Representation of the People Act and other legislations which prohibit voting rights to the NRIs who are not residing at their local address for the prescribed months or years.

This is a good move to give the right to vote to the NRIs. But the Standing Committee in its report has mentioned that Section 20 of the Representation of the People Act, 1950, already contained a number of exemptions to the term 'ordinarily resident'. There are seven exemptions to this term 'ordinarily resident'. The Standing Committee has recommended, "If one amendment can satisfy all other exemptions, why don't you bring a simple amendment by which you can carry out all other seven exemptions? Increasing the number of exemptions is making the law complicated". This is the recommendation of the Standing Committee on the previous Bill, 2006. Is the Ministry aware of that? Why hasn't the Ministry taken interest to formulate a single amendment to incorporate all these exemptions to the term 'ordinarily resident'?

Although, 'citizen' has been defined in the Constitution and other categories of citizenship have been defined in the Citizenship Act,

1955, but the term 'NRI' is not statutorily and legally defined anywhere and is understood in common parlance. Although, 'NRI' has been referred to in the IT Act 1961 only, but I request the Ministry to give a legal definition to the term 'NRI'.

Sir, the Minister has stated in his introductory remarks that several countries have already given voting right to their citizens working abroad. These countries have recognized the political right of their citizens residing in other countries. However, they follow different practices in this regard and have imposed different conditions or laid different criteria while allowing them the right to vote and contest elections in the country of their origin.

While concluding, I would like to mention one ambiguity so far as this Bill is concerned. There should be some distinction between the voting right and right to contest. The Standing

Committee has also made a recommendation that every citizen of India who has not acquired the citizenship of any other country should be deemed to be resident of India. The NRI who has acquired a citizenship of any other country, according to my understanding, there is no mechanism to verify whether a person is having dual citizenship. This should be defined clearly in the Bill. Whether the green card holders have the right to contest the election, there is some ambiguity in this regard. I request the Government to clarify the two issues regarding voting rights and right to contest. Therefore, I urge the Government to formulate a rule and provide this in the Bill. Thank you.

SHRI BAISHNAB PARIDA (Orissa): Mr. Vice-Chairman, Sir, I stand here to support the Representation of the People (Amendment) Bill, 2010. I am very happy that this amendment has been brought to give an opportunity to the Indian citizens to participate in the election process, who are living outside the country. There are millions of Indians living throughout the world in different continents and countries. Many of them are highly educated; they are scientists, prominent journalists, writers, industrialists, engineers, doctors and along with them there are thousands of skilled and unskilled workers working outside India. They have every democratic right to participate in the election process, in the democratic process in this country. They have been demanding this since so many years. Now the Government has brought this Bill. It seems that there are certain lacunas. I think no proper arrangements have been made to enroll them as voters.

There is no proper arrangement for them to cast their votes. So, unless they are given an opportunity, like the Indian citizens here, how will they enroll their names in the voters' list; and how will they cast their votes in a foreign land? So, in this connection, I want to give some suggestions. Many of my colleagues have also suggested certain steps to be taken. Sir, we have our diplomatic missions in different countries? Why should we not take the services of our diplomatic missions to arrange for enrolment of those persons, and also enable them to cast their votes. In other countries, be it Europe or the U.S. or any other country, they have a similar provision for their foreign residents to cast their votes and participate in the democratic process of election. But, here, in India, we cannot do it

in the same way. I wonder whether we can give the responsibility to our diplomatic mission to carry out this job. I do not know how far it will be viable. The hon. Minister can look into this matter.

Another thing is regarding dual citizenship. I feel that those who are having citizenship of another country should not be given an opportunity to participate in voting, and they should also not be given an opportunity to contest the election. It has to be seen whether those people, who are not having dual citizenship or citizenship of other countries, can participate in the election process here. That should be looked into. Another thing is regarding voting process. They should be given all the opportunities to participate in the elections.

7.00 P.M.

Now, some of my friends have raised the question about Armed Forces working outside our country, in foreign lands. They are on a diplomatic mission, and they have an opportunity to vote. The postal voting system is there. But this does not apply to workers working, say, in Gulf countries. They are sending money to our country. They are helping our country. We want that those intellectuals or professors or industrialists, should also be given an opportunity to strengthen the emotional relationship with their country, and if we give them the opportunity to vote, that is, take part in the voting process, or, enroll their names in the voters' list, that emotional relationship will last long in them, and they will be encouraged to participate in the nation-building. With these words, I support the Bill.

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, on behalf of my party, the DMK, I, wholeheartedly, support the Representation of the People (Amendment) Bill, 2010. Our leader has been insisting upon the demand to include citizens who are away from their residence for employment, education or any other purpose and to enable them to vote. Sir, the Representation of People Act, 1950, makes a detailed provision for elections and lays down conditions required for a person to register himself as a voter in a constituency. Whenever we happen to travel abroad, the Indians, who are there, have been persistently telling us to get them the voting rights. Just because they are away on an employment, they should not be deprived of the voting rights. We have also been representing on their behalf, and the Government of India has taken a right decision. Section 19 of the Representation of the People Amendment Act, 1950, provides that every person, who is not less than 18 years of age on the qualifying date and is ordinarily a resident in the constituency, shall be entitled to be registered in the electoral rolls for that constituency.

The meaning of 'ordinarily resident' is laid down in section 20 of the said Act. In 2006, the Government brought an amendment to this Act to enable Indian citizens, absenting from the places of ordinarily resident, to register themselves as voters. When this Bill was referred to the Standing Committee, it gave certain recommendations and insisted on a comprehensive Bill. So, that Bill was subsequently withdrawn and the recommendations of the Standing Committee have also

been included in the Bill, which is brought in now.

One or two observations I would like to make on the recommendations which the Standing Committee has made and what has been implemented in the Bill. Sir, the Standing Committee has said that the Bill had not defined the term 'temporarily resident' although it seeks to create a class of citizens. 'A citizen of India', it suggested to reword: "The citizen of India who has not acquired citizenship of any other country shall be deemed to be resident in India in any constituency of his choice notwithstanding his residence outside India, whatever its duration." So, the present Bill which is being discussed now allows for all citizens to be enrolled in the electoral rolls in the constituency in which his place of residence in India is as mentioned in his

constituency. Earlier, mere ownership of a property by a person in a place did not entitle him the right of voting, just because he has gone abroad for employment or something. Through this Bill, the electoral officer has to undertake the required verification for enrolment. The procedure for registration and the time period within which the registration shall take place is to be specified by the Government in consultation with the Election Commission. Sir, the Standing Committee's recommendations have been conceded by the Government and the Bill has included those.

Sir, another important thing which the Standing Committee has said is that the term 'non-resident Indian' is not defined. It was in the earlier Bill. Now, the 2010 Bill, which has replaced the 2006 Bill, permits registration in the electoral rolls of persons (a) who are citizens of India and (b) not enrolled in electoral rolls (c) who have not taken up the citizenship of any other country, and (d) who are absent from the ordinary place of residence.

Another important thing is, the 1960 rules provide for notice and a reasonable opportunity to be heard before a person's name is deleted. In actual practice, the names are deleted without following the procedure. The Standing Committee expressed its concern over large-scale deletion of names and recommended that the procedure for deletion of names should be strictly followed. This has been an issue for long and this Bill addresses that issue also. The Bill specifies deletion from the electoral rolls can happen only after due verification and the procedure for it. So, Sir, this Bill not only addresses the long-pending issues of NRIs who are abroad; it has also accepted most of the recommendations of the Standing Committee. This is a welcome Bill which will be a very good news for our people abroad.

I welcome this Bill, Sir. I thank you for the time given.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Shri N. Balaganga, speak in Tamil.

SHRI N. BALAGANGA (Tamil Nadu): * Hon'ble Mr. Vice Chairman Sir, I thank you very much for granting me this opportunity to speak on this Representation of the People (Amendment) Bill, 2010. "Cross the

tumultuous sea in search of property”, says a Tamil proverb. Accordingly, since ancient times, Indians particularly Tamils, have travelled abroad for trade related activities and in search of employment. Various factors such as scientific development, development in higher education, population explosion etc. have created such a situation that it is impossible for every Indian to get employment in India itself.

There are more than four hundred and seventy one engineering colleges in the State of Tamil Nadu. We have more than one and a half lakh engineering graduates every year. It is not apt to expect that all of them would get employment in India itself. Schemes like Sarva Shiksha Abhiyan may provide education to all. But neither the Union Government nor the State

*English translation of the original speech in Tamil.

Governments can give employment to all the graduates in India. Therefore, according to their qualification, they go abroad in search of suitable employment. As they are residing abroad for a long time, their names are removed from the electoral rolls. As per the existing rules, their names have to be removed from the electoral rolls. During every election, an intensive exercise is undertaken to prepare electoral rolls. According to the rules of the preparation of electoral rolls, if a person is absent from his house for a particular period, his name is to be removed from the electoral rolls. In this way, the names of non-resident Indians have been removed. As their names are removed from the electoral rolls, an inferiority complex has developed in their hearts that they are losing their citizenship in India. Therefore, they have a longstanding demand to include their names in the electoral rolls and to provide them the right to cast their votes in the elections to the Parliament and to the State legislatures. It is in order to fulfil this long-standing demand that this bill has been brought. We welcome this bill. At the same time, I would like to mention a point made by my dear colleague Mr. Javadekar who said that this bill is too general as it mentions only about the inclusion of NRIs in electoral rolls. But, this bill does not mention the methods to be adopted for inclusion of their names.

Sir, it should be clearly mentioned how their names will be included in the list. During the preparation of electoral rolls, school teachers and Government servants from the revenue department were deputed for the task. The Election Commission do not have sufficient staff of their own for this task. When teachers and Government servants visit for enquiry, they become familiar with all the voters. The voters can be identified by them. If the name of a voter is not found in the electoral rolls, he can get his name included by submitting form 'eight' directly. But how could they identify an NRI who has not resided in his own place of residence? What is the provision for the NRIs to get their names included in the electoral rolls? This point needs to be clearly mentioned in the bill. Sir, I want one more minute. I would like to seek clarification about another important point. When a person gets the right to cast his vote, he is eligible to contest in the elections. Similarly, when the

NRIs are given the rights to cast their vote, will they be eligible to contest in the elections? Information with respect this point needs to be provided.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Your time is over. Your time is over.

SHRI N. BALAGANGA: Sir, I would like to mention that there should be an exclusive electoral roll for NRIs as there are separate electoral rolls such as primary electoral rolls and supplementary electoral rolls. If such an electoral roll is prepared exclusively for NRIs, details about their residence abroad, name of the country they are residing in also needs to be mentioned.

In addition to the above-mentioned points, I would like to request that the system of Electronic Voting Machines (EVM) may be withdrawn. In the ballot paper form, a person gets a

large amount of satisfaction when he marks the impression on a particular symbol whether it is on double leaf, or on hand or on lotus or on anything else. That kind of satisfaction is not derived when a person presses the button in Electronic voting machine for casting his vote. Therefore, I would like to suggest that the system of Electronic Voting Machines may be withdrawn. By virtue of this bill, lakhs of NRIs who are residing outside India will be given their democratic right to cast their vote in India. Once again, I would like to say that I welcome this bill and I thank you again for granting me this opportunity. With these words, I conclude my speech.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Time for your party is two minutes, you can take three minutes...*(Interruptions)*... It is 50 per cent increase. ...*(Interruptions)*...

SHRI M.P. ACHUTHAN (Kerala): Thank you, Sir. Sir, I congratulate the Overseas Affairs Minister for bringing this Bill which is a long pending demand of NRIs. NRIs play very important role in the economic development of our country. But we are not able to do justice to the NRIs. They are completely excluded from the democratic process of our country. This Bill is a beginning of taking into account their aspirations. But, as being pointed out here, this Bill has got many limitations. Even though we are giving voting right to them, vast majority of them will not be able to exercise their right. It is not clear whether for the enrolment in the electoral roll their physical presence is necessary. Now their names are not in the ration cards or in the electoral roll or even in census. So, my suggestion is that we have to take an affidavit from their families and include their names in the electoral roll. If we do not insist on the physical presence to include their names in the electoral roll, then only we can give them a chance to vote. For voting they have to come to India. There is no provision to cast their vote outside India. The Government must explore the possibility of giving this facility. In many countries, they allow their citizens to cast their vote in the countries where they are residing. It will not be an easy thing especially in Gulf countries but the Government must explore the possibility and contact the Governments in Gulf countries to find out whether it is possible. Giving voting right is one of the demands of the NRIs. There are many other problems being faced by the NRIs. Especially after the economic

recession lakhs of people are coming back to India. We are facing a very difficult economic situation. There is no provision for their rehabilitation. During the last NRI Conference, the Prime Minister announced that there would be some programme to rehabilitate the people who are coming back from foreign countries. ...(*Time-bell rings*).. But unfortunately, not even one rupee has been earmarked in the last Budget. The Kerala Government is implementing a comprehensive programme for the rehabilitation for the people coming back from Gulf countries. ...(*Time-bell rings*)... They are being given pensions and taking all steps for their welfare. So, the Union Government must evolve some programme to help the NRIs for their welfare. For such a Ministry the allotment is just below Rs.100 crores. My suggestion is that it must be increased to at least Rs.1000 crore for creating an NRI Welfare Fund. The Government must take action for this by providing, at least, Rs.1000 crore, to the Ministry. Thank you.

SHRI BHARATKUMAR RAUT (Maharashtra): Thank you. Sir, I wish that I could support this Bill wholeheartedly. However, since I have some reservations, I would seek some clarifications from the hon. Minister. Sir, here he says that 'people who have not sought citizenship of any other nation'. I take it like this that those who are having dual citizenship - many countries are having dual citizenship - those people will not get the voting right. I think the Government must make it very clear, amply clear that those who have sought or taken citizenship of any other country, whether they have the dual citizenship of this nation or not, they should not be allowed to participate in the voting process. Sir, having said that, I wish to bring it to the notice of the Government, which the first speaker hon. Javadekar actually started, is that there are many people, Indians, living in India, who have been deprived of their voting rights or from registration of their names in the voters' list only because they do not stay permanently at their residence which they have indicated.

For example, Sir, construction workers are all over India. I come from Mumbai. Construction workers from Andhra Pradesh, from Bihar, from Punjab come to Mumbai. They are migrants and they do not have permanent address because they are not found at their residential address and they do not get ration cards from anywhere. So, they are deprived of their voting rights. What does Government do about them? There are many farm workers. I am not talking about the farmers. Those who do not have land holding have to travel from place to place for earning their livelihood. They are always deprived of their voting rights because their names do not come in any voter's list. What do we do about it? Thirdly, we have a large number of nomadic tribes. Nomadic tribes keep travelling from place to place with their tribes. What do we do about them? So, when we cannot do anything about Indians living in India, why are you so much bothered about Indians living outside India? First set them right. First bring them in order and then, start thinking about those who are outside. Another query which I would like to ask is, today we are giving them the right to vote. Tomorrow a demand will come, as hon. Member Shri Achuthan had suggested, that since they will not be able to come to India for voting, then voting can be done there. Sir, this is a dangerous

suggestion. If we tell them that okay, you can work anywhere in the world then, why should Indians vote? If we accept that demand, Sir, more dangerous things would come. After a few years those non-resident Indians would come with a demand that they should be allowed to participate and contest elections. What do we do about them? Once we logically agree, once we in principle agree that they can vote, then, all those who have attained the age of 18 can vote and at the age of 25 they have a natural right to contest elections. What do we do about these voters? Sir, these are the issues. Sir, don't go only by emotions. Even my heart beats for them. But that does not mean that I get emotionally choked, emotionally governed and give them the voting rights. I think, the Government should think twice, thrice, take the nation into confidence and then go ahead with the Bill.

श्री रघुनन्दन शर्मा (मध्य प्रदेश): माननीय उपसभाध्यक्ष महोदय, मैं लोक प्रतिनिधित्व (संशोधन) विधायक, 2010 का समर्थन करता हूँ, लेकिन इसमें जो कुछ कमियाँ रह गई हैं, उनकी तरफ आपका ध्यान आकर्षित करते हुए, मैं अपनी असहमतियाँ भी व्यक्त करना चाहता हूँ।

महोदय, यह संशोधन विधायक इससे पहले 2006 में यहाँ प्रस्तुत हुआ था। आपने इसको 27 फरवरी को सदन में प्रस्तुत किया था। इसमें कुछ शब्दिक परिवर्तन करने के लिए आपने चार वर्ष लगा दिये। अब आप फरि से इस लोक प्रतिनिधित्व (संशोधन) विधायक, 2010 को सदन में ला रहे हैं। इस सदन का सदस्य बनने के पश्चात् मैं कभी-कभी सोचता हूँ, विचार करता हूँ कि हमारे देश को सम्भालने की पद्धति क्या है, हम व्यवस्था के प्रति कितने जवाबदेह हैं, कितने उत्तरदायी हैं। पचास-साठ वर्ष बीत जाने के बाद भी हम अपने लोक महत्व के अधिनियम को परिपूर्ण नहीं बना पाए, हम इसको परिपक्व नहीं बना पाए। आजभी उसमें इस प्रकार की खामियाँ हैं, जिनके कारण हम निर्वाचक मतदाता सूची को ठीक से नहीं बना पाए, यह हमारी बहुत बड़ी कमी है। लोकतंत्र में निर्वाचक या मतदाता सूची की इतनी बड़ी खामी का होना, सचमुच एक चिन्ता का विषय हो सकता है।

महोदय, चार वर्षों का प्रयत्न करने के बाद, आपने जो संशोधन किया है, वह संशोधन का शब्द का है और वह है "समुचित सत्यापन करने के पश्चात्"। आपने पहले, 27 फरवरी, 2006 को तीन पंक्तियों का संशोधन किया था, अब चार वर्षों के बाद बाद, सारी खोज बीज करके, प्रयत्नपूर्वक अपनी सारी बुद्धि लगाने के बाद, सरकारी मशीनरी का उपयोग करने के बाद, आप केवल इतना ही खोज पाए कि "समुचित सत्यापन करने के पश्चात्", यह शब्द अन्तःस्थापित किया जाए। आप एक शब्द के लिए चार वर्ष लगाते हैं। इस कानून में बहुत सारी खामियाँ हैं। इस देश में आजभी मतदाता सूची के बारे में प्रश्नचिह्न खड़े होते हैं। सचमुच भारतीय गणतंत्र के प्रारंभ के साथ इन साठ वर्षों में जो एक कानून बनना चाहिए था, वह कानून नहीं बना। इस पर गंभीरता से विचार किया जाना चाहिए था। सर, इस विधायक के बारे में जो संशोधन प्रस्तुत हुआ है, उसके दो भाग हैं। एक भाग तो यह है कि जो विदेश में गए हों, यहाँ से शिक्षा के लिए गए हों, व्यापार के लिए गए हों या अन्य किसी भी कारण से गए हों, यदि यहाँ उनका निवास है, उनकी संफत्ति है, और वे वहाँ पर काम कर रहे हैं, तो उनको मतदान का अधिकार दिया जाए, उनको निर्वाचक माना जाए, यह संशोधन है, लेकिन इसका दूसरा भाग भी है, और दूसरा भाग यह है कि जिनोंने विदेशी नागरिकता स्वीकार

नहीं की है, जो वहां नविस करते हैं, वहां जाने के बाद उनकी संज्ञान हो गई है, संज्ञान होने के पश्चात् वह संज्ञान वहां की संज्ञान मानी जाने लगी, लेकिन जब वे यहां आते हैं, तो चूंकि वे यहां पैदा नहीं हुए हैं, इसलिए उनको भारी कठिनाइयों का सामना करना पड़ता है। मतदाता सूची तो ठीक है, उनको शिक्षा और अन्य अनेक प्रकार के जो काम हैं, जो उद्यम करना चाहते हैं, वहां पैदा हुई संज्ञान यहां आकर बहुत कठिनाइयों में पड़ जाती है। मैं आपका ध्यान इस ओर भी दबाना चाहता हूं कि उनके बारे में भी वचो र कथिा जाना चाहिए। मेरे एक बंधु ने कहा है कि आपने इसमें अनिवासी या प्रवासी भारतीय की परिभाषा कहीं नई दर्शाई है। वास्तव में, मैं सुझाव देना चाहता हूं कि यदि उसे, उसके पत्नी या पुरुष को मतदान का अधिकार रहा हो, तो उसको यहां पुत्र : मतदान का अधिकार प्राप्त होना चाहिए, लेकिन यदि उसके पत्नी, पुरुष या किसी अन्य को मतदान का अधिकार नहीं रहा हो, कोई निर्वाचक नहीं रहा हो, तो उसको यहां पर, किसी भी प्रकार से, चाहे संघर्षित उसके नाम खरीद ली गई हो, तो भी उसको मतदान का अधिकार नहीं मंलिना चाहिए। माम्ब्यवर, इसके अलावा भी अनेक ऐसे लोग हैं, जो देश में आ गए हैं। उन्होंने यहां सम्पत्ति खरीद ली है, राशन कार्ड बनवा लए हैं, वे कई राजनैतिक लोगों के सहभागी बनकर यहां के नविसी बन गए हैं। यदि नविसी बनने के बाद वे जाते हैं, तो आपने इस संशोधन वधियक में पासपोर्ट को आधार बनाया है कि जसिका पासपोर्ट बना हो, सर, हमरे यहां पर पासपोर्ट बड़ी सरलता से बन जाता है। पासपोर्ट बनाने का आधार क्या है? पासपोर्ट राशन कार्ड के आधार पर बनता है। वह यहां रहता है, तो बजिली का, टेलीफोन का बलि प्रस्तुत करे। यदि वह बजिली और टेलीफोन का

बलि बनवाकर राशन कार्ड प्रस्तुत कर दे तो उसका पासपोर्ट बन जाया है। यहां ऐसे अनेक लोग हैं, जो वदेश से आए हैं वे वदेश से आकर अपना राशन कार्ड बनवा लेते हैं वे अपना बजिली का बलि, टेलीफोन का बलि प्रस्तुत कर देते हैं और उस आधार पर पासपोर्ट बनवाकर चले जाते हैं। यदि वे फरि से यहां आते हैं तो मतदाता हो जाएंगे, उनका नाम नखिचक सूची में आ जाएगा। बांग्लादेश के हजारों लोग यहां पर हैं, जो यहां की मतदाता सूची में आ गए हैं। आपने उनके बारे में इस बलि में क्या प्रोविजन किया है? क्या व्यवस्था की है? वे यहां की राजसत्ता को परिवर्तित करने के अधिकारी हो गए हैं। वे इतने ताकतवर हो गए हैं कि जसि चाहें उसे अपना जन प्रतिनिधि चुन सकते हैं वे किसी भी विधान सभा में, किसी भी विधायिका में अपने प्रभावशाली लोगों को भेज सकते हैं, सत्ता को उलट-पुलट कर सकते हैं, सत्ता में भागीदार बन सकते हैं और सत्ता को प्रभावित कर सकते हैं।

महोदय, मैं यह कहना चाहता हूँ कि इसके अलावा भी इस लोक प्रतिनिधित्व अधिनियम पर व्यापक विचार होना चाहिए था। व्यापक विचार करते समय यह भी विचार होना चाहिए कि जो वदेश में जाकर देश विरोधी गतिविधियाँ में सम्मिलित हो जाते हैं, हमारे देश के खिलाफ वहाँ षडयंत्र करते हैं, वे उस देश विरोधी मानसिकता को लेकर यहाँ आएँगे और यहाँ भी षडयंत्र करेंगे, लेकिन वे केवल इस आधार पर यहाँ आकर हमारे मतदाता बन जाएँगे, नखिचन बन जाएँगे, क्योंकि वे यहाँ से गए थे, उनकी सामान्य सम्पत्ति थी। वहाँ उनका चरित्र क्या रहा है, वहाँ पर उनका देश के प्रति व्यवहार क्या रहा है, उनकी गतिविधियाँ क्या रही हैं, इनके बारे में आपने कहीं कोई विचार नहीं किया है। मेरा आग्रह है कि इसके बारे में भी व्यापक विचार होना चाहिए और देशहित की भावना से उसमें इस प्रकार के प्रवधान कएि जाने चाहिए कि कहीं वह राष्ट्रविरोधी गतिविधियाँ में सम्मिलित तो नहीं रहा।

महोदय, मैं इसमें एक और बात कहना चाहता हूँ कि आजादी के इतने वर्षों के बाद भी अनेक लोग मतदान से वंचित हो जाते हैं। दबंग लोग, शक्तिशाली लोग उनको अपने मताधिकार का प्रयोग नहीं करने देते। एक तरफ तो हम उन वदेशी अप्रवासी भारतीयों को मतदान का अधिकार दे रहे हैं, अच्छी बात है, देना चाहिए, वे इस देश के लएि कुछ कर रहे हैं, वहाँ से वे शिक्षा लेकर आ रहे हैं, वहाँ से धन लेकर आ रहे हैं, वहाँ से सम्पत्ति लेकर आ रहे हैं, वहाँ से तकनीक लेकर आ रहे हैं, उनको अधिकार मन्दिना चाहिए, लेकिन जो यहाँ हैं, जबिको यहीं जीना है, यहीं मरना है, उनके साथ केवल दुर्बलता लगी हुई है, उस दुर्बलता के कारण वे अपने मताधिकार का प्रयोग नहीं कर पाते, उनके मताधिकार को रोक दिया जाता है। सामान्यतः हम

देखते हैं कि बड़े-बड़े नर्किचनों में भी 50 प्रतिशत से अधिक मतदान नहीं होता, 60 प्रतिशत से अधिक मतदान नहीं होता और 50 या 60 प्रतिशत मतदान होने के पश्चात् जो 40 या 50 प्रतिशत मतदाता वंचित रह जाते हैं, वे वंचित मतदाता उनका नाम होते हुए भी मताधिकार का प्रयोग नहीं कर पाते। उनके बारे में हमने क्या किया है? क्या हम अनिवार्य मतदान की व्यवस्था नहीं कर सकते या दबंगों से उनकी रक्षा का कोई प्रवधान नहीं कर सकते? आज भी कई लोग ऐसे होते हैं, जो अपनी ताकत के बल पर एक बार नहीं, बल्कि दो-दो, तीस-तीस बार वोट डाल कर आते हैं, जसि मताधिकार का प्रयोग उनका नहीं है, वे करते हैं, दुरुप्रयोग करते हैं। उनको रोकने के बारे में हमने क्या उपाय किए हैं? कोई उपाय नहीं! 60 वर्ष के बाद भी हम समुचित पद्धति का विकास नहीं कर पाए हैं।

मैं आपसे कहना चाहता हूँ कि ऐसी अनेक खामियाँ हैं, जसि खामियों को ठीक करने का प्रयत्न इस संशोधन वधियक में होना चाहिए था। क्या हम बार-बार संशोधन वधियक लाते रहेंगे? क्या हम 60 वर्षों के बाद भी लोक प्रतिनिधित्व अधिनियम को परिपूर्णता नहीं दे पाएँगे? यदि इस प्रकार की खामियाँ हैं, तो मेरा ऐसा कहना है कि आप चार महीने और रुक जाते। जब आप चार वर्ष में केवल सत्यापन वाला शब्द खोज कर ला पाये हैं, तो दो-चार महीने और रुक कर राजनीतिक दलों के साथ चर्चा करते और राजनीतिक दलों के साथ चर्चा करने के पश्चात् लोक प्रतिनिधित्व अधिनियम में मतदाता सूची कैसे अच्छी बनाई जा सकती है, इस पर सभी दलों के सुझाव लेने के बाद, यदि आप सर्वसम्मत, परिपूर्ण वधियक लाते, तो शायद देश के हित में होना, लेकिन आपने ऐसा नहीं किया।

महोदय , भारत के अन्य भाग के लोग कश्मीर जाकर सम्पत्ति नहीं रखीद सकते। तर्क दिया जाता है कि वहाँ की संस्कृति में परिवर्तन हो जाएगा , हम वहाँ की मूल संस्कृति को प्रभावित कर देंगे , इसलिए वहाँ जाकर भारत का कोई व्यक्ति सम्पत्ति में भागीदार नहीं बन सकता। लेकिन कश्मीर का व्यक्ति यहाँ आ सकता है। अभी-अभी हम लोग गोब्रा गए थे। गोब्रा में कश्मीर के अनेक लोगों ने अपने पर्यटन के स्थान बना लिए , सम्पत्ति खरीद ली। क्या वहाँ की मूल संस्कृति प्रभावित नहीं हो रही है ? क्या बड़ी संख्या में वहाँ जाकर वे लोग वर्चस्व स्थापित नहीं कर लेंगे , गोब्रा की मूल संस्कृति प्रभावित नहीं होगी ? ऐसी बातों के ऊपर पर्याप्त विचार होना चाहिए था। मतदाता सूची या लोक प्रतिनिधित्व (संशोधन) विधायक बनाते समय भी कहीं न कहीं इन सब बातों के ऊपर आप विचार करते और उसको पूर्णता प्रदान करने का प्रयत्न करते ... (व्यवधान) ...

उपसभाध्यक्ष (प्रो . पी . जे . कुरियन) : समाप्त हो गया न। धन्यवाद , शर्मा जी।

श्री रघुनन्दन शर्मा : सर, मैं यह कहना चाहता हूँ कि जो नर्विचक मताधिकार से वंचित हैं , उन्हें उनका अधिकार मंजूर चाहिए , कब्तु यह कानून बार-बार संशोधित करना पड़े , इसके बजाए लोकतंत्र में विश्वास करने वाले राजनैतिक दलों के साथ व्यापक रूप से विचार-विमर्श होना चाहिए था , जो नहीं हुआ है। मैं पुनः आपको कहना चाहता हूँ कि यदि आप दोबारा बैठ कर उसके बारे में विचार कर सकें और इस लोक प्रतिनिधित्व विधायक में फरि से ऐसा कोई संशोधन ला सकें कि देश के समस्त नागरिक चाहे वे कमजोर हों या सबल, सभी मतदाता बन सकें , नर्विचक बन सकें , अपना रजिस्ट्रेशन करवा सकें , तो बहुत अच्छा रहेगा। मैं सोचता हूँ कि यदि इन खामियों को दूर करते हुए हम विचार करेंगे तो इसमें परिपूर्णता आ जाएगी , व्यापकता आ जाएगी और सबके साथ हम न्याय कर सकेंगे। प्रवासी भारतीयों के बारे में आप यह बलि लाए हैं , इसका मैं समर्थन करता हूँ।

श्री राजीव शुक्ल (महाराष्ट्र) : सर, मैं सिर्फ एक मिनट में अपनी बात समाप्त करूंगा। मंत्री जी जो बलि लाए हैं ... (व्यवधान) ...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I believe, you are aware that we also have to take next Bill. ... (Interruptions) ...

SHRI RAJEEV SHUKLA: Sir, I will be very brief in making my observations.

सर, यह एक बहुत ऐतिहासिक बलि है। मेरे खयाल से बहुत दलि से

यह मांघ्र चली आ रही थी, लेकिन मैं देख रहा हूँ कि डबिट में बड़ा कन्फ्यूजन हो गया है। इसमें लोग नॉम-रैज़िडेंट इंडियंस, पीआईओ, ओसीआई, सबको मल्लिकर समझ रहे हैं कि उनको कोई मताधिकार मल्लि रहा है, लेकिन ऐसी बात नहीं है। सर, जो इंडियन पासपोर्ट होल्डर्स हैं और बाहर रह रहे हैं, उनका नाम वोटर लस्टि में लाने की बात कही गई है। मुझे लगता है कि यह एक बहुत अच्छा कदम है और बहुत दल्लि से इसकी मांघ्र हो रही थी। सरकार के माध्यम से इस तरह का जो कदम उठाया जा रहा है, वह इस मंशा को जाहिर करता है कि ऐसे लोग, जो भारत के साथ जुड़े रहना चाहते हैं, वद्लिशों में रह करके भी जबकि दल्लि भारत में हैं और जो यहां के लोकतंत्र के साथ अपना जुझव देखना चाहते हैं, उनको एक माध्यम मल्लि सके। उनके लए यह एक बहुत अच्छी चीझ है।

कुछ चर्चा बह्लिरी मज़दूरों के बारे में हुई थी कि दूसरी जगह उनको वोटर का अधिकार नहीं है या जो बाहर नौकरी करने गए, उनको वहां पर अधिकार नहीं है, इसमें मैं यह कहना चाहूंगा कि वे तो देश के अंदर ही हैं इसलिए वोटर लस्टि में रहने का अधिकार तो उनको है ही। वहां पर वोटर लस्टि में उनका नाम नहीं होता है, इसलिए इसके माध्यम से उनको मतदान का अधिकार दल्लि जा रहा है। मैं तो मंझी जी से यह नखिदन भी करूंगा कि इंडियन एम्बेसीज़ में ही वोटिंग की व्यवस्था कराई जाए, ताकि उनको वोटर देल्ले के लए यहां पर न आना पड़े। अगर हो सके तो जबकि डूअल सल्लिजनशिप दी गई है, पीआईओ इत्यादि, उनका नाम भी आप इसमें कंसिडर कर सकें, तो अच्छा रहेगा। बहु त-बहुत धन्यवाद।

उपसभाध्यक्ष (प्रो . पी . जे . कुरियन): धन्यवाद। Now Shri Ram Kripal Yadav. यादव जी, आपने डिस्किशन शुरू होने के बाद अपना नाम दिया, फरि भी मैं आपका नाम बुला रहा हूँ और आपको बोलने का चांस दे रहा हूँ, इसलिए आपको पांच मिनट के अंदर खत्म करना है।

SOME HON. MEMBERS: Excellent Hindi, Sir.

श्री राम कृपाल यादव (बहिर): सर, आपने मुझे बोलने का विशेष अवसर दिया है, इसके लिये मैं आपको विशेष धन्यवाद देता हूँ।

सर, मैं "लोक प्रतिनिधित्व (संशोधन) अधिनियम, 2010" के समर्थन में खड़ा हुआ हूँ। माननीय मंत्री जी ने यह एक बहुत स्वागत योग्य कदम उठाया है और मैं इसका स्वागत करता हूँ। देश के बाहर लाखों लोग अपनी रोज़ी-रोटी, रोज़गार, शिक्षा और अन्य दूसरे कामों के लिये रह रहे हैं और बहुत व्यापक पैमाने पर रह रहे हैं। वे अपनी मेहनत से, अपनी बुद्धि से, अपने वक़्त से धन ला कर देश की अर्थव्यवस्था को मज़बूत करने का काम भी कर रहे हैं। उनको आपने मतदान का अधिकार देने का जो काम किया है, निश्चित तौर पर इसका मैं ज़िम्मेदारी भी स्वागत करूँ, कम है।

सर, देश में जो लोकतांत्रिक प्रक्रिया होगी, उसमें उनका बहुत महत्वपूर्ण योगदान होगा और राष्ट्र के निर्माण में उनकी महत्वपूर्ण भूमिका होगी।

महोदय, इसके साथ ही राष्ट्र की भावनाओं के प्रति उनका जुड़ाव भी रह पाएगा, इसलिए यह कदम बहुत ही स्वागतयोग्य है।

सर, देश के विभिन्न भागों से लाखों-लाख की संख्या में लोग बाहर रह रहे हैं। मैं बहिर प्रदेश से आता हूँ। वहाँ के लोग काफ़ी तादाद में बाहर जाकर अपना रोज़ी-रोज़गार कर रहे हैं। चूँकि बहिर एक पछिड़ा प्रदेश है, जहाँ बेरोजगारी है, गरीबी है और फटेहाली है, इसकी वजह से वहाँ के लोग अपने प्रदेश से बाहर देश के अंदर के विभिन्न इलाकों में रहते हैं और अपनी जीविका का उपार्जन करते हैं, वहीं बहिर से वदेशों में भी जाकर, खास तौर पर खाड़ी का जो इलाका है, वहाँ पर नविस करके वहाँ से अपनी कमाई लाकर, वहाँ की पूँजी यहाँ लाकर ये लोग अपने देश की अर्थव्यवस्था को भी मज़बूत करने में अहम भूमिका अदा करते हैं। यह और बात है कि उनकी स्थिति को सुधारने के लिये अपने देश में कोई खास कदम नहीं उठाए जा रहे हैं। सरकार को इस पर विचार करना चाहिए कि हमारे देश में रहने वाले, खासकर जो रोज़ी-रोज़गार करने वाले लोग हैं, जो मेहनतकाश लोग हैं और जो मजदूर क़्लास के लोग हैं, उनको अपनी आर्थिक स्थिति को सुदृढ़ करने के लिये अपने देश में ही रोज़गार मिले जाय। वे

लोग तो मजबूरी में ही वदेश जाते हैं। उनके लिए सरकार को कुछ सोचना चाहिए। आजादी के 63-64 वर्षों बाद भी आज अगर किसी को मछली काटने या अन्य छोटे-छोटे काम करने के लिए अपने परिवार को, अपने बाल-बच्चों को छोड़ कर वदेश जाना पड़ता है, तो वह वहाँ कितनी परेशानी में रहता होगा, इसके बारे में सोचने पर बड़ा ही हृदयविदारक सीन नजर आता है। दूसरे देशों में रहने वाले जो भारतीय लोग हैं, उनको निश्चित तौर पर आप मतदान का अधिकार तो दे रहे हैं, मगर अपने देश में बहिर -जैसे गरीब प्रदेशों में नक्सिल करने वाले जो गरीब मजदूर हैं, उनकी आर्थिक स्थिति को मजबूत करने के लिए और उनको रोजगार के अवसर देने के बारे में भी आपको सोचने की आवश्यकता है, ताकि उनको मजबूरी में वदेश न जाना पड़े। यह एक महत्वपूर्ण मामला है।

सर, मुझे एक बात समझ में नहीं आई। उनको मतदान के जो अधिकार मिलेंगे, उस बात से मैं बिल्कुल सहमत हूँ। वदेश में रहने वाले जो भारतीय लोग हैं, उनको मतदान की प्रक्रिया में भाग लेने के लिए अपने देश में आना होगा, तो मैं समझता हूँ कि इसमें एक छोटे-से आम आदमी या गरीब मजदूर के बहुत-सारे रुपए खर्च होंगे। मैं समझता हूँ कि आप उनको यह अधिकार दे तो रहे हैं, लेकिन यदि उनके लिए इसकी व्यवस्था वहाँ के दूतावासों में नहीं करेंगे, तो निश्चित तौर पर उनके साथ यह अन्याय होगा और आपकी यह मंशा साफ़ नहीं होगी। आप उनको मतदान करने की व्यवस्था वहीं करें। वदेशों में जो अपने दूतावास हैं, आप वहीं उनको

मतदान करने की व्यवस्था करें। कई माननीय सदस्यों ने इस बात को रखा है। अगर वहीं पर उनके लिए इसकी व्यवस्था कर दें, तो निश्चित तौर पर यह महत्वपूर्ण होगा। ... (समय की घंटी) ... सर, मेरा एक मिनट बचा है। आपने मुझे पाँच मिनट बोलने कहा था।

उपसभाध्यक्ष (प्रो . पी . जे . कुरियन) : ठीक है , एक मिनट और बोल लीजिए।

श्री राम कृपाल यादव : यह बहुत महत्वपूर्ण होगा और उन पर यह एक बड़ा उपकार होगा। निश्चित तौर पर माननीय मंत्री जी की जो भावना है कि विदेशों में रहने वाले जो भारतीय लोग हैं , उनको मतदान में हक देना चाहते हैं , लेकिन अगर उनके लिए ऐसी व्यवस्था नहीं की जाएगी तो यह अव्यवहारिक होगा। इसके लिए वह वहाँ से यहाँ आएगा ही नहीं। आगामी 2-3 महीने के दरम्यान हमारे बहिर में चुनाव होने जा रहे हैं वहाँ के लोग हजारों -लाखों की तादाद में बाहर हैं। अगर उनको इसका मौका मिला जाता है , पता नहीं आने वाले दो-तीन महीने के अंदर इस कानून का क्या स्वरूप होगा , तो वे मतदान कर पाएँगे या नहीं , यह अलग बात है। अगर माननीय मंत्री जी उनके लिए यह व्यवस्था वहीं पर कर दें , तो यह उनके लिए एक बहुत बड़ा काम होगा। वे लोग बहुत गरीब हैं और इसके लिए यहाँ नहीं आ सकते। जो process है , जो प्रकृ रथिा है , उसमें वे लोग वहाँ पर छः महीने या साल भर अथवा दो साल या तीन साल के contract पर जाते हैं। उस contract को तोड़ कर वे वापस कैसे आ सकते हैं ? इसलिए , इस पर भी इनको सोचना चाहिए।

उपसभाध्यक्ष (प्रो . पी . जे . कुरियन) : आपका समय पूरा हो गया। ... (व्यवधान) ...

श्री राम कृपाल यादव : सर, मैं एक लाइन कह कर अपनी बात खत्म कर रहा हूँ।

उपसभाध्यक्ष (प्रो . पी . जे . कुरियन) : ठीक है , आप अपनी बात खत्म कीजिए। आपने बहुत अच्छा बोला।

श्री राम कृपाल यादव : सर, मैं मतदाता सूची के बारे में कह रहा था। उसके बारे में कई माननीय सदस्यों ने जो कहा , उसको मैं दोहराना नहीं चाहता। चूँकि वे यहाँ पर सशरीर उपस्थित नहीं हैं , तो मतदाता सूची में उनका नाम नहीं आएगा। उनका नाम मतदाता सूची में कैसे आएगा और किस तरह से वे मतदान में भाग ले सकेंगे , जब माननीय मंत्री जी जवाब दें तो इस बात को जरूर स्पष्ट करें।

इन्हीं चंद्र शब्दों के साथ मैं इस बिल का समर्थन करते हुए अपनी बात इस विश्वास के साथ समाप्त करता हूँ कि इसमें जो खामियाँ हैं , उनको दूर करेंगे , माननीय सदस्यों ने जो अपनी भावनाएँ मंत्री जी के समक्ष रखी हैं , ... (समय की घंटी) ... उन

पर जरूर वधिर करेंगे और वदिशों में रह रहे उन गरीब लोगों को सही मायने में मतदान करने का अधिकार मल्लि , इसका प्रसवधान जरूर करेंगे। आपका बहुत -बहुत धन्यवाद।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The Minister of Overseas Indian Affairs wants to intervene.

THE MINISTER OF OVERSEAS INDIAN AFFAIRS (SHRI VAYALAR RAVI): Sir, I stand before the House to express the gratitude to millions of Overseas Indian workers and Overseas Indians living abroad. I accept their long-standing demand to enroll their names in the voters' list enabling them to vote, whenever it takes place.

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): Mr. Vice-Chairman, Sir, the right to vote is one of the most sacrosanct civil rights. In fact, it has been said by all the hon. Members that the services which have been rendered by these NRIs are really outstanding. As our distinguished Member, Shri Javadekar, has said, the contribution that they render to the foreign exchange reserves of this country is phenomenal, particularly from Kerala, Tamil Nadu, Goa and many other States. But we don't allow them to directly participate in the democracy. This right has been denied to them and that is why everyone agrees that we should provide them

the right to vote. After all, they are the citizens of the country. In fact, the right to vote, as demanded by the citizens of India living abroad, is their legitimate right. We are not doing any charity to them. We are acknowledging today that they have a right to vote and they have a right to be citizens of India, and we are here to recognize that right. It is not the right which is conferred on them; it is the right which is inherent to them. This is the basic truth which we need to understand. In fact, the Bill came in 2006 before the Parliament. The Standing Committee gave its 16th Report on it. The Standing Committee gave certain suggestions. We have incorporated those suggestions and right to vote is to be given to them.

In fact, many wide-ranging suggestions have been given here on various amendments to the comprehensive electoral reforms. I can tell the House that we have already constituted a Committee to sort out the issues and we would like to bring a comprehensive electoral reform. Maybe in October or November we are going to have a National Consultation on Comprehensive Electoral Reforms. Many of the suggestions which have been reflected by the hon. Members today can definitely be incorporated, and I would rather invite many of you to the National Consultation which will be held for two days. Ultimately, we will come to a precise decision what needs to be done for our electoral reforms. This is one thing which I would like to say. At the same time, I do agree with Shri Javadekarji when he said ...(*Interruptions*)... Even those persons who have been included in the voters' list are deprived of their right to vote. When they go to cast their vote, they find that their names are not there. These are all the deficiencies. We need to address them. I do agree that there are certain rigidities when it comes to casting of votes by *Jawans* who are posted to border areas or far off areas. Even though provisions have been made, they are not being implemented. We need to make rules. The Government will definitely consult the Election Commission of India. Many of these issues can be tackled not by amendment to the Act or bringing in new provisions, but by making appropriate rules.

I do agree with our senior Member, Shri Shantaram Laxman Naik when he says that a number of letters are written by the Election Commission of India, and, those are being converted into rules or laws. Yes, we need to rationalize; we need to codify many things.

Ultimately, in case of any authority, discretion many a time may amplify everything, and, that may create rigidity. We need to address that. In the process of national consultation, we will definitely address all those things. If there are many pages of rules, many pages of instructions, ultimately, they will create more confusion instead of really clarifying the things. We would definitely address this issue. At this time, after we have undergone this kind of a great democratic ritual, namely, the elections, we need to address those problems. I can assure the House that we will definitely address those problems.

As far as NRIs are concerned, I would like to say that it is very clearly defined in the first page of the Bill itself that every citizen of India, (a) whose name is not included in the electoral

roll, and, (b) who has not acquired citizenship of any other country, shall be entitled to have his name registered. There is no question of addressing the dual citizenship. If he has acquired the citizenship of any other country, he will not be entitled. The Bill is very clear about this. It is a very simple piece of legislation of one and a half page, which is confined only to NRIs only. We will definitely address other issues, which have been raised by you, but not now.

As far as 'voting right' and the 'right to contest' are concerned, you have to distinguish them. The present proposal is only to confer voting rights on the citizens of India who are not citizens of any other country, to get themselves enrolled and cast their votes in their relevant constituency as per the place shown in their passports. The Bill does not deal with the right to contest at all, for which other relevant laws would apply. So, we are not addressing that issue. It is not one and the same. It is distinguished very clearly. We will address other issues later but not here.

Another question, which I would like to address, is with regard to the migrant workers. It is an important issue. They also find their names missing. It is not only related to persons or citizens residing outside India, it is also related to the migrant labourers, farm labourers or the construction workers. Yes, we can provide rules for them. We will properly verify before deletion. The other day, we have brought in an amendment, which provides for that. The Deputy Commissioner or the District Magistrate have been conferred the right to inquire into the deletion, exclusion or the addition of names. So, we have already passed a law and the law is already in force.

As far as ordinary resident is concerned, to supplement the other things, which I have said, we already have the General Principles of Voter Registration. It has been very clearly mentioned there under the meaning of "ordinarily resident". It says, "A person is said to be ordinarily resident in a place if he uses that place for sleeping. He need not be eating in that place and may be eating from a place outside". Lot of details have been given. It also says, "Temporary periods of absence from this ordinary place of stay can be ignored. It is not necessary that the period of stay should be continuous for any particular length of time and should be without any break." Further, it says, "it is purely a question of fact whether a person is

ordinarily resident at a particular place or not. Mere absence for some time will not deprive a person of the qualification of ordinary residence". So, it is very clear.

I know very well the situation on the ground. When the enumerator goes to a place, he may not find that person. That person may be absent at that time, but he may be coming back in the evening. I have found that in these situations, it is ordinary practice that their names are not included. This happens but we need to address these problems. We will definitely address it.

I think, I have addressed many of the points that were raised. It is a simple Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Yes, you have covered most of the points. I think, you have covered all the points. Thank you very much. Okay. The question is:

That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration.

The motion was adopted.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up clause-by-clause consideration of the Bill.

Clauses 2 to 5 were added to the Bill.

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

SHRI M. VEERAPPA MOILY: Sir, I beg to move:

That the Bill be passed.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up the Prevention of Torture Bill, 2010. ...*(Interruptions)*...

SHRIMATI BRINDA KARAT (West Bengal): Sir, we want to know about the clarifications on the statement which had been made by the Home Minister. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up the Prevention of Torture Bill. After that, it will be taken up. ...*(Interruptions)*...

SHRIMATI BRINDA KARAT: Sir, first we want the clarifications to be taken up. ...*(Interruptions)*... Sir, the Home Minister is here. Please take up the clarifications first. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We will take it up. ...*(Interruptions)*...

SHRIMATI BRINDA KARAT: No, you take up the clarifications first. ...*(Interruptions)*... Sir, please... ...*(Interruptions)*... This we cannot accept, Sir. ...*(Interruptions)*... Please take up the clarifications today, Sir. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Brindaiji, you please read the List of Business. It is given there that the clarifications will be taken up before the House rises for the day. ...*(Interruptions)*... Now, therefore, I have to take up the Prevention of Torture Bill. After that, we will take up the clarifications. ...*(Interruptions)*...

SHRIMATI BRINDA KARAT: No, Sir. ...*(Interruptions)*... No, Sir. ...*(Interruptions)*... Clarifications should be taken up first. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA (Jharkhand): Take up the Salary Bill.
...(Interruptions)...

SHRIMATI BRINDA KARAT: First the clarifications...
...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We can take it up.
...(Interruptions)... We will take it up. ...(Interruptions)...

SHRIMATI BRINDA KARAT: Sir, take the clarifications first.
...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I tell you, we will do that.
...(Interruptions)... We will do that. ...(Interruptions)... Listen...
...(Interruptions)...

SHRI D. RAJA (Tamil Nadu): Sir, take the sense of the House.
...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I tell you...
...(Interruptions)... Let him move the Bill. ...(Interruptions)...

SHRI S.S. AHLUWALIA: Let him only move. ...(Interruptions)... We
will not take up further discussion today. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): That is what I am saying.
Let him introduce. ...(Interruptions)...

SHRIMATI BRINDA KARAT: Sir, first take up the clarifications.
...(Interruptions)...

THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): I am giving the
clarifications today. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Let him move it.
...(Interruptions)... We will decide it. ...(Interruptions)...

SHRIMATI BRINDA KARAT: Give the clarifications before the Torture
starts. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Brindaji, we have to
decide.. ...(Interruptions)...

SHRIMATI BRINDA KARAT: Sir, take up the clarifications before...
...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please...
...(Interruptions)...

The Prevention of Torture Bill, 2010

THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, I beg to
move:

That the Bill to provide punishment for torture inflicted by public
servants or any person inflicting torture with the consent or
acquiescence of any public servant, and for matters connected
therewith or incidental thereto, as passed by Lok Sabha, be taken
into consideration.

The question was proposed.

SHRIMATI BRINDA KARAT (West Bengal): Sir, I have moved the motion

here...

...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): No, no...
...(Interruptions)... What do you want to say? ...(Interruptions)...

SHRI S.S. AHLUWALIA (Jharkhand): Sir, we will not discuss it today.
We need some time to discuss this in our Party meeting. He has moved
it, but we will take it up tomorrow. ...(Interruptions)...

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

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please... ..(Interruptions)... Listen to him. He is saying something. ..(Interruptions)...

SHRI S.S. AHLUWALIA: My submission is that he has moved it, but we are not taking it up today. We need a little time for this. We have to discuss with our respective Chief Ministers. That's all.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay. ..(Interruptions)... Please, Brindaji... ..(Interruptions)... Let him complete. ..(Interruptions)... I will come to you. But let him finish first. What is this, Brindaji? ..(Interruptions)...

SHRI S.S. AHLUWALIA: Now, you can take up the Salary Bill. ..(Interruptions)...

SHRIMATI BRINDA KARAT: Sir,... ..(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, Brindaji, let me solve this. Mr. Chidambaram has already moved the motion. Now, there is a proposal from the Deputy Leader of the main Opposition Party that the discussion may be postponed to tomorrow. If the House agrees ..(Interruptions)...

SHRIMATI BRINDA KARAT: Sir, he is... ..(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please. I have to go by the rules. ..(Interruptions)... What is this, Brindaji? ..(Interruptions)... No, once it is introduced... ..(Interruptions)... Brindaji, what is this? ..(Interruptions)... Once the motion is moved, if I want to stop it, I have to take the sense of the House. You understand that. So, if the House agrees, we will postpone it. ..(Interruptions)...

SHRIMATI BRINDA KARAT: Sir,... ..(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please... ..(Interruptions)... This is Parliament. There is a procedure. I am trying to help you but you don't want to cooperate with me. ..(Interruptions)... There is a proposal to postpone the discussion to tomorrow or the other day. If the House agrees to it, I can do it. ..(Interruptions)...

SHRIMATI BRINDA KARAT: Sir, I want to move a motion for referring it to the Select Committee. ..(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Brindaji, that is what I am saying. ..(Interruptions)...

SHRIMATI BRINDA KARAT: Sir, the Minister has moved a motion for its introduction. Now I am moving a motion for referring it to a Select

Committee.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): That is what I am saying. Listen to me. It is only moved. Rest of it we are postponing with the consent of the House. You can move it next day.

The motion is moved and there is one amendment by Shrimati Brinda Karat for referring the Prevention of Torture Bill to a Select Committee. That is your point. Everything regarding this Bill will be taken up, including that, next day.

SHRI P. CHIDAMBARAM: Tomorrow.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The Home Minister says tomorrow, then the next item given in the List of Business is clarifications. ...(*Interruptions*)... It is up to the House. It is given in the List of Business. If the House does not want it now, I have no objection. It is up to the House. It is given in the List of Business to be taken up before the House rises for the day. If the House says so, I have no objection. ...(*Interruptions*)...

SHRI S.S. AHLUWALIA: Sir, if you want to have clarifications tomorrow, we can take up another legislation. It will reduce the load of tomorrow. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: No, Sir. ...(*Interruptions*)...

SHRI S.S. AHLUWALIA: Sir, it will reduce the load of tomorrow. ...(*Interruptions*)... You can take up another legislation. ...(*Interruptions*)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You want clarifications tomorrow. ...(*Interruptions*)...

SHRI P. CHIDAMBARAM: Sir, I have noted that it is given in the List of Business to be taken up before the House rises for the day. I am ready for clarifications today. If the hon. Members will stay back and ask questions, I am willing to provide clarifications today. If they wish to ask questions tomorrow, I am willing to give the clarifications tomorrow.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): So the Minister is ready. Now listen to me. It is given in the List of Business. There is a proposal to postpone clarifications for tomorrow. If the House agrees to it, I can do it. Otherwise, I will take it up. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, no more Bills today. ...(*Interruptions*)...

SHRI TAPAN KUMAR SEN (West Bengal): Sir, it is already 8 o'clock now. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, no more Bills today. ...(*Interruptions*)... Why this Bill today? It is already 8 o'clock. ...(*Interruptions*)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Let me listen to the Government's position. ...(*Interruptions*)...

SHRIMATI BRINDA KARAT: Sir, no more Bills today.

...(Interruptions)...

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF WATER RESOURCES (SHRI PAWAN KUMAR BANSAL): Sir, the Supplementary List of Business, which has been circulated today, says that immediately after The Representation of the People (Amendment) Bill, we would take up other Bill, that is, The Salary, Allowances and Pension of Members of Parliament (Amendment) Bill. Sir, if the House wishes, I would like that to be taken up. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I have to take the sense of the House. ...(Interruptions)... What do you want? ...(Interruptions)...

SHRIMATI BRINDA KARAT: Sir, no more Bills today.
...(Interruptions)...

SHRI S.S. AHLUWALIA: We can take it up today. Or we can take it up tomorrow. There is no problem. ...(Interruptions)... We can take it up tomorrow. ...(Interruptions)...

SHRI P. CHIDAMBARAM: Please take that up also tomorrow.
...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Does that mean we are taking up clarifications now? ...(Interruptions)...

SHRI P. CHIDAMBARAM: All tomorrow. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): So, we are taking up clarifications tomorrow. ...(Interruptions)... The House is adjourned to meet at 11.00 a.m. on Tuesday, the 31st August 2010.

The House then adjourned at fifty-nine minutes past seven of the clock till eleven of the clock on Tuesday, the 31st August, 2010.